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# KEEPING IT GREEN:

A Citizen's Guide to Urban Land Protection in Canada



**Published by Evergreen**

Evergreen is a national non-profit environmental organization with a mandate to bring nature to our cities through naturalization projects.

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**Acknowledgements**

Special thanks to the project's advisors and reviewers:

Bob Priebe, City of Edmonton, AB

David Watson, Save our Seine River Environment Inc.

George McKibbon, McKibbon Wakefield Inc.

Ian Attridge, Conservation Lawyer, Peterborough

Janet Smiley, Aylmer Land Trust

Jenifer Tsang, Sunrose Land Use Consulting

Margo Sheppard, Nature Trust of New Brunswick

P. Marlene Caskey, Environmental Stewardship Division, BC Ministry of Environment

Roberta Clowater, CPAWS New Brunswick

Therese Taylor, Save Mississauga Forests

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**National Library of Canada Cataloguing in Publication Data**

Keeping it Green: A Citizen's Guide to Urban Land Protection in Canada ISBN 0-9739098-0-3

## TABLE OF CONTENTS

	Introduction.....	1
	Purpose and Scope of this Manual.....	1
	Steps in a Land Protection Project.....	2
<b>1 :</b>	<b>A GUIDE TO LAND USE PLANNING</b>	
	Roles and Responsibilities in the Land Use Planning Process: Who Does What?.....	7
	Getting Involved in the Land Use Planning Process.....	12
	Land Use Controls.....	16
	Additional Resources.....	28
<b>2 :</b>	<b>REAL ESTATE TOOLS FOR LAND SECUREMENT</b>	
	Acquiring Ownership of Land.....	29
	Acquiring a Partial Interest in Land.....	31
	Other Tools.....	33
	Additional Resources.....	35
<b>3 :</b>	<b>ORGANIZATIONAL GOVERNANCE</b>	
	Becoming Incorporated as a Non-profit Organization.....	37
	Establishing a Board.....	40
	Obtaining Charitable Status.....	41
	Volunteer Management.....	41
	Liability Issues.....	43
	Additional Resources.....	44
<b>4 :</b>	<b>FUNDRAISING TO PROTECT GREEN SPACE</b>	
	Fundraising Basics.....	45
	Sources of Support.....	47
	Writing Funding Proposals.....	48
	Additional Resources.....	49
<b>5 :</b>	<b>COMMUNICATIONS AND MEDIA RELATIONS</b>	
	Making Your Case and Telling Your Story.....	51
	Getting the Word Out: Low-Cost Ideas.....	53
	Additional Resources.....	55
<b>6 :</b>	<b>PARTNERSHIPS FOR LAND PROTECTION</b>	
	Why Create a Partnership?.....	57
	Partnership Models and Best Practice.....	57
	Stakeholders and Partners.....	59
	Additional Resources.....	60
	Glossary.....	61
	Appendix A: Key provincial and national organizations.....	64
	Appendix B: Funding proposal template.....	69
	Appendix C: Sample letter of agreement / partnership.....	70
	Bibliography.....	71

## INTRODUCTION

Urban natural areas – sites of learning and adventure for children, places of solitude and refuge for adults, and crucial habitats for wildlife – sustain our cities and towns and ensure a healthy future for the next generation.

### What is stewardship?

Environmental stewardship is the care and enhancement of the land for the benefit of the environment and of future generations. This usually includes maintenance and restoration of habitat, biodiversity and ecosystem health.

Too often, urban development is achieved by draining wetlands, polluting waterways and paving over important natural areas. The result is that people often feel disconnected from the natural systems that sustain us. Increasingly, though, urban citizens are playing a greater role in ensuring that spaces of importance to them remain protected for the education and enjoyment of all. Across Canada, individuals and community groups are taking action – working to preserve woodlands and other natural areas in their cities by getting involved in the planning process and partnering with municipalities on stewardship and ecological restoration projects.

## PURPOSE AND SCOPE OF THIS MANUAL

This manual is a practical guide for citizens and community groups whose vision of Canada's cities and towns includes healthy natural areas. It will guide you through the land use planning process and the opportunities it provides to make your organization's voice heard. It also offers an overview of other land protection options as well as advice on how to manage your organization and galvanize your efforts into a successful community movement.

The manual focuses on land protection issues in urban and urbanizing areas. It specifically addresses the challenges of land protection in the complex, multi-stakeholder urban context, emphasizing partnership-based approaches. The need for this manual emerged from the many calls for assistance that Evergreen receives from local groups and individuals looking for ways to protect threatened urban green spaces. Evergreen recognizes that these spaces, regardless of their size or condition, are often integral to the fabric of a community for social, aesthetic or historical reasons. Through community-based efforts, even degraded areas of local significance such as vacant lots can be transformed into thriving natural areas.

To help groups plan and carry out successful community naturalization projects, Evergreen has also developed a practical, step-by-step guidebook called *No Plot Is Too Small: A Community's Guide to Restoring Public Landscapes* (available from Evergreen).

This manual will not answer all of your questions. Every land protection situation is unique, and the many factors affecting your project – development pressures, political climate and local planning policies – are different from area to area. Instead, the purpose of this resource is to describe the range of options available for protecting important green spaces. The tools presented here are based on collaborative, consensus-based approaches that require a broad range of community partnerships, including municipal government, landowners and others.

Once you have learned about the strategies and options that are available, the additional resources listed at the end of each chapter can help you find the specific information you need. Ultimately you should seek advice for your particular situation from local professionals in areas such as land use planning, real estate law, fundraising, communications and other specializations.

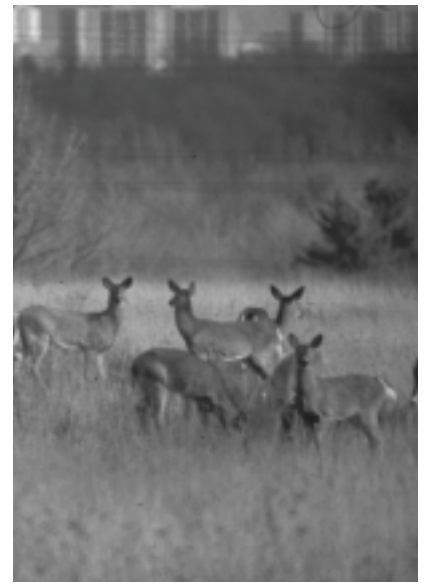
## STEPS IN A LAND PROTECTION PROJECT

### Getting Started

Knowing where to begin can be one of the most difficult steps in a land protection project. If you are just getting started, ask yourself a few key questions:

- *Does our cause serve the broad community interest beyond our own “backyard,” and will it be supported by others who share our concerns?*  
Land protection projects will be viable only if they have strong, widespread community support, or the potential to gain that support. Supporters may include local residents, elected officials and others.
- *Are we in it for the long haul?*  
As many environmental activists and advocates know, the process of effecting change can be frustratingly slow. Even small-scale land protection projects can take many months or years of dedicated effort. Keep in mind, though, that perseverance and commitment can pay off in the form of a green and healthy community for you and for future generations.
- *Is it possible to protect the land?*  
If you are working to protect a specific site that is under threat, it is important to know from the outset what steps have already been taken to either protect or develop the property. Even if the site is fairly far along in the development process (e.g., the developer has already received the required approvals), it may not be too late to protect all or part of it. You will, however, need to undertake more immediate action than if the site is not under imminent threat.

If you answered yes to each of these questions, this manual is intended for you. It will guide you through the long haul of a land protection project and describe the many tools, strategies and resources available to you and your partners as you take on the challenge of ensuring a green future for your community.



### **A Note to Readers**

This manual has been written primarily for groups who are working to protect specific sites or natural features. Often residents aren't even aware that a valued site could be developed until a planning application has been submitted. At this stage, finding a consensus-based solution can be very challenging (but not impossible), as the landowner has already formulated a plan for the site. Once approvals have been granted, the land's value may increase and it can become prohibitively expensive, adding a further challenge to protecting it.

For groups involved in campaigns that are not site specific, it is better to take a more comprehensive, proactive approach. Work with your municipality and other partners to identify important sites before they are threatened. This could involve participating in your municipality's official plan review process or joining your local environmental advisory committee (EAC). If an EAC doesn't exist in your area, consider establishing one. Such an approach can be used to direct development away from lands that are of ecological and/or community significance.

It is also easier to protect green spaces when the community is aware of them and people understand the important ecological, economic and health benefits they provide.<sup>2</sup> Raise awareness of important sites through nature walks, interpretive signage, articles in the local media and other outreach strategies. Once the community has developed an appreciation of local natural areas, they are more likely to get involved in any future effort to protect them.

### **Gathering Information**

Before you can start taking action, you will need to compile some basic facts about the site you're aiming to protect, including:

- its legal name, location and size
- current use and ownership (check your municipality's tax assessment rolls) the current zoning, official plan designation and other land use controls or policies that the site is subject to
- its assessed market value (if a recent appraisal is available)
- a description of the natural and built features that are present
- existing maps of the site and the surrounding area
- previous studies that have been undertaken, such as plant and wildlife surveys, ecological studies, archaeological inventories, etc.
- historical information on past uses and ownership (sources of information may include the provincial government and your local municipality, library, archives and historical society)
- the status of any development plans that have been submitted to your municipal planning department. If such plans have been submitted, find out if a statutory public meeting will be taking place. Also determine if other approvals, such as environmental assessments, are required. Materials submitted as part of a planning application are generally considered public information that can be accessed by anyone who requests it.

<sup>2</sup> To help you develop a solid rationale for protecting and restoring urban nature, Evergreen has published *Ground Work: Investigating the Need for Nature in the City*, a research report that examines the ecological, social and economic benefits of healthy natural landscapes.

### How do I find information?

1. Your local municipal clerk and planning department can help you access documents such as the official plan or zoning bylaws, or specific information about the status of a plan of subdivision, the zoning of a particular site or the date of an upcoming public meeting.
2. Municipalities, environmental organizations (such as field naturalists' clubs) and local universities may have environmental inventories, watershed maps, monitoring reports and other studies relating to the site.
3. Some natural areas are designated as significant at the provincial level. Contact the local office of the relevant provincial ministry (such as natural resources, environment or an equivalent) to see if they have maps of significant wetlands, natural heritage features or other important sites.

### Building Alliances

Protecting threatened green space in your community cannot be achieved on your own. Building alliances with other groups will strengthen your efforts and lend greater weight to your argument for protection. Garnering support within the community – including neighbours, businesses, local ratepayers' associations and other community groups – is the first place to start. Second, organizations already involved in land use and environmental issues are obvious allies. For example, if there is a local land trust, naturalists' club or other conservation group in your area, it may be interested in taking on the project itself or establishing a partnership to further your cause. If the land you aim to protect is environmentally significant, larger environmental organizations may be interested in your case. Appendix A lists a number of national and provincial-level umbrella organizations and networks whose membership includes many groups involved in land protection issues.





It is also important to build alliances with government agencies. Depending on the significance of the land you want to protect, your local Member of Provincial Parliament (MPP) or Member of the Legislative Assembly (MLA) may decide to become involved. Approach your mayor and local councillor(s) – they may be interested in adopting your project as a special cause, especially if there is widespread community support. In addition, supportive staff at City Hall – for example, in the planning, parks and recreation, or economic development and tourism departments – can be invaluable allies, with much to offer in terms of information and advice.

### **Developing an Action Plan: What You Need to Know**

Your project needs to be carefully planned to make the most effective use of your group's time and to increase the likelihood of success. But what does a land protection action plan actually include?

#### *Problem Description*

Start with a description of the site in question and the threat that it faces. Protecting the natural features of a site may also require you to look beyond its boundaries. For example, natural buffers that extend onto adjacent properties may be required to sustain a wetland's ecological features and functions. This is where the services of a professional ecologist may be necessary.

#### *Goals and Objectives*

In the early stages of your project, articulate your goals regarding protection of the site. Here are some questions you should answer:

- Are you aiming to protect the entire site or just a portion of it?
- Are you opposed to all forms of development on the site or just specific types?
- What final use and ownership of the site do you envision?

Once you know what your ultimate goals are, break them down into objectives that are simple and measurable. If possible, set timelines for the achievement of your objectives, and regularly assess your progress. Your goals and objectives may change over time, but starting out with a clear vision is crucial to the development of a strong action plan.

#### **Sample Goal and Objectives**

- Goal: to protect Shady Grove Woodland as a publicly accessible green space.
- Objective 1: Raise public awareness of, and support for, the importance of Shady Grove.
- Objective 2: Build political support at the municipal level for the protection of Shady Grove.
- Objective 3: Negotiate with the owner of Shady Grove for securement of the land.

### *Strategy Assessment*

Decide what tools and strategies will help you achieve your objectives and move you closer to your goal. The information in this manual is meant to help you identify which tools are most appropriate for your situation. Your ultimate strategy will depend on such factors as:

- type of land (e.g., natural, agricultural, vacant lot, etc.)
- current ownership (e.g., developer, private landowner, public institution, etc.)
- immediacy and nature of the threat
- current uses permitted on the site
- status of the development application (if one has been submitted) in the municipal planning process
- degree of protection needed
- the capacity of your group

Once you know what tools you'll be using, you will be better able to make plans for outreach, fundraising and the governance of your organization.

### *Outreach Plan*

Develop strategies for reaching out to the media and the public. The more you can raise awareness of your project, the greater the likelihood that it will receive broad community support. Target those who have something to offer, from neighbours who could volunteer their time and businesses that could sponsor your fundraising drive to your local councillor or alderman, who can support you at the political level. Your plan should include a description of whom you need to reach, how you'll go about doing it and who can be responsible for making it happen.

### *Fundraising Plan*

Whether you need to raise funds to purchase land or simply to cover the costs of running your organization, take a look at your current and anticipated funding needs and set realistic fundraising goals. Chapter 4 of this manual provides information on developing a successful fundraising strategy and includes a list of helpful resources.

### *Capacity Development*

As you develop your action plan, you may discover gaps in your knowledge, expertise or overall capacity. As part of your planning process you may want to take a close look at these gaps and assess your needs in terms of organizational structure, governance, human resources, money, external expertise and technology. Developing your organization's capacity can cover everything from gaining federal charitable status (which entitles you to issue tax receipts for donations you receive) to training a volunteer coordinator for your group. You may not be able to do all this at once, but knowing your needs will help you prioritize and enable you to start strengthening your group in small ways.

## Chapter 1 : A GUIDE TO LAND USE PLANNING

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1

Those aiming to protect land in an urban area will likely become involved in the land use planning process – the means by which local governments plan and regulate the use and development of land according to municipal policies and community needs.

Whether the site you are trying to protect is under public or private ownership, it is subject to specific zoning designations, planning policies and development restrictions set out by your local government as part of the land use planning process. This chapter is a primer on that process, providing a general overview of how it works, the roles of key stakeholders and decision-makers, and ways in which citizens and community organizations can get involved.

### **ROLES AND RESPONSIBILITIES IN THE LAND USE PLANNING PROCESS: WHO DOES WHAT?**

#### **Provincial and Territorial Governments**

##### *Provincial Planning Legislation*

Canada's provincial and territorial governments set the ground rules for local land use planning through statutes that define the roles and responsibilities of municipalities. This legislation – usually under the Ministry of Municipal Affairs (or equivalent) – gives municipalities the statutory authority to manage land use and development issues within their boundaries. In all provinces and territories, municipal authority includes the ability to protect natural areas and to require developers to set aside a portion of their lands for park purposes. By empowering local governments to protect open space in these and other ways, the provinces and territories set the framework for land protection.

