

HALIFAX

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Item No. 14.1.13
Halifax Regional Council
April 25, 2017

TO: Mayor Savage and Members of Halifax Regional Council

Original Signed by 

SUBMITTED BY:

Jacques Dubé, Chief Administrative Officer

DATE: April 5, 2017

SUBJECT: Update regarding the Proposed Blue Mountain/Birch Cove Regional Park

ORIGIN

Motions from September 6, 2016 Regional Council meeting:

1. THAT Halifax Regional Council receive the Facilitator's Report Regarding Negotiation of the Proposed Boundaries for the Blue Mountain/Birch Cove Lakes Regional Park in relation to the Highway 102 West Corridor and take no further action concerning the facilitation process or the report's recommendations.
MOTION PUT AND PASSED
2. THAT Halifax Regional Council refuse the request to initiate secondary planning for all Hwy 102 West Corridor lands at this time.
MOTION PUT AND PASSED
3. THAT Halifax Regional Council direct staff to explore opportunities and develop a program to acquire land to establish the proposed Blue Mountain-Birch Cove regional park, with a priority of providing public access to the provincially protected wilderness area, that includes, but is not limited to:
 - a) Discussions with the Federal and Provincial governments;
 - b) Discussions with all private land owners that own property located within the conceptual park boundary in Map 11 of the Regional Plan;
 - c) Discussions with land conservation and community groups; and
 - d) Reviewing the potential use of land use planning tools and conservation easements.Staff is further directed to report back to Regional Council within six (6) months and then on an annual basis, staff report to Council on progress achieved in implementing the established Blue Mountain/Birch Cove Regional Park.
MOTION PUT AND PASSED

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter ("HRM Charter"), section 2(c)(iii):

2. The purpose of this Act is to
 - (c) recognize that the functions of the Municipality are to

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(iii) develop and maintain safe and viable communities.

HRM Charter, section 61(5)(a):

61(5) The Municipality may

- (a) acquire property, including property outside the Municipality, that the Municipality requires for its purposes or for the use of the public.

HRM Charter, sections 79(1)(k)(x)(ah)(aj):

79(1) The Council may expend money required by the Municipality for:

(k) recreational programs;

(x) lands and buildings required for a municipal purpose;

(ah) playgrounds, trails, including trails developed, operated or maintained pursuant to an agreement made under clause 73(c), bicycle paths, swimming pools, ice arenas and other recreational facilities;

(ai) public grounds, squares, halls, museums, parks, tourist information centres and community centres;

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Direct staff to undertake additional analysis and advance discussions regarding the acquisition of lands or the rights to lands for public access as identified within this report and the Private and Confidential Information Report dated April 5, 2017, and report back to Regional Council with any prospective terms, conditions, and costs.

BACKGROUND

The Blue Mountain-Birch Cove Lakes area was identified as a proposed regional park in HRM's 2006 Regional Plan and continues to be identified as such in the 2014 Regional Plan. The 2014 Regional Plan identifies a conceptual park boundary that includes a core area of provincial lands that are designated as a wilderness protected area and surrounding private lands that are owned by land developers (Map 1). HRM has a longstanding interest in acquiring lands, or the rights to lands, that are currently privately held in order to fully realize the park.

Annapolis Group Incorporated and Stevens Group (parent company of Gateway Materials Limited and Susie Lake Developments) own the majority of the private lands that are located within the eastern area of the conceptual park boundary, between Fox/Quarry/Susie/Birch Cove Lakes and Highway #102. HRM had on-going discussions with the owners regarding these lands. On November 16, 2010, Regional Council directed staff to enter into a facilitation process with the landowners to see if a negotiated agreement could be reached on potential regional park boundaries for these lands.

At the conclusion of the facilitation, HRM and the landowners were unable to reach an agreement. On September 6, 2016, Regional Council passed a motion to receive the facilitator's report and to take no further action concerning the facilitation process or the report's recommendations. Further, Council refused the request to initiate secondary planning of the lands at that time. Council further directed staff to take the following course of action:

"...explore opportunities and develop a program to acquire land to establish the proposed Blue Mountain-Birch Cove regional park, with a priority of providing public access to the provincially protected wilderness area, that includes, but is not limited to:

- a) Discussions with the Federal and Provincial governments;
- b) Discussions with all private land owners that own property located within the conceptual park boundary in Map 11 of the Regional Plan;
- c) Discussions with land conservation and community groups; and
- d) Reviewing the potential use of land use planning tools and conservation easements"

DISCUSSION

Since November 2016, staff has been proceeding with Regional Council's direction. This report is an update of staff's progress, along with recommendations for further action to advance the establishment of the park.

