


TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 

John Traves, Q.C. Acting Chief Administrative Officer

Original Signed by 

Jane Fraser, Acting Deputy Chief Administrative Officer

DATE: August 5, 2016

SUBJECT: 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

ORIGIN

November 16, 2010, Regional Council, Item 12.1

MOVED by Councillor McCluskey, seconded by Councillor Hendsbee, that Halifax Regional Council:

1. Undertake a Watershed Study for the Highway 102 West Corridor lands and await completion of Halifax Water's Wastewater Functional Plan;
2. Negotiate boundaries for the Blue Mountain – Birch Cove Lakes Regional Park, in relation to the Highway 102 West Corridor lands, through a facilitated process with an independent facilitator; and further, to bring the details of the proposed negotiating process back to Regional Council prior to entering into negotiations; and
3. Defer the review of criteria under Policy S-3 of the Regional Plan, to determine whether to initiate a Secondary Planning Process for the Highway 102 West Corridor lands.

September 17, 2013, Regional Council, Item 11.1.5

MOVED by Deputy Mayor Rankin, seconded by Councillor Walker that Halifax Regional Council:

1. Accept the Terms of Reference (Attachment 1 of the July 8, 2013, staff report) for an independent facilitator to help HRM and the developers' representatives reach a negotiated agreement on potential regional park boundaries, parkland acquisition and development of the Highway 102 West Corridor lands;
2. Authorize staff to enter into discussions with the developers' representatives for the purposes of securing the services of an Independent Facilitator as per the terms of the July 8, 2013, staff report;

RECOMMENDATION ON PAGE 2

3. Until such time as the facilitator has provided the Municipality with his or her report or unless the information has already been disclosed under freedom of information, any confidential information arising from the facilitation process shall be discussed by Council at a closed session; and
4. Ensure there is public consultation as per article 5 (Attachment 1 of the July 8, 2013, staff report) prior to Regional council making a decision on the potential negotiated agreement.

October 28, 2014, Regional Council, Item 13.2.3

MOVED by Councillor Rankin, seconded by Councillor Walker that Halifax Regional Council:

1. Direct staff to proceed with the facilitation process;
2. Direct staff to proceed with their scheduled November meeting with the parties involved in accordance with the Terms of Reference approved by Council as its meeting of September 17, 2013; and
3. Further, should an agreement be reached, that staff be instructed to obtain an appraisal report done on the lands based on the determined boundaries before returning to Council with a report and recommendation.

March 22, 2016, Regional Council, Item 16.2.1

MOVED by Councillor Rankin, seconded by Councillor Karsten

THAT Halifax Regional Council instruct staff to assist in the completion of the facilitators report and proceed to the public consultation as determined at the In-Camera meeting on March 22, 2016.

July 26, 2016, Regional Council, Item 15.1

Moved by Councillor Outhit and Seconded by Councillor Mason

THAT the staff report regarding the Blue Mountain Birch Cove Park Facilitator's Report (including map 3A) be released on Wednesday, August 31, 2016.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. 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;
2. Refuse the request to initiate secondary planning for all Hwy 102 West Corridor lands at this time; and
3. 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 6 months.

BACKGROUND

The Blue Mountain - Birch Cove Lakes (BMBC) area was first formally identified as a potential regional park within the 2006 Regional Plan. The proposed regional park, including conceptual boundaries, continues to be identified in the current 2014 Regional Plan (Attachment A - Map 11). The conceptual park boundaries contain both public and private lands. The majority of the public lands are owned by the Province of Nova Scotia and the private lands are owned by 15 different land owners (Map 1). Annapolis Group Inc. and Susie Lake Developments (Gateway Materials Limited, and B.D. Stevens Limited) together own the majority of the private lands located within the conceptual park boundary. Between 2010 and 2016, Regional Council directed staff to enter into a facilitation process with Birchdale Projects Ltd., representing a consortium of property owners, including Annapolis Group Inc. and Susie Lake Development, in an effort to reach a negotiated agreement on potential regional park boundaries, parkland acquisition and development of the Highway 102 West Corridor lands. Attachment B contains a copy of the final Facilitator's report.

The following sections describe the planning context, history and steps involved in the facilitation process.

Regional and Community Planning Context

The conceptual BMBC regional park, as illustrated in Map 11 of the 2014 Regional Plan, consists of both publicly and privately held lands. Map 1 of this report shows the conceptual park boundary in relation to Regional Plan designations and the lands owned by Annapolis Group and Susie Lake Developments.

BMBC Conceptual Park Boundary

Table 1, below, provides information concerning the public and private lands located within the conceptual park boundary.

Table 1: BMBC Conceptual Park Boundary (areas are approximate)

| | |
|---|---------------------------------|
| Total Area (including lakes) | 1680.6 hectares (4,152.9 acres) |
| Publicly Owned Lands (total) | 933.4 hectares (2,306.4 acres) |
| Province | 929.9 hectares (2298.3 acres) |
| HRM | 3.5 hectares (8.1 acres) |
| Privately Owned Lands (all 15 land owners) | 517.9 hectares (1,279.7 acres) |
| Lands Owned by Annapolis Group and Susie Lakes Development | 345.8 hectares (854.6 acres) |

Land Owned by Annapolis Group Inc. and Susie Lake Developments

Table 2, next page, provides detailed information concerning the lands owned by Annapolis Group and Susie Lake Developments, the two property owners involved in the facilitation process.

Table 2: Annapolis Group Inc. and Susie Lake Development lands (areas are approximate)

| | |
|---|--|
| Subject Lands | Lands owned by Annapolis Group and Susie Lake Developments consisting of a total of 45 properties, including lake islands |
| Size of Site | Annapolis Group – 385 hectares (951.43 acres) Susie Lake Developments – 147.3 hectares (364.1 acres) |
| Regional Plan Designation (Map 1) | Annapolis Group Urban Reserve - 271.7 hectares (671.3 acres) Urban Settlement - 113 hectares (280 acres) Susie Lake Developments Urban Reserve - 10.8 hectares (26.8 acres) Urban Settlement - 136.5 hectares (337.4 acres) |
| Community Plan Designation | H (Holding Area) under the Halifax Municipal Planning Strategy (MPS) |
| Zoning | UR (Urban Reserve) and (US) Urban Settlement under the Halifax Mainland Land Use By-law (LUB) |
| Area Located within the Conceptual Park Boundary | Annapolis Group - 309.3 hectares (764.3 acres) Susie Lake Development – 36.5 hectares (90.3 acres) |
| Current Land Use(s) | Quarry located adjacent to Hwy. 102 and naturally wooded areas containing lakes, streams and varied terrain. |

Urban Reserve Designation

The Urban Reserve Designation, shown on Map 1 of this report, is one of seven areas identified in the Regional Plan that may be needed for future urban development beyond the life of the current Regional Plan horizon of 2031. It is intended to hold lands in an undeveloped state should the area be needed to accommodate future urban growth. Accordingly, lands within this designation are zoned UR (Urban Reserve), which limits development to open space uses and single unit dwellings located on existing lots. These limited opportunities for development are intended to minimize premature development with on-site services that may conflict with potential future urban development plans. Areas designation as Urban Reserve, including those shown on Map 1, are not intended to be considered for urban development until 2031 or beyond.

Urban Settlement Designation

The Urban Settlement Designation, shown on Map 1 of this report, encompasses areas where urban development (central water and sewer serviced) exists or is proposed by the Regional Plan. While the Urban Settlement Designation is applied to existing built up areas, the 2014 Regional Plan also applies the designation to three undeveloped areas: Port Wallace, Sandy Lake, and the Highway 102 West Corridor lands located adjacent to the BMBC area. These undeveloped areas may be considered for urban development through detailed secondary planning studies within the life of the current Regional Plan (before 2031), should the lands be needed to accommodate urban growth. To date, Regional Council has initiated secondary planning only for the Port Wallace area.

Similar to the UR Zone, the US (Urban Settlement) Zone that is applied to the Highway 102 West Corridor Lands limits development to open space uses and single unit dwellings located on existing roads. These limited development opportunities are intended to minimize premature development with on-site services that may conflict with future urban development plans. Since there are no existing public roads on the

subject lands, housing development is not permitted.

Halifax MPS

Under the Halifax MPS, the subject lands are designated "Holding" and are also identified as an area where "development is not permitted". MPS policy 2.1.5 states that "*development in the area shown on Map 1 to the west of the Bicentennial Drive shall be limited due to environmental sensitivity and a lack of municipal services. Only detached single unit residential dwellings and community facilities with on-site services shall be permitted.*" The map contained in the Halifax MPS was approved on August 11, 1978.

Under the Mainland Halifax Land Use By-law, these lands were originally zoned Holding, which permitted single unit dwellings on existing lots (but no subdivision), home businesses and recreation centres. The Holding Zone was replaced by the UR and US zones with the adoption of the Regional Plan in 2006.

History

In 2006, HRM partnered with the Nova Scotia Department of Transportation and Public Works, and the Nova Scotia Department of Natural Resources to identify a potential regional park configuration for the BMBC area. The study, conducted by Environmental Design Management (EDM), also assessed the co-existence of the proposed Highway 113 with the proposed regional park. In collaboration with project stakeholders, the EDM study identified a number of park attributes including cultural considerations, watercourse protection, residential suitability, species richness, views from core lakes and active recreation suitability. The study recommended a conceptual regional park configuration that included the following elements:

- a core wilderness area that is silent and isolated;
- a surrounding area of edge wilderness that is the focus of wilderness recreational activities;
- a meaningful landscape corridor connecting the designated park area to the extensive crown holdings and beyond;
- interspersed areas of community development located adjacent to the edge wilderness areas to provide new park users and offer surveillance, safety and security;
- at least one and preferably two regional park entrances to provide convenient access from the highway system; and
- linkages to all surrounding communities, including active transportation routes.

In 2006, HRM identified the BMBC area as one of five potential regional parks within the 2006 Regional Plan, including a conceptual park boundary based on the EDM study. The 2006 Regional Plan indicated that, over time, HRM intends to acquire the necessary lands for public use through a range of methods including partnerships, land trades and conservation easements.

On September 25, 2007, Birchdale Projects Inc. on behalf of itself and the other property owners, including Annapolis and Susie Lake Developments, requested initiation of a secondary planning process for the Highway 102 West Corridor Lands.

On February 3, 2009, HRM completed a cost of servicing study prepared by consultant CBCL Limited, for a number of potential secondary planning sites, including the Highway 102 West Corridor Lands.

