

THE USE OF HERITAGE CONSERVATION TOOLS  
IN  
THE LOWER MAINLAND OF BRITISH COLUMBIA

by

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B.A., Simon Fraser University, 1991

A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF  
THE REQUIREMENTS FOR THE DEGREE OF  
MASTER OF ARTS

in

THE FACULTY OF GRADUATE STUDIES

School of Community and Regional Planning

We accept this thesis as conforming  
to the required standard

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THE UNIVERSITY OF BRITISH COLUMBIA

August, 1994



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## ABSTRACT

The Lower Mainland of British Columbia is growing rapidly resulting in a dramatic alteration of the landscape. Associated with this growth is the loss of community heritage structures and properties. This destruction is occurring at a rapid rate even though conservation mechanisms, tools and strategies exist.

This thesis examines the practice of heritage conservation and identifies the heritage conservation tools that are presently being utilized by a number of selected Lower Mainland municipalities. It then outlines the necessary conditions that a community must possess for existing conservation tools to be effective.

A literature review of existing heritage conservation statutes was conducted to identify the statutory tools available for conservation purposes. The primary method of investigation involved interviewing 13 prominent heritage professionals from the Provincial Government, selected Municipal Governments, and the private planning sector. The survey allowed the author to generate a 'tools chest' of mechanisms available for conservation purposes. In total 23 conservation tools were identified from both the literature review and survey.

Research indicated that the perceived responsibility for heritage conservation in British Columbia rested with local governments. To date these governments have had limited success in ensuring long term management and protection of heritage properties within their jurisdictions. Conservation tools presently being applied to manage these community resources are limited in scope and applicable only under specific ownership conditions. In general, local governments are under utilizing the conservation tools

available to them. Reasons for this may include the lack of political and public support, in addition to, monetary and time restraints directed for this purpose.

This study concludes with recommendations for local governments and the planning profession regarding the direction which these groups should embark on with future conservation activities.

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## ACKNOWLEDGMENTS

I would like to thank my advisors, Dr. Penny Gurstein of the University of British Columbia and Mr. Kari Huhtala of the Richmond Planning Department, for their direction and advice in the development and completion of this thesis. Also my thanks go to Pat, Santo, and Elana Mignosa for the assistance they provided allowing the completion of this work. Most of all, I thank my wife Toni, my daughter Miranda and my son Nicolas for their continued love, support and patience throughout this journey.

## **CHAPTER 1**

### **INTRODUCTION**

#### **1.1 RESEARCH FOCUS**

This thesis explores the practice of heritage conservation in the Lower Mainland of British Columbia in the context of urban planning. More specifically, it examines the conservation mechanisms available to manage and protect sites of heritage significance. For this purpose, heritage conservation specialists were interviewed. Finn Slough, a tidal community located in the City of Richmond, British Columbia, is used as an example to highlight the applicability of existing mechanisms in today's economic and political climates.

#### **1.2 RESEARCH PROBLEM**

Communities of the Lower Mainland are growing and changing rapidly, Richmond, Surrey, Coquitlam, to name a few. This growth and change are resulting in the destruction of the local cultural and physical landscapes that characterize these communities. The destruction of this heritage must be viewed in the context of change that characterizes North American society. This society being highly mobile, industrialized, wealthy, and if compared to older societies, less structured. Victims of this change are often older buildings and, on a larger scale, original vernacular settlements. This loss of heritage is not simply the physical loss of brick and timber, but the loss of history, culture and character that once symbolized individuals, communities and a way of life. In addition the loss of heritage

results in the loss of cultural, social, and economic benefits. In the Lower Mainland the loss of heritage can be attributed to the following reasons:

1. land intensive forms of new residential development in the suburbs;
2. general changes in land use resulting from economic conditions (i.e. the abandonment of traditional activities such as farming and fishing to name a few);
3. the lack of government funding and interest regarding conservation activities;
4. the sacredness placed on individual property rights; and
5. the rising land values which create economic incentives for land owners to sell their property.

Heritage conservation mechanisms have been established and applied by Federal, Provincial, and Municipal governments in response to the destruction of community heritage resources. However even with these mechanisms in place, the loss of heritage resources and cultural vernacular continues in B.C. communities. It is the primary intent of this research paper to identify the conservation tools currently being applied in the Lower Mainland, and then assess their applicability for conserving the community of Finn Slough.

### **1.3 RESEARCH OBJECTIVES**

The objectives of this study are to:

1. identify and evaluate the effectiveness of the statutory tools currently available to conserve heritage in B.C.;
2. discover the tools heritage conservation specialists from the provincial government, municipal government and private planning sector are using to conserve heritage in their jurisdictions;
3. highlight the characteristics necessary for conservation mechanisms to be effective; and
3. provide conclusions regarding the status of conservation activities in the Lower Mainland and provide recommendations regarding the direction local government should follow with their conservation efforts.

### **1.4 RESEARCH METHODOLOGY**

This study involved the completion of 6 primary steps.

#### *Step 1*

A literature review was conducted that explored the concept of heritage conservation, particularly, in the built environment. This exploration provided a definition of heritage and

the clarification of key terms. Additionally, the benefits and costs associated with conservation were discussed. This exploration provided both a context and a theoretical basis upon which to ground this research.

### *Step 2*

A literature review was undertaken in order to determine the tools available for conservation in the Lower Mainland. This involved the examination of the Heritage Conservation Act and Municipal Act as well as other provincial statutes.

### *Step 3*

A survey instrument was drafted that allowed for the identification of the tools currently being applied to conserve heritage. The survey instrument was also designed to provide an indication of the problems associated with conservation.

### *Step 4*

Interviews were conducted with the survey sample. The sample included prominent conservation specialists from both the Provincial and Municipal governments in addition to private heritage consultants.

### *Step 5*

The results and comments emanating from the interviews were interpreted and analyzed.

### *Step 6*

Final conclusions were derived regarding the status of heritage conservation and the application of existing mechanisms in British Columbia. Finn Slough, a tidal community located in Richmond, B.C. was used to highlight the conditions a community should possess if conservation on a large scale is to be successful.

## **1.5 RESEARCH OUTLINE**

Chapter 1 outlines the focus, problem and objectives of this research. It presents the methodology and steps undertaken by the author to complete this study.

Chapter 2 provides an overview of conservation theory including relevant definitions and ideas dealing with the practice of heritage conservation. It also identifies the principles as well as the benefits and costs associated with this activity. Essentially, this chapter provides the thrust of the study and grounds the study in conservation theory.

Chapter 3 outlines the Federal and Provincial (B.C.) heritage legislation, in addition to, the tools resulting from these statutes. It also discusses non-traditional conservation mechanisms such as the ecomuseum, leases land trusts, Environmentally Sensitive Area Strategies and tax incentives.

Chapter 4 provides the findings of the interviews with Heritage Conservation Specialists. It outlines the conservation tools they are currently applying to conserve heritage properties, including the advantages, disadvantages and problems associated with these tools.

Chapter 5 outlines the conditions necessary for the successful application of conservation tools. An examination of Finn Slough is conducted to determine if this community possesses the necessary conditions that might lead to its protection.

Chapter 6 provides general conclusions regarding the tools currently being used to conserve heritage and also provides recommendations which local governments should adopt in their moves towards conserving heritage in their jurisdictions.



## **CHAPTER 2**

### **THE PRACTICE OF HERITAGE CONSERVATION**

#### **2.1 CONSERVING REMNANTS OF THE PAST**

Heritage conservation is not a new discipline. The preservation of both buildings and sites considered to possess moral as well as spiritual value has its origins in Roman times. Preservation, once a practice, is now a movement. It has maintained its momentum and popularity since these early times. This chapter will outline principles, ideas and definitions that are relevant to this study and discuss the benefits and costs associated with the practice of conservation.

#### **2.2 THE CONCEPT OF HERITAGE - DEFINED**

In its broadest sense, heritage can be defined as anything inherited from the past. At the Project Pride Hearings, (a Provincial initiative examining ways to improve the 1977 Heritage Conservation Act), people referred to heritage as ultimately being of themselves, (ie. their customs, artifacts, culture, and buildings) (Millerchip 1993). Considered in this context, heritage can be viewed as a dynamic resource constantly changing and re-adjusting to the prevailing public attitude.

In an architectural context, heritage can be considered as being the "architectural and historical merits of a site or building (Coopersmith et al 1976)." According to John Stuart, Curator of the North Vancouver Museum, the responsibility of conserving heritage "rests

with those for whom it is relevant" (Millerchip 1993:11). Both heritage buildings and sites provide a window into the past while helping people to understand how a place or community has evolved. Thus, heritage reflects "the historic, economic, social, and aesthetic forces that have determined how and where we live, work and play." (Oberlander et al 1989:6). Two specific aspects of heritage are relevant to this study.

### 2.2.1 Community Heritage Resources

Community Heritage Resources are the "physical elements that make each community what it is. They are tangible embodiments of intangible, historical, cultural, aesthetic, and social values. They are things that give a town, city or region its particular sense of time and place and they are the cultural expressions of what that place is (Heritage Conservation Branch 1991:1)." Examples can include any tangible object created by a community, such as its buildings, landscapes etc.

### 2.2.2 Cultural Heritage

Cultural Heritage has been described as an expression of an individual's historical experience. It represents the very basis of cultural identity found in the consciousness of individuals and the community. According to Saffron and Stone (1981), "cultural heritage is not just the sum total of historical monuments, but rather the entire dynamic and living creation of man." Further, "cultural heritage is cumulative evidence of the past that constitutes a powerful, physical, moral, and spiritual activating force making an indispensable contribution to the artistic and cultural life of the nation (Astles 1969)." This type of heritage includes both the physical and non-physical elements created by a culture.

## 2.3 PRESERVATION VERSUS CONSERVATION

Much confusion exists regarding the meaning of preservation and conservation. These terms are used by many to refer to the same practice. However, preservation and conservation are different in both theory and practice and, therefore, require further clarification.

### 2.3.1 Preservation

Preservation is considered to be the "saving" of structures intact so that future changes do not occur. Preservation "invokes images of pickling, stabilizing, isolating or removing something from use so that it does not deteriorate (Coopersmith and Hall 1976:33)." The act of preservation, in a planning sense, can be viewed negatively, in that, as a practice, it is perceived to halt the natural process of change. Buildings and urban spaces, as they exist today, are the result of an infinite number of changes and alterations. It is the evolutionary process and the variety of actors that leads to the creation of unique and interesting buildings and environments.

### 2.3.2 Conservation

The Code of Ethics of the International Institute for Conservation (IIC) defines conservation as: "all actions aimed at the safeguarding of cultural property for the future. Its purpose is to study, record, retain and restore the culturally significant qualities of the object with the least possible intervention (Oberlander et al 1989:7)." Conservation, unlike preservation, is a dynamic process that does not attempt to halt change, but rather, acknowledge it. It involves generating strategies to address change while ensuring that important heritage resources are protected (Lynch 1981, Fram and Weiller 1984). "It is a

strategy for planning, for moderating the pace and healing the raw edges of the new as it meets the old (Fram and Weiller 1984: xii)."

The idea of conservation implies the wise use and management of resources (Coopersmith and Hall 1976:44). "It is not just about saving this or that old building, but it is about the management of continuity within a context of change (Oberlander et al 1989:1)." Conservation, unlike preservation, has become more than a method; it has become a process by which the "rate and degree of change can be managed (Oberlander et al 1989)." For the purpose of this study, conservation, rather than preservation, is preferred as a method to retain elements of the past. Conservation as a practice involves a number of activities. These activities are discussed in Section 2.5 of this chapter.

## **2.4 THE RANGE OF CONSERVATION ACTIVITIES: DEFINED**

Heritage buildings and sites provide us with an understanding of community development, and in so doing, reflect the historic, economic, social and aesthetic forces of our society (Oberlander et al 1989: 6). In this light, conservation activities can take a variety of forms. All of these activities vary in the extent and degree of alteration of the existing historic fabric (Oberlander et al 1989). The following discussion describes these activities.

Preservation, stabilization, restoration and rehabilitation activities, according to the Heritage Conservation Branch (1989), provide the highest degree of respect towards historic structures. Activities associated with preservation prevent further deterioration of a site or structure. The permanent protection of native artifacts, such as totem poles, is an example of this type of activity. Normally, a strong emphasis is placed on respecting the existing form, material, and structure of the site or building to be preserved. Stabilization activities

safeguard a building from environmental decay, thus preventing the site or building from becoming a danger to the public. Restorations return a site or structure to the appearance of an earlier time by removing earlier material and replacing it. This activity can take the form of Composite Restoration, applying the 'Principle of Equivalence' which reveals the continuity of the history of the building, or Period Restoration 'Principle of Preference' that represents an exacting form of building restoration. Period Restoration is undertaken only when an exceptional case of architecture exists. Rehabilitation returns a building or site to a usable state while retaining important elements of the past (Heritage Conservation Branch 1989).

Reassembly, replication, reconstruction, moving and fragmentation all allow for moderate respect of the historic fabric. Reassembly is the process of dismantling, repairing and reassembling a heritage structure, while Replication involves making an exact copy of the existing structure. Reconstruction involves constructing a structure that no longer exists. Here, the authenticity of the new structure depends upon the degree of historical and pictorial evidence that exists. The moving or relocating historic buildings should only occur after all attempts to conserve the structures in situ have failed. Moving as a conservation activity is useful for retaining existing heritage structures within new developments. Fragmentation is the retention of portions of a building which are later reassembled elsewhere.

Renovation and modernization activities provide for limited respect of heritage structures. Renovation or 'renewal' of the structure involves extensive changes to buildings, both internally and externally. Modernization usually hides original elements of heritage structures and thus, is considered to be an anti-heritage activity.

## **2.5 THE PRINCIPLES OF HERITAGE CONSERVATION**

Oberlander et al. (1989) have established several principles that should be applied to all conservation projects. Conservation projects should:

1. involve detailed and accurate historical research (ie. the use of archival material);
2. respect all physical attributes from any historical period;
3. ensure a degree of balance between present user needs and future management goals;
4. respect the authentic fabric of the structure by applying the least intervention;
5. avoid falsification of building elements; and
6. include plans for future maintenance.

## **2.6 BENEFITS ASSOCIATED WITH CONSERVATION ACTIVITIES**

Conserving heritage is generally viewed to hold positive elements for community development, health, and sustainability. The conservation of community heritage provides for cultural, economic, and social benefits (Shirvani 1985). Conservation activities, in this sense, add "multiple layers of value to a community"(Rydkema 1992). The following outlines the cultural, economic and social benefits associated with conservation activities.

### 2.6.1 Cultural Benefits

The preservation of cultural heritage is by far the most frequently given reason for the conservation of structures and sites. Lynch (1981) suggests that we "conserve old things not for themselves, nor in an attempt to stop change, but to convey a sense of history." The conservation of cultural memory has also been said to provide a continuity with the past (Wrenn 1976). "Remnants of cultural heritage constitute a powerful physical, moral, and spiritual activating force contributing to the artistic and cultural life of the nation" (Astles 1969). In essence, the past holds the keys for the health and the future of communities. As Edmund Burke writes, "a healthy civilization exists with three relationships intact; a relationship with the present, a relationship with the future, and a relationship with the past" (Charles 1989:155). The absence of a cultural heritage results in an unhealthy society, one with "cultural sterility" (Astles 1969). According to Lynch (1981:116) a good "settlement is (one) which enhances the continuity of a culture and the survival of its people, (this process) increases a sense of connection in time and space."

Cultural heritage also provides for aesthetic enrichment as well as educational opportunities for the community (Hedman 1988). Hough (1990) suggests that much of what we find interesting about a place is the vernacular. He defines vernacular as "the physical or cultural form which grows out of the practical needs of the inhabitants of a place," because of climatic constraints and cultural influences (Hough 1990:34). The vernacular of a place provides evidence of our ancestor's technical achievement and in so doing, "reflects the survival of rural and urban skills and the adaptation to a new way of life" (Hough 1990:162). In addition, "the walks, barns, and local villages of the vernacular landscape all express a sense of belonging, a directness and timelessness in form and materials" (Hough 1990:39). This type of environment is one of harmony with a strong sense of place while providing society with a traditional continuum.

### 2.6.2 Economic Benefits

Buildings can be maintained, restored, rehabilitated, and recycled at a monetary cost that is less than new construction. These activities have potential for creating new jobs because of their labor intensive nature (Fram and Weiller 1984). A study conducted in Fredericksburg has established that rehabilitation activities produced considerable economic benefits. The study involved tallying permit values issued in conservation districts over a seven year period (1982 to 1989). It found that 777 permits were issued with a construction value of 12.7 million dollars. This construction ultimately created 577 temporary jobs and generated 11.3 million dollars in wages (Morris 1992).

A 1991 study by the U.S. National Trust for Historic Preservation documented the economic benefits associated with tourism in Galveston, Texas. The study showed that historic attractions in Galveston drew almost 200,000 visitors annually. Visitors spent 18 million dollars on accommodation, meals and entertainment in that year (Morris 1992). According to Hough (1990), nostalgia is a growth industry. In summary, economic spin-offs associated with heritage tourism are substantial (Gunn 1991).

### 2.6.3 Social Benefits

Social benefits associated with the conservation of heritage sites are more difficult to assess than the economic benefits previously discussed; they are however, no less important. The presence of heritage in a community may aid in:

- 1) restoring a sense of security and well being for community residents;
- 2) increasing the quality of urban life;



- 3) creating a diverse, attractive physical environment; and
- 4) identifying a community's past or roots.