Discussions with the Federal and Provincial Governments

Nova Scotia Environment (NSE) is responsible for the management of the provincial Blue Mountain-Birch Cove Lakes Wilderness Area. HRM staff has regularly met with NSE staff to review potential access points and land acquisitions, in order to understand the opportunities, constraints, and ecological impact that may be associated with introducing active/passive recreation in the provincially owned wilderness area. In addition, HRM staff and NSE have considered potential public access locations for trails on provincially owned lands. While prospective trail accesses would be considered "secondary" as they would not be able to support significant amounts of people, they are being considered as opportunities until "primary" (higher capacity) accesses can be realized. HRM's relationship with NSE will continue throughout the park planning, land acquisition, and into the land management stewardship phases.

The Federal government does not own land within or adjacent to the Blue Mountain-Birch Cove Lakes area and therefore has no direct stake or mandate in the establishment of the park. Its assistance may be called upon at later stages of the project, particularly with regard to any park infrastructure development initiatives.

Discussions with Private Land Owners

Following Regional Council's September 6, 2016 motions, HRM sent letters to all property owners of lands that adjoin the conceptual park boundary (Regional Plan Map 11) expressing HRM's interest in discussing acquisition, or the rights to access their lands, in support of establishing the park. This has resulted in numerous meetings and conversations that are on-going. HRM staff will report on individual opportunities for potential acquisitions or public access through separate reports to Regional Council.

At the same time as discussions are occurring with private land owners, staff is refining the conceptual park boundary based on factors such as:

- natural influences such as ecological features, topography, and hydrology;
- recreation potential;
- views and identity; and
- private development intentions and plans.

Discussions with Land Conservation and Community Groups

Staff has had discussions and meetings with individuals and groups on an informal basis to discuss the establishment of the park. Formal consultations with land conservation and community groups will be appropriate once initiatives to secure access points to the provincial lands are more advanced. Such consultations may be useful in using the expertise that many of these groups possess in order to confirm HRM's land assessments. Also, in the future, HRM may look towards such organizations for stewardship opportunities as a component of future land management plans.

Land Use Planning Tools and Conservation Easements

There are various different means that may be used in acquiring lands or the rights to lands for the establishment of the park, including:

- a real estate fee simple land purchase of all or a portion of the subject property(s);
- 10% parkland dedication through the subdivision of land process;
- transfers of development rights;

- exchanges of land; and
- conservation easements.

Next Steps

HRM's Regional Plan outlined a high level conceptual boundary for Blue Mountain Birch Cove park. At over 1600 hectares, the conceptual boundary encompasses a significant area equivalent to 22 times the area of Point Pleasant Park. Due to the overall area and land ownership configuration, a strategic approach to confirmation of the boundary and acquisition of necessary lands is required. In order to refine the appropriate boundary, staff is currently reviewing parcel configurations, ecological and open space values of specific areas and potential access opportunities.

Staff's priority is on achieving public access to the wilderness area with a focus on both primary and secondary access points. Staff expects to report on individual opportunities for potential acquisitions or public access through separate reports to Regional Council.

FINANCIAL IMPLICATIONS

There are no financial implications that are associated with this report. Any discussions with land owners that may result in possible financial implications will be fully outlined in future staff reports. As outlined in 2017/18 proposed capital budget, approximately \$13 million has been allocated over the next four years for parkland acquisitions directed by Regional Council, including lands for Blue Mountain Birch Cove.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained in this staff report. The risks considered rate Low. To reach this conclusion, consideration was given to financial, strategic and reputational risks.

COMMUNITY ENGAGEMENT

There was no formal community engagement in the preparation of this staff report.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report. As HRM Staff review potential lands for acquisition, environmental implications are being considered and will be more fully described in future reports.

