



Natural Connections
Edmonton's Integrated Natural
Areas Conservation Plan

Public Engagement Process Report 6

Landowner Consultations Final Report

City of Edmonton, Office of Natural Areas
December 2006



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Highlights

Although there was no substantive consultation with landowners during the public engagement process, the Office still managed to learn some important things about working with landowners to achieve the City's conservation goals.

First, this constituency is difficult to reach and future efforts will have to be undertaken with the assistance of Planning and Development, who can use its taxpayer database to identify appropriate landowners in the lands in question.

Second, there is a tremendous amount of uncertainty, even suspicion, among some landowners about the City's intentions. Though the Office spoke with only four private landowners, two were very unhappy about the history of their dealings with the City and felt that they had been poorly treated for many years. If this sentiment is in any way representative, then the Office has much work to do to restore goodwill before it can begin to enter into substantive discussions to promote conservation. This will no doubt require a deliberate and persistent strategy that will become an ongoing part of *Natural Connections*. It may be that elected officials have a larger role to play in this area than they do in other aspects of the integrated natural areas conservation plan.

New developments provide the City with alternatives when working with landowners to conserve natural areas on privately-owned lands. The Ecological Conservation Assistance Program can help to defray expenses; the Edmonton and Area Land Trust provides a new administrative entity to receive conservation donations; and an experiment in zoning currently underway in the Municipal District of Bighorn may be adaptable to the Edmonton context.

Background and methodology

Many of the natural areas identified in the 2005 inventory undertaken as part of the *State of Natural Areas Report*, whether in the North Saskatchewan River Valley and ravine system or the tablelands, are located on privately owned lands. This presents a special challenge to the Office of Natural Areas because it has no legislative authority to compel landowners to conserve natural areas and insufficient budget to purchase the lands in question at current prices. Accordingly, the Office must work cooperatively with landowners to develop programs and initiatives that will help to advance the City's conservation objectives without adversely affecting a landowner's property rights.

No concerted effort had yet been made to consult with landowners to determine their receptivity to conservation initiatives or even how those initiatives might be adjusted to better suit their needs prior to the public engagement process launched in November. Landowners remained, for the most part, an unknown entity and how the City might work with them to conserve privately owned natural areas essential to the preservation of Edmonton's functional ecological network remains to be determined.

The Office of Natural Areas planned two landowner workshops – one each on the south and north sides. In addition to media coverage, that also encouraged attendance at the public open houses, the Office attempted to reach landowners directly with door-to-door delivery of an invitation flyer in identified postal codes (see Appendix 1). Delivery of the flyers was confirmed no less than two weeks before the first workshop; however, there were no advance registrations received for either workshop and both were cancelled.

Although the public engagement process exceeded all expectations, this is the one aspect in which the effort was not successful. The Office will have to renew efforts to reach landowners in the spring on an ongoing basis to determine how it can best move forward to pursue conservation on private lands. The most likely method is to include a formal invitation in the annual tax notice issued by Planning and Development in June to landowners in applicable areas of the City.

New opportunities for cooperation

Some relatively new initiatives or approaches provide the City with alternatives for working with landowners to conserve natural areas on privately owned lands. It should be noted that the current Policy C-467, Conservation of Natural Sites in Edmonton's Tablelands (1995), which applies to natural areas outside the North Saskatchewan River Valley, specifies that landowner participation is voluntary. The first two programs below have been developed to encourage voluntary participation; the third, a potential new zoning category, is provided merely to encourage further discussion.

Ecological Conservation Assistance Program

The federal government provides tax incentives for the donation of ecologically sensitive land to approved conservation charities and has reduced the capital gains tax on such land to zero. In a complementary decision, the City approved the creation of the Ecological Conservation Assistance Program to cover the reasonable costs (legal, accounting, surveying, *etc.*) to landowners of making a donation to the City of Edmonton. In addition, the City is able to make a nominal payment to landowners of \$5,000 for each hectare set aside for conservation.