Community security is enhanced through the retention of symbols of the past. Modern society is increasingly becoming more uncomfortable with the uncertainty created by rapid change so characteristic of the twentieth century. This stress may be alleviated by the presence of remnants from life when it was not as complex and moved at a slower pace. "The faded signs of old brick walls that were symbols of economic stagnation in the 1930's have become (the) memento mori of a long lost innocent age" (Hedman 1988:36).

The conservation of community heritage usually enhances the quality of life within urban settings. The conservation "movement has made cities more livable enabling all of us to reflect on our origins, our antecedents and most importantly our values" (Cisneros: 85). Successful Proxemics, a holistic conservation approach, has been applied in many North American cities and resulted in higher quality of urban spaces. This idea specifically addresses livability of the city in its entirety (Shirvani 1985). Emphasis is placed on the relationships that exist between people and the built environment; for example, the quality of urban spaces created by buildings (Wrenn et al 1976). In this view, conserving environments that are comfortable and work, provide for a higher quality of urban life. Heritage buildings become part of the larger urban system.

The conservation of older structures results in interesting urban environments. There is a belief that uniformity in a physical form generates boredom, while variety leads to vitality and excitement (Astles 1969). Buildings that predate the modern movement adhered to a set of traditions governing the relationship between it and the street and, as a result, created comfortable environments. These buildings provide a cohesive strength that is lacking in most designs (Hedman 1988). As Hough (1990) states "culture and natural history

combine to create landscape variety" (p36). It is important however that a mixture of old and new structures exist as it leads to diverse and interesting urban environments.

The loss of heritage equates to more than the loss of old buildings. Communities are depriving themselves of a number of benefits by demolishing the original structures of their communities. It must be noted here that the retention of structures from the past is not without costs. The following section addresses the cost associated with the conservation of heritage resources.

## **2.7 THE COSTS OF CONSERVATION ACTIVITIES**

Fram and Weiller (1984) suggest that some cost is associated with the conservation of heritage resources. They suggest that the conservation of heritage inhibits progress and change, in a material, as well as, an imaginative sense. These qualities, according to Fram and Weiller (1984), are essential in a healthy, free market economy. It has also been argued that conservation practices constitute social injustices. Conservation activities are said to prevent the development of new, more efficient buildings by retaining older, inefficient structures. Also, while conservation schemes have led to economic benefits, including increased rents for landlords, often they have also been the cause of prohibitive costs for smaller tenants. Additionally, conservation has been regarded by some to be an artificial attempt to interfere with inevitable changes. In this view, conservation is primarily an attempt to reverse the inevitable, time (Fram and Weiller 1984).

## 2.8 SUMMARY

The preceding discussion has focused on the economic, social and emotional reasons for the conservation of heritage resources. This exploration has led to the following conclusions regarding conservation mechanisms.

Conservation Mechanisms, in theory, should:

- \* protect objects and sites that are important to a community;
- \* protect symbols associated with past culture, history and economic activities;
- \* respect the sense of place and character of an area and allow for its protection;
- \* be dynamic and flexible allowing for natural change of an area;
- \* be used in combination when necessary (i.e. the use of stabilization, restoration and rehabilitation activities).
- \* be applied to all periods of history providing for minimal intervention; and
- \* be accessible to community members interested in preserving remnants from the past.

The following chapter explores the legislation and mechanisms in place to protect heritage.

## **CHAPTER 3**

### **CONSERVATION LEGISLATION AND MECHANISMS**

#### **3.1 INTRODUCTION**

The conservation of heritage is made legally possible by way of legislation enacted at the federal, provincial, and municipal levels. This chapter explores this legislation with several other heritage conservation mechanisms currently used in Canada and British Columbia.

#### **3.2 HERITAGE CONSERVATION LEGISLATION AND TOOLS**

##### **3.2.1 Federal Legislation**

Federal jurisdiction for the protection of heritage in Canada is limited to sites with national heritage significance. The responsibility rests with the Department of the Environment, Parks Canada, and is made possible by the Historic Sites and Monuments Act (1953) (Ward 1988). The Act provides for the commemoration and acquisition of sites and for the establishment of historic museums (Habkirk 1991). It however, does not provide for the protection of buildings and other physical structures located on the site (Ward 1988). The authority for the protection of buildings rests primarily within provincial jurisdiction. The following outlines the provincial legislation as it pertains to British Columbia.

### 3.2.2 Provincial Legislation - British Columbia

The Province of British Columbia has four primary acts that provide protection for heritage sites and structures. These are:

- \* The Heritage Conservation Act (1977)
- \* The Municipal Act
- \* The Park Act (1965) and
- \* The Provincial Museum Act (1967) (Ward 1988, Habkirk 1991).

As stated previously, Provincial legislation is intended to "protect buildings and features against demolition or non-authentic alteration," and "to maintain the distinctive heritage character of communities by discouraging unnecessary demolitions, unsympathetic alteration or infill development (Ward 1988:30)."

#### 3.2.2.1 The Heritage Conservation Act

The Heritage Conservation Act (HCA) is the primary heritage legislation in British Columbia. It is administered by the Heritage Conservation Branch of the Ministry of Provincial Secretary and Government Services. This Act is comprised of five parts.

- \* Part 1, The Introduction, defines several concepts and outlines the purpose of the Act which is to "encourage and facilitate the protection and conservation of heritage in the Province" (p1).

- \* Part 2, Provincial Heritage Conservation, outlines the powers available to the Province for the protection of heritage (zoning, development permits, covenants etc).
- \* Part 3, Municipal Heritage Conservation, outlines municipal conservation powers and tools.
- \* Part 4, The British Columbia Heritage Trust, discusses the duties, powers and responsibilities of the Provincial Trust.
- \* Part 5 discusses the General and Transitional Provisions available. These provisions include the ability to apply covenants for heritage purposes. Also available for use in this section are the ability to use civic remedies.

The following summarizes sections of the Act that are relevant to this research and discusses the heritage conservation tools authorized. These tools are:

1. Provincial Heritage Designation
2. Municipal Heritage Designation
3. Compensation
4. Temporary Delay of Work
5. Municipal Heritage Advisory Committee
6. Covenants and Easements

- 1) Provincial Heritage Designation *(Part 2, Section 4)*

Part 2 outlines Provincial Heritage Conservation powers and authorizes the Lieutenant Governor in Council to designate land as a Provincial Heritage site. A

Provincial Heritage Site is defined in Part 1 as "land including land covered by water of heritage significance." It also makes possible the designation of personal property as a heritage object which is defined as personal property, "whether designated or not of heritage significance." Once land is designated by the Province, Section 6 (Part 2) specifies that no persons shall, unless authorized by the Minister responsible for heritage, "destroy, desecrate, deface, move, or excavate a provincial heritage site or object" (p2 HCA). The Province, according to Part 2, Section 4 (2), 'shall' pay compensation to an owner where it is determined that the designation "decreases the economic value of the land". The amount "shall be deemed full and fair compensation for loss as damage suffered by the owner as a result of designation"(p2). This provision is a major concern for local governments, especially during times of fiscal restraint. The amendments to the Heritage legislation contained in Bill 70 are said to be a result of the ambiguity contained in the compensation clause. Part 2 also authorizes the Lieutenant Governor in Council to establish a Provincial Heritage Advisory Board to provide advice to the Minister.

## 2. Municipal Heritage Designation *(Part 3 Section 11-12)*

Part 3 Section 11, entitled Municipal Heritage Conservation, authorizes Municipal Councils to "designate a building, structure or land, in whole or in part, as a municipal heritage site" by way of a bylaw. Buildings that possess a certain degree of significance to the community are chosen and designated by council. An example of this is the Vancouver City Hall, which is a designated heritage building. The province compiles a list of designated properties on an annual basis. Section 11 outlines the process that must be followed. The purpose of designation is "to give long term protection to heritage properties" (Province of British Columbia: 20). Such designation is both "special recognition and legal protection which is given to properties by a local

government bylaw" (Province of British Columbia: 20). Once a site has been designated, "no person shall demolish a building or structure, alter the facade or exterior of a building or structure, or build on the land" without approval by council resolution.

### 3. Compensation (*Part 3 Section 11 (5)*)

As with Provincial designation, in circumstances where the designation "decreases the economic value of the building, structure or land, the council may, by bylaw, provide a grant, loan, tax relief or other compensation to the owner" (p4). Subsection 5 of Section 11 specifies that compensation "shall be deemed full and fair compensation for loss or damage suffered by the owner through the designation" (p4). There is uncertainty among municipal solicitors regarding the discretionary nature of the compensation clause and the ability of an owner to sue a municipality for damages. To date, there have been no court challenges regarding compensation, yet this clause has led municipal governments to seek out friendly designations (City of North Vancouver 1994). In general, compensation is preferred to be given in a non-monetary manner such as density bonuses or the transfer of development rights.

### 4. Temporary Delay of Work (*Part 3, Section 14*)

Part 3, Section 14 allows councils to order a temporary delay of work for a period of 30 days and potentially for a period up to 90 days. In this instance "no person shall alter, damage or destroy the building structure or land for the period specified". This type of mechanism could be used to temporarily halt the destruction of a significant building in the interim while longer term management strategies are formulated.



## 5. Municipal Heritage Advisory Committee (*Part 3, Section 15*)

Section 15 of Part 3 allows a local government council "by bylaw to establish a municipal heritage advisory committee to advise the council on any matter arising under this Part" (p4). These committees primarily are comprised of community members in addition to one staff member from the local government.

## 6. Covenants and Easements (*Part 5, Section 27*)

Part 5 Section 27 of the Act provides for conservation easements and covenants. In both cases these easements and covenants are registered against and remain with the land title. A conservation covenant is "a contract or an agreement between a local government and a heritage property owner that is adopted by bylaw and is registered on the property title" (Province of British Columbia 1991:21). The covenant outlines the respective responsibilities of the parties involved. Covenants can apply to both natural and constructed heritage resources but may not vary siting, use or density. Presently, conservation covenants can only be held by local governments, the Province or the B.C. Heritage Trust.

Covenants are in many ways more advantageous for local governments than land acquisition. Local governments, by holding a covenant, can maintain tax revenues while also conserving the land. Normally, designation or acquisition removes the property from the municipal tax base resulting in lost income (Loukidelis 1992). Also, the responsibility for management remains with the owner and not the local government whose resources are often constrained. The holder of the covenant, either the local government or conservation group, monitors the land while leaving the responsibility for daily care with the owner (Loukidelis 1992). Besides the benefits previously

discussed, conservation covenants also permit long term use to remain unchanged, subject to obligations contained in the covenant (Loukidelis 1992:14).

The United States Federal and State governments have used conservation covenants and easements for scenic and habitat preservation since the 1930's. The United States Fish and Wildlife Services have acquired over 21,000 easements protecting over 1.2 million acres of wetlands (Loukidelis 1992). In Canada, the Ontario Heritage Foundation has registered approximately 112 conservation covenants under the Ontario Heritage Act (Loukidelis 1992).

#### 3.2.2.2. The Municipal Act

The Province of British Columbia transfers power to local governments by way of the Municipal Act. This document is central to what municipalities can legally do to govern their respective communities. The Municipal Act outlines powers available to local governments and gives legal justification to exercise that power. The Act forges a relationship between land use planning and conservation by stating that local governments must "have due regard for the preservation of amenities and the character of each zone," in addition to, "the character of the buildings already erected" (Ward 1988:36).

This legislation allows for direct and indirect local government financial assistance to heritage property owners and provides mechanisms for heritage protection. The Act provides many incentives and regulations which local governments can use to encourage the conservation of heritage. The following outlines these tools made possible by the Municipal Act.

1) The Official Community Plan *(Sections 944-949 and 976)*

The Municipal Act, particularly Section 945, allows local governments to establish Official Community Plans (OCP's). OCP's are "general statements of the broad objectives and policies of the local government respecting the form and character of existing and proposed land use" (Municipal Act: 287). Standards and policies outlined in OCP's may be used for the protection of heritage by communicating a community's expectation and vision for their existing heritage stock. Local governments can establish heritage areas in the OCP. The City of North Vancouver's aim, in regards to heritage, is to "preserve areas and features natural and manmade which are of cultural, historic and aesthetic importance (p:10).

2) Development Permit Areas *(Section 976)*

The Municipal Act, more specifically Sections 945, 976, and 741.2, provides for the creation of development permit areas (DPA's). The "purpose of a heritage Development Permit Area is to give council or regional boards the ability to regulate development in specified areas" (Province of British Columbia 1991:18). These areas are identified in an official community plan for the purpose of conservation and rehabilitation. The owners of properties within DPA's must apply to local governments for a Development Permit before carrying out the work that may alter the fabric of the existing structures. The Corporation of Delta has outlined Development Permit Areas for the protection of archeological sites.

Development Permits are useful for implementing design controls and "may include requirements respecting the character of development, landscaping and the siting, form, exterior design and finish of buildings and structures" (Municipal Act:

306). Presently, Development Permit Areas are most useful in commercial revitalization areas for both provincial and municipal heritage sites (Municipal Act 1987, North Vancouver 1994).

### 3) Development Variance Permits *(Section 974)*

Section 974 allows local governments by resolution to issue Development Variance Permits. These permits provide for the relaxation of the size, shape, siting of buildings or structures, parking, screening, signage or subdivision (Province of British Columbia 1991(b), North Vancouver 1994). A Development Variance Permit could be useful to retain a heritage structure on a newly created subdivision or development site. In this instance relaxations can be granted and the structure retained under the existing zoning.

### 4) Zoning *(Section 963)*

The Municipal Act in Section 963 permits local governments to establish zoning bylaws. These allow municipalities to "regulate within zones the use of land, buildings and structures; the density of the use of land buildings and structures; and the siting, size and dimensions of buildings and structures" (Municipal Act: 299).

Zoning bylaws are used to implement the regulatory policies of the OCP (Rosneau 1993). They can be used as an incentive for owners to provide amenities or public goods at no cost to the local governments.

According to Astles (1969:18), Historic Area Zoning, or Performance Zoning, has been very effective at conserving the character of heritage areas. He states:

"historic district architectural controls aim at preserving appearance without change in ownership or use, when the setting is important as well as the buildings, or the relationship to each other of a sufficient number of historic buildings creates a whole that is greater than the sum of its parts (Astles 1969:18)."

In Vancouver, Chinatown and Gastown are two examples of historic districts.

Site specific down zoning of property to preserve neighborhood character is commonly practiced. This method lowers the development potential, and therefore the allowable density of a site. It also serves to: correct a zoning classification so that it more closely resembles the character and nature of development in an area; prevents high density development in lower density areas; and also protects older areas by reducing pressure for new construction (Morris 1992). Down zoning can be accomplished in undeveloped areas by increasing the minimum lot size and also by decreasing the allowable density (from medium to low density residential). It can also be accomplished by changing the zoning classification of a site, for example from commercial to residential (Morris 1992).

## 5 Heritage Tree Protection - Bill 77

Bill 77-Municipal Act Amendment (No. 2) 1992; Div (4.1), General Protection of Trees-929.01-929.07 allows local governments to regulate trees located on private property within their jurisdiction. With this amendment, local governments are able to " regulate the cutting and removal of trees and require replacement of damaged or removed trees." The Bill also provides for the creation of a registry of significant trees

including those with heritage significance (North Vancouver 1994:23). The City of Richmond, has in the past, designated significant heritage trees.

## 6. Tax Exemption

A Municipal Council, before August 31 of any calendar year, may by bylaw exempt taxes for historic buildings and the land upon which they are situated for up to one year. This may be increased up to ten years with the assent of the electors. Tax Exemptions, the B.C. equivalent of the American Tax Abatement mechanism, lowers the amount of property tax an owner pays by either reducing the tax rate or the amount of taxes due (Province of British Columbia 1991(b), Morris 1992). In British Columbia, a site must be protected by heritage designation, a development permit, conservation covenant or heritage revitalization agreement for an exemption to be granted. Tax incentives generally are not granted in B.C.. The City of North Vancouver(1994) outlines two ways in which tax incentives can be used to encourage heritage conservation.

### i) A Temporary Tax Rebate for Rehabilitated Buildings

This rebate be based on all or part of the municipal tax owed (excluding the school tax) while rehabilitation is occurring for up to two years. The tax rebate should reflect the cost of the work being completed. Rebates also could equal the amount of the increased assessment value resulting from the rehabilitation for a specified period. These types of incentives have been successful in Winnipeg and Edmonton.

ii) Taxes Based on Existing Development

In instances when a designated building is located on a site with significantly higher development potential, the taxes could be based on the existing heritage building instead of the development potential. This would serve to promote rather than discourage conservation.

7. Grants and Loans (*Section 269*)

Financial incentives foster public participation in the conservation of heritage by providing financial aid to property owners. Thus owners become more personally involved in the conservation of heritage. Financial assistance serves to:

- \* provide a contract between owner and local government;
- \* counter existing land use policies that threaten heritage;
- \* encourage rehabilitation projects;
- \* provide a "level playing field" so that rehabilitation projects can compete with new development; and
- \* compensate owners financially hindered by preservation designation (Morris 1992).

The primary sources of funding for heritage projects include: local government general revenue, public contributions, charitable foundations, job creation programs, fund-raising, provincial funding, revenue dedication and heritage area levies. Usually the core of financial support for the conservation of community heritage originates from local government budget allocations.