The planning tools described later in this chapter (see Land Use Controls) are enabled by provincial legislation. While most of them exist in all parts of the country, the specifics of how they work differ from province to province. Becoming familiar with the key provisions of your province's planning legislation will serve you well in your efforts to protect land. Usually you can access this legislation on-line at the web site of the relevant ministry. Because these statutes are written in complex legal language, some provinces have assembled summary documents or guides to provincial planning legislation (see Table 1).

**Table 1: Provincial and Territorial Planning Legislation in Canada**

Province	Planning Legislation
British Columbia	<p><i>Local Government Act</i>, 1996 (formerly called the <i>Municipal Act</i>)                      Ministry of Community, Aboriginal and Women's Services  <a href="http://www.qp.gov.bc.ca/statreg/stat/L/96323_00.htm">www.qp.gov.bc.ca/statreg/stat/L/96323_00.htm</a>                      Community Charter: <a href="http://www.mcaaws.gov.bc.ca/charter/index.htm">www.mcaaws.gov.bc.ca/charter/index.htm</a></p>
Alberta	<p><i>Municipal Government Act</i>, 1996 (updated in 2000)                      Ministry of Municipal Affairs and Housing  <a href="http://www.qp.gov.ab.ca/documents/acts/M26.cfm">www.qp.gov.ab.ca/documents/acts/M26.cfm</a></p>
Saskatchewan	<p><i>Planning and Development Act</i>, 1983 (updated in 2003)  <a href="http://www.qp.gov.sk.ca/index.cfm?fuseaction=publications.details&amp;p=755">www.qp.gov.sk.ca/index.cfm?fuseaction=publications.details&amp;p=755</a></p>
Manitoba	<p><i>Planning Act</i>, 1987 (updated in 2004)  <a href="http://web2.gov.mb.ca/laws/statutes/ccsm/p080e.php">http://web2.gov.mb.ca/laws/statutes/ccsm/p080e.php</a></p>
Ontario	<p><i>Planning Act</i>, 1990 (updated in 2003)                      Ministry of Municipal Affairs and Housing  <a href="http://www.e-laws.gov.on.ca/DBLaws/Archives/20040101/Statutes/English/90p13_e.htm">www.e-laws.gov.on.ca/DBLaws/Archives/20040101/Statutes/English/90p13_e.htm</a>                      Citizen's resource: Citizen's Guide to Land Use Planning,  <a href="http://www.mah.gov.on.ca/userfiles/HTML/nts_1_3119_1.html">http://www.mah.gov.on.ca/userfiles/HTML/nts_1_3119_1.html</a></p>
Quebec	<p><i>Land Use Planning and Development Act</i>  <a href="http://www.canlii.org/qc/laws/sta/a-19.1/20050211/whole.html">http://www.canlii.org/qc/laws/sta/a-19.1/20050211/whole.html</a></p>
Nova Scotia	<p><i>Municipal Government Act</i>, 1998  <a href="http://www.gov.ns.ca/just/regulations/rxam-z.htm#mga">www.gov.ns.ca/just/regulations/rxam-z.htm#mga</a>                      Citizen's resource: <i>The Municipal Government Act Resource Binder</i>,  <a href="http://www.gov.ns.ca/snsrmm/muns/manuals/mga.asp">www.gov.ns.ca/snsrmm/muns/manuals/mga.asp</a></p>
New Brunswick	<p><i>Community Planning Act</i> (updated in 2003)                      Department of the Environment and Local Government  <a href="http://www.gnb.ca/0062/regs/c-12reg.htm">www.gnb.ca/0062/regs/c-12reg.htm</a></p>
Prince Edward Island	<p><i>Planning Act</i>, 1988 (updated in 2003)                      Community and Cultural Affairs Planning and Inspection Service  <a href="http://www.gov.pe.ca/law/statutes/">http://www.gov.pe.ca/law/statutes/</a></p>
Newfoundland and Labrador	<p><i>Urban and Rural Planning Act</i>, 2000 (updated in 2003)                      Municipal and Provincial Affairs &amp; Government Services and Lands  <a href="http://www.gov.nf.ca/hoa/statutes/u08.htm">www.gov.nf.ca/hoa/statutes/u08.htm</a></p>
Yukon	<p><i>Municipal Act</i>, 1986  <a href="http://www.lex-yk.ca/cgi-bin/folioisa.dll/stats_en.nfo/query=*/doc/{t24327}?">www.lex-yk.ca/cgi-bin/folioisa.dll/stats_en.nfo/query=*/doc/{t24327}?</a></p>
Northwest Territories	<p><i>Planning Act</i>, 1988 (updated in 1999)                      Municipal and Community Affairs  <a href="http://www.justice.gov.nt.ca/Legislation/SearchResults.asp?Option=Title&amp;DBTable=Leg&amp;Parameter=P&amp;Page=1">www.justice.gov.nt.ca/Legislation/SearchResults.asp?Option=Title&amp;DBTable=Leg&amp;Parameter=P&amp;Page=1</a></p>
Nunavut	<p><i>Financial Administration Act</i>, 1988  <a href="http://www.gov.nu.ca/Nunavut/policies/ld.pdf">http://www.gov.nu.ca/Nunavut/policies/ld.pdf</a></p>





### *Provincial Interest in Local Planning Matters*

In addition to setting the legislative framework for local planning, provincial governments also ensure that matters of provincial interest are taken into account by municipalities and other local planning authorities. This is generally achieved through provincial policies that guide local land use decisions. Specific areas of provincial interest vary from province to province; however, they often include issues such as the protection of significant natural features, urban growth management, infrastructure and affordable housing. In some cases, provincial governments also play a direct role in the planning process by reviewing and approving local official plans and development applications.

Here is a brief summary of how it works in each province:

In **Yukon Territory** and the **Northwest Territories** all official plans are submitted to the minister responsible for review, approval or amendment.

In **Nunavut** a number of territorial planning principles, policies, priorities and objectives are stated in the *Financial Administration Act* itself. In addition, the Nunavut Planning Commission, which is appointed by the Minister of Indian Affairs and Northern Development, establishes broad planning policies, objectives and goals for the territory.

In **British Columbia** local planning is left largely to municipal authorities, with comparatively little direction from the province except what is provided for in the *Local Government Act*. The minister responsible can object to a bylaw or plan initiated at the local level, and can ultimately order that it be altered. British Columbia's Community Charter also provides municipalities with a framework for local services and activities.

In **Alberta** the minister responsible may recommend the establishment of provincial land use policies. All planning in the province must be consistent with these policies.

In **Saskatchewan** the *Planning and Development Act* allows the minister responsible to develop province-wide land use policies that must be considered by local governments as they prepare development plans, zoning bylaws and other planning statements.

In **Manitoba** the minister responsible may make recommendations to establish provincial land use policies, including the formation of special planning areas for land or features that have provincial or regional significance.

In **Ontario** provincial interests are articulated in a provincial policy statement or set of statements. *The Planning Act* stipulates that local governments must be "consistent" with these statements when they formulate official plans and zoning bylaws or when they carry out other planning responsibilities. This means that when they make decisions or set local policy, local authorities must consider how the provincial statements apply to local planning.

In **Quebec** the *Land Use Planning and Development Act* allows local authorities considerable independence in developing planning policy. More control is exerted at the regional level, through regional county municipalities.

In **New Brunswick** central control over local planning is minimal. The province is divided into twelve planning regions, each with a district planning commission to oversee regional land use planning.

In **Nova Scotia** provincial planning priorities are expressed in “statements of provincial interest” provided for in the *Nova Scotia Municipal Government Act*. Local planning documents must be “reasonably consistent” with these statements, and the minister responsible may request amendments to ensure consistency. To date, five statements have been adopted, dealing with drinking-water supply, flood risk areas, agricultural land, housing and infrastructure.

In **Prince Edward Island** the minister responsible can develop land use and development policies under the *Planning Act*. A separate board – the Land Use Commission – supervises and reviews planning decisions at the local level.

In **Newfoundland and Labrador** the *Urban and Rural Planning Act* allows the minister responsible to recommend land use policies for the province, an area of the province or a particular type of land use. All land use planning in the province must comply with these policies.

In some instances, provincial governments also play a direct role in land use planning through an appointed body – such as a board, commission or Crown agency – intended to protect specific features or resources deemed to be of provincial interest. Examples include the Provincial Agricultural Land Commission in British Columbia and the Niagara Escarpment Commission in Ontario. In addition, provinces take a direct role in enforcing the provisions of provincial legislation that may have an impact on land use planning. This includes endangered species acts, fisheries acts, heritage acts and statutes regulating agricultural land management.

#### *Appealing Municipal Land Use Decisions*

Each province and territory has a mechanism by which appeals of local land use decisions can be heard. More information about how your province handles appeals can be found in *Getting Involved in the Land Use Planning Process*, later in this chapter.

The web site of the Association of Municipalities of Ontario provides a good summary of the roles and responsibilities of municipal government in Ontario. It can be found at [www.yourlocalgovernment.com](http://www.yourlocalgovernment.com)

## **Municipal Governments**

While the framework for land use planning is set by the provinces and territories, it is at the local level that land use plans are developed and implemented. The following provides a very general overview of how land use decisions are made.

### *Local Municipalities*

Although the structure of local governments can vary slightly across the country, lower-tier or local municipalities are generally made up of councillors (sometimes referred to as aldermen) and are headed by a mayor or reeve. A mayor has only one vote in council decisions, as does each councillor. However, the mayor is in a position of leadership, and can have a strong influence on how much time, effort and consideration are given to a particular issue.

Land use and other decisions made by elected officials are informed by the expertise and information provided by staff. Municipal staff members do not make final decisions on planning policy or land use approvals, but they do make recommendations that are taken into account by the mayor and council members before they vote on the issue. It is the responsibility of staff to make recommendations that reflect good planning and promote the public interest, and that are based on the policies of the official plan and other planning documents (which are discussed later in this chapter).

In order to streamline the decision-making process, some municipalities have a planning committee made up of councillors. The committee reviews planning applications, hears public deputations and makes recommendations before an application goes to full council for debate and final approval.

### *Upper-Tier Municipalities*

In addition to being under the jurisdiction of a local municipality, some areas are also governed by a regional authority (usually known as a regional municipality, regional district or county) consisting of the local municipalities within its boundaries. These upper-tier municipalities are usually governed by a board or council made up of elected officials from the member municipalities. Although the roles and authority of upper-tier municipalities vary from area to area, they are generally responsible for providing regional services such as water supply, wastewater treatment and regional roads. Upper-tier municipalities can also play an important role in the land use planning process by developing and administering regional official plans. In some cases they may also be responsible for subdivision and condominium approvals or other land use approvals delegated by a local municipality.

## **Other Agencies**

In addition to provincial and local governments, some quasi-public agencies may become involved in land use planning and protection issues. Such agencies vary widely from province to province. In Ontario, for example, conservation authorities are charged with conserving, restoring and managing the natural resources of specific watersheds. One of their key responsibilities is to define the limits of flood plains and sites of ecological significance, and to ensure that proposed development does not encroach into these areas.

The Meewasin Valley Authority (MVA) in Saskatoon plays an important role in the land use planning process by reviewing development applications to ensure that riverbank lands within its jurisdiction will not be adversely affected. Each review is conducted according to the MVA's Development Review Policy, which sets out guidelines for such issues as slope stability and drainage, river channel improvement and natural resource protection.

A third example is The River Valleys Committee, a non-profit group that is formally aligned with the Parks Foundation, Calgary. It evaluates development proposals from an ecological perspective, and participates in the development of appropriate municipal policies and plans to ensure that the city's networks of waterways are protected for the enjoyment of all.

## GETTING INVOLVED IN THE LAND USE PLANNING PROCESS

### Planning Staff

Meet with staff from your local planning department to learn how the planning process works in your community. Speak directly to the planner(s) involved in the review of any development applications you're concerned about, and become familiar with the details. Ask staff for their perspective based on their professional opinions. Presenting your concerns early in the planning process provides more opportunity for staff to take them into account.

Some municipalities also have environmental planners, ecologists or other staff members specifically responsible for the protection and management of ecological features. Their duties include commenting on development applications for ecologically sensitive sites, mapping and creating inventories of local natural features, and developing environmental plans and policies. If you think that the land you're aiming to protect may have ecological significance, arrange to meet with these staff members as well.

### The federal role

Although the federal government does not usually play a direct role in local land use decisions, federal legislation such as the Species at Risk Act and the Fisheries Act can help protect natural green spaces by prohibiting development in important fish and wildlife habitat areas.



Quinte Conservation



City of Toronto

### Your Local Councillor

One of the keys to effective participation in the planning process is talking directly to the people who make decisions, and your local councillor is a great place to start. If he or she supports you, the councillor is in a position to champion your cause among other council members. The following steps will help you cultivate a positive relationship.

- Do your homework before approaching councillors. Find out how they have voted on similar issues in the past and where they stand on issues such as growth management and environmental protection. Check your municipality's web site – it may provide a profile and contact information for each councillor.
- Arrange a meeting to discuss your concerns and your position. Ask questions about the councillor's knowledge of, and opinions on, the issue, and suggest next steps such as a further brief meeting or a walking tour of the site.
- Keep the councillor informed about your group's activities and progress. As a key ally, he or she should be informed of – and invited to attend – any community meetings you are planning to hold. Also let him or her know if you are planning to issue a press release or make a deputation to council.

Don't restrict yourself to your own local councillor. To build political support you may also want to approach other members of council, as well as the mayor.

### Landowners and Developers

As you pursue your land protection goals, try to build alliances with private landowners, including developers. In fact, one of the first steps in your action plan may be to explore ways to work together with the landowner. It's possible that a developer may be willing to revise a proposal to increase the amount of land protected. In some cases developers have even agreed to sell the land below its market value or to donate a portion of it to a local land trust or other conservation group. See Chapter 2 for more information on this and other real estate tools for land protection.

In addition to holding statutory public meetings as required by provincial legislation, some developers will also meet voluntarily with the community to discuss any concerns and to avoid an adversarial appeals process that could result in costly delays. They may be open to revising their plans to minimize or avoid the loss of important green space. Compromises such as these often yield benefits to the developer in the form of positive public relations and increased lot value due to the proximity of green space.

## Public Meetings

In every province, the planning legislation specifies the minimum number of public meetings that must be held for different types of planning applications. In addition to these meetings, planning staff, the local councillor or the landowner may decide to host voluntary community consultations (over and above those required by law) to seek public input and resolve potential conflicts early on in the process. These meetings provide important opportunities to make your views heard and to identify mutually acceptable solutions.

## Presentations to Council

Meetings of council, and of council committees, provide key opportunities for public input. Making a deputation in person at one of these meetings is one way to ensure that your voice is heard. Before the meeting, contact the clerk's office to find out how deputations are handled in your municipality. You may need to pre-register, and there are often specific procedures to follow, including time limits. Your communication to council can also take the form of letters or petitions. Ontario Nature has produced an excellent fact sheet on this subject as part of its citizen's tool kit, available at [www.ontarionature.org/pdf/council%20delegations.pdf](http://www.ontarionature.org/pdf/council%20delegations.pdf).

## Citizen Advisory Committees

In many municipalities, citizen advisory committees provide input and advice to municipal council on issues relating to their area of focus. These committees are made up of citizen volunteers who in some cases are chosen by the local council. They may also include elected officials, municipal staff and representatives from other agencies who bring expertise, specialized knowledge or a unique perspective. One of the most common such committees is the environmental advisory committee (EAC), which provides advice and assistance to council on issues such as the development of environmental policies, designation of ecologically significant sites, and public education. Some EACs also provide input on specific development proposals, serving as a voice for community concerns about land use planning decisions.<sup>3</sup> Other types of committees include heritage advisory, recreation advisory and waters advisory committees. One of the key strengths of these committees is that they can work within City Hall towards consensus-based resolution of community concerns, before they escalate into conflict.