In July, 2009, Birchdale Projects Ltd., representing a consortium of property owners, including Annapolis Group and Susie Lake Development, submitted a detailed request to Regional Council to initiate a secondary planning process for their lands within the Urban Settlement Designation (the Highway 102 West Corridor lands). With respect to the proposed BMBC Regional Park, the property owners indicated a willingness to consider the transfer of lands to HRM and/or the dedication of specific

parkland combined with other development rights through the secondary planning process. The land owner's detailed request to initiate secondary planning can be found on page 32 of the 2009 staff report found at the following link.

<http://www.halifax.ca/council/agendasc/documents/101116cow3-217.pdf>

On November 16, 2010, Regional Council directed staff to:

1. *Undertake a Watershed Study for the Highway 102 West Corridor lands and await completion of Halifax Water's Wastewater Functional Plan;*
2. *Negotiate boundaries for the Blue Mountain – Birch Cove Lakes Regional Park, in relation to the Highway 102 West Corridor lands, through a facilitated process with an independent facilitator; and further, to bring the details of the proposed negotiating process back to Regional Council prior to entering into negotiations; and*
3. *Defer the review of criteria under Policy S-3 of the Regional Plan, to determine whether to initiate a Secondary Planning Process for the Highway 102 West Corridor lands.*

On June 25, 2013, the results of the Birch Cove Watershed Study were presented to Regional Council and were accepted.

On September 17, 2013, Regional Council directed staff as follows:

1. *Accept the Terms of Reference for an independent facilitator to help HRM and the developers' representatives reach a negotiated agreement on potential regional park boundaries, parkland acquisition and development of the Highway 102 West Corridor lands;*
2. *Authorize staff to enter into discussions with the developers' representatives for the purposes of securing the services of an Independent Facilitator as per the terms of the July 8, 2013, staff report;*
3. *Until such time as the facilitator has provided the Municipality with his or her report, or unless the information has already been disclosed under freedom of information, any confidential information arising from the facilitation process shall be discussed by Council at a closed session; and*
4. *Ensure there is public consultation as per article 5 prior to Regional council making a decision on the potential negotiated agreement.*

Under the terms of reference the role of the independent facilitator was to:

- work with HRM and the property owners to determine how they wish to engage with each other; including the sharing of confidential information with the Independent Facilitator and non-confidential information between the parties;
- obtain parkland concepts from HRM and development plans from the property owners, and advise these parties on areas of common agreement;
- assist with coming to common terms between HRM and the property owners on parkland boundaries and financial terms, and conditions for parkland designation that are acceptable to the parties; and
- prepare an Independent Facilitators Report that identifies areas of common agreement on parkland boundaries and (if necessary) areas of disagreement.

In March 2014, the Honourable Justice Heather Robertson agreed to be the independent facilitator in accordance with the terms of reference.

Facilitation Process

HRM staff and representatives of Annapolis Group and Susie Lake Developments, including their legal counsel, attended facilitation meetings with Justice Robertson on the following dates: November 25 and 26, 2014, February 18, 2015, June 23, 2015, August 5, 2015 and October 1, 2015. In addition, HRM staff and the property owners met several times, separate and apart from the facilitation meetings.

A number of key issues were raised and discussed at the facilitation and other meetings between the parties. These included:

1. The park vision as established throughout the EDM report and the Regional Plan;
2. The vision for the park boundaries and the development of the land, as presented by Annapolis Group and Susie Lake Developments;
3. Different approaches to the valuation of the land;
4. The development by HRM staff of regional park criteria for BMBC Regional Park which were based on the purpose and objectives of a regional park under the 2006 and 2014 Regional Plans.

A detailed summary of the facilitation meetings can be found in Appendix II to the Facilitator's Report, starting at page 9 (Attachment B).

In accordance with Regional Council's direction of September 17, 2013, discussions between the parties were held during the facilitation sessions on reaching "...a negotiated agreement on potential regional park boundaries...". Those discussions were based on the regional parks criteria outlined above. Attachment C contains a copy of Map 3A, an alternative conceptual park boundary map prepared by HRM staff for discussion purposes during the facilitation process. The alternate boundary illustrated in Map 3A represents an attempt at a compromise that responded to the development proposal put forward by Annapolis Group and Susie Lake Developments while still partially meeting several regional park objectives. It represents a minimum, as opposed to ideal, park configuration as a point of discussion.

In preparing Map 3A for discussion during the facilitation process, the following key items were considered:

- public access to the proposed park;
- separation between the proposed development on the provincially designated wilderness area;
- the use of lake islands as a natural transition between development and wilderness areas;
- the protection of key view plains;
- the protection of lake water quality, Fox Lake water quality in particular;
- the potential to relocate park areas located within the proposed development to enhance the proposed BMBC regional park; and
- active transportation corridors.

At the conclusion of the facilitation process, HRM staff and Annapolis Group were not able to reach a negotiated agreement on the BMBC conceptual regional park boundaries. A tentative agreement has been reached between HRM staff and Susie Lake Developments with respect to park land within their property. Both Susie Lakes Developments and Annapolis Group have indicated that they will not agree to

any proposed park boundary without Regional Council granting their request to initiate secondary planning strategies for their lands.

On March 22, 2016, Regional Council considered the Facilitator's interim report in an in-camera meeting and approved the following motion.

THAT Halifax Regional Council instruct staff to assist in the completion of the facilitators report and proceed to the public consultation as determined at the In-Camera meeting on March 22, 2016.

On June 6, 2016, the final Facilitator's report was posted on the HRM website. Attachment B contains a copy of the final Facilitator's report.

On June 20, 2016, a public presentation concerning the Facilitator's report was held in accordance with the Facilitator's Terms of Reference.

DISCUSSION

As the facilitation process is now complete, Regional Council is expected to consider next steps. For the reasons outlined in this report, staff recommend that the Facilitator's report be received and no further action be taken concerning the facilitation process or the report's recommendation. The following sections review key components of the Facilitator's report and discuss proposed next steps concerning the proposed BMBC regional park.

Property Valuation

The Facilitator's report indicates that Annapolis Group is prepared to transfer 210 acres (as shown on the Development Plan that is Appendix III to the Facilitator's Report) for \$6 million. These are lands identified by Annapolis Group for parkland use that would be over and above the 10 percent parkland dedication required by the Subdivision By-Law. In contrast, HRM's appraisal places the market value of these 210 acres at approximately \$2.8 million.

The disagreement on land values arises out of different methodology applied by HRM's and Annapolis Group's respective appraisers. Staff advise that the valuation approach used by Annapolis Group would likely not meet HRM Charter requirements as the purchase price proposed cannot reasonably be supported by the definition of market value. In addition, any meaningful consideration by HRM of this valuation could set a precedent that may encourage land owners involved in other land acquisition discussions to employ the valuation approach used by Annapolis Group. Given this context, staff advise that the valuation put forward by Annapolis Group does not reflect a willing seller and should not form a basis for further discussion.

Regional Park Objectives

The Facilitator's Report concludes that the regional park boundaries proposed by the landowners achieves regional park objectives. Staff respectively disagree with this conclusion. As outlined in the Facilitator's report, staff advise that the boundaries outlined in the development proposal minimally achieves or fails to meet a number of the regional park criteria for BMBC Regional Park related to recreation, environmental protection and community shaping. Concerns raised by staff include deficiencies with respect to public access, buffering of the wilderness areas, connectivity of natural areas and views from key locations. Detailed information on the criteria and related assessment of the boundaries proposed by the land owners is outlined in Appendix II of the Facilitator's report (Attachment B). In addition, for comparison, Attachment D of this report shows the approximate location of the

conceptual BMBC regional park boundary (from Map 11 of the Regional Plan) in relation to the development plan prepared by the landowners (Appendix III of the Facilitator's report).

Secondary Planning

The Facilitator's report supports the land owners' request to initiate secondary planning to enable central sewer and water serviced development on the lands located both within the Urban Settlement and Urban Reserve Designations. In summary, both the land owners and Facilitator link the establishment of the regional park to enabling adjacent urban development. In 2010, Regional Council deferred the consideration of secondary planning for these 102 West Corridor lands (Urban Settlement Designation), pending a watershed study and proceeding with a facilitation process. This section revisits the land owners request to initiate secondary planning as both the watershed study and facilitation process are now complete.

The 2010 motion specifically referenced Policy S-3 of the 2006 Regional Plan. This policy has since been updated and is now referenced as Policy S-2 of the 2014 Regional Plan. Since consideration of requests to initiate secondary planning is not 'grand fathered' under the policies that existed at the time of the initial request, staff review the original request against the current Regional Plan Policy S-2. Nevertheless, for the sake of clarity, staff also reviewed the request in terms of the 2006 Regional Plan. Attachment E contains the relevant sections from both the 2006 and 2014 Regional Plan.

Staff advise that the request to initiate secondary planning is not consistent with both the 2006 and 2014 Regional Plan policies concerning the need for additional land, fiscal implications, growth targets and municipal services. The following sections provide a detailed review of the policies contained in the 2014 Regional Plan, and summarize the review of Policy S-3 of the 2006 Regional Plan.

Need for Developable Land

One of the Regional Plan's principles is to "*manage development to make the most effective use of land, energy, infrastructure, public services and facilities, and foster healthy lifestyles*". Accordingly, policy S-2(a) states that when requests are received to initiate secondary planning for any of the areas identified as potential growth areas, HRM shall consider the need for additional lands. In other words, does the region need to make more land available for development to accommodate population growth? Staff advise that the answer to this question is no, additional lands are not needed at this time.

The Regional Plan states that HRM will seek to support a competitive housing market by maintaining a 15 year supply of serviced land. In 2013, an inventory of potentially developable lands within urban communities, outside the Regional Centre, was undertaken as part of the background for the 2014 Regional Plan. At the time, staff estimated that there was sufficient supply for at least 28 to 35 years based on a growth rate of 1,200 households per year. This estimate excludes potential for redevelopment, infilling or auxiliary dwelling units. Staff have reviewed the 2013 inventory and note that there have been no significant changes to the availability of land. In addition, Municipal records show that since 2013 approximately 1237 units/year have been granted building permits in the urban communities located outside of the Regional Centre, demonstrating that the assumed growth rate of 1,200 units per year is reasonably accurate.

The estimate of available land supply conducted for the 2014 Regional Plan excludes infilling and redevelopment opportunities. However, Municipal records indicate that redevelopment and infill developments are actually a major contributor to residential development. Outside of the Regional Centre, approximately 38% of new residential units building permits since 2013 were located within existing built up areas, such as the construction of secondary suits and the redevelopment of commercial

properties. This indicates that the 2013 estimate of a 28-35 year supply of land is significantly understated when redevelopment opportunities are considered.