Financial assistance can be indirectly provided to the public by a resolution of local government Council or a Regional Board decision. This funding can be in the form of a grant or loan but "must be directly related to expenditures for conservation" (Province of British Columbia 1991:13). At this time, funding can only be made available to private property owners through a third party, (i.e. Heritage Association or Foundation).

The City of Vancouver has recently established a Heritage Foundation. In the City of Victoria, two foundations exist to provide funding for heritage renovations and revitalizations: the Victoria Heritage Foundation and the Victoria Civic Heritage Trust. The Victoria Heritage Foundation provides \$80,000 a year in grants to home owners who wish to renovate their heritage homes. These grants range between \$500-\$2500 dollars. Along with this financial assistance, homeowners receive technical advice from the City. The City in return receives a heritage designation on the property.

The Victoria Civic Heritage Trust was set up by the City with moneys given to them by Cadillac Fairview upon the closure of Broad Street. The City received 1.7 million dollars in this instance. The Trust provides up to \$50,000 on a matching basis to building owners in the downtown area to renovate or do facade improvements. The City of Richmond also possesses a heritage foundation. This foundation has not been utilized, possibly due to a lack of public knowledge regarding its existence.

Section 269 of the Municipal Act enables "grants in aid to be paid to an organization considered by council to be contributing to the general interest and advantage of the municipality" (Province of British Columbia 1991, Province of British



Columbia 1991(b)). Three types of grants exist; entitlement grants, performance grants, and discretionary grants. Entitlement grants are determined by a pre-set formula and given to property owners that meet specific criteria. They are inexpensive and the least susceptible to favoritism; however, these can become very expensive for local governments. Performance grants are intended to subsidize the cost of conservation activities. Pre-set criteria are established that specify the types of projects or work that will be supported. Discretionary grants subsidize either the property itself or conservation work. The guidelines for Discretionary Grants are more flexible, ensuring that funding is allocated to chosen projects at appropriate times (Province of British Columbia 1991(b)).

#### 8. Business Improvement Areas *(Section 269.1)*

Local Improvement Areas (LIA) and Business Improvement Areas (BIA's) are forms of area levies that can be used for heritage purposes. These levies are used to collect funds from property owners within a specified area for improvement, including heritage restoration and conservation (Province of British Columbia 1991:16). LIA's are defined in bylaws and require that residential, commercial and industrial property owners contribute funds directly to physical works.

BIA's are also defined by a bylaw and are similar to LIA's in that they "specify public or private properties in a municipal, business, or industrial district from which funds are levied for physical works (beautification projects, streets and sidewalks, buildings or structures), studies or encouraging of business" (Province of British Columbia 1991:19). A BIA could be created "to promote and market a historic commercial area in a community, and to assist businesses in coordinating their efforts" (Province of British Columbia: 24). Presently 18, BIA's are established in British

Columbia and 13 are in the planning stages. Locations include Tsawwassen, Victoria, Nanaimo, Salmon Arm, to name a few.

#### 9. Demolition Control Section 734.1 A and F

A council may "regulate the construction, alteration, repair or demolition of buildings and structures". They also may "prescribe conditions generally governing the issue and validity of permits"(Municipal Act 1990:199).

#### 10. Bylaws and Codes

Subdivision Control Bylaws empower municipalities to regulate subdivision and control lot configuration, landscaping and building placement. These factors contribute to the character of a community by affecting densities, building placement and open space opportunities (Ward 1986). Building codes, such as the National Building Code and the National Fire Code, are designed to control the construction of new buildings by reducing acceptable standards for construction. These regulations often make it uneconomical to bring heritage buildings in compliance with the code. Consequently, the Provincial Minister of Municipal Affairs is empowered, by the Municipal Act, to "exempt persons, losses of buildings, materials or areas from full code compliance" (Ward 1988:37).

#### 3.2.2.3 Other Acts: The Park Act, The Provincial Museum Act, and The Land Title Act

The Ministry of Lands, Parks and Housing operates historic parks under the Park Act (Ward 1988). The Provincial Museum is able to collect, conserve, and

interpret "objects which illustrate natural history and human history of the Province" under the Provincial Museum Act (Ward 1988:32). Examples of this type of activity can be seen in the Provincial Museum located in Victoria. The Land Title Act of British Columbia provides several powers associated with the ownership, development and subdivision of land in this Province. This Act, in the context of heritage, provides for the establishment of Statutory Right-of-Ways and Environmental Covenants. It, by way of Section 16, provides for the protection of the natural environment, more specifically, trees and natural features. Local governments may use this to conserve natural landscapes and vistas. The Act also makes it possible for local governments to provide a tax exemption for properties upon which a conservation covenant is registered (North Vancouver 1993).

### **3.3 NON-LEGISLATED CONSERVATION TOOLS**

Research has identified many non-legislated tools for conserving elements of the past. This section briefly describes these alternative tools and discusses their applicability in British Columbia. The following tools are discussed:

- \* the Ecomuseum
- \* Leases
- \* Land Trusts
- \* Environmentally Sensitive Area Strategies
- \* Conservation Districts
- \* Transfer of Density

### 3.3.1 The Ecomuseum

The Ecomuseum has been used to conserve areas of cultural, environmental and/or historical significance. This method originated out of the Regional Nature Park Strategy implemented by the French government, which, in 1967, grouped together rural communities for the purpose of generating local economic growth as well as maintaining the cultural aspects of each area. The system is an adaptation of the Scandinavian open air museum (Angotti 1983, Walter 1991, Hubert 1985).

Essentially, Ecomuseums are administrative and geographic bodies consisting of a network of heritage sites, objects and artifacts all linked by a common theme. Its purpose is to establish, through research, all the practices, skills, struggles, subjective outlooks and social/cultural references that characterize a group. The ecomuseum then portrays these in a manner more comprehensible to both visitors and residents (Nabais 1984).

By definition, an Ecomuseum is "an instrument conceived, fashioned, and operated jointly by a local group and public authority" (Riviere 1985:182). Governmental bodies provide both resources and expertise, while the local population provides personal knowledge and aspirations (Riviere 1985). Ecomuseums focus specifically on living heritage and allow an area to develop and evolve rather than halting change, as commonly would happen in traditional efforts concerned with retention of the past. They respect existing heritage but not at the cost of the community's current needs (Scalbert 1985:197).

The Ecomuseum has been described as: "a mirror which local population views itself to discover its own image; a mirror that the local population holds up to its visitors so that it may be better understood; an expression of man and nature, as it

portrays nature in its wilderness; an expression of time when the explanation it offers reaches back before the appearance of man (humanity); an interpretation of space, special places in which to stop or stroll; a laboratory in so far as it contributes to the study of the past and present of the population concerned and of its environment and promotes the training of specialists in these fields; a school as it involves the population in its work of study ; and a conservation center as it helps to preserve and develop the natural and cultural heritage of a population" (Riviere 1985:183).

Canadian ecomuseums appear to have been created on the following assumptions: that Canada's major cities can function as gateways to enjoyable touring trips; that visitors need to experience a sense of place, not just visit these sites and structures indifferently; that a regional approach to heritage tourism needs integrated planning and partnership between interest groups; that heritage tourism be used as a tool for sustainable development; and that increased tourism can stimulate economic growth (Wood 1991).

Today, Ecomuseums have been established in many European countries such as, France, Portugal, and Britain and in three Canadian provinces, Alberta, Quebec, and British Columbia. The Cowichan Valley Ecomuseum, located on Vancouver Island, was established to "preserve and present the history and living heritage of the British Columbia forest legacy in the Cowichan and Chemaines Valley (Wood,1991:46)." The purpose of establishing this Ecomuseum included increasing visitor awareness, appreciation and participation of this heritage (Wood 1991).

### 3.3.2 Leases

Besides statutory tools made possible by the Heritage Conservation Act and Land Title Act, a local government or any other party may conserve the built environment by way of a lease back arrangement. Here, the land owner transfers title of the land to a lease holder who then agrees to lease the land back to the owner by way of a long term lease. The lease holder, who now holds the land title, can attach a protectionary mechanism, such as a covenant or designation, to the structures located on the property (Loukidelis, 1992).

### 3.3.3 Land Trusts

While a land trust is primarily considered to be a device used to conserve the natural environment, trusts also may be useful for conserving cultural heritage. Land trusts are "private non-profit, tax-exempt charitable corporations that use a variety of mechanisms to protect land resources (Elfring 1989:71)." The management tools used most often to protect these sites are easements, tax benefits, and direct acquisition. Land trusts are primarily concerned with the protection of ecological areas such as wildlife habitats, bird sanctuaries, open space, visual buffers, scenic sites and recreational land. This land does not necessarily have to be wild or totally undeveloped.

"Whether biologic, economic, productive, aesthetic, spiritual, educational, or ethical, the reasons for protecting land are as diverse as the landscape itself" (Elfring 1989:71). Non-profit organizations such as the Nature Conservancy, the Trust for Public Land and the Conservation Foundation have been responsible for the protection of 6 million acres of land in parks and preserves throughout the United States

(Salvessen 1993). In B.C. a number of land trusts have been established. The Turtle Island land trust is one of these.

#### 3.3.4 Environmentally Sensitive Area Strategies

A number of municipalities in the Lower Mainland are employing the Environmentally Sensitive Area Strategy (ESA) in an attempt to conserve important lands. The protection of sites and structures with cultural heritage significance is an added benefit with this system. Surrey's strategy is examined for academic purposes although the strategy may differ from the ones used by other local governments. These strategies recognize that no two parcels of land are the same. According to Abbs et al (1990:3):

"An environmentally sensitive area is a significant landscape or area which forms part of the natural and cultural heritage of the municipality and which requires planning and management measures to protect it from adverse human impacts."

ESA strategies are not a form of environmental zoning but rather provide information and guidance necessary for intelligent decision making (Abbs et al 1990). Categories of land, for example high, medium and low, are determined by applying set criteria. Surrey's criteria to assess the sensitivity of land are included below. Each of the factors are assessed to determine the degree of environmental sensitivity of a site.

**TABLE 1 - CRITERIA FOR ENVIRONMENTALLY SENSITIVE AREAS IN SURREY**

<b>Criteria</b>	
Uniqueness	relative size
fragility	geographical significance
geographic stability	pressure on rare species
cultural significance	representativeness
community value	species diversity
public health	location
naturalness	

Source: (Abbs et al 1990).

### 3.3.5 Conservation Districts

By definition conservation districts are "areas, usually residential neighborhoods, with certain identifiable attributes, embodied in architecture, urban design and history, that are subject to special zoning or land use regulation" (Morris 1992:13). Conservation districts are land use or zoning tools used primarily in the United States to preserve neighborhood character, retain affordable housing or protect an area from inappropriate development (Morris 1992). The largest conservation district is located in Bozeman Montana. This particular conservation district covers approximately 60 percent of the city and includes over 4000 structures.



More specifically, a conservation district is used to "conserve and protect the beauty and heritage of the city ... and to improve the quality of its environment through conservation and maintenance of neighborhoods ... which constitute or reflect distinctive features or the architectural, cultural, political, economic, or social history of the city" (Morris 1992:13).

### 3.3.6 Other Property Tax Incentives - Tax Credit and Tax Freeze

Two additional methods of tax relief are available in the United States: Property Tax Credit and Property Tax Freeze. A Tax Credit is a "subtraction from the tax bill that offsets tax liabilities" caused by the increased value of historic properties through rehabilitation. A Tax Freeze, an anti-inflationary device, essentially holds tax assessment at a specific level (Morris 1992).

### 3.3.7 Transfer of Development Rights

Local governments can transfer development rights (TDR) from one site to another to protect areas of heritage significance. This involves negotiation between the developer, landowner, and local government. Development rights (in the form of buildable areas) are simply transferred from one site to another. This method serves as a useful form of compensation for property owners at no monetary cost to the city. The City of Vancouver employs this method often to conserve heritage structures. The TDR in the Municipal Act is neither legally permitted nor forbidden (Province of British Columbia 1991(b): 23). This method was employed in order to retain the former B.C. Hydro building in addition to the Christ Church Cathedral both located in Vancouver.

### **3.4 PROPOSED CHANGES TO HERITAGE LEGISLATION**

#### **Bill 70: Heritage Conservation Statutes Amendment Act, 1993**

Heritage legislation in British Columbia is presently being amended. Bill 70, the legislation responsible for this change, at the time of writing, has passed second reading in Parliament and is presently being debated in committee. The Amendment proposes changes to several Acts including: The Heritage Conservation Act, Municipal Act, Land Title Act, Coal Act, and Vancouver Charter, to name only a few. A brief description of the most significant changes in the context of local government conservation efforts follows .

##### **1. Compensation Clause (*Section 1024*)**

The amendment for both Provincial and Local governments regarding compensation as a result of designation in the new amendment clearly states that both governments 'must' compensate an owner if a heritage designation results in a reduction of the market value of their property. This amount must be agreed upon by both parties. If this cannot be accomplished, the amendment makes available the Commercial Arbitration Act. In this instance, an arbitrator examines both sides of the issue and makes a ruling which is binding. This should dispel some of the fears local governments now hold regarding legal action.

##### **2. Registration of Designation (*Section 1031*)**

The amendment provides for the registration of heritage designations on land titles. This serves as a permanent indicator of the heritage significance of a property.

### 3. Tax Exemption (*Section 819.2*)

As it is right now, tax exemptions are only permitted for one year (ten years with electoral assent). With the new amendment, it will allow municipalities to grant a 10 year tax exemption without this assent. This may make this option more appealing to property owners (City of North Vancouver 1993).

### 4. Heritage Conservation Areas (*Section 1026*)

Heritage Conservation Areas would be authorized for inclusion in the Official Community Plan. This would widen the scope of application for Development Permit Areas particularly in a heritage context. Within Heritage Conservation Areas, a person would not be permitted to "sub-divide the land, commence new construction, alter a building or structure, alter a feature that is protected heritage property" without a permit from the local government (Bill 70:73).

### 5. Community Heritage Registers (*Section 1009*)

Local governments would be permitted to create community heritage registers which would identify buildings regarded by the community to possess heritage significance. With this, however, the local government must provide justification for each property included. As well, once a property is added or removed from the register, the local government must ensure that both the owner and the Minister responsible for heritage are notified within 30 days. This list would clearly signify the intent of the local government regarding heritage and non-heritage buildings.

## 6. Zoning Powers Amended

Zoning powers would be amended to recognize heritage properties as a unique zoning classification. Once designated, this would allow the use of incentives such as bonus zoning, for particular types of properties.

## 7. Heritage Revitalization Agreements (*Section 1021*)

Heritage Revitalization Agreements are adopted by local government bylaw. The HRA "is a voluntary written agreement negotiated by a property owner and local government that defines the respective responsibilities of the owner and the local government with regard to the conservation of the property" (Province of British Columbia 1991:22). Before adoption of this agreement, however, these properties must be officially designated or sometimes protected by a heritage development permit area. HRA's differ from conservation covenants in that they allow for variances of local government bylaws including siting, use and density.

## 8. Designation Expanded (*Section 741.94 and 741.95*)

Local governments, besides designating buildings, would be permitted to designate landscape features and the fixed interiors of buildings. In many communities the landscape is an important part of the local heritage. Presently there are a limited number of tools to address this issue.

## 9. Minimum Standard Bylaw

Local governments would be authorized by bylaw to "establish minimum standards for the maintenance of real property designated within a heritage conservation area" (North Vancouver City 1992:26).

## 10. Reservation and Dedication of Public Property

Proposed amendments to the Municipal Act will permit the reservation and dedication of publicly owned properties for heritage purposes (Province of British Columbia: 23).

## 11. Acquisition and Expropriation

"Acquisition is the ability of local governments to obtain heritage property by means of a gift or direct purchase" (Province of British Columbia 1991:31). New amendments to the Municipal Act will allow local governments to acquire properties by expropriation specifically for heritage purposes. Expropriation is considered to be a "last resort mechanism" used to protect heritage and currently not authorized under existing legislation.

## 3.5 SUMMARY

This section explored the legislation and mechanisms presently being used to conserve heritage resources. The tool box is large involving a variety of tools both regulatory and incentive oriented. The next step in the research involved determining

which of the previously discussed tools were presently being use to conserve heritage by Provincial, Municipal and private heritage conservation specialists. The next chapter summarizes the findings of the interviews with these individuals.

## **CHAPTER 4**

### **INTERVIEW RESPONSES**

#### **4.1. INTRODUCTION**

This chapter presents the responses of eleven professionals currently involved in heritage conservation activities in the Lower Mainland. While the previous chapter discussed the tools available to conserve heritage it is important to determine which tools are actually being used to conserve heritage. The responses are classified according to two primary themes: the Practice and Process of Conservation and Conservation Tools.

#### **4.2 METHODOLOGY**

##### **4.2.1 Research Format**

Thirteen interviews were conducted to obtain from the sample:

- a) an understanding of the context of which heritage conservation activities are presently occurring in the Lower Mainland. This involved 'setting the stage' or more simply, identifying the milieu in which conservation is taking place. This examination also resulted in identifying several problems associated with conservation at the local government level.

- b) the tools that are currently being applied to conserve heritage. This resulted in the creation of a list of the most frequently used tools and their advantages and disadvantages from a Provincial, Municipal and private consultant perspective.