## Environmental Non-profit Organizations

Local conservation organizations can play a significant role in the planning process as green-space stakeholders. In many cases their voice is heard at public meetings, deputations to council and other forums for public participation. However, non-profit groups also have the potential to take a more proactive role in the planning process by working collaboratively with local governments. In an effort to provide green space more efficiently to growing populations, many municipalities have developed partnerships with non-profits for the acquisition or stewardship of land. Non-profit groups have much to offer to these partnerships. They can provide specialized expertise on environmental issues, they can flag potential opportunities for green-space acquisition before the land is under threat, and they can mobilize community volunteers to help ensure that green spaces are secured and taken care of over the long term.

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<sup>3</sup> Ontario Nature has created an excellent guidebook called *Protecting Nature Close to Home: A Guide to Municipal Environmental Advisory Committees in Ontario*. Although written for an Ontario audience, much of the information is applicable across Canada.

### A word about appeals

Appeals should only be considered as a last resort when other approaches have failed. Sometimes the only way to proceed is to take your case to the appeal body that operates in your province. Be aware, however, that some appeal bodies will dismiss an appeal if the group that launched it did not present their concerns (written and/or orally) to the municipality before the decision was made. This is another reason to get involved in the planning process as early as possible.

### Partnerships in Action: Winnipeg's Save Our Seine (SOS)

A good example of how public non-profit partnerships can work is the case of a Winnipeg non-profit group called Save Our Seine (SOS), which successfully saved an 80-acre urban woodland known as Bois-des-Esprits, the largest remaining riverbank forest in the city. This dedicated group raised the funds necessary to purchase the land from the developer and the Province, which also owned a portion of the important site.

SOS's success was due to its ability to work collaboratively and raise funds from a variety of sources. For example, the City of Winnipeg contributed one million dollars to the acquisition effort and agreed to match funds – dollar for dollar – that were raised by SOS. The Province also supported this project, along with local individuals and corporations. Well-known wildlife artist Robert Bateman championed the cause by challenging Manitobans to match his contribution of fifty dollars. Those who did were entered into a draw to win a signed copy of his most recent book.

For more information about this and other SOS projects, visit their web site at [www.saveourseine.com](http://www.saveourseine.com).

### Appeal Processes

When citizens or groups decide to appeal a local planning decision, the case is taken to an appeal body to be heard and ultimately decided. The process, however, varies from province to province.

- Nova Scotia, Ontario, Manitoba, Alberta and Yukon each have provincial-level municipal boards that operate either independently or at arm's length from the government itself. These boards or commissions hear and decide appeals related to planning disputes.
- New Brunswick has eleven assessment and planning appeals boards.
- In Prince Edward Island, planning-related appeals are heard by the Island Regulatory and Appeals Commission.
- In Nova Scotia the Municipal Government Act permits appeals to the Nova Scotia Utility and Review Board (NSUARB) on municipal council decisions respecting land use bylaw amendments, rezoning and development agreements, as well as the decisions of development officers who refuse to issue development permits or approve plans of subdivision.
- In Alberta the Subdivision and Development Appeal Board serves this role.

## LAND USE CONTROLS

Land protection organizations should be familiar with the full range of municipal land use planning tools employed in their communities, and how they operate. By working with local government, environmental groups and citizens can help ensure that these tools are used to make sound land use decisions that yield the greatest public benefit – including the protection of important green space.

Information about the land use planning tools used by your municipality, and about the opportunities for public participation associated with them, is available to citizens and community groups. You can find out about the land use planning process in your area by contacting the planning department or by checking your municipality's web site.

### Official Community Plans: The Vision and Strategy

Official plans (OPs) articulate a municipality's vision and strategy for long-term growth and for the use of land according to community needs. OPs are municipal governments' primary strategic planning documents, and they reflect the specific needs and priorities of a community as well as the interests of the province or territory. They contain goals, objectives, policies and implementation strategies to manage a municipality's physical development as it relates to social, economic and environmental matters. Typically, official plans address issues such as:

- the location and distribution of new housing, commercial and industrial development, and public facilities such as schools, parks, waste treatment sites, etc.
- the location and phasing of major services such as water, sewers and roads
- areas of environmental significance and hazardous lands

### A note on terminology

In general, municipalities across the country use a similar set of tools and strategies to plan and control the use of land. However, tools that are the same in principle may be referred to differently from province to province. In this manual, the most common terminology is used, and jurisdictional variations are noted wherever possible.

### What are hazardous lands?

Hazardous lands are those that are dangerous to build on, and include land that is prone to flooding or erosion. Examples include flood plains, shorelines and the tops and slopes of valleys.



*Netami Stuart*

### Official plans

All municipalities have some sort of “master plan” that describes a strategic vision for land use in the community. In this manual, such plans are referred to as official plans, but they may be called something else in your area. Other names for OPs include official community plans, municipal development plans, town plans and municipal planning strategies.

In addition to OPs, some municipalities also develop secondary plans that provide more detailed policies for specific areas such as downtown cores or new neighbourhoods. Secondary plans are also referred to as neighbourhood plans or special study area plans.

#### *How Official Plans Work*

During the process of developing or reviewing an official plan, municipalities must follow the procedures described in provincial planning legislation, including requirements for public participation. Once passed by council, the OP provides the basis of the zoning bylaw and guides the development of other planning documents and strategies. OPs may also include land designations for different areas such as parks and open spaces. These designations specify, in general terms, permitted land uses, maximum permitted densities, etc., which are regulated in more detail by the site’s zoning (see Zoning Bylaws below). Amendments to the zoning bylaw cannot be passed if they are not allowed by the OP.

#### *Important Things to Know*

- Public consultation is required before an official plan is passed by council, and members of the public are usually entitled to appeal the passing of an official plan within a set number of days after the plan is passed.
- Official plans are usually reviewed every few years, at which point further public consultation is required.
- Official plans may be amended at any time because of new circumstances in the community or when a property owner requests a change to the designation of a specific site.

#### *Opportunities for Green-Space Protection*

Because official plans form the basis of zoning bylaws and other planning documents, the policies they articulate can have a broad systemic impact on the development of a community. By including “green” policies on growth boundaries, urban intensification, and protection of farmland, environmentally sensitive areas and urban greenways, official plans can help ensure that a city’s growth doesn’t compromise its ecology and liveability. By getting involved in the development and review of official plans, land protection groups can ensure that their views are heard well before there are imminent threats to community green space.

When it comes to protecting a specific site, referring to supportive policies in your municipal OP will help you build and substantiate your case, so familiarity with the plan is a definite asset. For example, many municipalities' OPs identify lands that are desirable for acquisition in order to complete a greenbelt, path system or network of natural areas. If you're working to protect such lands, the OP would certainly strengthen your case. However, as OP policies and land designations can be amended, and because official plans work in conjunction with zoning bylaws, the OP by itself is usually not enough to ensure that a site remains protected in perpetuity.

### Plan Hierarchy

The municipal planning process involves different levels of plans that contain varying degrees of detail. Upper-level plans – such as official plans – are broad policy documents that address land use issues in general terms. Lower-level plans (sometimes called area plans, neighbourhood plans, district plans or special study areas) are more detailed and generally cover a smaller area, addressing issues such as permitted land uses and the exact location of planned services and infrastructure. As the higher-level plans guide the development of the lower-level ones, it is important that conservation concerns are addressed by, and incorporated into, the upper-level plans. Once more detailed plans have been developed for a specific area or site, protecting it becomes more difficult because decisions about its future use have already been made.



Andrew Leyerle

### Zoning Bylaws: Putting the Official Plan into Action

Zoning bylaws – also sometimes called land use bylaws – put the official plan into effect. A zoning bylaw translates the principles and strategies laid out in the OP into a set of regulations, land controls and development requirements. The bylaw specifies permitted uses of land in any given zoning category, as well as other provisions, such as:

- maximum building height (and other building dimensions)
- minimum distances between buildings and lot lines or natural features (often called setbacks)
- minimum lot size
- parking requirements

Many municipalities have a comprehensive zoning bylaw that divides all land into different land use zones, and maps the zoning of each property. Other types of special zoning bylaws that may be used in your area include:

- holding bylaws, which delay development until certain conditions have been met
- interim control bylaws, which temporarily restrict development while the municipality is studying or reviewing its planning policies
- temporary use bylaws, which permit certain types of uses for a specified period of time (in Ontario, the maximum time permitted is three years)

Some municipalities use a development permit system to control development. This system is similar to the zoning process and is often used by municipalities that do not have a comprehensive zoning bylaw in place. Check with your local authorities to find out how the process works in your community.

#### *How Bylaws Work*

Zoning bylaws are passed by your municipal council after consultation with the public and with interested agencies. Once passed, the bylaw specifies the kind of development allowed on a given piece of land, the permits required before construction can begin, and the standards the development must conform to. Zoning bylaws are not written in stone; they are subject to both amendments and minor variances. However, they control the development of a community by regulating land use, ensuring that it is appropriate for the site and compatible with the use of adjacent lands and the character of the neighbourhood. Zoning bylaws can also help to protect natural features or hazardous lands deemed unsuitable for development.

#### **Regina: Strengthening Zoning Tools for Smart Growth**

With a population of just over 190,000, the City of Regina is expecting modest growth in coming years. It is using existing zoning tools to ensure that green spaces are an integral part of all development as the city expands. In 2002, the municipality undertook an amendment of its zoning bylaw, rewriting the buffer and landscape regulations for new developments to make them consistent with a vision for the city's future as a liveable, green and economically viable urban municipality. Key elements of the rewritten regulations include requirements for landscaping on traffic islands, larger permeable surface areas for each tree, and more planting of shrubs. By inviting the development community to the review table and listening to their concerns, the City was able to garner support for this progressive zoning bylaw amendment, which will help mitigate the negative impacts of sprawl-type development.



### *Important Things to Know*

- Public consultation is required before a zoning bylaw is passed by council, and members of the public are entitled to appeal the passing of a bylaw, usually within a set number of days after the bylaw is passed.
- If a proposed development conforms to all of the site's zoning provisions, an application to amend the zoning bylaw is not required and the development would normally be allowed "as of right." However, other approvals might still be required, such as site-plan approval or permission to remove trees (if the municipality has a tree bylaw in effect that applies to private lands).
- Landowners are entitled to apply for a zoning amendment to use their land in a way that is not allowed by the current bylaw. Council cannot pass such applications for rezoning if the change is not allowed by the official plan. In such a case, the owner would also have to apply for an amendment to the property's designation in the OP.
- Landowners are entitled to apply for a minor variance to use their land in a way that is generally consistent with the zoning bylaw but does not conform exactly.
- Open spaces and natural areas are described in zoning bylaws using a range of designations, including natural reserve, hazard lands, green belt, open space and parkland, among others. If you aim to protect open space in your city in a systematic way, it is worth becoming familiar with the zoning designations used in your city's bylaw, the development restrictions that apply to each, and how they relate to the official plan.

### *Opportunities for Green-Space Protection*

Zoning bylaws shape the development of a community, including the protection of its green space. However, because they are subject to amendments and variances, zoning bylaws by themselves do not ensure that a site will always remain protected. This means that even if a site is zoned as a natural area with no development permitted, the owner of the land could apply for rezoning that would allow previously restricted uses.

### **Plans of Subdivision**

A plan of subdivision is a legal document that divides a piece of land into smaller surveyed lots, which can be sold individually. When landowners are considering subdividing their land into multiple lots, they must prepare a plan of subdivision that, among other things, shows the proposed location of:

- property lines of individual lots
- parks and other recreational facilities
- setbacks from environmental features or hazardous areas
- roads
- schools

### *How Plans of Subdivision Work*

Plans of subdivision are subject to the planning review and approval process, which varies from province to province. Once a review has been completed by the municipality, the application is either “draft approved” or refused, taking into account:

- overall conformity with the official plan, zoning bylaw and other planning documents
- the amount of land set aside for parks, schools, roads and other public amenities
- whether any natural features on the site are adequately protected
- compatibility with adjacent uses of land

When an application is draft approved, the applicant may be required to meet certain conditions within a specified time frame before final approval and registration are granted. For example, conditions may include the dedication of more parkland, the relocation of public open spaces or increased buffers to better protect natural features.

### *Important Things to Know*

- In most cases, your municipal council is the approval authority for plans of subdivision. However, there are exceptions. Other planning authorities (such as regional governments), planning boards or even the provincial cabinet (the Minister of Municipal Affairs or equivalent) may have this authority in some jurisdictions. It is important to find out which public body is the approval authority in your area. In Nova Scotia, for example, development officers are granted the authority to approve subdivision plans.
- Some provinces, such as Alberta, British Columbia and Nova Scotia, do not require plans of subdivision to go through a public consultation process if it is felt that the public has had an opportunity to provide input at the official plan stage. In other provinces, such as Ontario, the public is given an opportunity to provide comments.
- The process for appealing subdivision decisions also varies from province to province.

### *Opportunities for Green-Space Protection*

The subdivision approval process is an opportunity for the municipality to work with the community to ensure that important natural features on the site remain protected, and that sufficient green space is set aside to accommodate the new growth. Some municipalities encourage plans of subdivision that cluster housing and other buildings in non-sensitive areas of the site so that larger portions of environmentally sensitive land can be set aside and the development can be serviced more efficiently. This strategy, known as conservation development or cluster development, can help to protect important natural areas on previously undeveloped land, often referred to as greenfields. The protected natural areas on such a site may be owned jointly by the property owners (e.g., if the development includes a condominium) or a local land trust, or they may be developed into a public park by the municipality.

## Land Use Changes: Application and Approval Processes

When a landowner applies for an official plan amendment, a zoning bylaw amendment or subdivision approval, municipalities follow a review and approval process. To find out exactly how the process works in your area, contact your local planning department. Generally speaking, these are the steps:

### Step 1: Consultation with the Planning Department

Before submitting a subdivision application or other proposal for a change in land use, landowners meet with planning staff to discuss the suitability of the proposed application and whether an amendment to the official plan and/or zoning bylaw will be required.

### Step 2: Application

The landowner submits the completed application (including drawings and plans of the proposed development) along with the processing fees charged by the municipality. The applicant may also be required to include supporting studies such as environmental impact studies and/or environmental assessments – undertaken by a qualified consultant – demonstrating that the development will not adversely affect the site. Other studies such as traffic impact and servicing reports may also be required to show that the proposed development can be accommodated and is appropriate for the site. Generally, once the formal application has been submitted it is considered public information, and any interested party can review it.

### Step 3: Community Consultation

At least one statutory public meeting is held by the planning department to solicit community input. The local councillor or the developer may decide to hold additional community meetings.

### Step 4: Review

In all provinces the approval authority has a set number of days in which to consider the application, conduct public consultation and make a decision. During that time the planning department circulates the application to other municipal departments and to stakeholder groups such as the local environmental advisory committee, provincial ministries and local ratepayers' associations. The application is also circulated to other agencies or provincial ministries whose approval may be required. Each of these organizations has an opportunity to comment on the proposal and may recommend revisions, set conditions of approval or require further permits.

*Continued on next page.*

## What are greenfields?

This term generally refers to lands where no prior development has taken place, which are usually located on the outer fringes of growing urban centres. They often include farmland, woodlands or natural areas that may be threatened by rapid sprawl development.