It is also important to note that Council has made varying levels of commitment to allowing new greenfield urban developments on lands designated as Urban Growth Centres by the Regional Plan. In 2012, Council approved a \$2 million contribution to the estimated \$3 million cost of oversizing the wastewater system through Bedford West to allow for the future development of the Sandy Lake lands on the north side of the Hammonds Plains Road. With an area of 662 acres, these lands have an estimated potential build out of 4,600 to 5,900 units. In addition, Council has directed staff to prepare a secondary planning strategy for the Port Wallace area. Various background studies have been completed to date and preliminary design work has commenced. A buildout of 3,700 housing units is anticipated over 525 acres in Port Wallace.

Fiscal Implications

Region Plan Policy S-2(a) indicates that HRM shall consider "*fiscal implications to HRM and Halifax Water and their capacity to meet additional financial commitments*". In this case, staff advise that there are negative fiscal implications.

In new greenfield developments, the initial costs of constructing new roads, sewer and water infrastructure is the responsibility of the developer. In addition, needed upgrades to shared off-site infrastructure, such as collector roads, is usually wholly, or partially, funded through capital cost contributions. However, after the infrastructure is constructed, the on-going costs to operate, maintain, renew and eventually replace assets become the responsibility of HRM and Halifax Water. Further on-going municipal costs are associated with providing services, such as recreation programming, fire and police service, transit, schools, community facilities and solid waste services. Especially for new greenfield developments, these service and maintenance costs per person are high in initial years as future phases of the development need to be completed before certain services, such as transit, are financially viable. In this case, HRM's operating and maintenance costs are estimated to increase without a corresponding increase in assessment or tax revenue as the total expected development in HRM will not increase, but will be spread over a larger area.

In 2013, HRM commissioned a study, carried out by the consulting firm Stantec, to quantify the costs and benefits to HRM of various growth scenarios. The Stantec study estimated that HRM would save \$670 million over the next 20 years if the Municipality adheres to the Regional Plan growth target of 25% of new housing starts in the Regional Centre. The study further indicated that additional cost savings could be achieved by exceeding the Regional Plan targets and focusing more growth in the Regional Centre. The primary reasons for these savings is that limiting the extent of development reduces the length of infrastructure networks and the requirement for new infrastructure, such as pumping stations and interchanges. This in turn reduces operating and maintenance costs.

Growth Target Implications

Region Plan Policy S-2(b) indicates that HRM shall consider the implications for achieving HRM's growth targets when considering requests to initiate secondary planning. These target at least 25% of new housing starts in the Regional Centre, 50% in urban communities and 25% in rural areas. In this case, staff advise that the request to initiate secondary planning would not support these targets.

Staff reviewed the cumulative proportion of housing starts since 2006 based on Municipal records and Canadian Housing and Mortgage Corporation (CMHC) statistics. Staff advise that since 2006 HRM has been meeting the target of having at least 75% of new residential unit starts within urban areas (Regional

Centre and Urban Communities), but is not yet meeting the goal of directing at least 25% of new housing starts to the Regional Centre. Proceeding with secondary planning would further increase the proportion of residential unit starts located in urban communities, and decrease the proportion of housing starts located in the Regional Centre. This would make it more difficult for HRM to meet or exceed the target of having at least 25% of housing starts located in the Regional Centre.

2006 Regional Plan Policies

As previously noted, the 2006 Regional Plan policies concerning the request to initiate secondary planning are no longer applicable and the preceding sections review the request against the policies contained in the 2014 Regional Plan. Nevertheless, staff also reviewed the request in terms of the 2006 Regional Plan and advise the request is also not consistent with these policies.

Policy S-3 of 2006 Regional Plan considers fiscal implications similar to the 2014 Regional Plan. As previously noted, staff advise that the proposal would have a negative impact on the fiscal health of HRM as it would not contribute to the cost savings identified in the Stantec study.

The 2006 Regional Plan indicates that consideration must be given to the potential of the proposal to address deficiencies in municipal service systems that would be needed to service the proposed area. In this case, staff advise that the proposal would not address any service deficiencies. The proposal would not strengthen road, water and sewer service connections or address transportation issues. In fact, the 2009 CBCL Cost of Servicing Study noted challenges in developing new road connections to Kearney Lake Road and congested portions of Chain Lake Drive, as well as the need for road network upgrades, including widening a portion of the Bedford Highway and a tunnel under Highway 102.

Policy S-3 of the Regional Plan also references the principles of the Plan as set out in Section 1.4. These principles include the consideration of cost effective decision making, development patterns, effective use of land, and integrated transportation systems among other items. Staff advise that the proposal is not consistent with these principles, specifically the principles related to managing development to make the most effective use of land, energy, infrastructure, public services and facilities, the principles regarding the development of an integrated transportation system, and the principles regarding the protection of open space, wilderness, natural beauty and sensitive environmental areas.

Next Steps

The Regional Plan describes HRM's long-term aspiration to acquire the private lands located within the conceptual park boundary and notes that the methods of acquisition could range from provincial and municipal partnerships, land trades and conservation easements. By design, however, the facilitation process involved only two land owners, and focused only on land acquisition in relation to development. Consequently, as a next step, staff propose that HRM broaden its approach by involving all stakeholders and considering a wider variety of parkland planning tools. These alternative approaches include the following.

Partnerships with Provincial or Federal Governments

In 2006, HRM partnered with two provincial departments to study the BMBC area and identify a potential conceptual regional park boundary. In 2009, the Province designated its land holdings located within and adjacent to the conceptual boundary as a protected wilderness area. Further discussions with appropriate provincial departments may identify further partnership opportunities. Similarly, discussions with appropriate federal departments or agencies may identify additional opportunities to partner on initiatives that support the proposed BMBC regional park.

Discussions with All Land Owners

As previously noted, there are 15 different private land owners who own property located within the conceptual park boundary. While the facilitation process involved two land owners, broadening discussions to all landowners could identify other park land acquisition opportunities. In particular, those opportunities may enable HRM to obtain access to the BMBC area in the shorter term. While the Facilitation report indicated that the proposed development plan would enable near term access to the area, the timeline for approval processes as well as construction of necessary roads to achieve that access would likely take several years.

Therefore, discussions with all land owners who own property within the conceptual park boundary may provide more timely opportunities. For example, the recently approved development agreement for Bedford West Sub Areas 7 and 8 identifies a potential major entrance to the proposed BMBC regional park that could be suitable for a trailhead and staging area. While this land is not part of the minimum parkland contribution required by the Regional Subdivision By-law, nothing in the agreement prevents HRM from acquiring further land for the potential regional park entrance. As well, the recent approval of lands in Bayers Lake included negotiation of lands for future access to the wilderness area as part of the subdivision process. Through discussions with all land owners, additional opportunities may become known that could provide public access to the designated wilderness area in the shorter term.

Conservation Easements

Conservation easements are voluntary legal agreements between a landowner and an eligible organization, such as a land trust or municipality, which places restrictions on the use of a property in order to protect the natural values of the land. The easements are tailored to the needs of the landowner and host organization and are usually intended to protect natural features in perpetuity. The land owner retains ownership and the ability to use the land in any way that is not restricted under the easement. While land is often donated, land owners can also be compensated for forgoing future development opportunities. Regarding the proposed BMBC regional park, the conservation easement tool could be attractive to land owners who may wish to retain control and ownership of their land, while ensuring land holdings are protected, provide public access, or are only used in a way that is compatible with the proposed regional park.

Partnerships with Land Conservation or Community Organizations

HRM received a number of submissions concerning the Facilitator's report from land stewardship and recreation organizations that commented on the ecological and recreational value of the BMBC area. Given this interest, some organization may be willing to play an active role in establishing or managing the proposed BMBC regional park. Some organizations, for example, may be eligible to hold and maintain conservation easements while others may be interested in entering into agreements to maintain trails or other recreational assets. Such partnerships may create additional opportunities to partner with land owners or other levels of government and could be a way to improve public access and share long-term maintenance costs.

Land Use Planning Tools

Under the Halifax Charter, HRM has the explicit ability to control the use and development of land. While the Facilitator's report and public feedback characterize HRM's land use planning options as a choice between urban development or no development. In actual fact, HRM can consider a wide range of land use planning approaches. HRM, for example, could consider allowing commercial recreation uses, such as camp grounds, lodges or outdoor recreation based businesses in appropriate locations. Arguably, such developments could enable land owners to generate revenue from land holdings while also supporting economic development and facilitating public access to the BMBC area. Alternatively, in

certain locations, low density residential development with on-site services may be an appropriate way to facilitate land acquisition and public access initiatives.

It is important to note that nearly all private lands within the conceptual park boundary are located in the Urban Reserve Designation or Urban Settlement Designation. These designations effectively conserve the lands in a natural state unless Council provides specific direction to amend the Regional Plan, or initiate secondary planning. Therefore, given that there is no immediate risk of development, there is considerable time to explore a variety of approaches for establishing the proposed regional park.

Conclusion

For number of reasons, staff advise that the Facilitator's report does not provide a basis for further work or discussion concerning the proposed BMBC Regional Park. Discussions on valuation methodology with Annapolis Group throughout the facilitation process indicate that there does not appear to be a willing seller. Further, the park boundary proposed in the landowner's plan does not meet regional park objectives. In addition, there is no need to initiate secondary planning at this time as HRM has a sufficient supply of developable land for the foreseeable future, and the expansion of suburban development would not support HRM's growth targets. Therefore, staff recommend that Regional Council not initiate secondary planning or a process to amend the conceptual park boundary contained in the Regional Plan at this time.

HRM does have the opportunity to explore a wider variety of approaches to establishing and providing public access to the proposed regional park. These alternative approaches include discussions with the Province and all land owners, as well as the use of land use planning tools and conservation easements. Therefore, given the significant public interest and the clear intent set out in the Regional Plan, it is recommended that Regional Council direct staff to explore a variety of options for establishing and providing public access to the proposed BMBC regional park.

FINANCIAL IMPLICATIONS

There are significant costs associated with the Facilitator's recommendation to proceed with secondary planning related to staff resource constraints and planning studies. The HRM costs associated with the staff recommendation to explore a variety of approaches towards establishing and providing public access to the proposed BMBC regional park can be accommodated with existing staff resources within the approved 2016/17 operating budget. Any costs associated with the outcome of staff investigations, such as alternative land acquisition initiatives, will be reviewed within subsequent reports should Regional Council approve the staff recommendation.

Should Regional Council choose to direct staff to proceed with the recommendations outlined in the Facilitator's report, there would be significant costs required for land acquisition in addition to the staff resources noted above. The land valuation would need to be finalized in order to determine the actual costs. However, based on the discussion during the facilitation session, the landowners have indicated a cost of \$6 million for the transfer of 210 acres of land above the required 10 percent parkland dedication as identified in their proposed development concept. The funding for this acquisition would require additional direction from Regional Council regarding the funding source and impact to other property acquisitions, previously directed by Regional Council.