An interview format was chosen due to the flexible nature of this research technique and the opportunity it provides for information exchange between the researcher and respondent. As Jones (1990:19) states, "the face to face interview will always be among the best ways to obtain information from individual people in a community." The community, in this instance, refers to the 'Professional Planning Community', planners working in the governmental and private sectors.

#### 4.2.2 Research Sample

The sample included two senior Provincial heritage specialists, five senior local government planners, and four private heritage consultants. These representative respondents were chosen with the belief that they possessed similar information, characteristics, and training with other heritage specialists in the region. The chosen candidates were invited to participate in the interview by way of a telephone call. Interviews took approximately one half hour each and were completed over one month.

### 4.3 INTERVIEW RESULTS

#### 4.3.1 The Practice and Process of Conservation

Prior to understanding and applying the tools available to conserve heritage, it is necessary to understand the local context in which conservation activities are occurring.



Conservation of the built environment does not occur independent of economic, political and social realities. Questions and general discussion in this regard focused around:

- 1) the problems associated with conservation of the built environment; and
- 2) contributions that planners can make to conservation in general.

The responses of each professional group, Provincial, Municipal Government and Private Consultants, were kept separate for comparative purposes.

#### 4.3.1.1 Problems Associated with the Conservation of Heritage

##### a) Economic Realities and Public Attitude

Provincial specialists identified two primary problems with the practice of conservation. Conservation efforts are hampered by existing economic realities and the general attitude of the B.C. population towards heritage.

It was suggested that the economic reality in which a heritage property owner operates strongly dictates how much heritage is retained in B.C. communities. In their opinion, the probability of redevelopment and thus the loss of heritage is high due to economic reasons. These include: the opportunity cost that can be realized by redevelopment; the high cost of repairs due to wear and tear; functional obsolescence as technology changes and thus low rental potential; the inability to acquire capital for rehabilitation from lending institutions due to high unknown cost factors associated with these activities; and the perceived marketability of new versus older structures and the higher rents new building generate.

Attitudes and values currently held by society in general were suggested to lead to the loss of community heritage. It was suggested that the general population of the Province does not understand what heritage is. As one respondent stated, a person "looks at a house and asks, Is that heritage?" In reality heritage could be everything that is inherited. "The question in many cases should not be the protection of structures, but rather, the management of community heritage." In addition, planners contribute to the loss of heritage by a professional overemphasis on future growth while ignoring existing building stock. According to the Provincial respondents, what is required is an understanding of the context in which new growth is occurring and inclusion of existing character in new development.

b) The Forces Working Against Conservation Efforts

Local Government Planners identified other problems associated with the practice and process of conservation. The following is a summary of the responses. According to one planner, a multitude of forces are working against conservation efforts. These include: the market mechanism; a tax system that provides incentives for new constructions; a building code that alters existing character; a zoning bylaw that often encourages demolition; and a building stock in the process of constant decay.

c) The Lack of a Heritage Inventory

Others felt that the lack of a current heritage inventory in their municipality hampered conservation efforts. It was suggested that there would be no way of knowing what heritage exists in a municipality without an inventory.

d) The Present Image of Vancouver

One respondent suggested that Vancouver's image hampered conservation efforts in the city. It was proposed that the city's natural setting, "makes Vancouver the city that it is." "The buildings can come and go but the city will always be the city if we have these natural features." Also there is a feeling in the city that the contemporary architecture is as important as older structures. This makes it difficult to argue for the retention of older buildings.

e) The Speed at which Development Progresses

Some respondents blamed the loss of heritage on the speed at which new development can proceed from conception to completed product. In some municipalities, the development process from the time of the initial conception to a point where construction begins is very short. In other instances, demolition permits are issued without consultation with heritage staff.

f) A Weak Compensation Clause

Private Consultants highlighted the uncertainty and fear associated with the existing Compensation Clause. The clause, as it is written, creates uncertainty regarding the effect of a designation on land value and raises fears of legal recourse towards local governments from land owners. This, according to them, is a mistake as "what works in one municipality may not work in another".

g) The Lack of Professional Heritage Training for Professionals

The lack of training and preparation of heritage planners was pointed out as a weakness with heritage conservation. Few courses exist for planners interested in conservation here in the Lower Mainland. In many instances, local government planners are asked to assume this role with little or no training. The responsibility is usually given to junior members of the planning department and normally involves a part time commitment.

h) The Lack of an Integrated Planning Process

Other problems such include: the lack of an integrated planning process in most local governments; the absence of integration between community and civic life; the marginalization of the heritage movement; and zoning that does not protect special places and old buildings.

i) The Lack of a Tracking System

The last problem discussed is the absence of a tracking system to identify what tools have been used to conserve heritage including their location. A major problem exists with the collection and distribution of this type of data.

#### 4.3.1.2 Planners Perceived Role and Contribution to Heritage Conservation

One question centered on the contributions planners alone could make to the practice of heritage conservation. What did planners perceive as their role in conservation activities? Although the question was worded generally enough to include

the contributions that all planners, both private and public, could contribute to heritage conservation efforts, it was assumed by all interviewed that the question was referring specifically to local government planners. Therefore the responses dealt with the contributions that local government planners could make to the practice and process of heritage conservation.

Provincial experts suggested that local government planners could promote heritage conservation by writing and enforcing effective zoning bylaws that were sensitive to existing heritage.

Local government planners believed that planners could contribute to heritage conservation by way of the development process. In this role, they could act as 'filters' between the developer, the community and council, and could facilitate decision making. It was also suggested that planners are "Strategic Problem Solvers" and are "good at getting the team together, packaging and organizing the process so that a solution can be found."

Private consultants suggested that local government planners could aid those interested in conserving heritage through the bureaucratic system. There was a belief that planners "have their finger on the pulse of a community" and understand what a community wishes to conserve. Planners may influence a development proposal and thus could determine what gets built and what gets demolished.

#### **4.4 CONSERVATION TOOLS CURRENTLY IN USE**

There are several tools available to conserve heritage in the Lower Mainland of British Columbia. These tools were discussed and described in Chapter 3. This section outlines the tools currently being used by local governments to conserve heritage. Survey questions attempted to highlight the conservation tools currently being used including their frequency of use. Also discussed were the advantages, disadvantages, political acceptability and the speed at which each tool could be implemented.

In total, 13 conservation tools were identified through the interview process. Respondents were asked to identify the tools most commonly used to conserve heritage. Table 2 lists the tools identified in addition to the frequency of mention by each organization.

##### **4.4.1 Conservation Tools: A General Discussion**

Respondents were asked to identify and then discuss the conservation tools they are presently using to conserve heritage. The discussion centered on the tool itself, its advantages and disadvantages, besides the situations in which they are presently being applied. The following summarizes the highlights of the interviews without mention of where the comments originated for confidentiality purposes.

**TABLE 2      CONSERVATION TOOLS IDENTIFIED**

TOOL	PROVINCIAL GOV.	MUNICIPAL GOV.	PRIVATE CONSULTANT	TOTAL
Zoning Bylaw	2	1	3	6
Designation	2	4	2	8
Density Bonus				
Development Permits	2	2	4	7
Code Relaxations		1		1
Covenants	2	1	2	5
Incentive Programs	1	1	4	6
Education	1	1		2
Cooperative Funding	1			1
Easements		1	2	3
Ownership		2		2
OCP	2	2	1	5
Inventory		1	1	2

Table 2 depicts the tools identified by the sample. The 2 under provincial Government and Zoning Bylaw indicates that two of the Provincial respondents felt that the zoning bylaw was a conservation tool.

## 1. Zoning

Zoning was identified as a conservation tool by 7 out of the 11 respondents interviewed. Interestingly, most mentions came from both the Provincial and the private consultant respondents and not the local government planners who frequently use zoning as a planning tool. Only 2 of the 5 local government planners suggested that zoning was an effective tool for conserving heritage. However, zoning according to these two respondents was considered "one of the primary tools" for conserving heritage.

Provincial respondents suggested that the starting point for an effective conservation program for a community is the existence of a zoning bylaw that does not invite redevelopment in heritage areas. "Zoning, by far, is the most important conservation tool by orders of magnitude over anything else." According to them, it is often ignored for managing heritage. "If the zoning bylaw permits uses that are detrimental to existing heritage stock, then heritage will be lost."

Private consultant's suggested that zoning was a conservation tool that created a "win win situation." It is effective from the community's perception as it is not seen as a heritage preservation tool. Past practices have seen heritage 'murdered' in the traditional urban core by inappropriate zoning. The loss of heritage can be attributed to a discrepancy between the allowable and existing FSR or the Zoning Bylaw and the Official Community Plan.



From the interviews, it became apparent that the underzoning of land is a common practice in many Lower Mainland municipalities. In these instances, land is zoned below its potential so that developers have to negotiate and bargain with local governments to acquire zoning and development rights. This process provides local governments with leverage and may result in the inclusion of amenities including the retention of heritage in development schemes.

### *Impression*

Generally, zoning was not consciously recognized as a conservation tool by most local government respondents. In this regard, it is under utilized as a heritage management tool. Reasons for the use of zoning include the already established familiarity and acceptance it now holds with society and the legal ability the planning community presently holds for its use. Zoning is one of the primary land use planning mechanisms.

## 2. Designation

Designation was the conservation tool most frequently mentioned. Over 80 percent (9 out of 11) of the respondents had comments regarding this tool. Most respondents agreed that designation is a problematic tool. Provincial experts suggested that heritage designation is an extremely flawed tool and described it as "using a club to solve a simple problem." Designations foster negative attitudes towards conservation in general. Part of the problem, according to Provincial experts, relates to a misunderstanding of what a designation is and what it should be used for. A scenario was outlined by one respondent: "People say we want to designate that building to make it a

heritage building. Well it already is a heritage building and you designate it because you want to protect it."

Generally, in B.C., designations are done 'only' in friendly situations usually as part of a negotiation process between a private land owner and the local government. In these circumstances, the owner is willing to rehabilitate or retain a building in exchange for some benefit provided by the local government and, in turn, the local government receives a designation on the property. The use of an unfriendly designation is unheard of particularly because of the Compensation Clause of the Heritage Conservation Act. It suggests that local governments "may" pay compensation for economic loss to land owners who have experienced losses in their property value from a heritage designation. It goes further to suggest that the Province "shall" pay compensation for decreases in property value due to a designation. Although the difference in language appears clear, one local government planner suggested that "shall" means the same as "may" regarding payment to a landowner. Other problems with the clause can be attributed to the vagueness regarding 'economic loss'. What is meant by economic loss and thus how much compensation is appropriate? Regardless, the clause is ambiguous enough to make Municipal lawyers recommend not using forced designations in fear of future legal recourse by land owners. One planner suggested that the new Heritage Amendment Act (Bill 70) is a response to the vagueness associated with the clause.

### *Impression*

Designation is a politically sensitive and problematic tool. The tool, in general, has been over applied due to a lack of understanding regarding its purpose. This regulatory tool places too much emphasis on protection rather than the management of heritage. The use of designation in 'every' local government shows a lack of creativeness

and a dominance of conservativeness in conservation approaches. It also provides insight into the protectionary attitudes held towards conservation. There appears to be a general belief that heritage must be protected. Local governments must move beyond the view of heritage protection towards one of heritage management.

### 3. Density Bonuses

Two local government respondents suggested that density bonuses had been used in their jurisdiction to conserve heritage. The use of this mechanism requires consultation and negotiation with the property owner. As discussed in Chapter 3, density bonuses are made legally possible by way of the zoning bylaw. Essentially, a landowner is given a bonus in the way of additional floorspace if a heritage structure is retained or rehabilitated. According to the respondents, the mechanism is effective but there are problems associated with its use. These problems are associated with accommodating the extra (bonus) floorspace on sites where lot coverage is close to 100%. Also once constructed, this additional floorspace may alter the character of the existing heritage structure. In instances where it is not possible to construct new floorspace on a site, the local government becomes responsible for locating a suitable location for this additional density and thus, enters a process of transferring development rights from one site to another. This process was referred to as the 'dating game'. The main difficulty with this is that a simultaneous rezoning of both the donor site and the receiver site is required. The City of Vancouver is currently attempting to improve the process by allowing small amounts of FSR to be transferred without a rezoning process and exploring methods of density banking. Density bonuses have been useful in preserving both the Christ Church Cathedral and the former B.C. Hydro building both located in Vancouver.

### *Impression*

Density Bonusing appears to be a conservation tool with potential. This type of mechanism allows new growth to occur while conserving elements from the past that signify a community's history. More local governments should employ this mechanism as it creates a 'win win' situation providing non-monetary incentives to a land owner while supplying a public amenity.

#### 4. Development Permits

The use of Development Permits (DP) for conservation purposes was recognized by 70 percent of the sample, however, there was no clear consensus regarding their effectiveness. Some respondents believed that DP's are useful tools for conserving the character of heritage areas. It was pointed out, however, that guidelines are only as effective as the enforcement that is available from local government. Another private consultant pointed out the difficulties in deriving guidelines that are both politically and socially acceptable. As they stated: "It is difficult to come up with guidelines that allow for meaningful changes of use and appearance and allow places to be properly lived in while preserving character." It is very difficult to translate into words the qualities of a place that are desired. Also legal limitations exist regarding the characteristics that can be enforced in development permit areas. As discussed in Chapter 3, Section 976 of the Municipal Act specifies that "development permits may include requirements respecting the character of the development, including landscaping and the siting for exterior design and finish of the building and structure" p106. This does not allow local governments to influence detailed character such as the color of buildings etc.

Local government planners favored the use of DP's for conservation purposes. Comments regarding this tool surfaced in conjunction with discussions regarding the Official Community Plan. In these instances, the use of development permits provided local government the opportunity to negotiate with developers and arrive at a development that either retained heritage or echoed the character of heritage areas.

### *Impression*

Development permits were used by only one local government signifying an under utilization of a potentially useful tool. While the tool is not perfect, it appears to offer local governments an avenue to influence the character of existing and new development. Elements of the past can be incorporated into development schemes by applying this method. The use of this tool may increase with the passing of Bill 70.

## 5. The Relaxation of Codes and Standards

Two respondents commented on the use of code relaxations for conservation purposes. Relaxations, according to a local government planner, are used quite regularly. Two examples included the relaxation of parking standards and the allowance of additional structures on large residential lots. The relaxation of parking standards is a substantial subsidy to a developer as parking stalls cost approximately \$1000 dollars each to construct.

Also the City of Vancouver Building Code Section 2.1.6, Heritage Building Supplement, provides for relaxations and exemptions from the building code for heritage structures. One stipulation with this relaxation is that the heritage buildings have a

sprinkler system installed. This stipulation, according to a local government respondent, alters the character of the structure.

### *Impression*

Code Relaxation is one conservation tool that provides a direct incentive to a property owner while making it feasible to retain older structures. Problems were outlined by several respondents that related to the uncompromising nature of some engineering departments regarding alterations to existing structures. In Vancouver, heritage structures must have a sprinkler system installed to take advantage of relaxations made possible by their building code. Some respondents felt that the addition of these sprinklers altered the character of the existing structure.

## 6. Covenants

Provincial respondents acknowledged the use of covenants for conservation purposes under Section 215 of the Land Title Act. Section 27 of the Heritage Conservation Act (HCA) is rarely used for this purpose, in fact, not one covenant has been registered under the HCA in British Columbia.

Three of the five local government planners also identified covenants as a conservation tool. In these jurisdictions, covenants had been used to protect heritage trees and also to ensure that a use remained unchanged on a site. Some suggested that covenants are important tools as they clearly signify the protectionary status on the heritage site with notations present on the land title.

Private consultants perceived covenants as more flexible than other existing legal tools. There was a general belief, however, that covenants are not used frequently enough in the Lower Mainland to conserve heritage.

### *Impression*

Covenants also appeared to be under utilized by local governments. These could be particularly useful in ensuring that a particular use remains unchanged on a site. A provincial respondent described an instance where a covenant was used to ensure that a site remained zoned neighborhood medical/dental clinic. This clinic was located in a heritage house in a residential neighborhood. A covenant could be placed on this site to ensure that the use remains unchanged. The lack of covenants application under the HCA suggests either a lack of understanding or faith in the act. Not one covenant has been registered by using the HCA in the Province of British Columbia.

## 7. Incentive Programs

Two of the local government respondents interviewed are applying incentive programs to foster heritage conservation. One local government has presently established a heritage foundation that will serve as a vehicle for both fund raising and distribution. This foundation was based on the Victoria Heritage Foundation model that provides \$80,000 dollars per year to home owners for renovation purposes. The second incentive program provides a designated heritage home owner with various advantages. For instance, an owner of a bed and breakfast facility located in a heritage house is allowed a bonus amount of square footage as opposed to a bed and breakfast in a non-heritage house.

### *Impression*

Providing incentives for the retention of heritage appears to offer the greatest degree of potential for local governments. These type of tools address the economic aspects associated with conservation. Local governments should embrace incentive programs, especially ones that place no economic burden on them.

## 8. Education

The importance of education as a conservation tool was highlighted by representatives from all three groups interviewed. It is by this media that "community attitudes, goals and aspirations are influenced" in favor of retaining elements from the past. While community education was regarded as the starting point for any conservation process, only the Province and two local governments from the sample are actively involved in community heritage education activities. These activities included: providing information to elementary schools, a process that tends to educate both the students and their parents regarding what heritage exists in their community; special workshops for owners of heritage structures and properties such as external and internal maintenance and heritage landscaping; and walking tours and information brochures. Education leads ultimately to a change in societal attitudes toward heritage conservation, something that several respondents felt was necessary in British Columbia.