### **Step 5: Evaluation and Review**

Based on the comments received, planning staff prepare a report with their recommendations as to whether the application should be approved. Their recommendations take into account the proposal's:

- consistency with the official plan
- compliance with the zoning bylaw
- adherence to provincial and regional planning policies
- compatibility with adjacent land uses
- suitability for the type of land and the size and shape of the lot
- adequacy of public services such as roads, water supply and sewage

Staff may also recommend that the proposal be approved subject to certain conditions such as the completion of additional environmental studies.

These conditions must be met to the municipality's satisfaction before the proposed project can proceed.

### **Step 6: Approval**

The staff report is presented to the planning committee, which makes a recommendation on the development proposal that takes into account staff recommendations and feedback from the community. The report and the planning committee's recommendation then go to council for final approval.

If the proponent, members of the community or another party with a stake in the application is not satisfied with council's decision, it can be appealed to the provincial appeal body. Check with your provincial appeal body to find out about eligibility requirements such as who can appeal, when the appeal has to be filed and associated fees (see Appeal Processes in the previous section).

### **Site Plan Control**

Some provinces also have a process called site plan control (Ontario), otherwise known as direct control (Alberta) or site plan approval (Nova Scotia). This tool allows municipalities to influence the design and technical aspects of developments to ensure that they are appropriate for the site and in keeping with the character of the neighbourhood. Some of the following may be subject to site plan approval:

- building height and design
- location of facilities and services
- landscaping and streetscaping
- pedestrian and vehicle access
- parking
- grading and servicing

In some cases, municipalities have used this tool to require public amenities such as natural landscaping or enhanced buffer zones.

### *How Site Plan Control Works*

In provinces where site plan control is used, any municipality wishing to use it must allow for it in the official plan. The OP must also describe the specific areas or types of development that are subject to site plan control, and exactly which aspects of a development are subject to approval. For example, in Oshawa, Ontario, the site plan control process applies to all areas of the city but does not apply to farm buildings or temporary buildings.

The site plan control process differs from other types of planning applications. In some provinces, site plan applications are not reviewed and approved by planning committees and/or councils. Instead, the decision may be made by the planning department, a site plan review committee, or a development officer. Also, the process does not require statutory public consultation; however, community concerns can usually be expressed through the local councillor.

### *Important Things to Know*

Contact your local planning department to find out:

- if site plan control is used in your municipality
- the types of development that are subject to it
- whether it can be used to address environmental concerns. For example, a municipality that is trying to control invasive plant species could require that all new landscaping include only native plants.

### *Opportunities for Green-Space Protection*

Although site plan control is not used to protect large natural areas or to create new parkland, it can be a means to ensure that new developments include green design elements such as buffer zones, greenways, natural landscaping and shade trees. As part of site plan approval, a municipality can also require protection of existing trees on the site.



Monica Kuhn

## Other Planning Tools

### *Parkland Dedication*

All municipalities in Canada can require developers to convey a portion of the land to be developed so that it can be set aside for parkland or other recreational purposes. This process, called parkland dedication in most provinces, is enabled by provincial planning legislation that specifies the maximum allowable percentage of land a municipality can require from the developer.

### *How parkland dedication works*

Most provinces and territories allow municipalities some flexibility in the application of parkland dedication requirements, including:

- cash payments in lieu of land dedication in cases where dedication is deemed less preferable. Each province provides details of how the land value should be determined and what percentage of the value may be required as “cash in lieu.” Some provincial legislation also specifies how these funds may be used. In some cases, for example, the use of cash-in-lieu funds is restricted to the acquisition of future parkland, while other provinces allow municipalities to use cash in lieu to finance recreational or other municipal programs.
- parkland dedication transfers. In some provinces, such as New Brunswick, Saskatchewan and Alberta<sup>4</sup>, dedicated land can be transferred from one subdivision to another, allowing a developer who owns multiple sites to provide more land on one site in exchange for providing less on another. The municipality can use this tool to balance its parkland supply between areas with an abundance and those with a deficit.



<sup>4</sup> In Alberta this tool is called deferred reserve caveats.

### *Important things to know*

Provincial parkland dedication rates in Canada vary from 2 percent to 10 percent. Legislation in all but four provinces allows municipalities to require a parkland dedication of up to 10 percent of the area to be developed.

- In Nova Scotia, the standard dedication of 5 percent can be increased to 10 percent if the requirement is provided for in a municipal planning strategy.
- In Manitoba, parkland dedication is determined at a rate of 40 square metres for every occupant of the subdivision.
- In British Columbia and Ontario, the dedication can be up to only 5 percent (or 2 percent for industrial and commercial developments in Ontario)<sup>5</sup>.
- In Alberta, the dedication is up to 10 percent; however, this includes lands for school as well as park purposes.

Keep in mind that these rates reflect maximum statutory dedications. Municipalities are not obliged to require the maximum, and may in some cases decide to require less than the full amount, opting for cash in lieu to account for the remainder. On the other hand, through effective negotiation, municipalities can sometimes acquire additional lands in return for offering concessions to developers.

This general summary of parkland dedication rates is only a rough indicator of the situation in your community.<sup>6</sup> To get information on the parkland dedication allowances and regulations applying to your municipality, refer to your provincial planning legislation (see Table 1). You will need to know:

- the parkland dedication rate in your province for each type of development
- additional restrictions or contingencies placed on parkland dedication in your province. For example, in Saskatchewan, if the density of a development exceeds fifty units per hectare, additional lands can be requested over and above the 10 percent normally required.
- how much flexibility your municipality is allowed vis-à-vis cash in lieu, transfers and spending of cash-in-lieu funds. Also, find out about your municipality's decision-making process to determine when to accept cash instead of land.
- whether your municipality is in a position to use cash-in-lieu funds from previous developments to purchase important green-space sites.

### *Opportunities for green-space protection*

Parkland dedication helps ensure that new communities have adequate parkland. It is not usually used as a tool for protection of natural areas. In fact, many municipalities will not allow developers to include undevelopable lands, such as protected natural features and hazard lands, as part of their parkland dedication requirements. Cash-in-lieu funds from previous developments can usually be used by the municipality to finance the purchase of additional parkland sites.



<sup>5</sup> Evergreen, *Green Space Acquisition and Stewardship in Canada's Urban Municipalities* (Toronto: Evergreen, 2004).

<sup>6</sup> Evergreen's report *Provincial Parkland Dedication Requirements in Canada* provides a description of parkland dedication rates and policies across the country.

### *Density Bonuses and Transfers*

Density bonuses, where they are enabled by provincial legislation, allow municipalities to authorize increases in development height and density in exchange for concessions from developers, such as the dedication of additional parkland. For example, in Ontario, a municipality might allow a developer to build more units per hectare than would otherwise be permitted on a given site, in exchange for more land than the standard 5 percent parkland dedication amount.

With density transfers – also called transfer of development rights, or TDR – the municipality authorizes higher-density development on one site in exchange for protection of natural features on another site (where the same developer owns both sites). Density transfers therefore allow the municipality to direct development to areas where it makes the most sense and away from areas that need protection.

### *How density bonuses and transfers work*

The maximum density allowed on a site is usually specified in the municipality's official plan and zoning bylaw. Both density bonuses and density transfers use density as a bargaining tool to negotiate more parkland dedication. For developers in areas where development pressures are high, additional density enables them to include more units, thereby reducing per-unit construction costs. For municipalities, this can be an economical way to acquire additional parkland, compared to purchasing lands outright at market rates. It can also give them more control over which sites are intensely developed and which receive greater protection.

### *Important things to know*

The disadvantage of this approach is that it permits the development standards set out in the official plan and zoning bylaw to be negotiated on a case-by-case basis, resulting in a piecemeal approach to community planning. A second consideration is that, in the case of density transfers, the community receiving the higher density pays the price of this arrangement, often without receiving any of the benefits. Not surprisingly, the community receiving higher densities and less parkland is often not supportive of the transfers.

### **Gross-Density Zoning Protects Woodlands in Surrey, BC**

The City of Surrey's zoning bylaw enables gross-density zoning to be considered in areas where the municipality would like to set aside more than the standard 5 percent parkland dedication. This mechanism allows Surrey to protect up to 15 percent of the land for parks and natural areas, while developers benefit from higher densities and an adjacent green-space amenity.

"Serious developers in particular can see the benefit of having green areas and parks close to their development project; parks and open space can generally add value to adjacent units," notes Jean Lamontagne, Manager of Planning, Design and Corporate Facilities for the City of Surrey. Using gross-density zoning in the South Surrey Peninsula enabled the City to protect woodlands that had formed the boundaries between remnants of old large lots. The remaining wooded area now forms a major linear park in that community.

### *Opportunities for green-space protection*

Density bonuses and transfers can be a creative way to increase a community's supply of public green space and protect important natural areas while still allowing growth to occur. If they are enabled in your municipality, find out if and where they have been used in the past, and whether or not they could be appropriately applied to your case.

#### **ADDITIONAL RESOURCES**

##### **Canadian Parks and Wilderness Society, New Brunswick Chapter.**

CPAWS New Brunswick has produced a booklet and presentation materials on community planning as it relates to nature conservation in the province. The resource provides a general introduction to planning and sprawl issues. The booklet can be obtained by contacting CPAWS NB directly. E-mail [cpawsnb@nb.sympatico.ca](mailto:cpawsnb@nb.sympatico.ca) or visit [www.cpawsnb.org](http://www.cpawsnb.org).

**Ontario Nature.** Visit the web site of Ontario Nature (formerly the Federation of Ontario Naturalists) to find articles, brochures and fact sheets on nature conservation and public involvement. While the organization has an obvious focus on Ontario, much of this information is applicable across the country. Of particular note is their citizen's guidebook, *A Smart Future for Ontario: How to Protect Nature and Curb Urban Sprawl in Your Community*. It can be ordered from the Ontario Nature web site at [www.ontarionature.on.ca](http://www.ontarionature.on.ca).

**West Coast Environmental Law.** Urban growth and development is one of the main issue areas that West Coast Environmental Law focuses on. Visit their web site, [www.wcel.org](http://www.wcel.org), to see a range of publications on smart growth, green municipal legislation and wetland protection.

## Chapter 2 : REAL ESTATE TOOLS FOR LAND SECUREMENT

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Protecting land by using real estate tools involves acquiring a vested interest in the land so that your organization has at least some legal control over it. While the planning tools discussed in Chapter 1 control how lands are used, real estate tools are related to land acquisition and ownership, whether by a non-profit organization or by a private citizen or company. The tools described in this chapter are some of the most commonly used, and the most effective, for land protection.

### ACQUIRING OWNERSHIP OF LAND

#### What is fee simple purchase?

Fee simple purchase means buying a property so that you then hold full title to the land. Usually, “fee simple” is used to distinguish a straightforward purchase of property from a land transaction involving a donation, partial rights, options, etc.

One of the simplest ways to protect land is to own it outright, through fee simple purchase. Owning land gives you control over how it is used, protected and stewarded. In rural areas, land conservation organizations often achieve their aims by gaining title to the land, either by fundraising to buy it or by having part or all of the land donated.

If your group is considering ownership as a land protection option, be sure that you have fully considered the long-term responsibilities that ownership entails. In urban areas in particular, high land values and the costs of stewardship, liability insurance and land taxes can be onerous for a small organization.

#### Purchase

Full market-value purchase of land is not usually a preferred option for conservation organizations working in an urban context. This is largely because land in cities tends to be very expensive. Whether or not purchase is a feasible option in your case will depend on your fundraising capacity, and on the level of public and political support you have been able to achieve. For example, the Winnipeg group Save Our Seine was able to raise money to protect an 80-acre urban forest by securing a commitment from the City of Winnipeg to match, dollar for dollar, whatever the organization could fundraise, up to a maximum of \$600,000. Purchase may also become a feasible option if the landowner is willing to sell the land at a price below its appraised market value (see Split-Receipting later in this section).

## Donations and Ecological Gifts

Donation of property by the landowner is an ideal option for many conservation organizations, as it requires no outlay of cash and thus allows you to direct limited resources towards stewardship and other activities. The corresponding advantage to the landowner is that outright donation of land to a charitable organization can offer significant tax benefits under the federal *Income Tax Act*.

If your organization is interested in becoming a recipient of land donations, you will need to become familiar with Environment Canada's Ecological Gifts Program. Changes to the *Income Tax Act* in 1995 and 2000 allowed for enhanced tax treatment of donations of certified ecological gifts (that is, ecologically sensitive land). These "ecogifts" have been gaining greater acceptance and popularity since then – more than \$67 million in ecogifts has been donated through the program since 1995. Donors of ecological gifts benefit in two important ways: they are exempt from the usual annual donation limits, and the taxable portion of their capital gains is reduced from 50 percent to 25 percent.

In order to take advantage of this special incentive to protect land, a number of requirements must be met:

- Your organization must be a qualified recipient of ecogifts. Not all organizations are allowed to accept ecogifts, even after they have gained charitable status. Ecogifts can be donated to only three kinds of agencies: the federal or provincial government or their agencies, Canadian municipalities, or registered charities that have been qualified by Environment Canada as an eligible recipient. To learn how to become a qualified ecogift recipient, visit the Ecological Gifts Program web site.
- The land must qualify as ecologically sensitive according to the criteria set out by Environment Canada. For details about the criteria and their relevance to your situation, visit the Ecological Gifts Program web site.
- The fair market value of the land must be assessed and certified as acceptable by the Minister of the Environment.

You should also be aware that ecogifts are more likely to be useful as a land protection tool if the property is not held by a development company as inventory of their business. Inventory land can qualify as ecologically sensitive, and can be donated as an ecogift. However, there is less incentive to donate because the donation does not qualify for reduced capital gains tax under Canada's current *Income Tax Act*. This means that donation of the land may not be financially worthwhile for the developer.

### Can urban land be ecologically sensitive?

In general, urban sites are less likely than rural or remote land to qualify as ecologically sensitive under the federal ecogift program. However, don't assume that the land you're concerned about isn't going to qualify. If the site is a remnant natural ecosystem, if it is in a newly developed area, or if it has the potential to be restored, it may be considered to have sufficient natural heritage value to warrant certification.

### What is an ecogift?

Ecological Gifts (a.k.a. ecogifts) is a federal tax program for the donation of ecologically sensitive land (or a conservation easement/ covenant on such land) to a federally certified recipient such as a municipality, the federal or provincial government, or a non-profit organization.

Visit the Ecological Gifts Program Web site at [www.cws-scf.ec.gc.ca/ecogifts](http://www.cws-scf.ec.gc.ca/ecogifts)



### Split-Receipting

Split-receipting is essentially a combination of purchase and donation, where a conservation organization pays the landowner for a portion of the market value of the land, and the landowner receives a charitable tax receipt for the difference. The actual market value of the land must be determined by a qualified land appraiser. Split-receipting can be an effective tool to encourage donations of land, because it offers the landowner an alternative to outright donation, but does not require the conservation organization to fundraise for the full market value of the property.

## ACQUIRING A PARTIAL INTEREST IN LAND

### Conservation Easements / Covenants

If buying a property or having it donated is not an option for your organization, you may want to consider gaining a partial interest in the land through a conservation easement (in Ontario and the eastern provinces) or covenant (in western Canada). An easement is a legally binding agreement between a landowner and a conservation organization that restricts the landowner's rights to use the land in certain ways, but doesn't require him or her to give up ownership. For example, the easement may prevent the owner from developing the land, removing trees or demolishing heritage buildings. Although easements are usually used to protect natural features in rural areas, urban conservation easements are becoming more common.

### What is a land trust?

A land trust — also called a conservancy — is a non-profit organization that is incorporated (federally or provincially) and registered as a public charity. As all or part of their mission, land trusts protect natural or cultural landscapes in perpetuity by acquiring land or holding conservation easements. Land trusts may purchase property and — as registered charities — they may also receive donations of property, money or development interests, which then qualify for income tax deductions.