As part of its renewed effort to contact landowners, the Office of Natural Areas will have to promote this program among landowners.

Edmonton and Area Land Trust

In June 2006, Edmonton City Council approved the City's membership in a six-partner conservation oriented land trust that also includes the Edmonton Community Foundation, Edmonton Nature Club, Urban Development Institute, Land Stewardship Centre of Canada, and Legacy Lands Stewardship Society. City Council also provided \$275,000 in operational funding to help the trust develop a business plan and manage other operational expenses. The business plan and incorporation papers were tabled with City Council and approved in November 2006.

As part of its renewed effort to contact landowners, the Office of Natural Areas will also have to promote this program among landowners.

New zoning possibilities

Although the southern Municipal District of Bighorn is a rural municipality, it is entertaining a development proposal at a public hearing in April that could provide an alternative means to municipalities hoping to persuade landowners to donate land for conservation purposes.

The concept is called "transfer of development density" and enables a landowner to propose on an area that is not zoned for high-density housing to transfer the density for the entire property to a much smaller footprint in exchange for the remainder of the land being donated for conservation. The concept, known as Transfer of Development Rights in the United States or Transfer of Development Credit in Canada, has yet to be applied in Canada.

The concept may need further exploration to see how it might help to secure the ecological network in Edmonton but it could prove helpful in the undeveloped areas of the City that are currently privately-owned.

Consultation results

As mentioned above, the two workshops planned for November 30 and December 4 were cancelled due to poor registration. The consultant did, however, have an opportunity to speak directly with four landowners about the conservation plan. None of these landowners are identified to protect their rights to privacy.

'Landowner 1' attended the first open house held in the City's northwest quadrant on November 20. Though he initially demurred when asked for specific comment – he noted that he had come only “to see what was going on” – he eventually took time to draft notes from a different perspective for the Office to consider.

“The biggest problem as I see it is affordability. Land has tripled in price in recent years and won't get any more affordable. I would suggest working with the development industry to try and come up with solutions may help solve the problem. For example, the 10 percent MR [municipal reserve] requirements could be worked on and made easier to deal with if it was broadened in scope to enable land swaps or MR swaps with significant areas. This would make these areas as valuable as developable land. If so-called land swaps weren't restricted to plan areas, the bigger land dealers could see it won't [illegible] the purchased lands and deal with the city on them. The trade off would be higher densities, parks in plan areas, *etc.* There seems to be a bigger requirement for school sites than demand.”

'Landowners 2 and 3' attended the southeast open house and were asked to attend the south side landowners workshop the following week. Both landowners expressed tremendous frustration though it was not clear precisely what their objections were in each case. When the landowner workshops were cancelled, the consultant called these landowners directly for a more substantive discussion of conservation issues. Both landowners expressed anger and anxiety over their respective histories with the City concerning land they owned.

Landowner 2 blamed the City for inconsistent enforcement of its policies leading to the draining of wetlands that were once shared by him and a neighbour, reducing its value as a natural area. Though it was uncertain whether native vegetation constituting a natural area was still present on the lands in question – the landowner insisted there were none but also that the map he had viewed at the open house showed a natural area on his property – he said the City had to negotiate fairly with landowners within market forces, offering competitive prices for natural areas that it wanted to put into protection. Landowner 2 expressed grave concern that the City intended to compel him to act against his wishes or that it would expropriate lands without adequate compensation to meet conservation objectives. Landowner 2 had owned the parcel for at least 20 years.