RISK CONSIDERATION

As discussed in this report, there are significant risks associated with the recommendations contained in the Facilitator's report concerning property valuation, regional park boundaries, and secondary planning. There are no significant risks associated with the recommendations contained in this staff report. Any risks associated with alternative approaches will be reviewed within subsequent reports should Regional Council approve the staff recommendation.

COMMUNITY ENGAGEMENT

On March 22nd, 2016, Regional Council directed staff to proceed to public consultation on the Facilitator's report, as outlined in the facilitation process terms of reference. The final Facilitator's report was posted on the HRM website on June 6, 2016, and a public presentation held on Monday June 20th. Written submissions were accepted until July 4, 2016. HRM received a total of 1,421 submissions. A copy of all submissions can be found at the following link.

<http://www.halifax.ca/property/bluemountainbirchcovelakes.php#Q4>

Common themes expressed in the submissions include the following topics:

- opposition to the Facilitator's report;
- recreation and ecological values;
- opposition to urban development; and
- public engagement.

ENVIRONMENTAL IMPLICATIONS

There are significant environmental implications associated with the regional park boundary recommended in the Facilitator's report, as described in the discussion section of this report.

ALTERNATIVES

Regional Council may:

1. Direct staff to initiate a process to consider amendments to the Regional Plan to change the Blue Mountain – Birch Cove conceptual park boundary based on the recommendations contained in the Facilitator's report.
2. Direct staff to initiate a process to consider amendments to the Regional Plan to change the Blue Mountain – Birch Cove conceptual park boundary based on Map 3A, including public consultation on the map and discussions with the land owners regarding interest in potential acquisition.
3. Direct staff to develop terms of reference to initiate secondary planning for the Hwy 102 West Corridor lands.

ATTACHMENTS

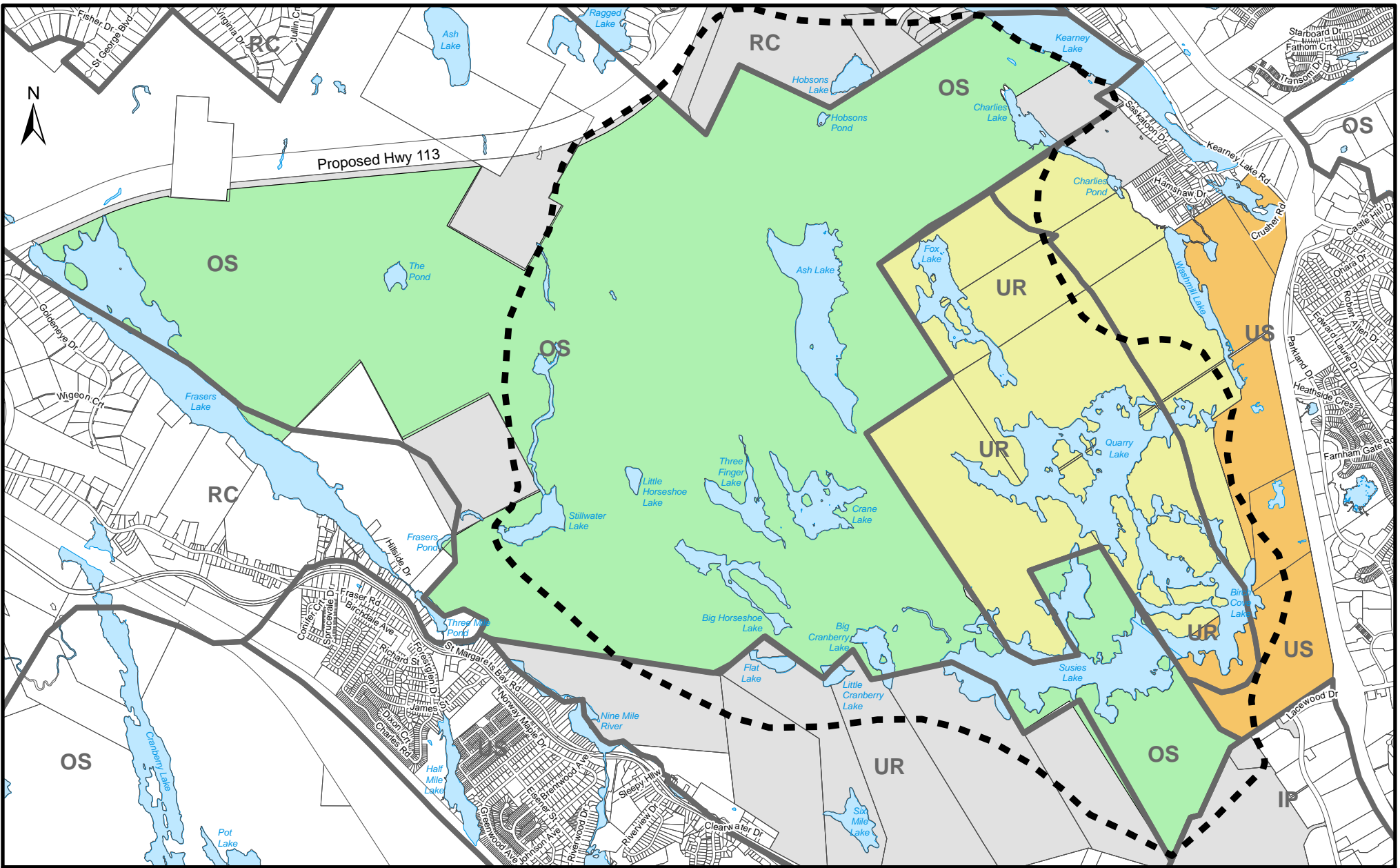
| | |
|--------------|---|
| Map 1 | Reference Map |
| Attachment A | Map 11 from the 2014 Regional Plan |
| Attachment B | Facilitator's Report |
| Attachment C | Map 3A |
| Attachment D | BMBC Conceptual Park Boundary Compared to the Development Plan Contained in the Facilitator's Report |
| Attachment E | Excerpts from the 2006 and 2014 Regional Plan |

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: Ben Sivak, Principal Planner, 902.490.6573

Report Approved by:

Bob Bjerke, Chief Planner and Director, Planning & Development



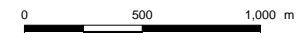
Legend

-  BMC Conceptual Park Boundary
-  Regional Plan Designations Boundaries
-  Lands Owned by Annapolis Group Inc.
-  Lands Owned by Susie Lake Developments Ltd.
-  Provincial Designated Wilderness Area
-  Private Lands Not in the Facilitation Process

Regional Plan Designations

- US Urban Settlement Designation
- UR Urban Reserve Designation
- OS Open Space and Natural Resource Designation
- RC Rural Commuter Designation
- IP Industrial Parks Designation

Map 1 - Reference Map



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



Attachment B

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

SUMMARY

The 2006 Regional Municipal Planning Strategy ("Regional MPS") expresses HRM's intention to create the Blue Mountain-Birch Cove Lakes Regional Municipal Park. Conceptual boundaries for the park were established in Map 13 (attached as Appendix I). The conceptual boundary included private lands of Annapolis Group Inc. and Susie Lake Developments Limited in the area of Susie Lake and Quarry Lake. Only publicly owned lands within the boundary for the conceptual plan were identified for inclusion within the Regional Park Zone. The privately owned lands within the conceptual park boundary were zoned urban settlement and urban reserve, ultimately for development either within the 25 year life of the Regional MPS or beyond.

The Regional MPS states:

It is the intention that, over time, the necessary private lands within the park be acquired for public use. Methods of acquisition range from provincial and municipal partnerships, as financial resources permit, land trades and conservation easements. Once acquired, public lands within the park will be re-designated as Open Space and Natural Resource and zoned Regional Park. Lands outside the park will be designated and zoned for development as appropriate.

The Regional MPS was finalized prior to the designation as wilderness area 3242 acres of the Provincial Crown lands adjacent to the privately held property. The Regional MPS specified Council's intention to acquire over time the necessary private lands. It is clear, however, that this is subject to the Municipality's financial ability and community interest. The private lands for park use were to be determined through negotiation of potential park boundaries.

On November 16, 2010, Regional Council directed Staff to undertake a watershed study for the Highway 102 West Corridor lands, to await the completion of Halifax Water's Wastewater Functional Plan and to proceed to negotiate boundaries for the Blue Mountain-Birch Cove Lakes Regional Park in relation to the Highway 102 West Corridor lands, through a facilitated process with an independent facilitator. The watershed study was completed and approved by HRM Council on June 26, 2013 and the functional waste water plan was completed and approved by the Nova Scotia Utility and Review Board in April 2014.

On September 17, 2013, Regional Council approved Terms of Reference for Regional Park boundaries negotiations. (See:<http://www.halifax.ca/council/agendasc/130917rcAgenda.php>)

In March, 2014, I agreed to act as facilitator between the parties. Since that time, the parties have met with me on eight occasions and have had numerous meetings in my absence in an effort to reach a consensus on park boundaries.

The lands of Annapolis Group and Susie Lake Developments (and other companies which like it are part of the Stevens Group) comprise 1,308 acres, of which Annapolis Group holds 965 acres and Stevens Group 343 acres.

Most of the Stevens Group lands is currently designated as Urban Settlement. Of Annapolis Group's lands, 291 acres are zoned Urban Settlement and the remaining land is zoned Urban Reserve.

The lands identified as Urban Settlement are proposed under the Regional MPS to be considered for serviced development (municipal water and wastewater systems) over the life of the plan and subject to approval of a secondary planning process. Areas identified as Urban Reserve under the Regional MPS were viewed as areas where serviced development could occur outside the 25 year time horizon of the 2006 Regional MPS (2031).

To prepare for the facilitation, Annapolis Group and Susie Lake Developments undertook detailed engineering and planning to identify and price out the infrastructure which would be required in order to develop their lands. This included identifying the location and sizing requirements of streets, paths, parkways, sewer, water and storm water systems and road intersections and other connecting infrastructure. Because any development of the Urban Reserve lands would require servicing from lands in the Urban Settlement zone, development potential of these lands needed to be considered as well. The sizing and pricing of infrastructure within the Urban Settlement areas are dependent upon the nature of the development of the Urban Reserve areas. The timeline for development may be addressed in a phased development approach established through secondary planning taking into account factors such as the timing for providing safe public access to the regional park and to the wilderness lands.

Throughout the facilitation, the parties have explored the objectives of HRM's park planners and the means through which those objectives may be achieved in whole or in part. The landowners have consistently expressed concern that, if there is not sufficient area in the lands remaining for them to develop, the cost of necessary infrastructure will render the development of the remaining lands uneconomic.

