

# Island <sup>Reprint</sup> Tides

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*Trust Matters*

## **The Density Debate** - Derek Masselink

As North Pender Island's Official Community Plan (OCP) review nears completion we find ourselves struggling over the tense and often mind-numbingly tedious issue of transfer of development potential—aka 'density transfer.' It seems that those in the know or at least those holding the pen favour the inclusion of this often vaunted planning tool within North Pender's OCP.

Density Transfer is a community's ability to transfer the development potential from one property to another. It is used to encourage the transfer of development potential from donor or 'sending' properties that are acknowledged to be critical or sensitive to 'receiving' properties that can accept more concentrated development.

The outcome of these transfers is density neutral—the same amount of development is achieved on the island as was expected prior to the transfer. The difference is that the free market (ie cold, hard cash) is being used to help property owners 'do the right thing' and move development potential from sensitive areas to areas that are deemed less sensitive.

In principle this sounds reasonable. If we are going to have more development why not use a planning carrot to encourage the transfer of development potential from less acceptable lands to more acceptable ones? Heck, this tool may even shake loose a number of developable properties for protection as parks.

Unfortunately, a number of significant and thorny issues appear to have been overlooked—issues that may give one pause as to the necessity of identifying this tool within an OCP.

### **Sending and Receiving Areas**

As a tool belonging to the community (not the developer), density transfer schemes require the prior naming of sending and receiving areas. In order for density transfers to be determined democratically, thereby allowing a community to define its future, sending and receiving areas should be identified as clearly as is possible with inclusion of the density transfer 'tool' in an OCP.

The community debate that can be expected to arise from

this designation of areas could be contentious and time-consuming—requiring full debate.

### **'Compensation' Precedent**

Allowing owners to purchase the development potential from one property and transfer it, may create the misapprehension that an owner's property rights are greater than under Canadian law. We may be creating a US-like situation where the thought of compensation may encourage property owners to challenge land use decisions.

### **Are Our Anticipated Densities OK?**

Density transfer schemes are predicated on the assumption that anticipated build-out levels for our island communities, as determined by current zoning bylaws (many of which were established well over 10 years ago) are appropriate to carrying capacity.

Given the noticeable impact that human activity is having on the Trust's terrestrial and aquatic ecosystems coupled with concerns about the effects that climate change and the increasing cost of fossil fuels will have on our island communities, this assumption should be questioned.

Calls from within the Islands Trust organization for the necessity of the inclusion of density transfer 'tool' in our OCPs appear to be based on outdated and questionable carrying capacity assumptions.

In my mind the evidence is clear and indicates that current development expectations within the Trust Area are a tad high. Island communities are suffering noticeably under the weight of our collective expectations.

It is almost unbelievable that a belief exists within the Islands Trust that somehow the ability to transfer density puts our islands in a better ecological and social position. By choosing the option of density transfer we avoid the difficult but necessary debate on the central issue of development—how much is too much? In the process we shirk our responsibility to clearly identify when enough is enough.

*Island Tides is interested in continuing the density debate.* ☞

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