While land trusts operate independently as non-government organizations, some municipalities have recognized their key role, and support their development by providing staff expertise and other resources.

### Alex Wilson Community Garden, Toronto

Nestled between two tall buildings in the heart of downtown Toronto, the Alex Wilson Community Garden was created and named in memory of the late landscape designer, community activist and writer. Because the owners of the site agreed to have an easement registered on it, this small urban oasis will be protected in perpetuity as a community garden.

An easement may be either purchased by the conservation organization or donated by the landowner. Since conservation easements reduce the market value of the land (because they reduce its development potential), landowners who donate easements are entitled to an income tax receipt for the amount of the reduction.

An easement can be a powerful land protection tool because its terms are registered against the title of the land, binding both current and future landowners. The land trust movement in the U.S. and Canada is based on the use of easements as a key means of protecting land. Many municipal planning departments in Canada and the U.S. are also starting to consider easements as a strategy for green-space protection.

Once an organization holds an easement, it needs to monitor the land to ensure that the terms of the agreement are being adhered to. A number of organizations have produced comprehensive publications on conservation easements and the responsibilities associated with holding them, including the The Ontario Land Trust Alliance Land Securement Manual. The Land Trust Alliance of British Columbia has also published a variety of resources on this issue. Contact information for these and other organizations are provided at the end of this chapter.

### **Remainder and Undivided Interests**

Remainder and undivided interests in property are ways for an organization to gain some rights to a piece of land without actually owning it. Both tools have complex legal and tax implications, and require expert advice.

A remainder interest (also sometimes called a life estate) is essentially a deferred donation of land. The landowner makes a full donation of the property but retains most of the rights to the land for his or her lifetime. This arrangement allows the landowner to use the property however he or she wishes, while ensuring that the land will subsequently be protected in perpetuity by the conservation organization.

Gaining an undivided interest in property is like having co-ownership; the organization and the landowner are both entitled to exercise ownership rights to the land. For example, the original landowner may hold a 20 percent undivided interest, while the organization may hold an 80 percent undivided interest. Both owners are entitled to exercise all ownership rights in the property, and they usually enter into an agreement to set out the details. A landowner who donates an undivided portion of a property is entitled to a tax deduction for the fair market value of that portion.

### **Conservation easements and cluster development**

An emerging use of easements is in cases where land development has been approved but significant ecological, heritage or community values need to be protected. In such a case the developer may cluster buildings on one part of the site and donate a conservation easement on the significant area. This is especially effective where public access to the protected land is restricted to shared and clearly designated areas.



*Joshua Berson*

## OTHER TOOLS

The three tools discussed in this section – right of first refusal, options, and lease or management agreements – are ways for an organization to gain at least temporary control over an important property. If your organization is in the process of raising money but hasn't yet acquired all the necessary funds, you may want to consider one of these tools.

### Right of First Refusal

Right of first refusal is a legal agreement between the landowner and the organization stipulating that if the owner decides to put the property on the market or receives a purchase offer, the organization will have the right to match the offered price and buy the property – within a specified period of time and on the same conditions – before it is sold to someone else. Rights of first refusal can be purchased or donated, but the organization's legal claim to this right will be bolstered if even a nominal fee (as little as two dollars) is paid for it.

### Options

Like rights of first refusal, options enable an organization to buy time – usually time to fundraise to purchase the site. An option is simply the right to purchase the property at a specified price by a specified date. If the organization raises the necessary funds in time, it can exercise the option; if not, the option expires. Options can be purchased at a negotiated fraction of the ultimate purchase price, or the landowner may donate them. Options differ from rights of first refusal in that they allow the organization to purchase the property at an agreed-upon price even if someone else makes a better offer within the time frame allotted.

### Lease, Management and Stewardship Agreements

Land trusts and other conservation organizations that are not in a position to buy important green space can often enter into agreements with the landowner that allow them some control over the care and use of the property. Lease agreements typically give an organization exclusive access and use rights to the property, while management or stewardship agreements allow the group to undertake ecological restoration, stewardship or other environmental management activities.

### **The Hyla Park Lease Agreement**

In February 1995, Fredericton citizens brought to the attention of City Council the environmental importance of an abandoned piece of City property. Local naturalists had noticed that the degraded site supported a population of the rare grey tree frog *Hyla versicolor*. To ensure that this vital habitat was protected and cared for, the Nature Trust of New Brunswick entered into a lease agreement with the City of Fredericton, enabling the creation of Hyla Park Nature Preserve – the country’s first amphibian park. The lease agreement sets out each party’s roles and responsibilities for the site’s development and stewardship. While the City still owns the site and bears much of the responsibility for park maintenance, the Trust is actively involved in educational programming and ecological monitoring, and it is responsible for the site’s administration through its Hyla Park Stewardship Committee.



*Karen Rosborough*



## ADDITIONAL RESOURCES

***Giving Nature Its Due: Tax Treatment of Environmental Philanthropy – Recent Improvements, Remaining Barriers and Current Opportunities*** (Issues Paper No. 2003-1), by Mark Denhez. (Ottawa: North American Wetlands Conservation Council [Canada], 2003). A great resource for any group considering accepting donations of land or easements. Denhez traces the growth of the land trust movement in Canada and addresses the current tax treatment of environmental gifts, not only in the country as a whole, but for each province. This document can be downloaded for free at [www.terreshumidescanada.org/givingnature.pdf](http://www.terreshumidescanada.org/givingnature.pdf).

**Land Trust Alliance of British Columbia.** The web site of the Land Trust Alliance of BC includes a wealth of information on land trusts and campaigns in British Columbia, as well as information about conservation options and how to start a land trust. The LTABC also has a number of research reports available for free download.

Land Trust Alliance of British Columbia  
 204-338 Lower Ganges Road  
 Saltspring Island, BC V8K 2V3  
 Phone: (250) 538-0112  
 Fax: (250) 538-0172  
 E-mail: [info@landtrustalliance.bc.ca](mailto:info@landtrustalliance.bc.ca)  
 Web: [www.landtrustalliance.bc.ca](http://www.landtrustalliance.bc.ca)

**The Ontario Land Trust Alliance Land Securement Manual** (Smiths Falls, ON: OLTA, 1999). This comprehensive and authoritative guide is intended to help land trusts in Ontario protect and steward green space. The manual covers basic real estate principles, options for land securement, the process of securing land, land valuation and taxation, and land use planning issues. It also includes a directory of experts on a broad range of subjects relevant to land protection groups. While the material in the manual is based on Ontario tax and real estate legislation, it is broadly applicable to land protection across the country. To obtain a copy, contact the OLTA.

Ontario Land Trust Alliance  
 1 Jasper Avenue  
 Smiths Falls, ON K7A 4B5  
 Phone: (613) 284-4646  
 Fax: (613) 284-8093  
 E-mail: [info@ontariolandtrustalliance.org](mailto:info@ontariolandtrustalliance.org)  
 Web: [www.ontariolandtrustalliance.org](http://www.ontariolandtrustalliance.org)

**West Coast Environmental Law** provides citizens and organizations with knowledge, legal advice, education and advocacy to help protect the environment and build sustainability. Its web site's Publications section offers extensive resources on a range of topics, including several reports and guidebooks on conservation covenants.

West Coast Environmental Law  
1001-207 West Hastings Street  
Vancouver, BC V6B 1H7  
Phone: (604) 684-7378  
Toll-free in BC: 1-800-330-WCEL (9235)  
Fax: (604) 684-1312  
E-mail: [admin@wcel.org](mailto:admin@wcel.org)  
Web: [www.wcel.org](http://www.wcel.org)



## Chapter 3: ORGANIZATIONAL GOVERNANCE

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This section is about how to structure your land protection group and how to operate as a non-profit agency. In short, it's about how to get organized for land protection in the long term. Some of the governance issues addressed here are quite complex, and a detailed discussion of them is beyond the scope of this manual. However, this chapter will explain some of the terms and concepts you need to know and will refer you to authoritative sources of in-depth information.

### BECOMING INCORPORATED AS A NON-PROFIT ORGANIZATION

#### **Is a non-profit automatically a charity?**

No. Your organization can be an incorporated non-profit without being a registered charity. Simply being a non-profit does not allow you to issue tax receipts or to be eligible for some of the tax advantages that come with charitable status.

If you want to become a charity, you must first become an incorporated non-profit and then apply for charitable status through the Canada Customs and Revenue Agency.

If your group has grown to include many people, if you plan to own property, or if you have been operating in an ad hoc manner for some time, you may want to consider incorporating as a non-profit. A non-profit corporation is one that uses any profit it makes to further its goals – legally called its objects of the corporation – rather than to pay dividends to shareholders or members. Such organizations are also sometimes called not-for-profit organizations, voluntary organizations or volunteer organizations.

#### **Why Incorporate?**

Applying to become incorporated can seem like a daunting process. When and why should your group become incorporated? Here are some factors that you may want to consider.

#### *Scope of Activity*

Your organization can incorporate either federally, under the *Canada Corporations Act*, or provincially, usually under the Ministry of the Attorney General (or equivalent). The decision about where to incorporate typically depends on the scope of your activities. For organizations that operate at the community or regional level, it makes the most sense to incorporate provincially. Federal incorporation is more advantageous to organizations that offer programs or have offices across the country.

#### *Legal Status*

Incorporation means that your group is recognized as a legal entity. It can own land, borrow money, open a bank account, sue and be sued, and enter into contracts.



Catherine Goetz

### *Fundraising Capacity*

Incorporated non-profits may be more likely to receive funding or grants from government sources or philanthropic foundations. Also, you must be incorporated in order to participate in some government programs such as the federal Ecogift program.

### *Liability*

Individual members and officers of an incorporated non-profit are not personally liable for the organization's debts.

### *Cost*

Whether you are incorporating federally or provincially, the government charges a filing fee for the process. In addition, if you become federally incorporated, the province in which your office is located usually also requires a registration fee. Fees vary widely from province to province and change slightly over time. As of 2005, the federal fee is \$200 and provincial fees vary from only \$35 to \$175. In addition, you should keep in mind that incorporation will involve administrative costs and the potential cost of engaging a legal consultant to help you prepare and submit the documentation.

### *Responsibility*

Once your organization is incorporated, it has to adhere to the formalities of corporate conduct. This includes holding annual meetings of directors and members, passing bylaws, and filing annual financial statements.

### **What are corporate objects?**

When you incorporate, you must develop and document the basic goals of your organization — your reason for existing. These are referred to as corporate objects, articles of incorporation or memoranda of incorporation.

### **How Do We Incorporate?**

The basic steps to becoming incorporated are to choose and reserve a name, develop your corporate objects, and submit these, along with other required documentation, to the appropriate government department. You may want to enlist an experienced lawyer to assist you. A lawyer who is sympathetic to your cause may offer his or her services on a pro bono basis or for a minimal fee. For information on how to become federally incorporated, go to the Corporations Canada web site at <http://corporationscanada.ic.gc.ca>. There you can find more information about the process and you can download or order an information kit, including sample documentation. The mailing address is:

Information Unit, Corporations Canada  
Industry Canada  
9th Floor, Jean Edmonds Tower South  
365 Laurier Avenue West  
Ottawa, ON K1A 0C8  
Phone: (613) 941-9042  
Toll-free: 1-866-333-5556  
E-mail: [corporationscanada@ic.gc.ca](mailto:corporationscanada@ic.gc.ca)

Information about incorporating at the provincial level can be found by going to <http://bsa.cbasc.org/gol/bsa/interface.nsf/engdoc/0.html> and selecting “Choosing a Business Type” as a start-up topic. Follow the links for non-profits.

### **Setting Corporate Objects**

Your corporate objects are concise statements about the ultimate purpose of your organization. For example, the objects of a land conservation organization might include:

- The establishment and operation of an environmental organization for the purpose of:
- (a) acquiring, securing and managing lands of natural, environmental, heritage, cultural, educational or recreational interest for public benefit in the Shallow River watershed;
  - (b) collaborating with and supporting individuals, organizations, businesses and others having similar aims and encouraging them in the protection, restoration and stewardship of the natural environment in the Shallow River watershed; and
  - (c) conducting environmental research and education activities related to the protection and stewardship of the natural environment in the Shallow River watershed.

## ESTABLISHING A BOARD

All incorporated non-profit organizations are governed by a board of directors – usually volunteers – who are elected by the members. The organization’s bylaws, as set out when the group was incorporated, define how the board will be run. For example, your bylaws specify the number of board members, how they will be chosen, their term of office, their powers, the number and frequency of meetings, what constitutes a quorum and the requirements for adjournment. Once formed, the board elects officers, including (usually) a president or chair, vice-president or vice-chair, secretary and treasurer.

### What Is the Role of the Board?

Non-profit boards of directors provide leadership to the organization that is consistent with the objects of incorporation and the group’s mission. In all cases, board members are bound to act in good faith in the interests of the organization and in accordance with the group’s bylaws. Beyond this, board members may assume a broad range of tasks, depending on the philosophy, available resources and needs of the organization. For example, some boards offer leadership strictly at a policy level, while others go beyond providing strategic guidance to participate in hands-on activities such as event planning or fundraising.

### Who, and How Big?

Non-profit boards range from as few as three members (the minimum allowable in Canada) to as many as twenty or thirty in large national organizations. But board effectiveness depends less on the size of the board than on who is on it. It’s important to be sure that the board profile – the array of skills, expertise, backgrounds and perspectives represented on your board – reflects your organization’s mission, goals and values. In addition, you should look for skills and expertise in:

- financial management
- strategic planning
- policy development
- fundraising
- human resources / personnel
- Law and legislation
- lobbying / political action
- media / public relations
- organizational development

It is common for larger non-profit boards to operate by committee, with each committee focusing on a specific area. Here are some common board committees:

- Budgeting and planning committee – responsible for overall finances, and for developing annual and long-range plans and budgets.
- Nominating committee – responsible for recruiting new board and committee members.
- Advisory committee – may include non-board members, enabling the group to involve people with relevant knowledge and expertise without giving them a formal governance role.
- Specialized committees – optional, depending on the specific issues or activities of the group. For example, a land protection organization may have a stewardship committee and/or a land securement committee.

## **OBTAINING CHARITABLE STATUS**

A charity is a particular kind of non-profit organization that is granted special tax status by the Canada Customs and Revenue Agency (CCRA). The nature of your organization and the kinds of activities you plan to undertake will dictate whether or not charitable status is a good option for you.

One of the principal benefits of charitable status is the ability to issue tax receipts. If your organization is going to operate as a land trust, or if you expect to rely on donations of land or money to further your cause, becoming a charity or partnering with an organization that has charitable status will be important. For example, some foundations and corporations will fund only organizations that have charitable status.

Charitable status isn't appropriate for all groups, however. In Canada, charities are allowed to devote no more than 10 percent of their resources to non-partisan political activities that directly help accomplish the charity's purposes. They are expressly prohibited from participating in any partisan political activity.

### **Becoming a Charity**

To become a charity you need to apply to the Canada Customs and Revenue Agency (CCRA) for charitable registration – a process that takes from six to eighteen months. To find out how the process works and to apply, go to the CCRA's Charities Directorate Web site, <http://www.cra-arc.gc.ca/tax/charities>. There you can access an application and a document called "Registering a Charity for Income Tax Purposes," which explains the process and requirements in detail. The mailing address is:

Charities Directorate  
Canada Customs and Revenue Agency  
Ottawa ON K1A 0L5  
Toll-free: 1-800-267-2384 (English) or 1-888-892-5667 (bilingual)

## **VOLUNTEER MANAGEMENT**

Volunteers are the lifeblood of environmental non-profit groups. Small groups are often made up entirely of volunteers, many of whom may also be balancing jobs and other commitments. No matter how large your group becomes, the odds are good that volunteers will continue to play an essential role in all aspects of your work, from strategic management to fieldwork and envelope stuffing.