With respect to the development of the private lands and proceeding to secondary planning, HRM staff has considered the requirement under the Regional Plan to protect the fiscal health of HRM and its capacity to meet additional financial commitments. Staff's concern is with the ongoing servicing costs to the Municipality to operate, maintain, renew and eventually replace infrastructure built by the developers (snow clearing, road maintenance, etc.). In addition, HRM bears the cost of providing services to the new communities (police, fire, etc.). Staff has also considered the existing land supply available for development on the fringes of the Urban Service Area.

The landowners note that all infrastructure required to develop their lands will be built at their costs with the exception of HRM's contribution for roads built fronting on HRM property or HRM's contribution for traffic generated by users of the regional park. The landowners dispute that the development of their lands would cause any incremental costs over that of any other development. Their development is highly efficient. They pointed out that the lands are in close proximity to major highways and arterial roads and could be serviced by existing HRM facilities such as fire station, police detachment, Keshen Goodman library, Canada Games centre, Mainland Common, and transit terminal. The lands are proximate to HRM's solid waste facility. There are elementary schools and the Halifax West High School in the vicinity as well.

A summary of the background to the efforts to develop these lands, the intention to secure a portion of the area for a regional park and the sequence of the facilitation may be found attached as Appendix II (Background to Facilitator's Report to Council).

Considering the results of our facilitation up to that point in time, on March 22, 2016 HRM Regional Council provided the parties with the following direction contained in its resolution which reads:

That: Halifax Regional Council instruct staff to assist in the completion of the facilitator's report and proceed to the public consultation as determined at the In-Camera meeting on March 22, 2016.

A description of the boundaries proposed by Annapolis Group and Susie Lake Developments is attached as Appendix III (the Development Plan). I would note the following considerations in connection with the Development Plan:

- The original concept boundary for the Regional Park contained in the Regional Municipal Planning Strategy does not take into account the economics of opening the lands up for public access. The landowners estimate an investment of \$30 million in infrastructure is required to open the park to public access and their lands to development. This level of investment requires a certain scale of development to be economic.
- Development in the vicinity of the park will provide users to both the regional park and the provincial wilderness park and will facilitate through private investment the opening of public access points to the park and to the Birch Cove Lakes.
- As set out in Appendix III, the Development Plan contains 315 acres of regional parkland. It includes the entirety of the Fox Lake shoreline and the remainder of the north shore of Susie Lake wrapping around land already designated as wilderness parkland. This proposed parkland is adjacent to a 3,242 acre wilderness park, an area approximately two-thirds of peninsular Halifax. (See Site Location Plan Appendix IV for a representation of the size of the parcels involved.)
- HRM needs to decide as a matter of policy how much parkland it requires and is prepared to pay for, taking into account all factors including the adjacent wilderness park.
- Annapolis Group is prepared to transfer 210 acres of parkland surplus to the 10 percent requirement of the Subdivision By-Law for \$6 million. HRM's appraisal places a value on this parkland of approximately \$2.8 million. Susie Lake Developments is prepared to sell to HRM portions of its lands additional to the 10 percent requirement, if these lands are required for the regional park, at a price to be agreed upon. These proposals are conditional upon completion of secondary planning for the Highway 102 West Corridor lands. Annapolis Group has also indicated its willingness to adjust the boundaries of the regional park through the secondary planning process and to have the fair market value of its lands (additional to the 10 percent requirement) required for regional parkland determined by an independent arbitrator.
- Development under the Development Plan provides multiple points of public access to the proposed regional park and to Birch Cove Lakes at little public expense as roads and intersections are built by developers. However, those roads, once accepted by HRM, will be maintained by the Municipality and there will be public expense associated with that road maintenance, though this is true for any development.

- The Development Plan appears to be buildable and affordable for HRM and will result in an accessible regional park being made available to the public, subject to the completion of a secondary planning process.
- The Development Plan results in 64,100 feet of shoreline of the Birch Cove Lakes in public ownership and all privately owned shoreline protected by a riparian buffer.
- The Development Plan provides an opportunity to address pollution of the Birch Cove Lakes by diverting contaminating storm water emanating from Clayton Park and Bayer's Lake and currently entering Susie Lake to a man-made lake for further treatment as part of the development of the lands of Susie Lake Developments.
- Development of the private lands will utilize existing public facilities (see plan Appendix V) and will not require any additional investment by HRM apart from sharing road costs for streets fronting HRM owned property (i.e. parkland) or for conventional cost sharing of major road structures based upon projected road traffic generated by users of the regional park and/or background traffic.
- Development will generate park users and increase access routes (roads and pathways) and modes of access (car, transit, bike, walk, run) to the park.
- The Development Plan allows for the extension of the COLTA trail through the development along the sides of Washmill, Susie and Quarry Lakes to Kearney and Charles Lakes. It also preserves for public park use waterfront property at the dam which controls the flow out of Quarry Lake.
- Dedication of parkland upon the completion of secondary planning will provide security that land for the regional park may be acquired and the regional park realized. Phasing of the development through secondary planning manages pace of development.
- Acceptance by HRM of the Development Plan as the basis for resolution of the regional park boundaries through a facilitated agreement will secure parkland for generations to come and amicably settle the regional park boundaries, an action it cannot delay indefinitely while not permitting the development of the lands.
- HRM Staff does not recommend Secondary Planning Strategies be initiated for the lands at this time, in accordance with Policy S-2 and S-3 of the Regional Plan. HRM staff takes the position that there is a 28 to 35 year supply of developable land in order to respond to residential growth.
- To permit development on the Annapolis lands that are zoned Urban Reserve and to set the boundaries for the Regional Park, the 2014 Regional Plan and the Halifax Mainland LUB will have to be amended.
- HRM Park staff considers that the Development Plan fails or only minimally achieves many of the regional park objectives of providing regional public lands and lakes for nature based recreation; providing front country recreation nodes; buildability: providing community parks; protecting water quality; providing a buffer to wilderness protected areas; contributing to the positive image at the regional level and within the Birch Cove Lakes Community; providing positive views from key locations; and providing a network of accessible open space.

- I disagree with this assessment and, in addition, consider that the achievement of regional park objectives must also take into account the cost of achieving those objectives.

Conclusion

Adoption of regional park boundaries will require an amendment to the Regional Municipal Planning Strategy and public consultation.

Setting the regional park boundaries as proposed by the landowners in the Development Plan achieves regional park objectives and is economically feasible.

The regional park boundary proposed by the private landowners is predicated upon proceeding to secondary planning of their lands and the regional park.

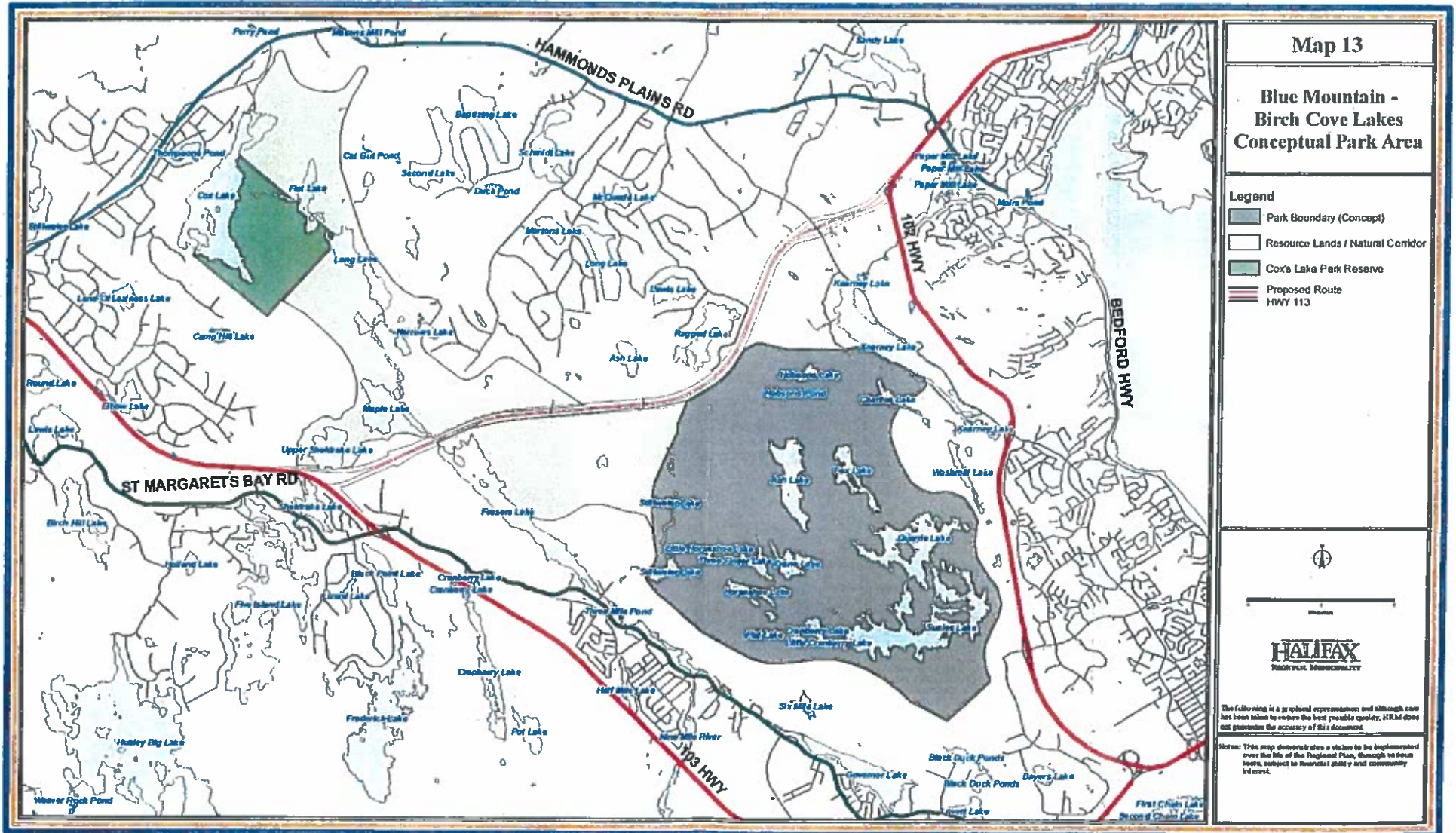
Dated at Halifax this 1st day of June, 2016.



Justice M. Heather Robertson

LIST OF APPENDICES

| | |
|--------------|---|
| Appendix I | Map 13, 11 |
| Appendix II | Background to Facilitator's Interim Report to Council |
| Appendix III | Development Plan |
| Appendix IV | Site Location Map |
| Appendix V | Existing Facilities |



Map 13

**Blue Mountain -
Birch Cove Lakes
Conceptual Park Area**

- Legend**
- Park Boundary (Concept)
 - Resource Lands / Natural Corridor
 - Cox's Lake Park Reserve
 - Proposed Route
 - HWY 113


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





The following is a graphical representation and although care has been taken to ensure the best possible quality, HRM does not guarantee the accuracy of this document.