### *Impression*

While public education was regarded by many as being of primary importance, only a few local governments were involved in public heritage education activities. This is an avenue that should be explored to the utmost. The public should be informed of



what its local government regards as heritage and have a say in altering this view. In this regard, a community may not want to place emphasis on its building stock but rather its natural heritage, i.e. viewsapes etc. This has to be clarified before any governmental conservation efforts begin.

## 9. Cooperative Funding Programs

A number of Cooperative Funding Programs such as the Downtown Revitalization and the Heritage Planning Program, are available for conservation purposes. These types of mechanisms, according to one provincial person, are very effective for conserving heritage. Programs such as these originate and evolve from community involvement. While a substantial amount of capital is required during the planning stages of these programs, it was suggested that a higher quality, publicly accepted plan will emerge from these types of processes.

### *Impression*

BIA's can be useful mechanisms for the retention of heritage streetscapes in commercial areas. Their use was somewhat limited in the sample examined.

## 10. Easements

Only one local government respondent identified the use of easements for conservation purposes. In this instance, it was primarily used to preserve heritage creek beds.

### *Impression*

While these devices are used frequently in the United States, their use here in the Lower Mainland appears to be very limited. Like covenants, local government planners appear not to view this tool as having conservation implications.

## 11. City Ownership

City ownership of heritage property was described as the 'most effective' tool by a local government planner. Although effective, it was recognized that this type of tool has its limitations especially during times of fiscal restraint. In their opinion, mechanisms that require no financial assistance from local governments are looked upon more favorably.

### *Impression*

Municipal ownership strictly for conservation purposes is a tool that should be used less frequently in the future. This type of mechanism concentrates resources in few projects leaving less money for smaller more do-able projects. The money that would normally go into purchasing heritage property could be redirected into a foundation fund that could distribute capital for the renovation of residential heritage properties.

## 12. Inventory

The necessity of a recent heritage inventory of both trees and buildings was emphasized by both a local government planner and private consultant. There was a

general belief among these two individuals that an inventory served as a starting point for any conservation program.

### *Impression*

Local governments should de-emphasize the importance of a heritage inventory. While these are important, they should not drive heritage conservation efforts. A community may not want to save identified structures and may not even consider them heritage. It is of the utmost importance that local governments establish heritage conservation programs that provide an avenue for the community to voice its opinions regarding heritage. The community must articulate their views regarding heritage. This is where conservation should begin in the community not a heritage inventory. The local government should not become the 'keeper' of local heritage but rather the facilitators of a heritage process that is driven by the community.

### 13. The Official Community Plan and Zoning Bylaw

Respondents from all three levels of involvement recognized the importance of the Official Community Plan for conservation purposes. It was suggested by one provincial specialist that "there appears to be an overemphasis on individual tools" and not enough focus on a community's OCP. It is in the OCP that the 'most powerful' conservation tools are found. One private consultant suggested that heritage as a topic in general has not been addressed in a meaningful manner in OCP's. Broad encompassing statements about heritage have little practical value. Policies with substance are required.

### *Impression*

The Official Community Plan, for heritage conservation purposes, has truly not been used to its full potential. Most local government OCP's make only vague references to the conservation of heritage and provide a document with limited conservation significance. Of those local governments examined, only one had an established conservation program. The City of North Vancouver provides for a density bonus for heritage structures in the OCP. For example, the density allowed in Low Density-Single Family areas is .5 times the lot area while in the Grand Boulevard Heritage area, .6 times is permitted. Also, this zone, according to the OCP, allows for the conversion of heritage houses into two family or multiple units where warranted.

## **4.5 SUMMARY**

This chapter outlined the views and impressions of heritage professionals regarding the conservation process, and the tools that are currently being employed to conserve heritage. As a result, many conservation tools were identified. The respondents made no mention of the following legislated tools: Temporary Delay of Work, Municipal Heritage Advisory Committee, Heritage Tree Protection Bill, Tax Exemptions, Grants and Loans, in addition to Demolition Control. Also, there was no mention of alternative forms of heritage conservation such as The Ecomuseum, Leases, Land Trusts, and Environmentally Sensitive Area Strategies. The interviews provided useful information regarding the practice and process of heritage conservation in the Lower Mainland.

## **CHAPTER 5**

### **THE APPLICATION OF CONSERVATION MECHANISMS**

#### **5.1 INTRODUCTION**

The previous chapters have identified a number of mechanisms or tools available for conserving heritage. In theory, tools can be applied to all sites equally in any urban and rural environment, however in reality, this is not the case. A number of factors influence which tools are used in each circumstance and the degree of protection acceptable by each community. This chapter begins with a discussion of heritage conservation in the Lower Mainland as characterized from information received from the interviews. It then outlines the conditions necessary for the successful application of the identified tools. The chapter concludes with an examination of Finn Slough, a cultural heritage site located in Richmond, B.C., to determine if the site presently possesses the necessary conditions that could lead to its protection.

#### **5.2 A CHARACTERIZATION OF CONSERVATION ACTIVITIES**

Heritage conservation, in the context of the organizations examined, can be characterized as a marginalized activity. It appeared that less importance, and thus time and capital, was placed on conservation efforts. Generally, heritage conservation involved only a part time commitment from municipal staff who lacked formal training.

It was clear from the interviews that most of the emphasis and responsibility for conserving community heritage was believed to rest with Municipal Governments. The Province, as a heritage conservation participant, is distanced from the front line conservation activities, and provides guidance and the legal foundation upon which the local governments can operate. In addition, the Provincial government provides funding for local governments if they choose to establish a heritage conservation strategy and program. Private planning consultants work, in most instances, on a contract basis for local governments and thus no direct responsibility for conservation rests with them. It is at the local government level that all interests collide (ie Developer, Planner, and Community) and compromises are worked out.

### **5.3 CONDITIONS FOR THE SUCCESSFUL APPLICATION OF TOOLS**

#### **5.3.1 Legal Rights/Property Owner Cooperation**

The greatest factors indirectly influencing what is conserved in the Lower Mainland are the rights associated with property ownership. In theory, each parcel of land in the Lower Mainland comes with an attached 'bundle of rights'. For example, the right to use the surface of the land, the right to alienate property and sell it, the right to a mortgage property, the right to exclusive possession and the right to sub-divide (Buholzer 1993). These rights are regarded as sacred in North America. Legally, no one shall detract from these rights without some form of compensation to a land owner, a fact that has made local governments very cautious. In an interview with one private consultant, it was suggested that all property owners are 'speculators' each expecting a return on their initial investment. There is no community desire to embark on activities that may potentially detract from individual property values.

### 5.3.2 Political/Local Government Commitment

It was recognized early in the interview process that council strongly influenced what mechanisms were used to conserve heritage at the local government level. Thus the application of any of the conservation mechanism discussed requires political and community support. The tools that allow for the protection of heritage must be approved by Municipal Councils who represent their constituents. One interview question addressed the issue of the 'least' politically acceptable tool. It was no surprise that the least politically acceptable tool was designation, a tool perceived to have the most impact on the rights of property owners. This was unanimous throughout the sample. An unfriendly designation was seen to:

- \* "run rough shot over the rights of property owners";
- \* "scare away investment from the community"; and
- \* "offer little advantage to a property owner".

Associated with political support is the degree of local government commitment that is directed towards any one project. Local government staff require political support to proceed with individual projects. Local government staff possess a substantial amount of expertise that can be directed towards conservation efforts if political support is forthcoming. In addition, policies that address the economic realities of property owners can be included in Official Community Plans and other planning documents. As some of the respondents suggested, the Official Community Plan is the starting point for conservation efforts.

### 5.3.3 Community Support

Numerous conservation victories are the result of persistent and tireless community members who are not willing to see their communities destroyed. This is a vital condition that must be present if a heritage site is to be conserved.

## 5.4 FINN SLOUGH - THE COMMUNITY

### 5.4.1 Location

Finn Slough is located along the Fraser River in the City of Richmond and one of the few remaining tidal settlements in B.C. (See FIGURE 1). It has been identified by the City as one of 12 heritage areas. The community is situated in the Slough District of the city, an area first surveyed for settlement in the late 1870's (Richmond Museum 1991). The area's soil, due to its rich alluvial deposits, was ideal for agriculture and thus attracted a farming component (Richmond Museum 1991). Also, the proximity to the Fraser River attracted fishers and those associated with the fishing industry. Thus a marriage of sorts was created between two unlikely elements of the economy forging a unique landscape. The Slough District contains several heritage resources, and possesses a unique character, architectural vernacular and local history.

### 5.4.2 Land Tenure Status

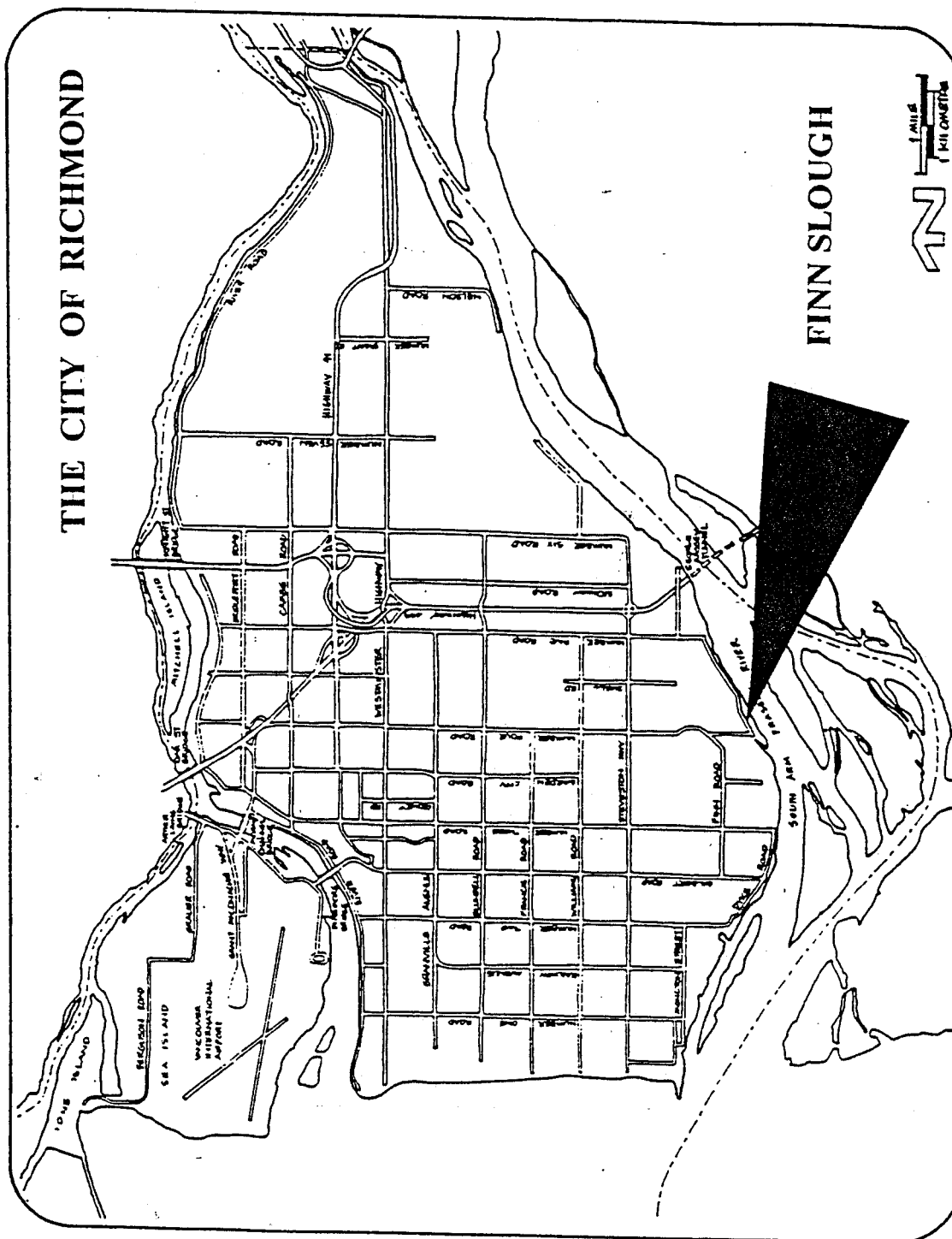
The settlement of Finn Slough is physically located outside the dike on the South Arm of the Fraser River and dissected by the intertidal waterway by the same name. The community, in the legal sense, is considered a squatter settlement as residents own the



buildings in which they live but not the land upon which they are located. The land is owned by three parties: the foreshore parcels are owned by the Crown, the dike parcels by the City of Richmond, and Whitworth Island by Stephen J. Smith of Smith Prestige Properties (Finn Slough Preservation Society 1994).

#### 5.4.3 Historical Significance

The slough district was settled by Finnish immigrants in the 1890's. The first Finnish settlement was built on city owned land in the area of Woodward's Slough, at that time referred to as Green Slough. New immigrants remained in this settlement until land could be purchased in the larger municipality of Richmond. The community, by 1926, consisted of 26 families all drawn together due to a common language, occupation, and religion (Sorilla 1984). The settlement was classified by the City of Richmond as a squatter settlement, as no taxes were paid. In 1927, due to pressure from the municipality and a high degree of erosion of the banks of Green Slough, the residents moved 400 metres west to Finn Slough. By the 1940's and 1950's, the community had grown to approximately 70 households (Finn Slough Heritage Society 1994). Presently, 18 families call Finn Slough their home. This will be discussed further in Section 5.4.6. An excellent historical account of the community can be found in From Finland to Finn Slough, a paper prepared by Eric Sorila at the University of British Columbia 1984.



**FIGURE 1 THE LOCATION OF FINN SLOUGH**

SOURCE : THE CITY OF RICHMOND

The physical form of the settlement was designed to meet the needs of the fishers. Three primary types of structures were built by each family:

- \* living quarters, in the form of a scow house;
- \* boat shelters; and
- \* sheds where nets could be mended and dried.

Buildings, in some instances, were built on red cedar posts along the banks of the slough. The posts still exist in good condition today due to the practice of packing mud around the posts to prevent exposure to the air, and thus, deterioration. Other structures, scow houses, were built on floating barges so that fishing boats could be moored against each household. The province has shown some interest in the site, however, no official action has been taken.

#### 5.4.4 Existing Heritage

Today, the community of Finn Slough contains a number of historical remnants from these earlier times. For example, a draw bridge that joins Whitworth Island to the dike. This was built by the fishers with lumber supplied by the Anglo British Fishing Company and is the only draw bridge in Richmond. In addition to the bridge, a large barrel exists on the site that was used to treat cotton and linen fish nets with a copper sulfate solution (blue stone). A list of the other structures located on the site can be seen below in TABLE 3.

**TABLE 3      EXISTING STRUCTURES**

<b>TYPE OF STRUCTURE</b>	<b>NUMBER</b>
Houses (2 Float Houses)	18
Floats	2
Sheds	10
Net Sheds	6
Blue Stone Tubs	1
Draw Bridge	1

The built environment of Finn Slough is eclectic and unique in comparison with most other residential settlements located in the Lower Mainland. Its vernacular buildings with their human scale, age, and neighborly arrangement make this community an example of unique architecture and urban design. Today these original scow houses and historical remnants frame the daily lives of the working people of Richmond's past. Together with the natural environment of the slough area, the setting is truly a unique place in the City of Richmond. FIGURE 2 provides photos of a number of significant structures located at Finn Slough.