Managing volunteers well takes dedication, time and ingenuity. The result, however, is well worth it: fulfilled and motivated volunteers who have a rewarding experience are more likely to continue giving their time and skills to your cause. So what is the secret to good volunteer management? Here are a few principles to consider.



For more information on how to manage volunteers effectively, see Evergreen's guide, *Hands for Nature: A Volunteer Management Handbook*. This and other resources are described at the end of this chapter.

#### *Allocate responsibility for volunteer management*

Even if you're not in a position to hire a dedicated volunteer coordinator, it's important to be clear about who has responsibility for volunteers. Choose one person to be the contact point for volunteers, and establish a system for keeping track of how many volunteers you have, how to get in touch with them and what kind of work they're interested in.

#### *Create job descriptions*

Unless you're clear about what kind of volunteer you need, you're unlikely to get the right person for the job. A job description can be as basic as a list of tasks, responsibilities and key requirements. Having a job description helps volunteers know exactly what's expected of them, and it sends the message that you respect their time and skills.

#### *Know your volunteers' needs*

Volunteers give their time for a broad range of reasons, from seeking job experience or networking opportunities to simply wanting to give back to the community. Take the time to find out about your volunteers' needs, interests and motivations, and make sure that your volunteer program responds to them.

#### *Recognize and support appropriately*

Research conducted by Evergreen into volunteerism found that while gifts such as hats or t-shirts can be a good way to thank some volunteers, many prefer to be recognized in ways that contribute to their personal development, career goals or skill set. For example, if a volunteer is seeking Canadian job experience, she may appreciate being offered further training opportunities or a letter of reference. A volunteer who is looking for social connections may prefer to attend a social event such as a barbecue or pizza night.



## LIABILITY ISSUES

Virtually every organization that owns land or works with the public is exposed to some liability. There is always a chance that harm will come to someone who is using your property, participating in your official outings or activities, volunteering for you or working as a paid employee. For land protection organizations working in urban and urbanizing areas, liability issues can be complex. For instance, public access is often a priority for the community and is sometimes an important reason why a site is protected in the first place, but it can also open the door to serious liability issues and expensive insurance premiums.

However, liability concerns needn't keep you from moving forward with your land protection project. Generally speaking, you can minimize your exposure to liability by having a strong risk management program and good insurance coverage. Many environmental umbrella organizations have developed information resources dealing with liability issues, including how to draft a waiver form, what kind of insurance policy to look for and how to minimize risk.

### What Is Risk Management?

Risk management simply means anticipating potential problems and working to eliminate or reduce the probability that they will actually occur. For example, you might have a policy stating that volunteers must always work in pairs.

If you are considering acquiring a property, walk through it carefully, looking for hazards such as old wells, washed-out trails, unstable slopes or unsafe buildings. One very important liability on properties is hazardous waste, since you can end up legally responsible for cleanup bills.

If you can't remove a hazard, post warning signs. You need to demonstrate that you have not been negligent or acted in reckless disregard of others' safety.

— Adapted from Ontario Nature's fact sheet "Dealing with Liability"

## ADDITIONAL RESOURCES

***Hands for Nature: A Volunteer Management Handbook*** (Toronto: Evergreen, 2003). This how-to resource provides practical tips and ideas for working effectively with volunteers to create and sustain environmental projects. You can view it online or order a copy from Evergreen's web site, [www.evergreen.ca](http://www.evergreen.ca).

***Hands for Nature: A Volunteer Management Workshop and Presenter's Guide***. This ready-to-deliver workshop resource presents basic information on working effectively with volunteers to create and sustain greening projects. It includes slide presentations, overheads, speaker's notes and tips for planning a workshop. It is a helpful companion piece to the Hands for Nature volunteer management handbook. Available from Evergreen's web site, [www.evergreen.ca](http://www.evergreen.ca).

***Land Trust Alliance of British Columbia***. The LTABC web site offers information on forming a land trust in BC and on land conservation options, as well as current research and resources on land protection issues. Readers in BC may also be interested in the LTABC's seminar and workshop series and other member services. This site is a must for anyone working on land protection issues in BC: [www.landtrustalliance.bc.ca](http://www.landtrustalliance.bc.ca).

***Ontario Nature*** offers a range of resources and publications on its web site. Of note are the fact sheets "Dealing with Liability" and "Incorporation and Charitable Status," and a booklet titled Leadership Basics: A Guide to Leading Groups of Volunteers. You can access these resources at [www.ontarionature.org](http://www.ontarionature.org).

***Sustainability Network*** is a support centre for environmental non-profit organizations. Its mission is to enrich environmental leaders and non-profit organizations through programs, services and support that help them increase their capacity to lead, manage and strategize. Visit the Sustainability Network's web site to find out about workshops and seminars, non-profit management resources and funding opportunities at [www.sustain.web.ca](http://www.sustain.web.ca).

***Volunteer Canada's*** web site contains a wealth of information about volunteerism in Canada, as well as volunteer management links, research and resources at [www.volunteer.ca](http://www.volunteer.ca).

***www.boarddevelopment.org***. Created and maintained by the United Way of Canada, this web site is devoted to the subject of non-profit board management. Its coverage includes the role and importance of the board, providing a range of templates and checklists for assessing and enhancing your board profile.

## Chapter 4: FUNDRAISING TO PROTECT GREEN SPACE

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This chapter will introduce you to some of the basic principles of fundraising and typical sources of cash and in-kind donations. To help you take the next step, it also provides a list of other resources and organizations that can offer advice.

### FUNDRAISING BASICS

There is no magic formula for successful fundraising. No matter how experienced you are, fundraising requires time, hard work and a positive attitude. Before we delve into the details of where to look for support, here are a few basic fundraising principles to keep in mind.

#### Know What You Need

Fundraising is never easy, but groups that have actively reached out to the community will find themselves with a good resource base to tap into for funding. Before you can ask for assistance, though, you need to know what your project will cost and what resources are needed. Developing a project budget will help you create a strong fundraising strategy.

Your budget should include a list of all the costs and potential sources of support for each stage of your project, as well as a timeline so that you can anticipate when funds will be needed. Be sure to include all costs associated with your project or program, including the essential – though not particularly exciting – cost of office space, salaries, utilities and administration. These should be incorporated into the budget of every project, so that each funded project contributes its fair share to the overall cost of running your organization.

#### Do Your Homework

In the world of fundraising, there is no substitute for good old-fashioned research. Reference libraries and directories of funders are great places to start researching prospects. You may also want to find out how other organizations – including universities, health care facilities and other non-profit groups – are funded. A quick scan of their web sites should yield a list of supporters. Find out all you can about prospective funders, including their mandate, which organizations or projects they've funded in the past, how much they can likely offer and who sits on their board of directors.

### **Find a Good Fit**

Once you've thoroughly researched your prospective funders, you should have a clear idea of how their mandates fit with your organization's activities. Many corporations and foundations have clear guidelines about the kind of work they will fund. Generally speaking, the better your fit with those guidelines, the more likely it is that you'll be funded. Remember, though, that this fit may not be obvious at first. For example, local businesses with no apparent connection to your work may want to get involved because they have an interest in giving back to the community. If you can make a strong case that your project serves this interest, the business is more likely to choose to support your work.

### **Tell a Compelling Story**

People will be more interested in supporting your cause if they can see how their contribution will actually make a difference. When you approach a potential funder or sponsor, focus on concrete examples of your organization's success and how your work affects people, the local community and the environment. If you can (and if you have permission), use quotations or testimonials from people who have benefited from your work, and let the funder know exactly how much more you can achieve if your fundraising goals are met. More advice on developing and honing your key messages can be found in Chapter 5, on Communications and Media Relations.

### **Thank Your Supporters**

Once you've been funded, don't forget to thank your supporters both publicly and privately, and be sure to submit any required reports or evaluations in a timely way. Maintaining good relationships with your funders both during and after the funding period will increase your chances of getting their support for future projects.



## SOURCES OF SUPPORT

### What about in-kind support?

In-kind support includes donations of material, time and expertise. They could be anything from seedlings or used computer equipment to pro bono legal advice or the use of meeting rooms at City Hall. In fact, in-kind donations are often easier to obtain than actual cash. For example, a nursery may be more willing to donate a hundred seedlings than \$200. While in-kind gifts are generally not eligible for charitable tax receipts, you may be able to say thanks by offering free advertising or public recognition.

Once you've determined how much support you need, you can start taking stock of your assets and potential sources of help. Don't underestimate the resources that may be available within your group – among volunteers, staff and board members. You may want to take an inventory of the skills and expertise that these people can contribute or obtain, including their connections to businesses or other organizations that would be willing to help.

### Businesses

Both large corporations and small local businesses can be a good source of financial and in-kind support. Some companies have grant programs that specifically support local, community-based environmental initiatives. Local businesses often show support by providing in-kind donations such as gardening supplies or food and refreshments for events.

### Government

Federal and provincial governments typically have grant programs for community-based environmental projects. Your municipality might also have a budget for community improvement projects, or it may be able to offer in-kind support, including staff time and advice. If you are seeking to purchase a property, you may be able to tap into your municipality's land acquisition budget. In some cases, municipalities have agreed to match land protection groups' fundraising efforts dollar for dollar for the purchase of important community green space.

### Private Donations

Individuals may be willing to donate time, materials or funds to your project. Private donations can be solicited in person, using direct marketing (by mail or telephone), through a broad appeal for support (e.g., using public service announcements) or through a membership program. Many well-established organizations, including land trusts, rely on membership programs for part of their core funding, benefiting from regular annual membership fees rather than counting on one-off or spontaneous donations.

Certain individuals may also be interested in making a more significant gift to your organization. These major individual donors will most likely be people who know your work well and who are in a position to donate a large amount. When approached in a personal, face-to-face meeting, such people may surprise you with their generosity. For more information and sound advice on major donors, read Ken Wyman's *Face to Face: How to Get BIGGER Donations from Very Generous People* (see Additional Resources below).

### Social Service Organizations

Neighbourhood community centres, health centres and other social service agencies can be a source of in-kind donations. They may be able to help by spreading the word about your project, offering meeting or event venues, or even linking their social service activities with your project tasks.

## Universities and Colleges

Students enrolled in environmental studies, science, landscape architecture, education, urban planning and geography programs may be willing to donate their time and expertise as a way of gaining practical experience.

## Service Clubs

Groups such as the Lions, Rotary and Kiwanis clubs can be a good source of support. They often have funding programs for community projects, and they may be able to help organize fundraising or other publicity events.

## Community and Private Foundations

Numerous philanthropic foundations across Canada fund specific types of projects. For a comprehensive list of foundations, see the Canadian Directory to Foundations and Grants, published annually by Imagine Canada (formerly the Canadian Centre for Philanthropy) and available at the Imagine Canada web site and in most libraries.

## WRITING FUNDING PROPOSALS

Once you have a list of potential funding sources, you can prioritize them according to how their mandate fits with yours and the kind of work they typically fund. Remember that some granting agencies and foundations have long lead times and require a formal application by a specific date. Whenever possible, contact the funder before you submit your proposal. This is a great opportunity to introduce your organization, and to discuss how your project fits with their mandate.

If funding sources don't provide their own application form, you can base your proposal on a basic template (see Appendix B).

One final note on fundraising: try not to be discouraged if you don't get the support you were hoping for right away. It takes time to build momentum. If you are turned down for funding from one source, keep trying others. Ask for feedback on why your application was turned down, and what you could do to improve it.

Evergreen has assembled a list of funders that support local environmental initiatives. You can access this list in our on-line library at [www.evergreen.ca/cgi-bin/library.cgi](http://www.evergreen.ca/cgi-bin/library.cgi).





Peter Thompson

## ADDITIONAL RESOURCES

There are so many sources of information on fundraising that it's sometimes difficult to know where to look for advice that's suited to your needs. Here is a list of some basic, easy-to-access resources that should put you on the right track.

**Canada Customs and Revenue Agency's** web site, at [www.cra-arc.gc.ca](http://www.cra-arc.gc.ca), includes the Charities Directorate. There, you can find resources and information to help registered charities comply with the Income Tax Act.

**Canadian Association of Gift Planners.** This professional organization aims to foster the development of gift planning in the non-profit sector. The CAGP offers courses and symposia on planned giving. While some areas of the web site are restricted to members, non-members can access information about the association's educational offerings. The site also features a useful list of links to other fundraising organizations at [www.cagp-acpdp.org](http://www.cagp-acpdp.org).

***Creating Effective Partnerships with Business: A Guide for Charities and Nonprofits in Canada*** (Toronto: Imagine Canada / Canadian Centre for Philanthropy, 1996). This resource offers specific advice on successful corporate fundraising and partnership building for charities and non-profits. This book – along with numerous other resources for non-profits – is available in the Store section of the Imagine Canada web site at [www.ccp.ca](http://www.ccp.ca).

**Environment Canada's Green Lane.** This web site outlines the federal government's environmental programs and services and includes a clearing-house of information about federal environmental funding programs, as well as other sources of support: [www.ec.gc.ca/envhome.html](http://www.ec.gc.ca/envhome.html).

***Face to Face: How to Get BIGGER Donations from Very Generous People*** (Toronto: Ken Wyman and Associates Inc., 1993). Available for download on the Department of Canadian Heritage web site at [www.canadianheritage.gc.ca](http://www.canadianheritage.gc.ca). Go to Publications, and then to the Community Partnerships section.

***Fundraising Ideas That Work for Grassroots Groups*** (Toronto: Ken Wyman and Associates Inc., 1995). This guide to non-profit fundraising is an excellent place to start your research. The book provides sound, down-to-earth guidance on budgets, sources of support, working with fundraising volunteers, special events and corporate giving, among other topics. Available for download on the Department of Canadian Heritage web site at [www.canadianheritage.gc.ca](http://www.canadianheritage.gc.ca). Go to Publications, and then to the Community Partnerships section.

**Grassroots Grants: An Activist's Guide to Grantseeking** (second edition), by Andy Robinson (San Francisco: Jossey-Bass, 2004). This resource provides extensive and down-to-earth guidance for non-profit grant-seekers, including worksheets, exercises, templates and examples. Many of these exercises and worksheets are also available on-line at [www.josseybass.com/go/grassrootsgrants](http://www.josseybass.com/go/grassrootsgrants).

**Guide to Special Events Fundraising** (Toronto: Ken Wyman and Associates Inc., 1990). This guide presents the basic principles of special events as a fundraising strategy and describes how to maximize your returns. Available for download on the Department of Canadian Heritage web site at [www.canadianheritage.gc.ca](http://www.canadianheritage.gc.ca). Go to Publications, and then to the Community Partnerships section.

**Imagine Canada** is an organization that was formed by joining the Canadian Centre for Philanthropy (CCP) and the Coalition of National Voluntary Organizations (NVO). From the Imagine Canada web site you can find the latest research on the Canadian voluntary and non-profit sector, and you can access the Canadian Directory to Foundations and Grants: [www.imaginecanada.ca](http://www.imaginecanada.ca).

**Nonprofits Can.** Managed by Imagine Canada, Nonprofits Can is a leading source of information about Canada's voluntary sector. It provides access to hundreds of books, articles and other resources on non-profit issues, including resources on governance and fundraising: [www.nonprofitscan.ca](http://www.nonprofitscan.ca).