Landowner 3 had owned undeveloped land for about 20 years that it had been his intention to retire upon when it was fully serviced. His land is adjacent to public lands frequently used for recreational purposes and tends not to be distinguished from those public lands by his suburban neighbours. Landowner 3 said that private citizens had cut trees on his property to make a path that they subsequently maintained with bobcats. This was particularly frustrating because he said he could not get approval from the City to cut timber to make a road and yet his neighbours cut trees on the same property without consulting him to make a path. Though there are signs that indicate his land is private property, he has not fenced the property because of the expense. In the past year, Landowner 3 said timber had also been cut up to the property line to support suburban development. Until recently, landowners on nearby acreages were not

fully serviced and used septic systems for sewage, which Landowner 3 said drained on to his property. Landowner 3 said he had been told that his lands had been designated for parkland and would not be rezoned to permit development; the lands are currently zoned for industrial use. Further conversation with Landowner 3's wife indicated that the couple would be willing to donate a portion of their lands for conservation if they could resolve the outstanding development issue that had persisted for many years.

Landowner 3 referred the Office to Landowner 4, who owned a smaller parcel adjacent to Landowner 3. Apparently, the two parcels were zoned differently about a decade ago. As a result, Landowner 4 did not have the same frustrations as Landowner 3, though he hoped to resolve an access issue since any road to his land would have to be constructed through land owned by Landowner 3. Landowner 4, too, expressed a willingness to explore an arrangement whereby some portion of his lands could be donated for conservation purposes if he were able to develop a smaller portion for himself and his family.

Key recommendation

Since the Office was unable to engage a sufficient number of landowners to gauge public opinion, no recommendations with respect to landowners can be made at this time other than to renew efforts to contact landowners with the assistance of the Planning and Development department.

Appendix One: Landowner communication



Attention rural landowners

The City of Edmonton is calling on residents to lend their voice to help develop a new *Integrated Natural Areas Conservation Plan*. The plan is being developed to properly manage natural areas within Edmonton's boundaries, while Alberta's Capital City deals with the demand for commercial, industrial and residential development.

The first phase of public consultation began Tuesday, November 14 with the release of the updated *State of Natural Areas* report. The City invites Edmontonians and key stakeholders to participate in developing the vision and guiding principles for natural areas conservation through an online survey, public workshops and open houses. The City is seeking input from citizens on how it should balance development pressures with its commitment to preserve sensitive landscapes that support significant native plants and wildlife and that afford residents and visitors with opportunities to appreciate nature that are rare in urban municipalities. The City will then use this input to develop the implementation plan.

Of special interest are the natural areas within the City's undeveloped rural areas, especially in the northeast and southeast. Most of these are located on private lands and so determining how best to protect them has presented the City – and landowners – with a significant challenge. Landowners in the undeveloped regions of Edmonton interested in providing input to the City's *Integrated Natural Areas Conservation Plan* should visit www.edmonton.ca/naturalareas to review the new *State of Natural Areas* report and take the on-line survey.

The City is also hosting two facilitated landowner workshops, one each on the north and south sides, that will enable landowners in the City's undeveloped agricultural areas to participate in a structured exploration of conservation issues related to those regions. Space is limited and pre-registration is required. Please register by sending an e-mail to naturalareas@teleologic.ca.

Northeast Edmonton

Thursday, November 30
6:00 p.m. to 10:00 p.m.
Delwood Community Hall
7515 Delwood Road

Southeast Edmonton

Monday, December 4
6:00 p.m. to 10:00 p.m.
Woodvale Community Hall
4540 50 Street

Ecological Conservation Assistance Program

The federal government provides tax incentives for the donation of ecologically sensitive land to approved conservation charities and has reduced the capital gains tax on such land to zero. In a complementary decision, the City approved the creation of the Ecological Conservation Assistance Program to cover the reasonable costs (legal, accounting, surveying, *etc.*) to landowners of making a donation to the City of Edmonton. In addition, the City is able to make a nominal payment to landowners of \$5,000 for each hectare set aside for conservation.

The Office of Natural Areas, which is responsible to develop the *Integrated Natural Areas Conservation Plan* and which is also sponsoring the landowner workshops, would be pleased to talk with landowners about this program.

Please e-mail naturalareas@teleologic.ca to register, or call 425-4484 for more information.