Note: This map demonstrates a vision to be implemented over the life of the Regional Plan, through various levels, subject to financial ability and community interest.

Map 11

Blue Mountain - Birch Cove Lakes Conceptual Park Area

Legend

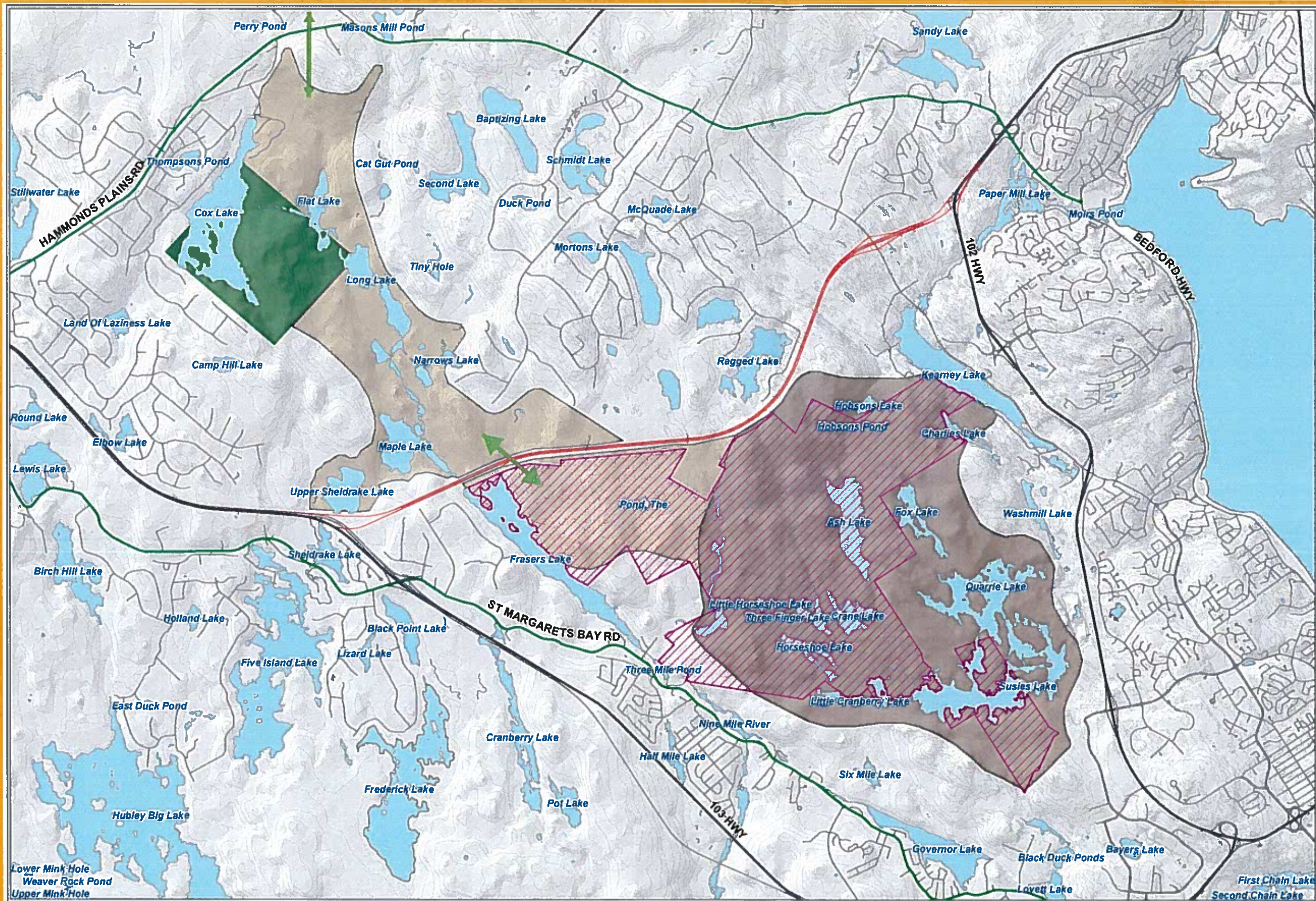
-  Park Boundary (Concept)
-  Core Wilderness (Back Country)
-  Cox Lake Park Reserve
-  Blue Mountain - Birch Cove Lakes Wilderness Area (designated 2009)
-  Greenbelting corridor concept (Map 4, corridor 5)
-  Proposed Route (HWY 113)
-  10m contour



HALIFAX
REGIONAL MUNICIPALITY

The following is a graphical representation and although care has been taken to ensure the best possible quality, HRM does not guarantee the accuracy of this document.

Notes: This map demonstrates a vision to be implemented over the life of the Regional Plan, through various tools, subject to financial ability and community interest.



APPENDIX II
BACKGROUND TO FACILITATOR'S REPORT TO COUNCIL

BACKGROUND

- In 1956, Annapolis Group through a predecessor company acquired the Bedford Dam System as part of its purchase of large vacant tracts of land in the former Town of Bedford and City of Halifax. The dams create a series of reservoirs: Quarry Lake-Suzie's Lake; Kearney Lake; and Paper Mill Lake.
- Annapolis still owns and maintains these dams and since 2006 has spent \$10 million to bring these dams up to the new Canadian Dam Safety Guidelines

1996 Porter Dillon Study

- 1996 Porter Dillon study commissioned by the City of Halifax concluded that approximately 80% of the study area can accommodate all five categories of development (low to medium density residential, high density residential, large scale commercial and industrial, developed recreation facilities and passive recreation).
- The suitability assessment determined that the environmental constraints for development could be addressed through mitigative measures

2004 CBCL Greenfield Area Servicing Analysis

- Prepared for HRM as part of the background studies for the Regional Plan
- Analyzed 10 areas, including Birch Cove North/Governor Lake, for servicing with water, sewer and storm water facilities.
- Concluded the Birch Cove Lake North/Governor Lake area was a low cost area for urban servicing and development. Only major constraint was the existence of the quarry.
- Concluded Birch Cove Lakes/Governor Lake was one of 5 sites with some constraint to development (2 other sites had minimal constraints to development and three sites were not recommended for development)

Blue Mountain Birch Cove Assessment Study by EDM, March 2006

- Prepared for HRM, the Nova Scotia Department of Transportation and Public Works, and the Nova Scotia Department of Natural Resources, to identify an ideal regional park configuration for the Blue Mountain Birch Lakes area. The area considered in this study was a large area encompassing the lands of Annapolis Group and Susie Lake Development as well as the adjacent provincial Crown lands and other privately owned lands.
- Concluded that "the unique aspect of this particular wilderness is its location. The study area offers a wilderness experience immediately adjacent to a densely developed city." (Page 43)
- "The results of the landscape assessment suggest that the study area, while special as a wilderness assemblage, does not rank as outstanding ecologically at the regional or provincial

level. There are no known significant or rare landscape elements within the Study Area that suggest the overall property should receive protection for its ecological merits. There are also no individual elements, which if not included, would greatly diminish the ecological value of the park." (Page 43)

- Suitability attributes for the park boundaries were determined through the collaborative efforts of HRM, TPW, DNR, and EDM. The agreed upon list of attributes for the regional park included:
 1. Cultural considerations (pre-contact archeological potential and geological resources);
 2. Water course protection;
 3. Residential suitability;
 4. Species richness;
 5. Views from core lakes; and
 6. Active recreation suitability.

- When selecting the most appropriate park configuration, the final boundary should include:
 1. A large intact patch that is isolated from development;
 2. Provided there is a large patch, areas incorporating more of the valued park attributes should be preferred over those that do not; and
 3. Susie's Lake and Blue Mountain should both be within the park boundary.
- The park area selected should be highly accessible from new and existing communities.
- The areas selected for the most intense recreational activities should be immediately adjacent to areas that have existing or planned future community development.
- The proposed park area should be connected to at least one and preferably two adjacent resource lands (wilderness corridors). This connectivity is necessary to maintain species richness and diversity within the park boundary over the long term.
- The area proposed for the park should include the following elements:
 1. A core wilderness area that is silent and isolated;
 2. A surrounding area of edge wilderness that is the focus of wilderness recreational activities;
 3. A meaningful landscaped corridor connecting the designated park area to the extensive crown holdings and beyond;
 4. An area of community development around an interest burst with the edge landscape of the park that is designed in a manner to implement CPTED principles;
 5. At least one and preferably two significant regional access locations; and
 6. Linkages to all of the surrounding communities including active transportation initiatives.
- The core area should be large enough to include a full day walk on foot in an atmosphere that feels isolated. Access to the core wilderness area should be entirely through the surrounding edge wilderness area, allowing the edge to provide a buffer zone to the core landscape.
- The edge wilderness landscape should be band of wilderness ranging in depth from approximately 100-1000 metres around the core landscape.

- Development should not feel like it is impinging on the park, and yet it must be accessible. The recommended shape for the future boundary with a park is curvilinear, with interest burst areas of community development.

2006 Regional Plan:

- The 2006 Regional Municipal Planning Strategy was adopted by Regional Council in June, 2006 and was effective August 26, 2006

Chapter 2: Environment, Section 2.1.3 Regional Parks

- The primary objective of a Regional Park will be to preserve and protect significant natural and cultural resources.
- Regional Parks are public lands that have been recognized as regional parks based on their open space, wilderness, scenic beauty, flora, fauna, recreational, archeological, historic or geological resources.
- A Regional Park will have sufficient land area to support outdoor recreational opportunities for the enjoyment and education of the public and must be sufficient to ensure that its significant resources can be managed so as to be protected and enjoyed.
- HRM intends to create additional Regional Parks at various locations, including Blue Mountain-Birch Cove Lakes
- The 2006 EDM study was completed to determine appropriate boundaries for the park; a conceptual geographic area for the park is shown on Map 13 of the 2006 Regional Plan. "This map demonstrates a vision to be implemented over the life of the Regional Plan, through various tools, subject to financial ability and community interest".
- The land is both publically and privately owned. It is the intention that, over time, the necessary private lands within the park will be acquired for public use.
- Methods of acquisition range from provincial and municipal partnerships, land trades and conservation easements.
- Once acquired, lands within the park will be re-designated as open space and zoned Regional Park; lands outside the park will be designated and zoned for development as appropriate.

Chapter 3: Settlement and Housing; s. 3.1 Urban Settlement Designation and s. 3.2 Urban Reserve Designation

- Five land use designations were created for achieving the growth management strategy of the Plan, including the Urban Settlement and the Urban Reserve Designations.