*Gera Dillon*

## Chapter 5: COMMUNICATIONS AND MEDIA RELATIONS

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A well considered communications strategy is a critical component of any successful green-space protection initiative. If you take the time to hone your message and target your outreach, your cause will be stronger, more compelling, and likely to reach the ears of people who can really help. This chapter will discuss some of the basics of communications and media relations, and will refer you to other resources to help you tailor your strategy to meet your needs.

### **MAKING YOUR CASE AND TELLING YOUR STORY**

The first step in an outreach strategy is to clearly articulate the message you want to communicate. This may sound simple, but it is often the most significant stumbling block to effective outreach. Work as a group to come up with clear statements about what you want to achieve. Some groups develop a positioning statement, which is a concise expression of the organization's niche and reason for being. It is largely for internal use, to ensure that all group members have a consistent idea of what your organization does, how it's done, how you want it to be perceived and possibly the geographic focus of your work. If you already have a mission statement, you're ahead of the game. Your positioning statement will likely be a more detailed version of the mission. Here are two examples:

*The XYZ Foundation is a community-based non-profit that works in partnership with others to protect important green space in the XYZ watershed, and acts as a catalyst and support for grassroots land protection and stewardship initiatives in the area.*

*Friends of the Babbling Brook is a local residents' group that leverages civic pride and a spirit of volunteerism to create and sustain community stewardship projects on public and private land along Babbling Brook.*

### The elevator pitch

Imagine finding yourself in an elevator with someone who has just asked, “So, what’s your organization all about?” You have about thirty seconds in which to communicate a compelling story about your group and its cause before getting out of the elevator.

Communications experts stress the importance of having at least one such “elevator pitch” ready for news clips, networking conversations and communications material. To learn more about developing your quick pitch, check out *How to Get Your Point Across in 30 Seconds or Less* by Milo O. Frank.

Some groups also develop a communications brief that builds on their positioning statement. It documents exactly how you want your message to be conveyed, whom you’re trying to reach and what you’d like to achieve by communicating it. It also helps ensure that your group’s core messages are being conveyed in a consistent manner by all of its members. Communications briefs form the basis of press releases, newspaper articles and other outreach materials by addressing the following questions:

- What is the specific problem that you are addressing? Describe the current situation, how it came to be and why you’d like to improve or address it.
- What specific action are you asking people to take? Do you simply want to raise public awareness about your cause, or are you asking people to take actions such as calling their local councillor, writing a cheque or talking to their neighbours? You may also want to ask yourselves, “How will we know if we have a successful communications strategy?”
- Who is your target audience? Describe the different types of groups and individuals that you’d like to reach. If possible, consider their current attitudes about environmental issues, their demographic profile and the kinds of causes they currently support.
- What are your core messages? You may want to group your key messages according to target audience. For example, one message might be most appropriate for parents (“urban green space contributes to better air quality and a healthier environment for future generations”) and another more suited to politicians and homeowners (“urban green space increases property value and stimulates economic growth”). Once you’ve identified your key messages, narrow them down to concise points that speak directly to your organization’s goals.
- Who is your spokesperson? For a targeted communications strategy, it is helpful to identify a spokesperson – the “face” of your organization – who will become familiar to your audience and will be consistently associated with your cause. He or she need not be the founder or director of the organization, but does need to be able to speak authoritatively and engagingly about your work. All public and media enquiries should be directed to the spokesperson whenever possible.



## GETTING THE WORD OUT: LOW-COST IDEAS

### No-cost communications

Local businesses may be interested in donating time or resources to help you spread the word about your cause.

The Winnipeg land protection group

Save Our Seine used a postcard campaign to seek support from the provincial government. Thanks to the generosity of local photographers, printers and graphic designers, Save

Our Seine was able to produce professional-looking postcards at no cost to the organization.

When you're ready to start spreading the word about your project or cause, a targeted approach is usually best. Here are a few low-cost ideas.

- Post flyers and posters in areas that get a lot of foot traffic, such as community centres, libraries, recreation and health centres and even local grocery stores.
- Produce a newsletter to be delivered by hand, by post or electronically.
- Tap into other organizations' existing networks. Groups that send out regular updates and newsletters include professional associations, service clubs and private clubs, alumni associations, faith groups, ratepayers' or residents' associations and parent-teacher groups. Many municipal councillors also distribute newsletters to their constituents and may be willing to include an announcement about your project.
- If resources and technology permit, develop a web page for your project or organization. Some internet providers offer free or low-cost web space, and if funds are scarce you may be able to recruit a volunteer webmaster as an interim measure.
- Write articles for community newspapers.
- Produce press releases for the media, and use media lists strategically. For example, you may want to target a particular local radio program or newspaper columnist.
- Develop a free-standing display that can be set up at community events, symposia, shopping malls, libraries and festivals.
- Assemble a media kit that can be tailored to your various audiences. Media kits are usually packaged in folders, binders or portfolios, and contain one-page briefs on various elements of your organization. Other organizations' media kits are usually available on request. Obtaining kits from several other groups will give you an idea of what you might want to include in your own.

### Tips for Writing a Great Press Release

Press releases are an effective way to communicate information about a recent development or to announce an event and invite the press to cover it. Here are a few key principles to ensure that your press releases get noticed.

- Use a headline that immediately conveys why the news is important.
- Emphasize in the opening paragraph why the story is of interest to the community.
- Provide details in the second paragraph to develop the ideas presented in the opening paragraph.
- Include quotes and statistics in the third paragraph and background information in the fourth and fifth.
- Avoid the use of jargon.
- Provide the name and telephone number of a project contact who is readily available to answer questions.
- Keep the press release short. It should be no longer than one page.
- Identify and try to build relationships with the most appropriate media contacts in your community. Reporters often appreciate a telephone call before you send the press release, so the release doesn't get lost in a pile of faxes. Alternatively, send your press release to your contacts and follow up with a phone call the next day.

— from *No Plot Is Too Small: A Community's Guide to Restoring Public Landscapes* (Evergreen, 2000)

Your Letterhead FOR IMMEDIATE RELEASE	Date
Your Headline	
City/Town	
_____	
_____	
_____	
_____	
_____	
_____	
_____	
-30-	
For further information: (contact name, phone and e-mail, etc.)	

A basic press release template



## ADDITIONAL RESOURCES

**The Canadian Public Relations Society**, at [www.cprs.ca](http://www.cprs.ca), is the professional association for Canadian public relations specialists. Some of the resources found here are available only to members, but many of the region- or city-specific associations offer articles, web links and other resources that are not member-restricted.

**Charity Village**, at [www.charityvillage.ca](http://www.charityvillage.ca), is a great place to look for further resources on communications. Start by looking under Communications in the QuickGuides menu. From there you can choose to browse lists of publications, books, print periodicals, organizations, educational programs and many other communications and public relations resources.

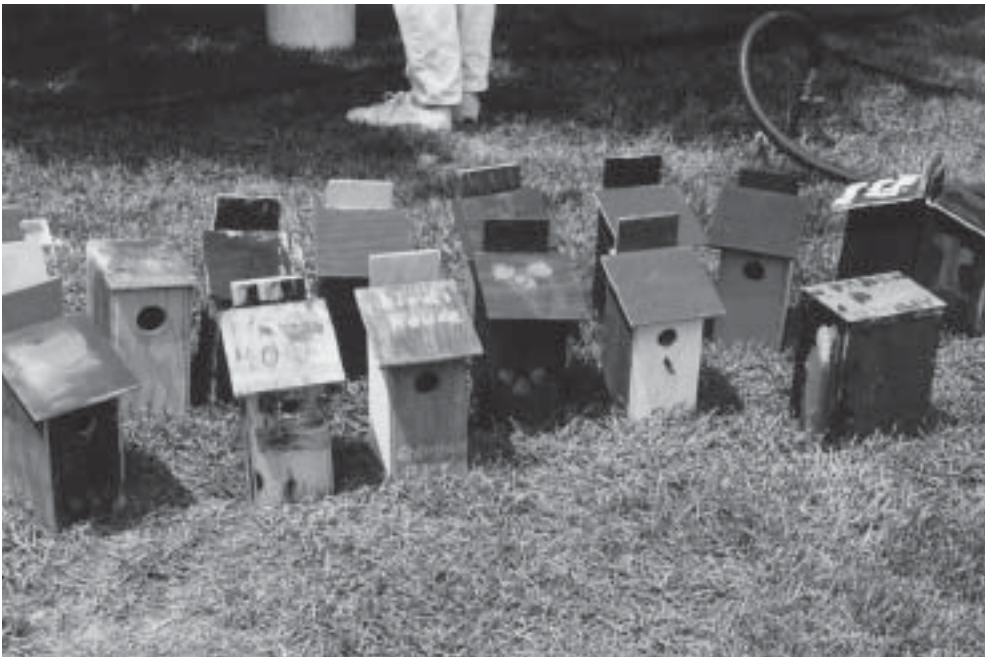
***Getting the Message Out: A Step by Step Communications Guide for Environmentalists*** (Sustainability Network). Order a PDF copy of this book for \$10 from the Sustainability Network at [www.sustain.web.ca](http://www.sustain.web.ca). **A Basic Guide to the Media & Media Lists** is available from the same site.

***Grantmakers Communications Manual***, by Christopher McNamara (Washington, DC: Council on Foundations, 1998). Though written for grant makers rather than grant recipients, this communications guide covers a broad range of communications issues, including human resources, internal communications, media relations, government relations, publications, public service announcements and electronic communications. This book can be ordered from the Council on Foundations web site at [www.cof.org](http://www.cof.org). Go to the Media Relations section.

***The Ontario Trillium Foundation Public Relations Toolkit***. This 44-page toolkit is designed specifically for Ontario Trillium Foundation grant recipients, but it is full of generic advice and information on creating a successful public relations program, as well as sample press releases, media advisories and event planning checklists, among other resources. The toolkit is available under Grantee Info at [www.trilliumfoundation.org](http://www.trilliumfoundation.org).

**“Writing a News Release”** (Ontario Nature). This fact sheet is available, along with numerous other useful publications, on Ontario Nature’s web site, [www.ontarionature.org](http://www.ontarionature.org).

***Tips for Communicating Your Project*** (Atkinson Charitable Foundation). This guide is a brief and straightforward communications resource that includes a sample communications plan and press release. Available under Publications at [www.atkinsonfoundation.ca](http://www.atkinsonfoundation.ca).



## Chapter 6: PARTNERSHIPS FOR LAND PROTECTION

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### WHY CREATE A PARTNERSHIP?

Partnerships for the protection of green space can take many forms, from one-off collaborations with other organizations to long-standing formal agreements with a municipality. When managed well, partnerships have the potential to yield a significant return on your investment of time and effort – in the form of efficiency, community empowerment and green-space protection. Involving a range of partners in your work can help raise your organization’s public profile and lend greater credibility to a project.

When you consider forming a partnership, keep in mind that, as a non-profit agency, you bring many assets to the table. Increasingly, urban municipalities in Canada are seeking partnerships with non-profit groups because they offer skills and capacities that complement those of local government. For example, community groups are well positioned to:

- leverage funds for public green-space protection and stewardship through charitable foundations and corporate philanthropy
- contribute specialized expertise, particularly in fields such as urban ecology, habitat restoration, monitoring and volunteer management
- mobilize communities and volunteers for urban greening
- identify new opportunities for green-space protection and enhancement
- champion natural urban green space as a key municipal policy issue

You also have much to gain by partnering with local governments. Municipalities can offer access to public land, administrative support, technical assistance and a broader level of green-space planning than many community groups are capable of. Partnerships with your municipality can also help ensure that your land protection efforts are proactive. They can prevent conflict by allowing you to get involved in the land use planning process at the planning level, rather than continually reacting to emerging threats.

### PARTNERSHIP MODELS AND BEST PRACTICE

#### Initiating and Sustaining Partnerships

There is no one-size-fits-all model for successful partnerships. Keeping a few key principles in mind, however, will help to create a true “win-win” situation for all partners.

### *Partnerships as a “Way of Doing Business”*

Partnerships can be achieved with greater ease, and are ultimately more successful, when there is a high degree of support for them throughout your organization, and a clear understanding of what they entail. If you have to reinvent the wheel every time you create a new partnership, the process is likely to be cumbersome. For example, you may want to develop a broadly applicable framework or set of guidelines for working with partners. That way, each new partnership requires less research and time spent developing a memorandum of understanding than when they are undertaken on an ad hoc basis.

### *Open Communication*

A working partnership is built on clear and consistent communication among all partners. As the partnership is being developed, this means being very clear about your organization’s expectations, as well as what you intend to contribute (e.g., time, human resources, cash or in-kind support, etc.). Once the partnership is established, regularly scheduled meetings can help ensure that all partners are aware of progress, new developments and changing commitments or capacities.

### *Clear Roles and Expectations*

Establishing clear expectations for each partner in a green-space project helps to reduce the chance of conflict or miscommunication among parties in the long term. Most commonly, these expectations are formalized in a memorandum or letter of understanding, which is signed by all partners. This document is used to specify the agreed-upon rights, responsibilities, assumption of risk and general contribution of each party. For small-scale partnerships, this agreement may be a simple letter (an example can be found in Appendix C). A larger partnership will require a more elaborate memorandum of understanding, which may include an outline of the expected results of the collaboration, a timeline, a budget and payment schedule and a description of the decision-making structure and communication protocols among partners.



*photo credit*



### **Partnership for Green Space in Surrey, BC**

In the city of Surrey, BC, Evergreen works in partnership with the municipality on an urban naturalization project. As a non-profit group, Evergreen brings expertise in community animation, volunteer management and event coordination to the partnership. For its part, the City provides access to the naturalization sites and in-kind contributions of staff time, equipment, signage and native plant material. Evergreen's Alyssa Semczyszyn, who works with City of Surrey staff on the project, says that the partnership allows Evergreen to achieve more than they would have been able to do on their own. "They really work with us to make sure that the work we're doing is integrated with the City's larger-picture strategy for natural areas, and they value our input and expertise in ecological restoration," she says. "They also offer a high level of detailed implementation, such as installing logs into a steep slope so that volunteers can access the area."

Formalized in a brief letter of agreement, the partnership between Evergreen and the City of Surrey is a true "win-win" situation. Greg Ward, manager of Urban Forestry and Environmental Programs for the City, notes that "creating partnerships reduces service delivery costs. However, just as important is that green space stewardship is enhanced by community involvement, and that communities and neighbourhoods are enhanced by people working together."

## **STAKEHOLDERS AND PARTNERS**

Public agencies and other environmental groups are perhaps the most obvious potential partners for green-space protection. However, it's important to keep an open mind about partnerships with other groups, such as social service agencies, private companies, cultural societies and social clubs or faith-based groups. Such organizations are often looking for new activities to participate in, and may be able to help you reach out to new audiences or bring an innovative idea to life. Ask yourself these questions as you consider a potential partner:

- Do their assets and expertise complement ours? Generally, the best partner is one that can offer complementary, rather than overlapping, expertise. For example, a non-profit can often tap into the volunteer base of a community in ways that a municipality is unable to, while a municipal partner can provide administrative and staff support.
- Can they add value to the project? Be sure to find out what a potential partner can bring to the table, whether in terms of funds, human resources, in-kind contributions or even prestige. Ideally you should be confident that the partnership is making your work more successful than it would otherwise be.

### **A Partnership in Whitehorse, YT**

In July 2002, the City of Whitehorse opened the Millennium Trail, a 5-kilometre fully accessible trail serving the entire community, including elderly and disabled people. This project was the result of a three-way partnership among the City of Whitehorse, the Yukon Council on Disability and the Yukon Energy Corporation. The partnership has since expanded to include the local Rotary Club.

