

HALIFAX

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Item No. 14.1.6
Halifax Regional Council
September 20, 2016

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY:

Original Signed by 

Jacques Dubé, Chief Administrative Officer

Original Signed by 

Jane Fraser, Acting Deputy Chief Administrative Officer

DATE: August 17, 2016

SUBJECT: **Parkland Improvement Funding – Brookhill Drive, Grand Lake**

ORIGIN

April 15, 2014 motion of Regional Council:

“Item 11.3.1 - MOVED by Councillor Craig, seconded by Councillor Johns that Halifax Regional Council request a staff report to consider directing the cash-in-lieu of parkland dedication for Case 17736: Open Space Design Development- Brookhill Drive, Grand Lake to the development of the playground in the Brookhill subdivision. MOTION PUT AND PASSED UNANIMOUSLY.”

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter - Subsection 283(5) – “Where cash is paid in lieu of transferring land, the Council shall use the funds for the acquisition of, and capital improvements to, parks, playgrounds and similar public purposes and may use the interest on any funds not expended for those purposes for the operation and maintenance costs of parks, playgrounds and similar public purposes.”

RECOMMENDATION

It is recommended that Halifax Regional Council not direct the cash-in-lieu of parkland funds, in association with the approval of the final plan of subdivision for the 19 lot open space design development approved under Case No. 17736, for the development of the existing HRM park parcel(s) on Brookhill Drive, Grand Lake.

BACKGROUND

HRM owns two parcels of parkland in the existing Brookhill Estates Subdivision in Oakfield. These parcels total 18.2 acres (Map 1) and were acquired through the subdivision approval process in the late '80's and '90's during the original phases of development. Currently, both parcels are in an undeveloped state.

The latest phase of the development comprising 19 residential lots received planning approval as an open space design development by Northwest Community Council under Case No. 17736 on February 17, 2014. Through this process, it was determined that additional parkland would not be required for this development given the quantity of parkland currently owned by the municipality in this area. However, a cash-in-lieu of land dedication will be required when the 19 lots are subdivided.

Regional Council has requested advice regarding the allocation of the cash-in-lieu of land payments to be directed to one of the existing parkland parcels on Brookhill Drive for the development of a playground.

DISCUSSION

Governing Legislation

Pursuant to the Regional Subdivision By-law, a subdivider is required to provide a park dedication to the Municipality in the form of land equal to 10% of the total area of all newly created lots or where sufficient public parkland exists, a cash-in-lieu of land dedication, equal to 10% of the assessed market value of all newly created lots. HRM's authority to receive cash-in-lieu of land dedication is contained within the provisions of the *HRM Charter* and regulated through the Regional Subdivision By-law. Such payments are collected by the Development Officer through the final subdivision approval process and are deposited into the Parkland Reserve account (Q107). The estimated cash-in-lieu of land payment for the proposed 19 lots is approximately \$125,000, based on current assessed values. As of the date of this report, an application for final subdivision approval of the 19 lots has not been submitted; any cash-in-lieu of land payment will be calculated based on values in existence at the time of subdivision approval.

Allocation of this revenue is under the direct control of Regional Council and subject to subsections (5) and (6) of Section 283 of the *Charter* which states:

- “(5) *Where cash is paid in lieu of transferring land, **the Council shall use the funds for the acquisition of, and capital improvements to, parks, playgrounds and similar public purposes and may use the interest on any funds not expended for those purposes for the operation and maintenance costs of parks, playgrounds and similar public purposes.***
- (6) *Notwithstanding subsections (5) and (14), **the Council may transfer***
- (a) the funds referred to in subsections (5) and (14) to a non-profit organization that is providing parks, playgrounds or other recreational facilities in the Municipality to be used for the acquisition of and capital improvements to those parks, playgrounds or other recreational facilities; and*
- (b) the interest on the funds referred to in subsections (5) and (14) to a non-profit organization that is providing parks, playgrounds or other recreational facilities in the Municipality to be used for the operation or maintenance of those parks, playgrounds or other recreational facilities.”[Emphasis added]*

The *HRM Charter* enables the cash-in-lieu of parkland funds deposited into the Parkland Reserve to be used for a wide variety of Park and Recreation purposes. In practice, Regional Council has used the Parkland Reserve for a hierarchy of purposes as follows:

- 1) To acquire strategic parcels of parkland required to achieve the municipality's park system goals. Examples are the Chain of Lakes Trail (COLTA) lands, the Prospect High Head, and Jefferson

Property in Fall River. Regional Council has no other specifically identified funding source for such acquisitions.