Urban Settlement Designation:

- Six sites are identified as potential areas for new urban growth, subject to the completion of secondary planning processes for each area:
 1. Bedford South;
 2. Morris-Russell Lake;

3. Bedford West;
 4. Port Wallis;
 5. Sandy Lake; and
 6. Highway 102 west corridor adjacent to Blue Mountain-Birch Cove Lakes Park.
- Policy S-1 of the Plan states that HRM shall establish the Urban Settlement Designation as the area where central wastewater and water distribution services are intended to be provided to facilitate an urban form of development over the next 25 years (2006-2031).
 - Under Policy S-2, when considering amendments to the Urban Settlement Designation Boundary, HRM shall consider:
 - a) amendments to the boundaries to include additional areas to implement the results of reviews of regional population and housing forecasts;
 - b) amendments to the boundaries of designations if the targets for growth under this Plan are not being met; and
 - c) amendments to include adjacent lands if the lands are within a growth centre.
 - Policy S-3 of the Plan indicates that HRM shall consider requests to allow for the initiation of a secondary planning process to consider development of the six sites for new growth provided that any such proposal serves to:
 - a) protect the fiscal health of HRM and its capacity to meet additional financial commitments; and
 - b) address any deficiencies in municipal service systems which would be needed to service the proposed area and the estimated cost of upgrades needed to provide a satisfactory service level.

Urban Reserve Designation:

- The following seven areas have been designated as Urban Reserve:
 1. interior lands bounded by Highway 7, Ross Road, Highway 207 and Broom Road (Cole Harbour/Westphal);
 2. Land surrounding Anderson Lake area (Dartmouth/Bedford);
 3. Governor Lake North (Timberlea);
 4. Ragged Lake (Halifax);
 5. Kidston Lake lands (Spryfield/Herring Cove);
 6. Purcell's Cove area back lands; and
 7. Private lands in the Blue Mountain-Birch Cove Lakes Regional Park area.
- Policy S-4 states that HRM shall establish the Urban Reserve Designation for those lands situated outside the Urban Settlement Designation where central services may eventually be provided. The primary intent of this designation shall be to retain sufficient lands which shall provide an adequate supply of serviceable land and beyond the time horizon of this Plan (after 2031).

2009 Designation of the Blue Mountain-Birch Cove Wilderness Area

An Order in Council dated April 2, 2009 designated approximately 3,242 acres of Crown land adjacent to the lands of Annapolis Group and Susie Lake Developments as the Blue Mountain-Birch Cove Lakes Wilderness Area under the *Wilderness Areas Protection Act*. By another Order in Council dated March 24, 2015, areas of Crown land totalling approximately 1,100 acres to the north and west were added to this wilderness protected area.

These designations address many of the objectives of the EDM study.

2014 Regional Plan:

- The 2014 Regional Municipal Planning Strategy was passed by Regional Council on June 25, 2014, and is in effect as of August 15, 2015.

Chapter 2: Environment, Energy and Climate Change, s.2.2.3 Regional Parks

- The provisions with respect to regional parks and the lands within the Blue Mountain-Birch Cove Lakes Park have not changed from the 2006 Regional Plan
- The conceptual park boundaries are set out in Map 11 of the 2014 Plan, which is the same as Map 13 in the 2006 Plan.

Chapter 3: Settlement and Housing, s.3.2.1 Urban Settlement Designation and s.3.2.2 Urban Reserve Designation

Urban Settlement Designation

- includes 3 designated growth areas where Secondary Planning Strategies have been approved (Morris-Russell Lake, Bedford South, and Bedford West) and 3 areas for future serviced communities, subject to HRM approval of secondary planning (Port Wallis, Sandy Lake, and the Highway 102 west corridor adjacent to Blue Mountain- Birch Cove Lakes Park.
- Policy S-1 states that the Urban Settlement Designation encompasses those areas where HRM approval for serviced development has been granted and to undeveloped lands to be considered for serviced development over the life of the Plan.
- Policy S-2 states that where requests are received to initiate secondary planning for any of the areas identified as potential growth areas in the Plan, consideration shall be given to:
 - a) the need for additional lands and the fiscal implications to HRM and Halifax Water and their capacity to meet additional financial commitments; and
 - b) the implications for achieving the HRM growth targets.

Urban Reserve Designation

- The 7 areas designated as Urban Reserve are the same in the 2014 Plan as they were in the 2006 Plan.

- Policy S-3 states that the Urban Reserve Designation shall be established to identify those lands situated outside the Urban Settlement Designation where serviced development may be provided after the life of the Plan.
- Policy S-4 states that HRM shall establish an Urban Reserve Zone to regulate development of lands within the Urban Reserve Designation. The Zone shall permit open space uses and limit residential development to existing lots.

Halifax Mainland Land Use By-Law:

- The following uses are permitted in the Urban Settlement Zone:
 - 1) Single family dwellings, on lots on an existing road(s) provided that a private on-site sewage disposal system and well are provided on the lot;
 - 2) Passive recreation uses;
 - 3) Public parks and playgrounds; and
 - 4) Uses accessory to the foregoing uses
- The following uses are permitted in the Urban Reserve Zone:
 - 1) Single family dwellings, on existing lots or lots approved pursuant to Section 38 of the Subdivision By-law provided that a private on-site sewage disposal system and well are provided on the lot;
 - 2) Passive recreation uses; and
 - 3) Uses accessory to the foregoing uses

THE HISTORY BEFORE COUNCIL AND STAFF

Request for Secondary Planning Approval

- On September 25, 2007, Birchdale Projects Inc. on behalf of itself and the other property owners, including Annapolis Group and Susie Lake Developments, requested initiation of the secondary planning process
- On October 17, 2007, HRM's manager of planning services wrote to the private property owners to advise that the Municipality had commenced a study to determine the cost of servicing their area as well as the Sandy Lake and Port Wallis areas eligible for secondary planning with a view to recommend to council whether to proceed with secondary planning for each site.
- CBCL was awarded this study in November 2007. Because of delays in completing this study the private property owners asked on December 18, 2008 that their application for secondary planning approval be placed on hold.
- CBCL submitted its study on February 3, 2009. CBCL's study indicated there were no substantive negative impacts for the serviced development of the Highway 102 West Corridor.
- On July 31, 2009, the private property owners submitted a detailed request to commence secondary planning for the subject lands.

Regional Plan Advisory Committee (RPAC) Report and Minutes, October 21, 2009

- The report originated from requests to initiate Secondary Planning Strategies for Port Wallis, Sandy Lake, and Highway 102 West Corridor adjacent to Blue Mountain – Birch Cove Lakes Park.
- The RPAC concluded that there was an ample supply of land to satisfy the development needs of HRM for the foreseeable future and ensure a competitive market.
- The RPAC recommended that the requests be deferred to the second of the five year reviews of the Regional Plan in 2016, but no motion was made at the October 21, 2009 meeting.
- The property owners did not receive a copy of the HRM Staff Report to RPAC study until October 19. As the proponents did not have time to review the report in detail in preparation for the RPAC meeting, they wrote to the Chair of the RPAC requesting that the committee allow for their submissions before making any deliberations on the report.
- Birchdale Projects inc. on behalf of the private landowners retained Ernst & Young to conduct an independent analysis of HRM's staff's conclusion regarding the HRM's share of infrastructure costs to develop the subject lands. It also retained Altus Group to review staff's conclusions of the adequacy of residential land supply within the suburban areas of HRM.
- Altus' opinion was that staff's conclusions failed to follow best practises for assessing long term residential land requirements and could not be relied upon.
- Ernst & Young's opinion was that the HRM staff report significantly overstated HRM's share of infrastructure costs by \$26 million. It also found staff's report to be deficient in terms of established finance theory and principles and contained analysis regarding surplus residential land what was not sufficiently refined and resulted in a false conclusion.
- The Altus and Ernst & Young Reports were submitted to HRM staff and the RPAC. These reports were under active discussion between the property owners and HRM Staff.
- The parties differ on the significance of the Altus and Ernst & Young reports to the events that ensued. Annapolis Group and Susie Lake Development assert that the staff recommendation to the June 23, 2010 RPAC was made to address their concerns so staff would not have to respond to these reports.
- HRM staff disputed the findings and conclusion in the Ernst & Young Report on the basis that the financial analysis used inputs and assumptions that were not realistic, consistent or accurate and led to erroneous conclusions. The Ernst & Young Report was withdrawn.
- The landowners' position is that they did not press for a response to the Ernst & Young report in view of the resolution of June 23, 2010. They continue to consider the Ernst & Young report (and the Altus report) to be correct.
- Annapolis Group and Susie Lake Developments assert that HRM staff advised them that before it could recommend proceeding to secondary planning a resolution had to be reached concerning the conflict between regional park and other serviced land uses.
- The Regional Plan Advisory Committee (RPAC) recognized a need for acquiring private land for the Regional Park and the possibility of resolving this as part of the process pertaining to the request to commence secondary planning

Regional Plan Advisory Committee Report and Minutes, June 23, 2010

- Staff reviewed the Altus report obtained by the developers and a copy was included in the June 23, 2010 report to RPAC. Following the recommendations in the Altus report staff projected build

out capacities of potential housing units rather than the population growth capacity, but reached a similar conclusion with respect to the existing supply of suburban land.

- Staff maintained that initiating Secondary Planning Strategies for each of the 3 areas (Highway 102 West Corridor, Sandy Lake and Port Wallis) was premature and inconsistent with one of the principals of the Regional Plan to maintain growth in a cost effective manner.
- Following discussions between HRM staff and the proponents of the Highway 102 West lands, the following phased process was being recommended by staff:
 - 1) Undertake a watershed study for the Highway 102 West Corridor lands and wait for completion of Halifax Water's wastewater functional plan;
 - 2) Negotiate boundaries for the Blue Mountain/ Birch Cove Lakes Regional Park in relation to the Highway 102 West Corridors lands. An independent facilitator would be retained to assist the Municipality and Birchdale to negotiate potential park boundaries. The facilitator would table an options report with the ramification of each option for consideration by each party and Council would provide direction as to how it wants to proceed; and
 - 3) Review the criteria under Policy S-1 of the Regional Plan to determine whether to initiate a secondary planning process for Highway 102 West Corridor lands. Assuming a mutually acceptable park boundary can be agreed upon, the Municipality would reconsider the request to initiate a secondary planning process for the remaining lands.

Regional Plan Advisory Committee Report and Minutes, August 11, 2010

- A motion was put and passed at the August 11, 2010 RPAC meeting to recommend that Halifax Regional Council do the following:
 1. Undertake a watershed study for the Highway 102 West Corridor lands and await completion of Halifax Water's wastewater functional plan;
 2. Negotiate boundaries through a facilitated process with an independent facilitator for the Blue Mountain-Birch Cove Lakes Regional Park in relation to the Highway 102 West Corridor lands; and
 3. Defer the review of criteria under Policy S-3 of the Regional Plan to determine whether to initiate a secondary planning process for the Highway 102 West Corridor lands.