This partnership, formalized in a memorandum of understanding among the parties, enabled the City to embark on a more ambitious public green-space project than it could have managed on its own, and to provide access to riverfront land that would otherwise have been outside the City's jurisdiction. The benefits of such a diverse partnership went beyond the financial. Having a range of community stakeholders and key partners from the non-profit and private sectors involved lent credibility to the project in the community's eyes.

### **ADDITIONAL RESOURCES**

*The Partnership Handbook* (Ottawa: Human Resources Development Canada, 2000). Web site:

<http://www.sdc.gc.ca/en/epb/sid/cia/partnership/partnerhb%5fe.pdf>

*Partnerships: The Good, the Bad and the Uncertain* (Caledon Institute of Social Policy, 1998). Web site: <http://www.caledoninst.org>

## GLOSSARY

**brownfields** – former commercial or industrial sites in settled areas that are abandoned or underused. Advocates of smart growth argue that remediation and redevelopment of brownfields offers an efficient alternative to new development on agricultural lands and other greenfields.

**charity** – “A legally incorporated nonprofit organization that operates for the public benefit and has federally registered charitable status. Charitable status allows an organization to issue tax receipts for donations, and involves rules and regulations about governance, advocacy and operations that may provide a higher level of accountability than non-charities.” (from Voluntary Sector Forum, “Glossary of Terms,” at [http://www.voluntary-sector.ca/eng/about\\_us/glossary.cfm](http://www.voluntary-sector.ca/eng/about_us/glossary.cfm))

**communications brief** – usually a list of statements and/or answers to questions that provides an organization or creative team with details about a communications campaign, including its target market and purpose.

**conservation development** (cluster development) – A conservation development takes landscape history, topography and ecological values into account in subdivision design. This is often achieved using cluster housing, zoning, covenants and design features to allow a portion of the subdivision to be preserved as open space, farmland or natural area.

**conservation easement** (conservation covenant) – a legal agreement between a landowner and a conservation organization by which the landowner voluntarily limits the types and amounts of development that may take place on his or her land. An easement is placed on the land’s title so that subsequent owners are also bound by its restrictions.

**corporate objects** (articles of incorporation, memoranda of incorporation) – concise statements about the ultimate purpose of an organization’s legal incorporation.

**density bonus** – an urban planning tool used to allow higher than usual density in a development in exchange for greater protection of natural or built heritage features on the site.

**density transfer** – an urban planning tool used to allow higher than usual density on one site in exchange for greater protection of natural or built heritage on another site owned by the same developer.

**Ecological Gifts** – a federal tax program for donation of ecologically sensitive land (or a conservation easement/covenant on such land) to a federally certified recipient such as a municipality, the federal or provincial government or a non-profit organization. Colloquially, both the program and the donations of land or easements are known as ecogifts. Ecogifts were made possible by amendments to Canada’s Income Tax Act in 2000; the Ecogift program is administered by Environment Canada.

**greenfields** – lands where no prior development has taken place, usually located on the outer fringes of growing urban centres. They often include farmland, woodlands or natural areas that may be threatened by rapid sprawl development.

**land trust** – a private, non-profit organization organized to preserve and protect the natural and/or built environment by, among other techniques, creating conservation easements that restrict the use of real property.

**land use planning** – activity, generally conducted by a local government, that provides public and private land use recommendations consistent with community policies and is generally used to guide decisions on zoning (from Virtually Toronto, “Real Estate,” [www.virtuallytoronto.on.ca/l1.html](http://www.virtuallytoronto.on.ca/l1.html), March 12, 2004).

**life estate:** an interest in real or personal property that is limited in duration to the lifetime of its owner. For example, a landowner may give a remainder interest to a conservation organization, which would allow that person to live on, and use, the land for his or her lifetime (i.e., to retain a life estate), after which the property would be owned by the organization.

**memorandum of understanding (MOU)** – a written contract between two or more parties specifying the nature of the agreement and the roles and responsibilities of the parties.

**natural heritage** – natural areas and resources, whether privately or publicly held, that have value to the public at large. Natural heritage may include indigenous species, habitats and ecosystems, and geological and physiographical elements, features and systems.

**parkland dedication** – in Canada, the maximum amount of land that a municipality can require of a developer for park and related purposes, as dictated by provincial planning legislation and municipal planning strategies.

**remainder interest** – the right to use and enjoy a property after the lifetime of one or more persons, or the expiration of a set term of years. When a donor contributes a remainder interest in property to a conservation group, he or she gives that group the right to own the property in the future (usually after the donor’s death or the death of another person) but retains the right to own and use the land until that time.

**riparian zone** – a stream or river and the land and vegetation along its banks, in the transition area between the water and the upland zone. The extent of this area varies widely and can be identified by specific types of plants and soils.

**smart growth** – a collection of urban development strategies to reduce sprawl, usually including efficient use of land and existing urban infrastructure, with the goals of minimizing dependence on auto transportation and reducing air pollution.

**split-receipting** – a situation in which a donee (recipient) may issue a tax receipt to a donor for the eligible amount of a gift, that is, the difference between the total value of the gift and the value of any payment the donor received in return for such gift.

**stewardship** – care and enhancement of land for the benefit of the environment and of future generations. This usually includes maintenance and restoration of habitat, biodiversity and ecosystem health.

**sustainability** – defined in 1997 by the Bruntland Commission as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”

**urban sprawl** – a pattern of urban land development often located outside compact populations and usually characterized by significant land consumption, low population densities in comparison with older communities, automobile dependence by the residents, and fragmented open space.

**watershed** – an area of land where all water drains towards a common point, usually defined by a river and its tributaries.

## APPENDIX A: KEY PROVINCIAL AND NATIONAL ORGANIZATIONS

Before moving forward with your land protection project, it is worthwhile to contact other environmental organizations that may be able to offer you support and advice.

As a first step, visit Evergreen's searchable online library of organizations that may be able to help you, including environmental networks, funders and more ([www.evergreen.ca/cgi-bin/library.cgi](http://www.evergreen.ca/cgi-bin/library.cgi)). Our web site also includes numerous publications and other resources that we've developed to help community groups fund, plan, implement and promote their greening projects. Most resources can be downloaded for free at [www.evergreen.ca/en/cg/cg-resources.htm](http://www.evergreen.ca/en/cg/cg-resources.htm). Evergreen staff will also be pleased to discuss your case, and offer any assistance that we can. Our contact information is provided on the back cover of this manual.

Here is a list of other organizations and associations that may be of assistance, including in helping you find active groups in your area:

### National Organizations

#### *Canadian Environmental Network*

300-945 Wellington Street  
Ottawa, ON K1Y 2X5  
Phone: (613) 728-9810  
Fax: (613) 728-2963  
E-mail: [info@cen-rce.org](mailto:info@cen-rce.org)  
Web: [www.cen-rce.org/](http://www.cen-rce.org/)

#### *Sierra Club of Canada*

412-1 Nicholas Street  
Ottawa, ON K1N 7B7  
Toll-free: 1-888-810-4204  
Phone: (613) 241-4611  
E-mail: [info@sierraclub.ca](mailto:info@sierraclub.ca)  
Web: [www.sierraclub.ca/national](http://www.sierraclub.ca/national)

#### *Ducks Unlimited, Canada*

P.O. Box 1160  
Stonewall, MB R0C 2Z0  
Toll-free: 1-800-665-DUCK (3825)  
Fax: (204) 467-9028  
E-mail: [webfoot@ducks.ca](mailto:webfoot@ducks.ca)  
Web: [www.ducks.ca](http://www.ducks.ca)

#### *Wildlife Habitat Canada*

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Toll-free: 1-800-669-7919  
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E-mail: [reception@whc.org](mailto:reception@whc.org)  
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Fax: (416) 932-3208  
E-mail: [nature@natureconservancy.ca](mailto:nature@natureconservancy.ca)  
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**Newfoundland and Labrador**

*Newfoundland and Labrador  
Environmental Network*  
P.O. Box 5125, Station C  
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Phone: (709) 753-7898  
Fax: (709) 753-4110  
E-mail: [nlen@cornet.nf.ca](mailto:nlen@cornet.nf.ca)  
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*Newfoundland and Labrador Legacy  
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44 Torbay Road  
Nuport Building, Suite 320  
St. John's, NL A1A 2G4  
Toll-free: 1-877-753-2385  
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Fax: (709) 753-5347  
Web: <http://legacynaturetrust.ca/>

**Prince Edward Island**

*Island Nature Trust*  
P.O. Box 265  
Charlottetown, PE C1A 7K4  
Phone: (902) 892-7513  
Fax: (902) 628-6331  
E-mail: [intrust@isn.net](mailto:intrust@isn.net)  
Web: [www.peisland.com/nature/](http://www.peisland.com/nature/)

*L. M. Montgomery Land Trust*  
RR 6 Kensington,  
PE C0B 1M0  
Phone: (902) 436-7329  
Fax: (902) 436-1787  
Web: [www.landtrust.ca](http://www.landtrust.ca)

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126 Richmond Street  
Charlottetown, PE C1A 1H9  
Phone: (902) 566-4170  
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**Nova Scotia**

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Environment Canada, Atlantic Coastal  
Action Program  
45 Alderney Drive  
Dartmouth, NS B2Y 2N6  
Phone: (902) 426-8679  
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community/acap/](http://atlantic-web1.ns.ec.gc.ca/community/acap/)

*Federation of Nova Scotia Naturalists*  
c/o N.S. Museum of Natural History  
1747 Summer Street  
Halifax, NS B3H 3A6  
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Web: [http://www.chebucto.ns.ca/  
Environment/FNSN/hp-fnsn.html](http://www.chebucto.ns.ca/Environment/FNSN/hp-fnsn.html)

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Web: [www.nsnt.ca](http://www.nsnt.ca)

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Fax: (506) 450-2137  
E-mail: [ntnb@nbnet.nb.ca](mailto:ntnb@nbnet.nb.ca)  
Web: [www.naturetrust.nb.ca](http://www.naturetrust.nb.ca)

*New Brunswick Community Land Trust*

180 St. John Street  
Fredericton, NB E3B 4A9  
Phone: (506) 461-5521  
Fax: (506) 458-1044  
E-mail: [nbclt@nbnet.nb.ca](mailto:nbclt@nbnet.nb.ca)  
Web: [www.nbclt.org/](http://www.nbclt.org/)

*New Brunswick Environmental Network*

167 Creek Road  
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**Quebec***Quebec Environment Foundation*

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Montreal, QC H3B 3G1  
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*Quebec-Labrador Foundation*

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Fax: (514) 395-4505  
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*Manitoba Naturalists' Society*  
401-63 Albert Street  
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**Saskatchewan**

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Humboldt, SK S0K 2A0  
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index.html](http://www.earthcare.ca/Genesis/index.html)

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Phone: (306) 780-9273  
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*Saskatchewan Wildlife Federation  
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### **Yukon Territory**

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### **Northwest Territories**

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Web: [www.cpaws.org](http://www.cpaws.org)

## APPENDIX B: FUNDING PROPOSAL TEMPLATE

Many funding agencies provide either their own application form or specific application guidelines to be followed. If they do not, you may want to use this funding proposal outline.

**1. Title page.** Start with your organization's name and the name of your project. The title page should also include the name, telephone number, fax number and e-mail address of the primary contact person.

**2. Summary.** Limit your summary of the project to one page. Start with a statement of what you need. For example, "The Friends of Shady Grove Inc. is requesting funding in the amount of \$10,000 to support phase three of a new project, Shady Grove Community Gardens, which aims to restore the Shady Grove habitat and build community ties in the Shady Acres neighbourhood." Proceed by using simple, straightforward language to succinctly describe the project's goal, objectives, key activities, expected outcomes and timeline.

**3. Background information.** Describe the purpose of your organization and demonstrate a track record by outlining its accomplishments.

**4. Rationale.** Clearly state the goals and objectives of your project and the needs that they are addressing. Use relevant research and statistics to support your rationale where appropriate.

**5. Project description.** This section answers the question "How will you do it?" Describe how you will accomplish your objectives. Outline the specific tasks and indicate who will carry them out.

**6. Schedule.** Include a timeline showing when each stage of the project will be completed.

**7. Budget.** Itemize the funds needed for each aspect of your project and indicate the amounts requested or received from other sources. Be clear about how much you are requesting and what it will be used for. You may be requesting funds to cover the full project budget, but it is not uncommon for funding proposals to include a budget that is already partially funded. Thus, for example, you may outline a three-phase \$35,000 project, indicating that \$25,000 (for phases one and two) has already been funded, with a request for phase-three funding in the amount of \$10,000.

**8. Attachments.** Include a summary of the qualifications of project participants (sometimes short biographies or résumés are appropriate) as well as brochures, newsletters, media releases, newspaper coverage and letters of support related to the project.

## APPENDIX C: SAMPLE LETTER OF AGREEMENT / PARTNERSHIP

This is a simple template for a letter of agreement between a non-profit group and a municipality. Use it as a starting point for drafting your own letter, adapting the content and the details of the agreement to suit the specific needs and terms of your partnership.

### **Re: Letter of Agreement between the Town of \*\*\*\* and Friends of Shady Grove**

The Town of \*\*\*\* has identified three (3) sites for habitat restoration through the planting of native vegetation: Shady Grove Park, Grassy Green Park and Hillside Park. The Town of \*\*\*\* agrees to work with the Friends of Shady Grove on this restoration project according to the terms outlined below.

The project is a collaboration between Friends of Shady Grove and the Town of \*\*\*\*. This letter of agreement will identify roles and responsibilities. As the landowner, the Town of \*\*\*\* will have a de facto veto over every aspect of the project.

#### *Friends of Shady Grove agrees to do the following:*

- Plan, coordinate and facilitate up to four (4) volunteer stewardship events at each of the three sites, to a maximum of twelve (12) events in total. These activities may include removal of invasive species, planting of native plants, weeding and maintenance.
- Recruit and manage volunteers to attend the stewardship events.
- Work with the Town of \*\*\*\* to coordinate the purchase of plant material and develop interpretive signage.

#### *The Town of \*\*\*\* agrees to do the following:*

- Provide an in-kind contribution, valued at twenty thousand dollars (\$20,000), to include soil, mulch, signage, native plants, loan of tools/gloves and professional expertise.
- Provide a detailed planting plan for each site to Friends of Shady Grove.
- Perform site preparation needed prior to volunteer work at each site.

#### **Term**

- The term of this agreement will begin October 8, 2008, and will continue to June 30, 2009, or until such time as both parties are satisfied that the terms of this agreement have been fulfilled.
- At minimum, both parties will meet to review the initiative at monthly intervals.

Executive Director,  
Friends of Shady Grove \_\_\_\_\_

Manager of Parks,  
Town of \*\*\*\* \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

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### **Evergreen's Common Grounds Program**

Common Grounds is a national service that conserves natural and cultural landscapes, restores degraded environments and protects open spaces for recreation, education and enjoyment in urban, suburban and urbanizing areas. The Common Grounds program works to ensure that Canada's urban common grounds grow sustainably and prosper through the twenty-first century and beyond.

### **Evergreen Resources**

Evergreen's integrated collection of resources is designed to inspire, educate and guide students, teachers, planners, community groups and individuals through all stages of a school, community or home naturalization project. Our resources include guidebooks, instructional and inspirational videos, fact sheets, case studies, newsletters, research reports and an on-line project registry. For the latest information on Evergreen's resources, check out our web site at [www.evergreen.ca](http://www.evergreen.ca).

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Evergreen is funded by the generous support of individual Canadians, foundations, businesses and various government agencies.

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