#### 5.4.5 The Attractiveness of Finn Slough

The community of Finn Slough is an excellent example of vernacular architecture. Hough (1990) suggests that much of what we find interesting about a place is the vernacular. He defines vernacular as "the physical cultural form which grows out of the practical needs

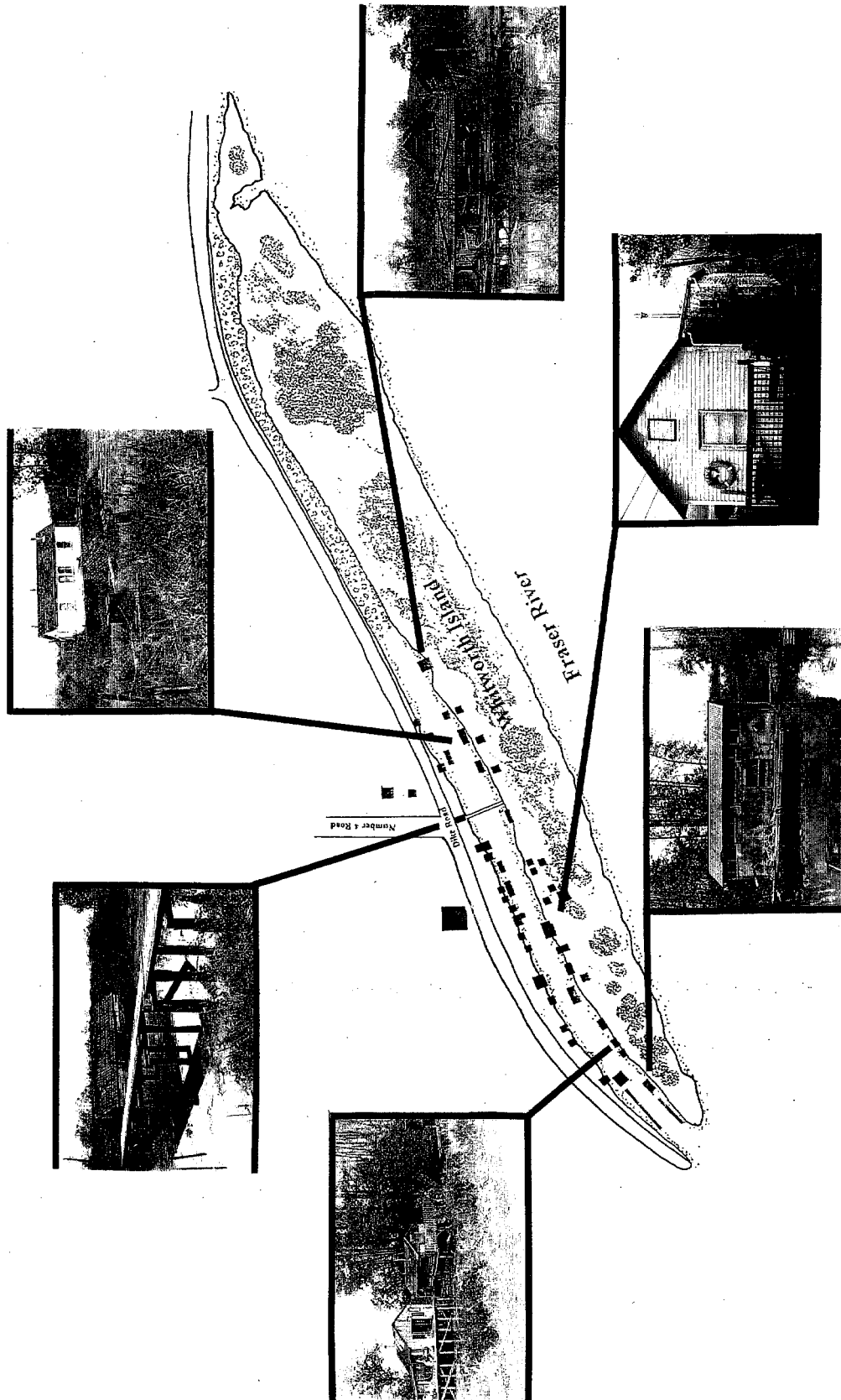


FIGURE 2 FINN SLOUGH STRUCTURES

of the inhabitants of a place, because of both climatic constraints and cultural influences (p34)". The vernacular of a place provides evidence of our ancestors craftsmanship (Wren et al 1976).

"The walks, barns, and local villages of the vernacular landscape all express a sense of belonging, a directness and timelessness in form and materials" (Hough 1990:39). Finn Slough is one of these places.



**FIGURE 3**

Finn Slough Vernacular

In the context of Richmond, Finn Slough provides visitors with an authentic experience which is very different to Steveston that some have claimed to be inauthentic in character. Nowhere are inauthentic environments better illustrated than places like Steveston that cater to tourists. Tourist environments/attractions are constructed with the intention of attracting as many people as possible. As MacCannell (1976) states:

"tourist attractions are often an elaborately contrived indirect experience, an artificial product to be consumed in the very place where the real things are as free as air " (p 103).

Environments created for tourism purposes often present a sterilized image. Concerning Williamsburg, PA., a restored historic village, Hough (1990) states:

"There is nothing in the fossilized relics to indicate either continuity with the past or connection to the place. The entire sterilized setting of neat

reconstruction, mown lawns, horse and cart rides, and the other aesthetic pretensions is created for entertainment rather than the enlightenment of the visitor."

One could argue that Steveston is very similar in this regard. These types of tourist places "remain empty shells cast upon the shores of the present, objects isolated from the processes that shaped them" (Hough 1990).

#### 5.4.6 Community Profile

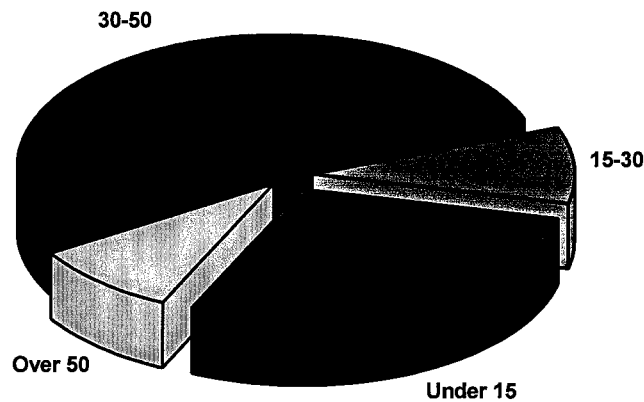
By the 1970's, most of the original settlers and their descendants had left the slough community and non-Finnish residents had taken their places (Finn Slough Heritage Society 1994). Finn Slough is presently the home for 18 families (53 people) and one of the few remaining tidal villages in British Columbia. Community residents are employed in a variety of occupations. Some of these can be seen in TABLE 4 below.

**TABLE 4      RESIDENT OCCUPATIONS**

Writer	Teacher
Ship Surveyor	Fish Processor
Fishermen	Arborist
Designer	Wood Worker/Toy maker/Boat Repair
Sea Captain	Sculptor
Clothing Design	Artist
Art Director	Government Employee
Deckhand	House Painter

The community is composed of 5 people over 50 years of age, 28 people between 30-50, 5 people between 15-30, and 15 children (persons younger than 15 yrs. of age). The average length of residency in the community for each household is 10 years with some residents remaining as long as 18 to 21 years (Mason 1994).

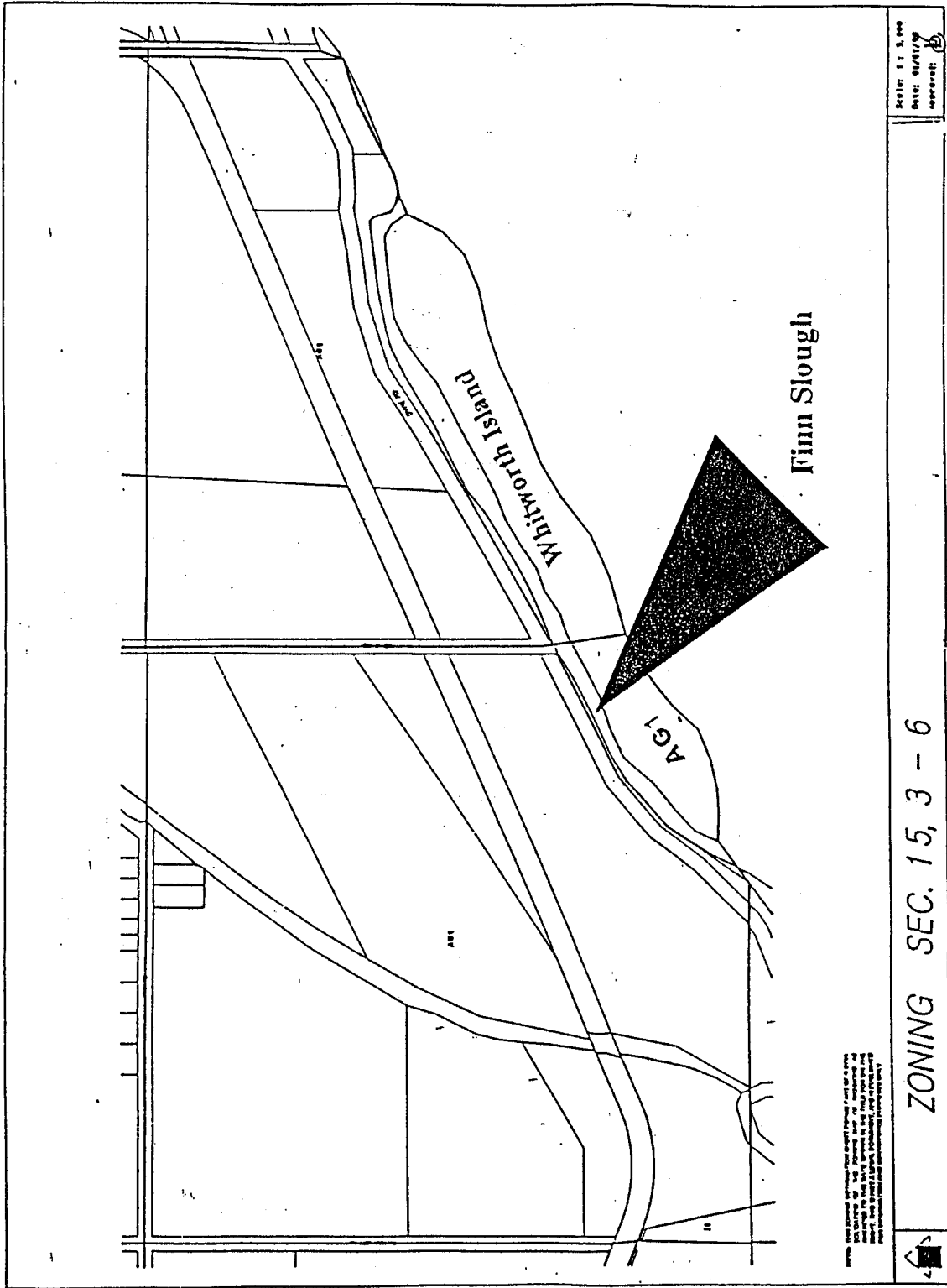
**FIGURE 4      AGE DISTRIBUTION**



#### 5.4.7 Existing Zoning

The Community of Finn Slough is located on land that is currently zoned Agricultural. See FIGURE 5 attached. Whitworth Island and the slough are both located in the Agricultural Land Reserve. See APPENDIX E





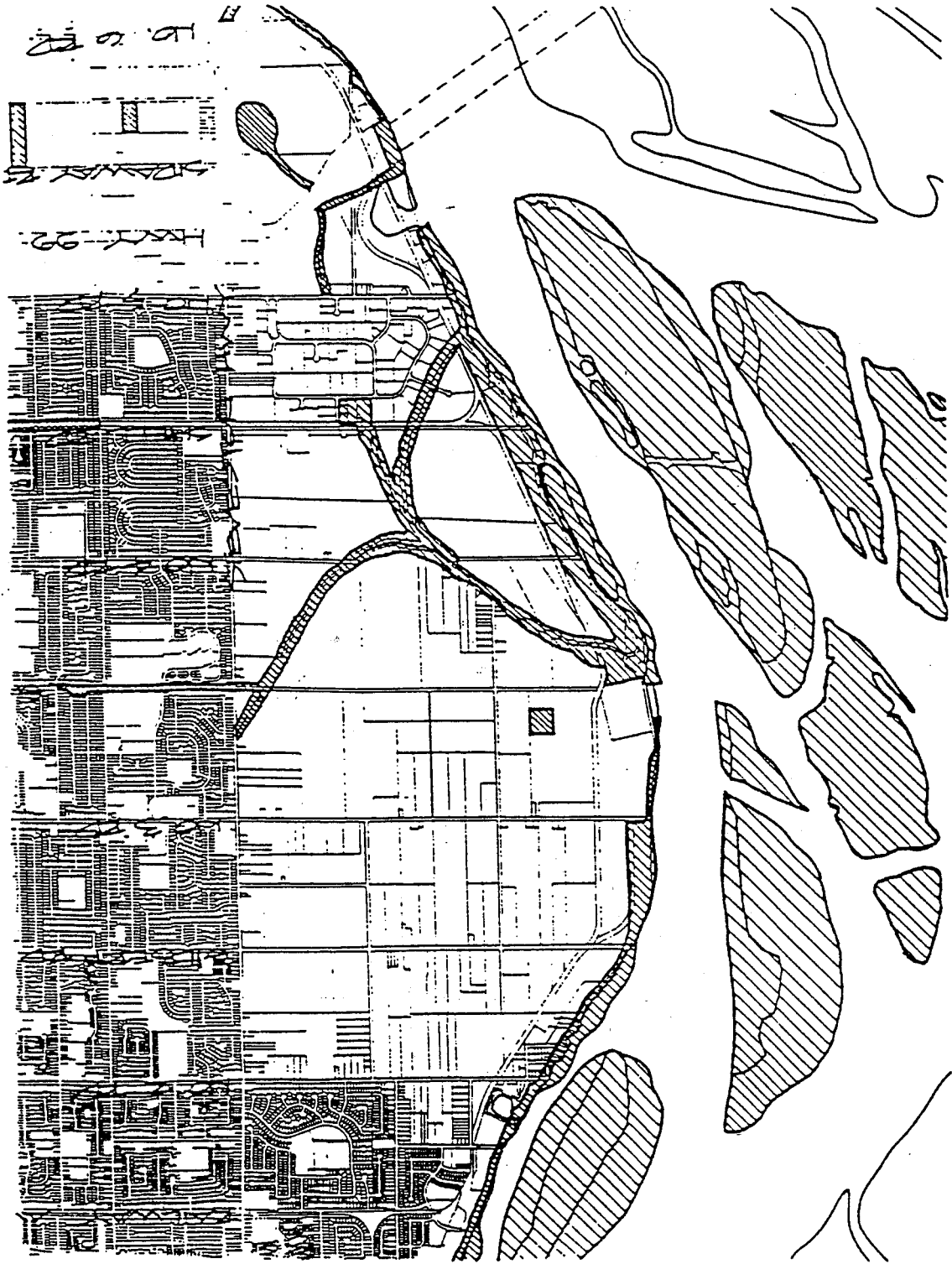


FIGURE 6 ENVIRONMENTALLY SENSITIVE AREA BOUNDARY

SOURCE: THE CITY OF RICHMOND

## 5.5 ISSUES ASSOCIATED WITH CONSERVING THE SLOUGH

There are a number of issues associated with Finn Slough other than heritage conservation. These are related to the tenure status and environmental sensitivity of the site.

### i) Finn Slough is a Squatter Settlement

With this image comes the negative public attitude towards non-traditional forms of residential development, especially toward 'squatter' settlements. The general public and thus, the local government, have in the past discouraged non tax producing residential development. This principle of equity among rate payers of municipalities has led to the destruction of numerous squatter settlements in the Lower Mainland. A general discussion of squatter settlements can be found in Appendix B.

Presently, the community is disposing of human waste directly into the slough. Some options exist to address this issue: the community can investigate purchasing an on-site treatment facility; explore connecting to municipal facilities; or purchase composting toilets.

### ii) The Natural Environment of the Slough Community

As mentioned previously, the community of Finn Slough is dissected by the intertidal waterway and physically located on both the dike and Whitworth Island. The land upon which the existing dwellings are located, in addition to the slough itself, are classified as environmentally sensitive by the City. See FIGURE 6.



FIGURE 7  
Finn Slough Natural Environment

According to Richmond, areas that are environmentally sensitive:

- \* possess rare plant or animal species;
- \* are large enough to sustain biotic features;
- \* contain a diversity of natural, biotic and geologic aspects;
- \* exist in an unaltered state;
- \* possess unique landforms and soils or geologic features;
- \* are representative of the local environment regarding the flora and fauna present;
- \* act as linkages to other ecosystems, i.e. migratory stop over;
- \* provide ease of access for research or education purposes;
- \* are sensitive to alteration or human activities;
- \* are potentially important for conservation purposes; and
- \* possess a high aesthetic value (The City of Richmond 1989).

The slough itself is a slow moving, muddy, shallow water habitat. Sloughs are suggested to be the most biologically productive habitat in an estuary. Finn Slough contains many bottom dwelling invertebrates in addition to snails, leeches, aquatic insects

such as Water Boatmen, dragonfly nymphs and small shrimp. The slough also contains several fish including the Three-spined Stickleback, the Redside Shiner and the Common Carp (Kistritz 1992).

Whitworth Island, which contains approximately half the settlement's structures, is the home for a few eagles and considered by the Fraser River Estuary Management Program (FREMP) to be important fish habitat. Other birds and animals found in this area are Beavers, Blue and Green Herons, Turtles, besides a variety of bird species (Mason 1994)

## **5.6 CONDITIONS PRESENT AT FINN SLOUGH**

One of the aims of this chapter was to determine if the conditions necessary for successful conservation were present at Finn Slough. As discussed previously, all tools presently available for use (except forced designation, a tool not used in today's political climate) require three primary conditions:

- a) legal right/owner cooperation;
- b) strong political/local government commitment; and
- c) substantial community support.

The community of Finn Slough now lacks both a) and b), legal rights and political support. Those interested in conserving the site have no legal justification to its protection. They do, however, possess a degree of justification from the City of

Richmond as they have been allowed to remain in this location for a number of years and are providing them with municipal water and power.

Political support has been hampered due to the negative views associated with squatter settlements and the practice of the community disposing of sewage directly into the slough. Due to these reasons, political support has been reserved and uncommittal. In addition, while Finn Slough has been identified as a heritage area no steps have been taken by the city towards its conservation.

Widescale community support appears to be strong with the Finn Slough Heritage and Wetland Society's numbers increasing rapidly. At the time of writing membership is in excess of 150 people.

## **5.7 SUMMARY**

The situation of Finn Slough clearly exemplifies the conditions that a place must possess if conservation tools are to be successful. As the examination indicated, Finn Slough does not possess the conditions necessary for its conservation at this time and thus the tools available for municipal government application are extremely limited. The next chapter presents the final conclusions and recommendations originating from this research.