ALTERNATIVES

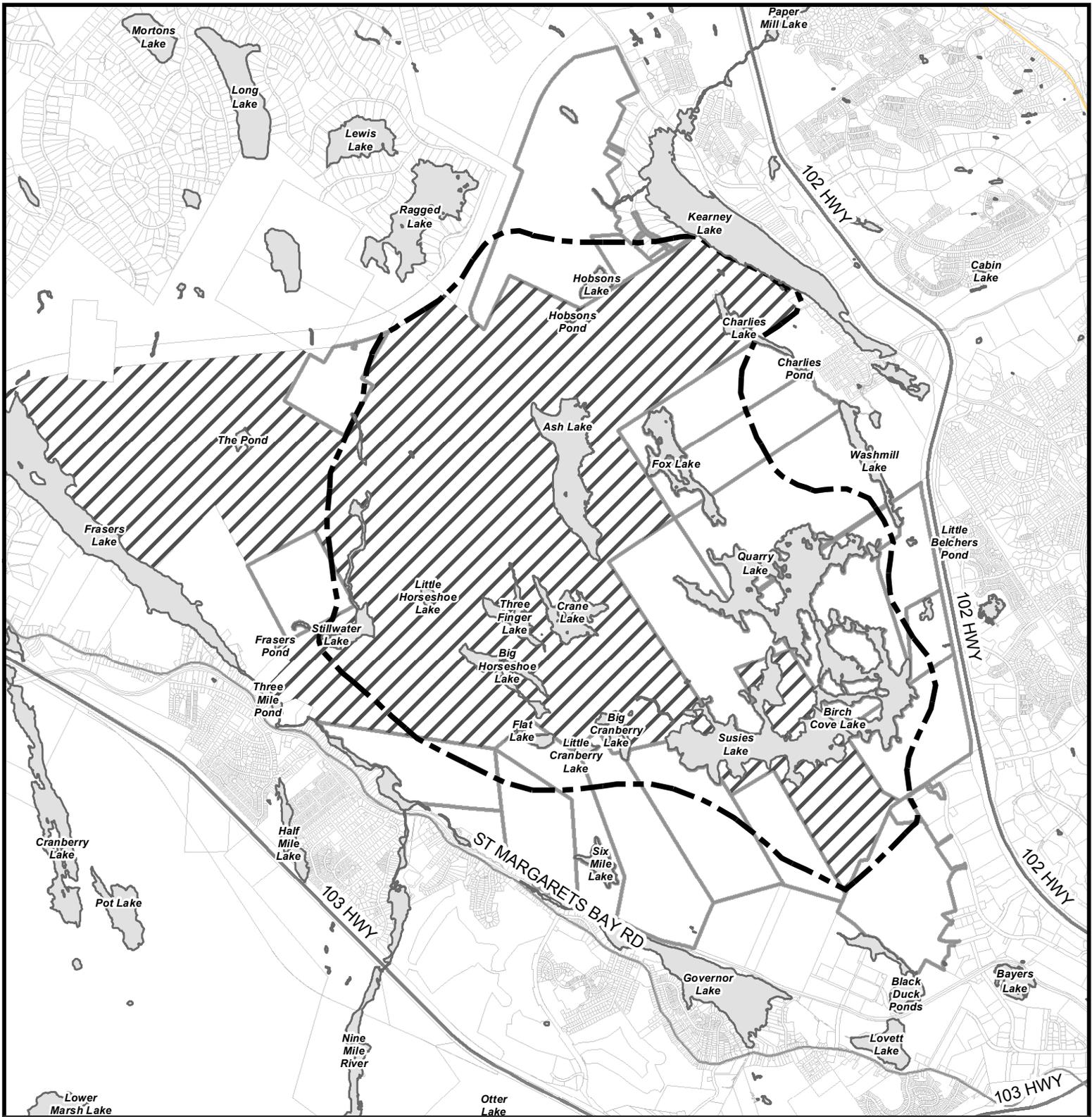
1. Regional Council may direct HRM staff to take a different course of action than those that are identified in this report. Such alternatives, depending on their nature, may require additional analysis and a subsequent staff report.
2. Regional Council may direct HRM staff to take no further action with regard to the establishment of the Blue-Mountain Birch Cove park. This is not recommended on the basis of the policies of the Regional Plan and previous recommendations of Regional Council.

ATTACHMENTS

Map 1 Location and Reference Map

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

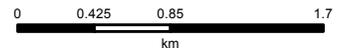
Report Prepared by: Robert Jahncke, MCIP, LPP, Coordinator, Real Property Planning, Policy and Planning,
Parks, Recreation & Communities, 902.476.8190



Map 1 - Reference Map - Blue Mountain Birch Cove Lakes

Produced by HRM
Parks & Recreation

-  Park Boundary (Concept)
-  NS Environment (Wilderness Area)
-  Neighbouring Property Owners
-  Lakes



The accuracy of any representation on
this plan is not guaranteed.