- 2) Regional Council has authorized expenditures from the Parkland Reserve to increase capital funding capacity for the development of park properties where there is a need to create a regional benefit and/or leverage cost-sharing from other levels of government or partner agencies. An example would be the construction of the playground in the Spider Lake subdivision.
- 3) Expenditures have been made from the Reserve for local park development when the park requirements of a new development are best met in an adjacent neighbourhood. It is common practice for one subdivision to be serviced by a park located in another subdivision. In cases where parklands are available in an adjacent development but underdeveloped and there is a demonstrated need, the Reserve is used as a means to direct funds into that park. These types of transfers are beyond the scope and authority of the Subdivision By-law and therefore cannot be executed by the Development Officer. Instead, these transfers are made through the use of the Parkland Reserve funds by Regional Council.

The Parkland Reserve ensures that there is transparency and accounting in the expenditure of funds derived as cash-in-lieu of parkland through the development process. A recent court settlement agreement (Armco Capital Inc. & Twin Brooks Development Limited v. HRM – Hfx No. 432045) emphasized the need for HRM to remain consistent in its approach of directing cash-in-lieu of parkland to the Parkland Reserve. As part of the settlement, HRM agreed to increase its public accountability with respect to park dedication. Annual reporting to Council will include a Q107 Parkland Reserve Schedule which will identify revenue and anticipated expenditure annually.

Parks Capital Improvement Program

Decisions regarding the development of existing parkland generally occur through the Capital Budget process with Regional Council approving public funds for parks in new communities. Prioritization for the construction of new parks is based on a combination of spatial distribution, demonstrated need, partnering opportunities and the ability to serve the largest citizenry possible. For the last number of years, the focus of Council has been the "State of Good Repair" and improvements to its existing infrastructure to meet existing needs. In parks, this has accounted for 90% of the annual budget resulting in a slow pace for park site development. Until recently, parks in new subdivisions were mostly developed after new communities were built out rather than before when other municipal infrastructure (e.g., streets, sewer, water, etc.) was being constructed for the new development. Many other Canadian municipalities face similar scenarios; however some have developed strategies that see new parks developed when new subdivisions are being constructed. With the adoption of the Regional Subdivision By-law in 2006, parkland development in HRM can be negotiated and constructed as part of the approval process for certain developments. Stemming from feedback from Regional Council, staff is pursuing a strategy to increase successes in this direction and to manage the backlog of undeveloped parks. The recent development of a new neighbourhood park in the Spider Lake subdivision in Fall River demonstrates this new direction.

Brookhill Drive Park Improvements

Staff's assessment of the two existing park parcels as shown on Attachment A has determined the 7.14 acre site on Brookhill Drive is suitable to accommodate neighbourhood recreation uses for the surrounding residents. This site has adequate street frontage for access and visibility and favourable topography. The property was acquired at the time of initial subdivision on what will be a primary access street to other future development. This is part of a strategy to secure a prime spot for the future growth in the area. The seven acre park has not been developed to date owing to the 1) small number of homes in the area and 2) the other playgrounds and parks within very reasonable proximity.

The Brookhill Drive site was originally chosen as a probable sport field location to be triggered by future development. The nearest playground is 1.8kms from the Brookhill site at Grand Lake Oakfield Community Park. That site provides a multi-age playground with two play structures, swings, picnic tables and a basketball/ball hockey sports court. There is also a slow pitch field. All are in very good condition and are owned and operated through the Community Residents Association. Recently, through the area Councillor, staff has been exploring a community request that would entail the Municipality taking over

responsibility and ownership of the Community Park and possibly adding additional lands and a trail connection along the Old Coach Road which runs through the community. This would be enabled through a possible future subdivision being contemplated in the area. The idea would be to create a centrally connected community recreation hub. Some of these ideas can be found in the Community Visioning exercise carried out in the area. Two provincial parks are also available nearby in Oakfield Park and Laurie Park both of them on Grand Lake within minutes' drive time (See Map 1).

Providing a playground at Brookhill would improve service for approximately 35 children aged between 0 and 14 years who now have to travel an additional kilometer to Oakfield Community Park. The addition of 19 more homes through the subject subdivision is projected to add another 8 children based on neighbourhood demographics. Both current residents and the 19 additional lots will not provide sufficient justification to trigger the development of an additional playground at Brookhill Community Park.