## **CHAPTER 6**

### **CONCLUSION AND RECOMMENDATIONS**

#### **6.1 INTRODUCTION**

Heritage conservation is a complex activity involving input from a variety of individuals. As an activity, it is laden with emotional as well as aesthetic considerations. It involves constantly weighing the public benefit for the retention of elements of the past against the infringement of an individual's property rights. The information obtained from the survey allowed the author to draw conclusions regarding heritage conservation. This chapter completes this study of heritage conservation and provides:

- \* provides general conclusions regarding the conservation tools currently being used in the survey sample;
- \* recommends a plan of action which local governments should adopt in their move towards conserving heritage sites within their jurisdictions.;
- \* outlines the implications of this research for the general planning profession; and
- \* recommends a short term plan of action for the residents of Finn Slough in their efforts to conserve their community.

## **6.2 CONSERVATION TOOLS - GENERAL CONCLUSIONS**

### **6.2.1 The Range of Tools Used**

Generally, local governments appear to be under utilizing conservation tools available to them by way of legal statutes. The tools that are presently being applied by local governments are, in most instances, ultra-conservative in nature and politically appropriate. Politically appropriate tools are those which generate the least public opposition and response. Private consultants, usually from outside the community, that provide only politically acceptable alternatives, enter into a self perpetuating cycle of conservativeness that leads to status quo solutions to complex dynamic problems. If this type of arrangement persists, it could be presumed that the practice of conservation will not change in the future and will be the same in ten years as it is today.

In total, 23 conservation tools were identified from both the literature review and interview process. As discussed previously, five local governments were examined. These are identified as Local Government A,B,C,D,E for confidentiality purposes in the following discussion.

In general, local governments applied a limited number of legislated tools to conserve heritage. Their approaches appeared reactionary and politically driven and tended to favor the application of conservative tools. The following table indicates the conservation tools (out of a total of 23 options) that were used.



**TABLE 5      PERCENTAGE OF TOOLS APPLIED BY SAMPLE**

MUNICIPALITY	TOOLS USED OUT OF TOTAL	PERCENTAGE OF TOTAL TOOLS USED
Municipality A	8/23	35 %
Municipality B	6/23	26%
Municipality C	6/23	26%
Municipality D	2/23	8%
Municipality E	5/23	22%

Municipality A and D stood out from the other local governments in terms of the heritage conservation approaches they applied. Municipality A was substantially more progressive than the remainder of the sample in both conservation policy and approach and also the only local government with a functioning heritage program. Municipality A's Official Community Plan provided incentives for the retention of heritage structures. This included the ability to increase the usable floorspace for heritage structures. Municipality D was more conservative, primarily depending upon the use of city ownership associated with designation for saving heritage structures.

Generally, all local governments focused on the retention of heritage structures versus landscapes or natural features except Municipality E that used easements to protect heritage creeks. A detailed breakdown of the tools that each local government used can be seen in TABLE 6.

**TABLE 6      LOCAL GOVERNMENT CONSERVATION TOOLS USED**

<b>TOOL</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
Zoning	X		X		
Designation	X	X	X	X	X
Inventory	X	X			
Development Permit		X			
Transfer of Development Rights	X		X		
Incentives	X		X		X
Covenants	X	X			X
Easements					X
OCP	X	X			
Education	X		X		X
Ownership		X		X	
Coop Funding					
Code Relaxations			X		
<b>TOTAL TOOLS</b>	<b>8</b>	<b>6</b>	<b>6</b>	<b>2</b>	<b>5</b>

## 6.3 RESEARCH RECOMMENDATIONS

Personal interviews with respondents from various Provincial, Municipal and private agencies provided a substantial amount of information regarding the current heritage conservation process and mechanisms in their jurisdictions. From this research process a number of general conclusions emerged regarding the status of heritage conservation in these British Columbian municipalities. The following discussion outlines: the direction which local governments should adopt regarding heritage conservation; comments on the implications of this research on the general planning profession; and provides recommendations relevant to the conservation of Finn Slough.

### 6.3.1 Local Government Recommendations

Local governments are located at the front line of heritage conservation. It is at this level that interests collide. In theory local government staff are aware and sensitive to the needs of their residents and draft their plans accordingly. According to the results of the interview process, local governments are seen as being the driving force behind conservation activities. In this context, local governments should:

- \* publicly signify interest for the conservation and management of heritage sites and structures in their jurisdictions. This may involve negotiations with land owners. It is not recommended that Municipal governments purchase these sites, but rather work with land owners to arrive at a decision that addresses the economic realities of the property owner while retaining the example of local heritage.

- \* establish heritage conservation programs involving a comprehensive public process to determine what the residents of their jurisdictions regard as heritage. The present reactionary, top down approach, with the use of outside private consultants, should be discarded for one that involves the community at various levels. Private consultants should only be utilized in the capacity of facilitators of the public consultation process and not as heritage experts that provide a list of significant (of a certain age) buildings. The results of this process, normally in the form of a plan, must be made available to the public;
- \* promote heritage education in their communities. In this regard, material could be provided to local schools, libraries etc. Information should not focus on primarily older structures and their history, but rather on the forces and events that have shaped the existing form of their cities;
- \* provide strong direction, assistance and leadership in the conservation of heritage. This includes developing policy incentives in their Official Community Plans that encourage the conservation and retention of heritage structures. Broad statements of intent are important, however, more specific meaningful policies that address the issue of heritage conservation must be included;
- \* move toward the establishment of area management schemes such as the Ecomuseum, for cohesive historical or character areas. These will serve as a vehicle to translate community desire into practice.
- \* adopt an aggressive position toward the conservation of heritage in general. Presently, a number of changes to the existing heritage legislation have been adopted. It will be necessary to educate planning staff on the nature of these

changes. Local governments should immediately approach the Provincial government and arrange training for their staff regarding this issue.

### 6.3.2 Implications for the Planning Profession

Interview results suggested that heritage conservation is viewed as a marginalized activity usually undertaken by a junior planner who lacks formalized training. In most instances heritage conservation planning involved only a part time commitment. The planning profession should therefore:

- \* promote the initiation and teaching of courses at planning education institutions that address heritage conservation in a planning context. Presently, no heritage planning courses exist at British Columbian universities;
- \* initiate planning processes that integrate community and civic life. The process should be designed so that heritage conservation is an integral component of development planning and not merely an after thought. and
- \* promote the creation of a tracking system that allows one to identify what conservation tools have been used and the location of use. This type of data base would be invaluable for assessing the effectiveness of existing tools and would allow planners to adjust the use of conservation tools accordingly.
- \* integrate planning for the future in context with the past. By doing this, planners maintain important links with a community's past. This could be accomplished by integrating historical elements and themes associated with a place in new residential and commercial development.

### 6.3.3 Recommendations for the residents of Finn Slough

Finn Slough does not possess the necessary conditions required for the successful application of existing conservation mechanisms from a Municipal planning perspective. However, there are countless examples of situations where grassroots organizations have been responsible for the conservation of heritage sites. Those interested in conserving this unique and eclectic example of community heritage should:

- \* continue to market the community of Finn Slough. The existing residents of Finn Slough have been active at informing the local media of the heritage present in the community. Newspaper articles have been published in the Vancouver Sun, and Georgia Straight. In addition the issue of Finn Slough was broadcasted on UTV and the CBC television. These type of activities should be expanded upon. Possible options to increase public exposure include walking tours carried out by the residents, and public events put on with cooperation from the Finnish Heritage Society. The attitudes towards this community must be changed on a large scale;
- \* restore an abandoned Skow House. The restoration of a vacant Finnish structure would exemplify the community's seriousness in conserving the historical elements of the site and possibly alter the self-serving appearance of the community's efforts. The community currently contains the expertise to carry out such a task. This renovated SkowHouse could serve as an interpretation center, outlining the history of the community and describing some of the physical heritage existing on the site;

- \* address the existing sewage disposal problem immediately. Options include each home purchasing/building biodegradable toilets in the short term and possibly an on-site sewage treatment plant in the long term;
- \* join forces with other groups interested in conserving elements of Richmond's past. Currently there are many groups like this in Richmond; and
- \* lobby Richmond City Council. A political commitment will be required if Finn Slough is to be conserved. This ultimately will involve obtaining widespread support from the Richmond Community.

#### **6.4 CONCLUSION**

The examination of heritage conservation tools has led to the conclusion that existing mechanisms are, in general, underutilized by local governments. Heritage conservation, as a practice, receives a low priority in regards to the everyday planning activities. Planners have to stop trying to save heritage and instead plan for heritage. The planning profession must become more creative in their approach towards heritage conservation. If it does not, the present pattern of heritage destruction will continue and places like the tidal settlement of Finn Slough, will continue to be lost.

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## **APPENDIX A**

### **THE SURVEY INSTRUMENT**

## **Heritage Conservation Survey**

**This interview should take no longer than 30 minutes.**

***Note: All Responses are Confidential***

### **2. General Information**

1. Name \_\_\_\_\_.
2. Position/Profession \_\_\_\_\_.
3. Public/Private Sector Employment \_\_\_\_\_.
4. Length of involvement in heritage planning \_\_\_\_\_ yrs.

## **PART A**

### **General Conservation Issues**

1. Could you define 'heritage' and more specifically 'cultural heritage'?
2. Why is heritage conservation important for B.C. communities? What benefits are associated with heritage conservation?
3. Please highlight the main problems associated with heritage conservation in British Columbia?
4. Who benefits from the conservation of heritage?
5. What is it that planners can contribute to the practice of heritage conservation that other professionals cannot?

## **PART B**

### **Conservation Tools**

The following questions are intended to solicit your views regarding existing conservation tools.

1. What are the conservation tools you have used or have seen used to conserve heritage resources? Please list them.
2. Which mechanisms are used most frequently and why?
3. What are the advantages and disadvantages of each mechanism?
4. Which tools used for conservation purposes are the most and least politically acceptable?
5. From your experience which are the most acceptable to the public?

6. It has been suggested that existing conservation mechanisms do little to protect the sense of place or character of heritage areas. Do you agree or disagree with that statement and why?
7. Which of the tools listed previously are the most effective and applicable for preserving the:
  - \* built environment/ individual structures
  - \* sense of place / character of an area, and Why?
  - \* both the individual structure and character of an area.
8. Which are the quickest and easiest mechanisms to implement?
9. Is it possible to protect heritage sites without an owners consent?
10. Has your organization used any of the following mechanisms to protect heritage?

	CONSERVATION TOOL	YES	NO
1.	Financial Incentives		
2.	Heritage Area Levies		
3.	Official Community Plans		
4	Development Permit Areas		
5	Zoning (Conservation Districts, Downzoning)		
6	ESA Strategies		
7	Designation/Expropriation		
8	Conservation Covenants		
9	Heritage Revitalization Areas		
10	Ecomuseums		
11	Leases		
12	Land Trusts		



## **ADDITIONAL QUESTIONS**

### ***Support Mechanisms***

#### **1 Financial Incentives**

- i) Do financial incentives foster / encourage public participation in heritage conservation and encourage rehabilitation?
- ii) What are the advantages and disadvantages of these incentives?
- iii) How often are these used?

#### **2. Mechanisms that provide funding**

##### **Heritage Area Levies**

- i) How acceptable are heritage area levies for both public and political bodies?
- ii) Are you aware of any conservation projects that have materialized as a result of mechanisms such as Heritage Area Levies?
- iii) What are the benefits and drawbacks associated with levies?

### ***Protectionary Mechanisms***

#### **1. Mechanisms that Guide Development**

##### **OCP's**

- i) In your opinion how much emphasis and effort will be directed towards developing heritage conservation policies in Official Community Plans?
- ii) Will this amendment to the Municipal Act change the way heritage planning is carried out at the municipal level?

##### **DPA's**

- i) How often are DPA's used to conserve heritage?

- ii) What are their primary advantages and disadvantages?
- iii) What effect, if any, do Development Permit Areas have on existing property values?
- iv) Can anything be done to improve this mechanism?

### **Zoning**

- i) Is heritage zoning an effective means for the conservation of heritage?
- ii) What are the advantages and disadvantages associated with heritage zoning?
- iii) Does heritage zoning inhibit the natural growth and change of an area?
- iv) How effective is zoning for protecting the character of a heritage area?

#### **a) Conservation Districts**

- i) Do conservation districts affect property values in heritage areas?
- ii) In your opinion are conservation districts more or less effective at conserving heritage than other protection mechanisms?
- iii) What are the benefits and problems associated with conservation districts?

#### **b) Downzoning**

- i) Is downzoning utilized here in B.C. to protect heritage?
- ii) In your opinion is it an infringement on individual property rights?
- iii) As downzoning is a American Conservation mechanism how politically and publicly acceptable do you feel it would be here?

### **ESA Strategy**

- i) Would you consider this mechanism as a heritage conservation tool?
- ii) If yes what does this mechanism provide that the others do not?

## **2. Direct Local Government Involvement/**

### **Expropriation / Designation**

- i) How often if designation or expropriation used to protect heritage? Why so little/often?

## **3. Partnerships**

### **Conservation Covenants**

- i) Are local governments eager to enter into conservation covenants with private land owners?
- ii) What are the advantages of these legal devices?
- iii) What are the problems with conservation covenants?
- iv) Where are they used most effectively?

### **Heritage Revitalization Agreement**

- ii) Are you aware of a heritage site where a Heritage Revitalization Agreement has been used to conserve the heritage resource?

### **Ecomuseums**

- i) Are you familiar with the ecomuseum as a heritage conservation device?
- ii) Do these hold any potential for use in the Lower Mainland?
- iii) How do you think the public and in turn local governments will react to this type of mechanism for conservation purposes?
- iv) What do you feel is the greatest obstacle in the establishment of an ecomuseum here in the Lower Mainland?

- v) Do these mechanism offer more or less potential for conserving heritage than existing mechanisms?

### **Leases**

- i) Are governments willing to enter into lease arrangements with private property owners for conservation purposes?
- ii) Are you aware of any instances where this has occurred?
- iii) Are leases effective at conserving heritage in the long term?
- iv) What are their primary benefits and problems?

### **Land Trusts**

- i) Do land trusts provide another means for the protection of cultural heritage?
- ii) What are the main advantages and disadvantages of these?

### **Summary**

If there was one thing you could change about the existing conservation mechanisms and process what would it be?

## **APPENDIX B**

### **EXAMPLES OF SQUATTER SETTLEMENTS**

## **Squatter Settlements in the GVRD**

### **1. Introduction**

The following examines and outlines a number of squatter settlements that were once existing in the GVRD. This region has witnessed numerous non-traditional settlements with approximately 10% of Vancouver's population squatting historically. The following discussion describes these settlements and highlights their past location.

### **1. Maplewood Flats**

Maplewood Flats was historically a place where recent arrivals to Vancouver squatted until more appropriate accommodations could be acquired. The site however did have long term residents, one being Mike Bozzer, who made a living collecting material off the beach which he later sold to residents in the area as fuel.

As Anderson (1993) states p19 "Avoidance of ownership or rental of dwellings reduced the flow of capital around housing, supplying an alternative to the welfare state. People could be self-supporting on incomes subject to limitation and fluctuations.

A major commercial development was proposed for the area in 1970. The plan was referred to as the 'Grosvenor Plan' : a multi purpose town center with apartment blocks, marina, shopping center, hotels, theater, office buildings and other amenities.

This led to the destruction of most of the shacks on December 18, 1971. The commercial development never materialized due to opposition from residents and planning staff.

Both the District of North Vancouver and the National Harbors Board, now the Vancouver Port Corporation objected to the squatters remaining on the site due to sanitary reasons. This claim was not substantiated by examination by a Vancouver Sun Reporter who described the shacks as; "two and three storey homes, fashioned with proper beams and covered by shakes of shingles. Light pours into the high ceiling rooms paned with glass. The rooms have all the usual furniture. Four of the nine houses have electricity supplied by B.C. Hydro to run their fridges, radios and lights. All have cold water piped in from a nearby well. For sanitation, the inhabitants use lime pots which convert sewage into compost (Sarti 1971).

Tom Burrows, a local artist and one of the residents writes;

"in the squatting community, lack of tenure and absence of building codes produced the most economical, if not the most structurally permanent approach to building. Standard building in the developed countries of the new world has not only by-passed local indigenous material, it has forsaken the overflowing repositories of reusable materials. My squatter community was built with traditional indigenous material (Anderson 1993).

## 2. Cates Park/Roche Point

Small dwellings began to appear in the 1930's along the Roche Point waterfront, the present location of Cates Park. This was a location where affordable temporary housing could be built during the depression. The structures were constructed with

lumber salvaged from local mills. By 1950 there were 90 dwellings in total (Sparks and Border Echoes on the Inlet, Salloum 1987) After the depression many of the residents of these small shacks consisted of mill workers who worked unsteady hours or short shifts.

A number of shacks were built on pilings with a platform deck over the water. Sparks et al Much of the land at this time belonged to the Vancouver Harbor Board, now the Vancouver Port Corporation. (Salloum 1987).

Two of the residents of this community were Malcolm and Margerie Lowry. Malcolm Lowry was the author of both *Ultramarine* 1933 and *Under the Volcano* 1947. They, in 1940, had rented a squatters shack for a month, near the village of Dollarton. They reportedly were "captivated by the ever-changing seascape, abundant wildlife, primeval forest and seclusion"(Salloum 1987:11). This landscape for the author appears to have had personal and artistic significance for him as he incorporated descriptions of the landscape into a majority of his writings. He appeared to be particularly appalled by the construction of the Shellburn Refinery located across the inlet in Burnaby. Few people were to live on the beach as long as the Lowry's (Salloum 1987).