While a case may be made that the park should be developed now in anticipation of future development, an alternative would be to earmark the value of the cash-in-lieu of land funds within the Parkland Reserve to be used for the Brookhill subdivision when the population growth creates a need. Staff feels that this is not advisable for the following reasons:

- 1) The \$125,000 from the proposed 19 lot subdivision would not be adequate to develop the park and additional capital funds would be required from within the proposed capital budget. No funds have been allocated by Regional Council at this time. Advancing the park development at Brookhill Drive Park because funds might be available from an adjacent subdivision would create a "queue jumping" situation whereby neighbourhoods without similar means but with identified requirements would be passed over in the capital budget.
- 2) Segmenting cash-in-lieu funds as they are deposited within the Parkland Reserve for future specific park development would create a precedent and constrain funds in the Reserve from being allocated to other regional priorities. Further, this practice would be inconsistent with the spirit of HRM's court settlement with Armco Capital Inc.

Green-Belting & Public Open Space Priorities Plan and Community Facilities Master Plan

The Municipality is currently engaged in two major planning initiatives to aid in decision making related to parks and playgrounds. These are the Green-belting and Public Open Space Priorities Plan (Halifax Green Network Plan) and the Community Facilities Master Plan II. Both are aimed at aiding in strategic direction for public facilities and have implications for playground provision. Both plans seek, among other objectives, to determine where investment is warranted in creating a system of parks and open spaces. Both documents are expected to be presented to Regional Council in the summer of 2016 but initial findings have indicated;

- 1) that the Municipality is very well served by parks and playgrounds
- 2) in some areas urban approaches to service provision is seemingly being applied in rural communities
- 3) there are opportunities to apply a more systematic and evidence based approach to providing equitable service
- 4) investment in higher value public parks which are connected and provide multiple public benefits including ecological protection, social benefits and positive community character and shaping should be encouraged
- 5) provision of low value or single benefit public parks should be discouraged except where no other opportunities exist
- 6) low value public parks should be reviewed as opportunities to redirect investment to high value public parks and open spaces.

The proposal for the Municipality to participate in the existing park at Grand Lake Oakfield Community Park, as discussed above, better meets these objectives.

For these reasons, staff advise that the development of Brookhill Drive Park is not warranted at this time. Instead, it should be considered through the standard capital development process consistent with other new park development when the need is warranted.

RISK CONSIDERATIONS

There are no significant risks associated with the recommendation in this report as staff's recommendation is consistent with past practice.

FINANCIAL IMPLICATIONS

Based on current land values, the Parkland Reserve (Q107) will increase by an estimated \$125,000, to be collected at the time of final subdivision approval of the open-space design development. The Reserve funds will then be available for a wide variety of park and recreation purposes at the direction of Regional Council.

Budget Summary Parkland Development Reserve, Q107

Balance in reserve, April 30, 2016	\$ 4,637,375
Projected revenue to March 31, 2017	\$ 508,017
Pending Expenditures to March 31, 2017	<u>\$(1,275,342)</u>
Projected net available balance, March 31, 2017	\$ 3,870,050

Parkland Development Reserve, Q107, (2006)

As prescribed by the Halifax Regional Municipality Charter, the reserve is used in residential developments for the acquisition of, and capital improvements to, parks, playgrounds and similar purposes and may use interest paid for the operation and maintenance costs of similar public places. Funding is from the real estate developers in the form of cash-in-lieu in accordance with the requirements of Sections 281 & 283 of the HRM Charter.

COMMUNITY ENGAGEMENT

The planning and development of individual new parks of the nature described in this report can involve input from park users through the area Councillor. Often, the Councillor will canvass the community to ensure that the program ideas for the park are discussed. Staff combines this feedback with the objectives of Regional Council and the capability of the lands. This ensures that the park is properly planned to meet the needs of the community and the objectives of Council. A cost estimate is prepared for the improvements and submitted into the Capital Budget process for consideration alongside other projects.

ENVIRONMENTAL IMPLICATIONS

None identified.

ALTERNATIVES

Regional Council may choose to direct the cash-in-lieu of parkland funds, in association with the approval of the final plan of subdivision for the 19 lot open space design development approved under Case No. 17736, to the development of the existing HRM park parcel(s) on Brookhill Drive, Grand Lake. This would involve;

- 1) Depositing of the cash in lieu of parkland payment (\$125,000) owing from the sub-division process into the Parkland Reserve Account Q107.
- 2) Regional Council creating a new capital project for the construction of the playground within Brookhill Park to be funded by a withdrawal from the Parkland Reserve account Q107 in the amount of \$125,000.

This alternative is not recommended for the reasons identified within this report.

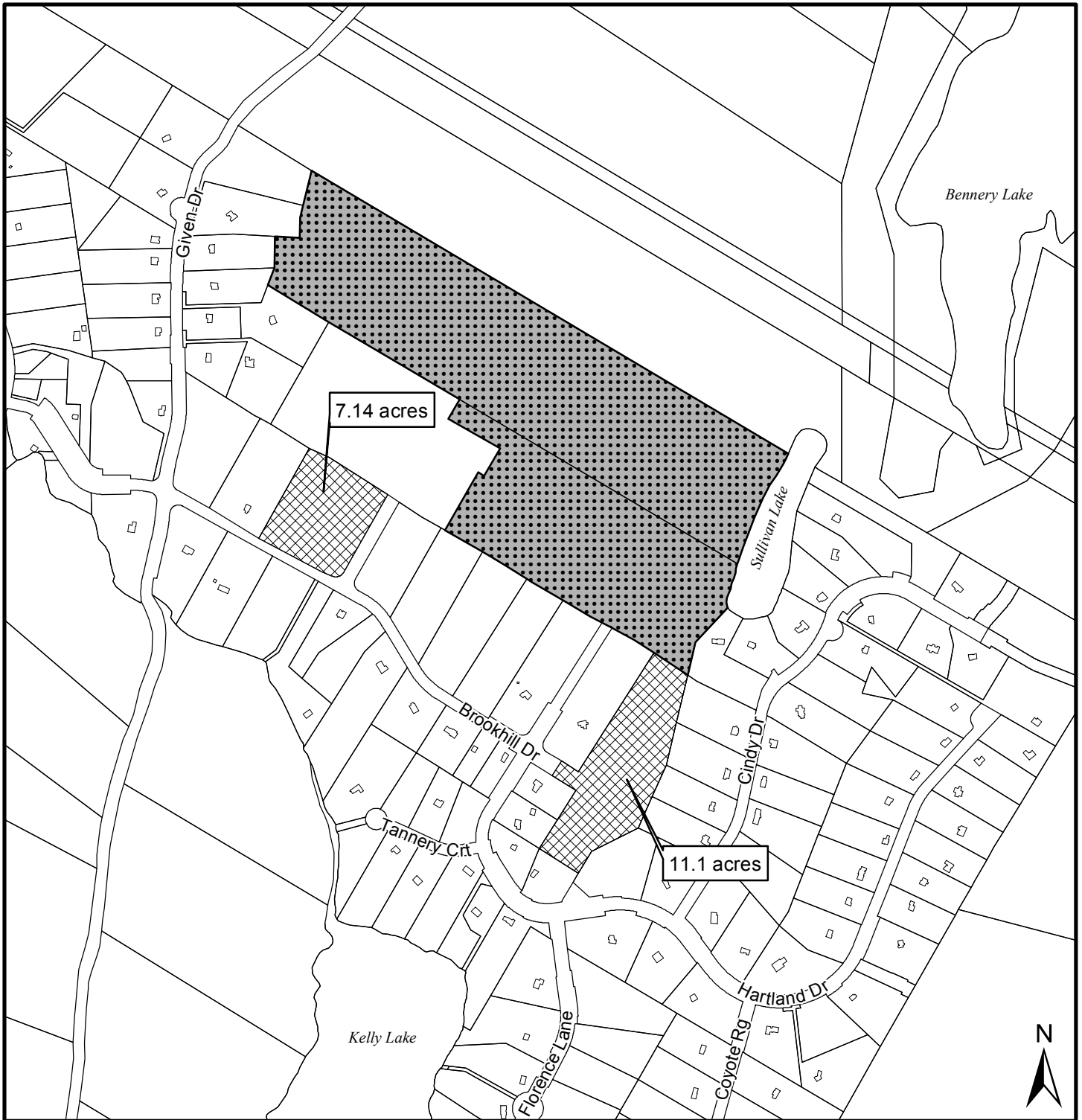
ATTACHMENTS

Attachment A - Map 1 Brookhill Drive Area and Existing Parks

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.


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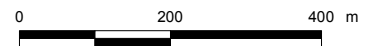


Brookhill Drive Grand Lake

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 Lands Covered by Open Space Development Agreement

 Existing Park Parcel



Planning Districts 14 & 17
(Shubenacadie Lakes) Plan Area

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