In 1954 the District of North Vancouver started making preparations to develop Roche Point into a public park, Cates Park. Also public pressure was mounting to remove the squatters. George Meckling, an engineer with the District, was given the task of "disposing of the... illegal structures on the beach". Demolition of the shacks commenced in 1954. Squatters were instructed by the municipal staff that they had orders to clean up the beach. When people would move as a result of eviction notices the district staff would move in bulldoze and then burn the structures (Salloum 1987).



The Lowry's left the community in 1954 as a result of the eviction notice and approaching winter. The last shacks were destroyed in 1958. Cates Park was developed in the late 1960's. All that remains is a marker showing the approximate location of the Lowry home(Salloum 1987).

### 3. Vancouver Examples

#### a) False Creek

For 50 years or more the shores of False Creek were dotted with floating cabins. The settlement stretched from Westminster Ave. (Main Street) both sides westward to the Indian Reserve. The community was comprised of both full time residents along with transients. The first floating homes appeared in False Creek due to CPR construction and their employees. These were located off shore from the CPR Roundhouse. The last shacks disappeared when the RCAF occupied the Indian Reserve west of the Burrard Bridge and a fish dock was built east of the bridge. This type of living was affordable. Firewood was free, fish could be caught, and fresh water was nearby. Gradually most of the squatters were crowded out. First when the head of False Creek was filled in. Then came the sawmills. By 1936 almost all disappeared. A large number moved from this site to the Burrard Inlet beyond the Second Narrows bridge.

b) Deadmans Island

A squatter settlement existed in this location from 1898-1900.

There were approximately 16 shacks in total. They were largely fishermen, industrious, well behaved, friendly, and quiet,

c) Other Squatter Settlements in the City of Vancouver

A large community existed on the North Arm of the Fraser River east from the south foot of Nanaimo St. A subcommittee was established to address this issue. A report written by Albert J. Harrison, civic secretary for zoning , stated that there were 23 unauthorized dwellings inhabited by approximately. 81 people including 32 children on 1.5 acres of city land at the base of Nanaimo St. on the north arm of the Fraser.

d) Houseboat Communities

A number of boathouse communities also existed. There were;

- \* 135 on the Fraser
- \* 205 on Burrard Inlet
- \* 181 on False Creek

e) Renfrew South Shore

Another settlement was located the south shore of Burrard Inlet in the vicinity of Renfrew St. This time on National Harbor Board land. This settlement contained 48 people.

f) Various Other Location

- \* 9 cabins at Clarke Dr on Burrard Inlet
- \* 20 cabins on the Fraser east of Nanaimo
- \* 22 at the north end of Cardero

## **APPENDIX C**

### **ARTICLES WRITTEN BY THE MEDIA**

**Copies of the articles written by the media can be found as;**

- 1) Odam, Jes (1994). "Finn Slough folk battle for survival" The Vancouver Sun,  
Friday, April 22.
- 2) Glavin, Terry (1994). "Slough Survives the Tides" The Georgia Straight March 4.

**APPENDIX D**

**FINN SLOUGH HERITAGE AND WETLAND SOCIETY BROCHURE**

## URGENT!!

Finn Slough, lies in one of the most important estuaries in B.C., the Fraser River. Since the turn of the century, 80 per cent of marsh habitat on the Fraser River Delta has been lost to human settlement and industrial development.

The Finn Slough community is a unique example of Richmond's working relationship with the Fraser River. It is the last undeveloped piece of foreshore on Richmond's south arm riverfront.

A short letter addressed to the offices below stating why you personally feel that Finn Slough is worth saving, may sway opinion when necessary. Here are some points to which you may refer:

- Finn Slough is a living connection with B.C.'s cultural history.
- the last quiet natural environment in Richmond where you can watch herons, hawks, eagles, kingfishers, etc.
- a colourful reminder of B.C.'s fishing history

GREG HALSEY-BRANDT

Mayor of Richmond  
6911 # 3 Road  
Richmond B.C.  
V6Y 2C1

THE HON. MOE SIHOTA  
MINISTER OF ENVIRONMENT, LANDS  
AND PARKS

Parliament Buildings  
Victoria B.C.  
V8V 1X4



FINN SLOUGH HERITAGE  
AND WETLAND SOCIETY

FINN SLOUGH  
IS IN DANGER!

Finn Slough is one of the few remaining pieces of natural  
near wild riverside environment. Here an historic  
community co-exists successfully with nature.  
Elsewhere, the shores of the Fraser River are daily  
becoming more developed, more manicured, less able to  
support wildlife.

LET'S SAVE THIS PLACE!

## FINN SLOUGH IS IN DANGER!!

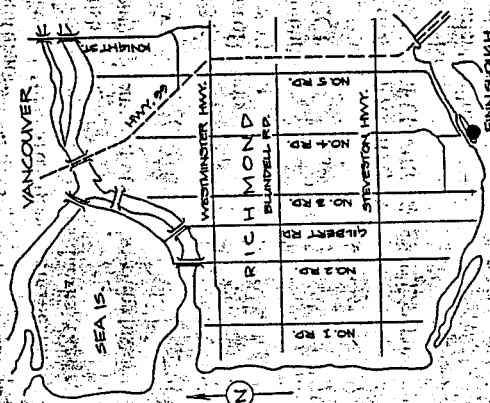
Finn Slough is one of the last tidal communities on the West Coast. The Finn Slough community has been a continuous presence at the southern foot of Number Four Road in Richmond since the turn of the century when it was established by Finnish fishers. The Slough has always been a special place to many, many people, sports fishers who use the area extensively, the cyclists, walkers, and equestrians who all have appreciated Finn Slough's unspoiled, historic appearance. Painters, photographers and film makers document this relic of B.C.'s all-too-quickly vanishing coastal heritage. Naturalists acknowledge and appreciate the many species of plants, birds, mammals and fish, some of them quite unusual or rare, that are nurtured by Finn Slough and its surrounding wetland.

Now the existence of this unique wetland community is threatened. Recently, the title holder of three parcels of land adjacent to Finn Slough tried to evict the residents and fishers established here. He has made it clear that he plans to build a residential development on the land. Regardless of whether he is successful in his attempt to remove the people and structures at Finn Slough, it is abundantly clear that in order to proceed with his building plans, the developer will have to bypass current municipal, provincial and federal policies and regulations governing environmentally sensitive areas. Any development would require ten to fifteen feet of land-fill contained by sheet pilings. This would obliterate both the island and the heritage buildings, and cause irreparable damage to the wetland.

### WE NEED YOUR SUPPORT

The purposes of the Finn Slough Heritage and Wetland Society are:

- to preserve and protect the natural environment and habitat of the Slough and surrounding area
- to preserve and maintain the heritage values of Finn Slough
- to protect Finn Slough and surrounding wetlands from further development
- to research, plan and implement alternative methods of treatment and disposal of the community's waste.



## FINN SLOUGH HERITAGE AND WETLAND SOCIETY

Membership Categories:

(Note: membership is not tax deductible)

☐ \$10/yr Adult

☐ \$15/yr Family

☐ \$5/yr Unemployed

☐ \$15/yr Institution

☐ New member ☐ Renewal

☐ Gift Membership

Donation \$ \_\_\_\_\_

My Name \_\_\_\_\_

Address \_\_\_\_\_

City/Prov. \_\_\_\_\_

Postal Code \_\_\_\_\_

Phone \_\_\_\_\_

Fax \_\_\_\_\_

Total amount enclosed \$ \_\_\_\_\_

Please make cheque or money order payable to:

FINN SLOUGH HERITAGE AND WETLAND SOCIETY

9480 Dyke Rd.  
Richmond BC  
V7A 2L5

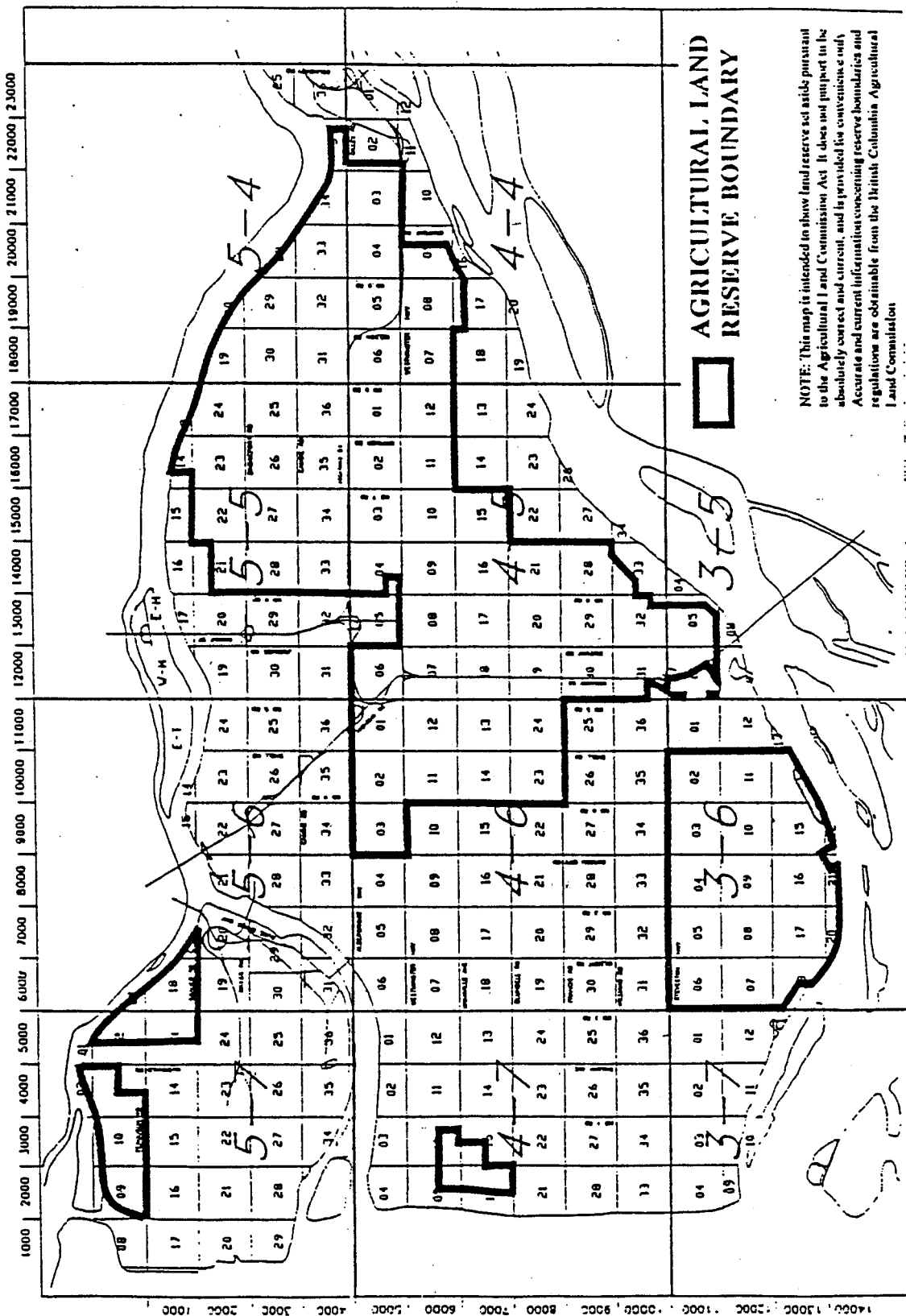
(604) 271-5140 or 272-3455

FAX 271-5140



## **APPENDIX E**

### **RICHMOND AGRICULTURAL LAND RESERVE BOUNDARIES**



**APPENDIX F**

**THE CITY OF NORTH VANCOUVER HERITAGE PROGRAM**

**AND**

**DESIGNATION POLICY**

## HERITAGE PROGRAM

### GOAL:

*"In recognition of the valuable contributions of earlier generations to the development of the North Shore and of the importance of providing a link between this community's past, present and future, the City of North Vancouver hereby states its intent to strive for the conservation of the City's significant heritage resources for the enlightenment and enjoyment of present and future generations."*

### OBJECTIVES:

The City of North Vancouver Heritage Program is a municipal effort to encourage the conservation of the significant Heritage resources within the City with input from the public, and will focus upon the following objectives:

A. Public Awareness/Education

To promote a public understanding and appreciation of heritage resources and a commitment to their conservation.

B. Heritage Inventory

To prepare a comprehensive description of heritage resources including photographs, historical records and an indication of their relative significance.

C. Heritage Incentives

To search for and promote incentives which will encourage the conservation of heritage resources.

D. Regulatory Controls

To implement regulatory controls which will assist in the conservation of heritage resources and to identify existing municipal regulations which act as disincentives to heritage conservation.

E. Ongoing Monitoring/Maintenance

To review the progress of the Heritage Program and to ensure that the heritage conservation process is reviewed and updated as necessary.

### PARTICIPANTS:

Implementing the Heritage Program will involve the participation of individual property owners, merchants, City Council, City Heritage Advisory Committee, staff and the public at large.

If you are interested in getting involved please contact the Development Services Department

## CITY OF NORTH VANCOUVER HERITAGE PROGRAM

### HERITAGE DESIGNATION POLICY

#### A. Introduction

The Province of British Columbia has granted municipalities the responsibility and authority to assess and regulate local heritage resources within their boundaries through the Heritage Conservation Act (RS 1979 C.165). Through this Act municipalities may designate by bylaw, a building, structure, or land, in whole or in part, as a "Municipal Heritage Site".

The effect of "Municipal Heritage Site" designation is that no person is permitted to demolish a building or structure, alter the facade or exterior of a building or structure, or build on land so designated without the prior approval of City Council, by resolution. These controls do not affect the interiors of buildings.

The purpose of this paper is to outline the City's overall policy on proceeding with designation under the Heritage Conservation Act (H.C.A.). Such designations are only one aspect of the City's overall Heritage Program.

#### B. Designation Policy

All buildings, sites or structures listed in the City's Heritage Inventory are eligible for the consideration of designation under the H.C.A. There are three scenarios through which designation could occur, as follows:

##### 1. Voluntary Designations

When designation occurs at the request of an owner it is described as a "voluntary designation". Council will consider requests for the voluntary designation of any building or structure listed in the heritage inventory.

Owners will be requested to enter into an agreement acknowledging that the designation has been entered into voluntarily.

##### 2. Negotiated Designations

When designation occurs as a result of a negotiated arrangement between the City and an owner it is described as a "negotiated designation". Council will consider all Primary or Secondary ranked heritage buildings as candidates for a negotiated designation. A detailed assessment of the building's condition will be required and the City may be prepared to contribute up to 50% of the cost of that study. The City will want to ensure that the building has a minimum future lifespan of 20 years. Negotiated designations for supplemental ranked buildings will be considered only when there are minimal public costs involved.

Owners will be required to enter into an agreement acknowledging the terms of the negotiated designation.

##### 3. Involuntary Designation

When designation occurs without the support of the owner it is described as an "involuntary designation". This action is not intended to be a common practice of the City and would only be considered for the most significant of

heritage buildings. The following buildings may be considered for involuntary designation:

- 147 East 1st Street (relocated to a new site)
  - \*364 East 1st Street (Hamersley Gardener's Cottage)
  - \*350 East 2nd Street (Langton Lodge)
  - 420 East 8th Street (Ridgeway School)
  - 230 East 13th Street (Lions Gate Hospital)
  - 109 and 116 East Esplanade (formerly Versatile Pacific Shipyards)
  - 105 - 111 West Esplanade (Coronation Block)
  - \*333 Chesterfield Avenue (Anne McDonald Hall)
  - 1555 Forbes Avenue (Drill Hall)
  - 745 Grand Boulevard (residence)
  - 750 Grand Boulevard (residence)
  - 910 Grand Boulevard (residence)
  - 1500 Grand Boulevard (residence)
  - 1653 Grand Boulevard (residence)
  - 1753 Grand Boulevard (residence)
  - 185 East Keith Road (First Church of Christ Scientist)
  - 230 West Keith Road (Queen Mary School)
  - 78 - 90 Lonsdale Avenue (Aberdeen Block)
  - 91 - 99 Lonsdale Avenue (Keith Block)
  - 92 Lonsdale (Bank of Hamilton)
  - 201 - 203 Lonsdale Avenue (Great Outdoors)
  - 1601 - 1607 Lonsdale Avenue (Dundarave Block)
  - 2151 Lonsdale Avenue (Lonsdale School)
  - 1044 St. George's Avenue (St. Andrews United Church)
  - 214 West 6th Street (residence)
  - 254 West 6th Street (residence)
  - 524 West 6th Street (Sisters of St. Paul School)
  - \*450 West 16th Street (Station Museum)
- \*= Denotes City-owner Property

When consideration is being given to the involuntary designation of a building, the City will seek a detailed evaluation of the building's condition, potential for future use and the costs of restoration. The financial impact on the property will also be assessed.

#### C. Process

Prior to any designation occurring notice will be provided in accordance with the Heritage Conservation Act. In addition, a Public Information Meeting or similar public forum will be held to allow the owner and public to present their views on the proposal. Notice will be sent to property owners within 100 ft. of the subject site.

#### D. Additional Information

For more information on the City's Heritage Program or designation under the Heritage Conservation Act contact City Hall at 985-7761.

(Amended: April 5, 1993)