Halifax Regional Council Committee of the Whole Report and Minutes, November 16, 2010

- Request by property owners for the Municipality to initiate secondary planning strategies in the 3 areas identified by the Regional Plan as Port Wallis, Sandy Lake and Highway 102 West Corridor.
- The following motions were put and passed by Council:
 1. That Halifax Regional Council direct staff to undertake a watershed study for the Highway 102 West Corridor lands and await completion of Halifax Water's wastewater functional plan;
 2. That Halifax Regional Council direct staff to negotiate boundaries for the Blue Mountain-Birch Cove Lakes Regional Park in relation to the Highway 102 West Corridor lands through a facilitated process with an independent facilitator, and further, to bring details of the proposed negotiating process back to Regional Council prior to entering into negotiations;

3. That Halifax Regional Council defer the review of criteria under Policy S-3 of the Regional Plan to determine whether to initiate a secondary planning process for the Highway 102 West Corridor lands.

Halifax Regional Council Meeting June 25, 2013

- The preliminary watershed study was presented on October 26, 2012 and the final document was presented on March 6, 2013, both at public meetings hosted by the Bedford Watershed Advisory Board
- At the June 25, 2013 meeting, Regional Council passed a motion to accept the Birch Cove Lakes watershed study.
- The watershed study concluded that the majority of the subject lands could be developed without affecting established water-quality objectives. The study also identified constrained areas such as wetlands, 20 m. riparian buffers, steep slopes, designated habitats and old growth forest.

Halifax Regional Council Report and Meeting, September 17, 2013

- Halifax Regional Council passed the following motions:
 1. Accept the Terms of Reference for an independent Facilitator to help HRM and the developers' representatives reach a negotiated agreement on potential regional park boundaries, parkland acquisition and development of the Highway 102 West Corridor lands;
 2. Authorize staff to enter into discussions with the developers' representatives for the purposes of securing the services of an independent Facilitator as per the terms of the July 8, 2013 staff report;
 3. Until such time as the facilitator has provided the Municipality with his or her report or unless the information has already been disclosed under freedom of information, any confidential information arising from the facilitation process shall be discussed by Council at a closed session; and
 4. Ensure there is public consultation as per article 5 of the Terms of Reference, prior to Regional Council making a decision on the potential negotiated agreement.

Waste Water Functional Plan

- Halifax Regional Water Commission (HRWC) made an application in 2013 for approval of a regional development charge (RDC) to allow for future water and wastewater infrastructure. The projects identified in the application included those required to service the subject lands. The application was approved in April 2014 by the Nova Scotia Utility and Review Board.
- The private landowners negotiated an MOU with HRWC in 2012 to enable servicing of its site through upgrades to the Kearney Lake trunk sewer. Annapolis has already invested in upsizing of pipe in Annapolis Group's Glenbourne subdivision to handle effluent from the subject lands.

HISTORY OF FACILITATION AND OTHER MEETINGS

- Justice Heather Robertson agreed to act as the Facilitator in March, 2014.

- HRM staff and representatives of Annapolis Group and Susie Lake Developments attended facilitation on the following dates: November 25 and 26, 2014, February 18, 2015, June 23, 2015, August 5, 2015, and October 1, 2015, February 8, 2016, and May 6, 2016.
- Representatives of the parties met on their own without the Facilitator on numerous occasions between the facilitations.

November 25 and 26, 2014

- Correspondence was sent by both HRM and the developers to Justice Robertson prior to the meeting, setting out a summary of each party's position.
- HRM delivered a presentation on the background of the BMBC Regional Park and the park vision as established through the EDM report and the Regional Plan.
- Susie Lake Developments and Annapolis Group delivered a presentation on their vision for the park boundaries and the development of their respective lands.
- Annapolis and Susie Lake Developments presented a map showing the development of their lands with 28% and 18% dedicated as parkland.
- This concept for development was supported by detailed engineering studies and costing and represents an economically feasible development plan. Locations for infrastructure and streets have been chosen with this in mind and with a view to have an efficient development that balances environmental concerns, park access and economic feasibility. The development plan incorporates design features which accentuate the natural environment and integrate the community into the regional park and provide access to the lakes and wilderness country. This is all illustrated in the conceptual 3 D video prepared by Ekistics on behalf of the proponents. The design can be refined further in the course of secondary planning and would be assessed at a closer level by HRM staff at that time.
- Key issues raised/discussed:
 - a) Lands are currently zoned urban settlement and urban reserve
 - b) Both landowners were clear that any agreements on the boundaries were subject to secondary planning approval. Both landowners believe this is necessary not only for economic reasons but also to ensure the park boundaries and development are efficient, workable and advance public and private objectives
 - c) HRM was clear that staff cannot guarantee secondary planning approval at this time
 - d) Roads and other infrastructure are necessary to develop not only the landowners' lands but also to open up access to the regional park and wilderness park
 - e) To plan for the development of the urban service areas, it is necessary to know the nature of the development of the urban reserve areas as all access and services will go through urban service areas
 - f) The requirement for both front country and back country lands
 - g) Protection of Fox Lake and the buffer zone for all waterfront land
 - h) Protection of the islands and their value to both the Park and the landowners
 - i) Cost of development, from both the landowners' perspective and from HRM's perspective
 - j) Different approaches to the valuation of the land
 - k) What can be achieved through the 10% parkland dedication
 - l) Need to balance park ambitions with what is affordable
 - m) Consider the proposed regional park in the context of being adjacent to a provincial wilderness park that is 3,242 acres in area (to which 1,100 acres has since been added)
- At the end of the second day, the parties and Justice Robertson agreed to schedule a date in the New Year for the continuation of the facilitation. In the break between meetings, the parties

were going to work on a number of issues that had been raised, including developing alternate park and development boundary maps, obtaining values of certain sections of the land, and reviewing methods of acquisition

- in addition, there were various meetings held between HRM staff and representatives of Annapolis Group and Susie Lake Developments, separate and apart from the facilitation; these meetings were primarily with HRM Park staff in between the various facilitation dates.

February 18, 2015

- Annapolis Group and Susie Lakes Developments provided revised concept maps of their respective plans for development and their proposed boundaries for the Regional Park.
- It was agreed that further information was needed from both HRM and the landowners.
- Tasks were identified for HRM and the landowners to complete before the next facilitation.
- HRM Park staff and the landowners were going to meet to discuss the regional park priorities.

June 23, 2015

- HRM staff confirmed in a meeting with the proponents and their engineering consultants that the proponents' lands could be developed with no significant investment required by HRM. HRM's capital cost sharing would be restricted to cost of road construction necessary to accommodate park users and capital charges for roundabouts and intersections to the extent caused by traffic originating from outside the development.
- HRM staff also indicated, however, that there would be on-going servicing costs to the Municipality to operate, maintain, renew and eventually replace infrastructure built by the developers (snow clearing, road maintenance, etc.). In addition, HRM bears the cost of providing services to the new communities (police, fire, etc.).
- The landowners disputed that the development of their lands would cause any incremental costs over that of any other development. They view their development as being highly efficient. They pointed out that the lands are in close proximity to major highways and arterial roads and could be serviced by existing HRM facilities such as fire station, police detachment, Keshen Goodman library, Canada Games centre, Mainland Common, and transit terminal. The lands are proximate to HRM's solid waste facility. There are elementary schools and the Halifax West High School in the vicinity as well.
- The landowners provided revised development plans, to be reviewed and assessed by HRM staff. Staff reviewed these plans with respect to the proposed park boundary.
- Discussions took place around the material provided by HRM staff following the last facilitation.
- Robert LeBlanc from Ekistics Plan+Design presented an analysis of HRM's priorities for the regional park with the proponents' responses and presented a conceptual 3 D video showing how the development could be integrated with the proposed park.

August 5, 2015

- *Focus is on lands of Annapolis Group.*
- *General agreement reached with Susie Lakes on park boundaries and appraisal of land, but secondary planning approval is still a requirement for a final agreement (all subject to Council approval).*
- HRM park staff's review of the Annapolis map is discussed.

October 1, 2015

- Further discussion on valuation of Annapolis' lands and overall methodology.

REGIONAL PARK CRITERIA FOR BMBC REGIONAL PARK

- The primary objective of a Regional Park will be to preserve and protect significant natural or cultural resources
- HRM Park staff identified 3 key park functions for the BMBC Regional Park:
 1. Recreation;
 2. Protection; and
 3. Community shaping.
- These three functions are based on the purpose and objectives of a Regional Park under the Regional Plan, and align with the 2006 EDM study.

Recreation

- HRM Park staff identified the following objectives:
 1. Provide regional public lands and lakes for nature based recreation: a public park providing for a wide spectrum of user abilities and interests
 2. Linear trails: create a primary spine linear trail system that functions for nature-based recreation and active transportation connecting neighbourhoods and communities and connecting to the larger regional system (COLTA, Mainland North Linear Trail, Bedford West).
 3. Front country recreation nodes: provide areas for concentrated recreation activities and education, as well as necessary support infrastructure (parking, washrooms, launches, shelters, stacked loop trails, guarded swimming, etc.)
 4. Access: provide appropriate level and ease of public access and park presence while respecting the limitations of the *Wilderness Protection Act*. Provide trailhead entrances and supports at entrances to back country areas.
 5. Buildability: ensure areas for recreation are buildable without undue destruction of natural assets and undue costs.
 6. Community parks: provide community-related facilities (sports fields, playgrounds).

Protection

- HRM Park staff identified the following objectives:
 1. Water quality: protect water quality of headwater lakes (Fox Lake, Ash Lake, Susie Lake, Charles Lake and Pond, Quarry Lake, and Washmill).

2. Old growth forest: conserve old growth stand on slopes east of Fox Lake.
3. Riparian buffer: adequate undisturbed area adjacent to lakes and streams to maintain ecosystem.
4. Buffer wilderness protected areas: buffer from development and from intensive recreation use. View planes for the front country and back country.
5. Natural connectivity: provide connectivity of natural areas

Community Shaping

- HRM Park staff identified the following objectives:
 1. Park image: contribute to the positive image (regional level, Birch Cove Lakes Community, and wilderness park presence).
 2. Positive views from key locations: key view areas (Blue Mountain, Quarry Lake Hill, Birch Cove Lakes Canoe Route, and back country protected area lakes).
- 3. Network of accessible open space: proximity to high use public open space system.

APPLICATION OF CRITERIA BY HRM PARK STAFF AND THE LANDOWNERS

- HRM and the landowners each set out the pros and cons of the proposed park boundaries. These can be found at the end of this background summary.

SECONDARY PLANNING

- Susie Lake Developments and Annapolis Group have indicated that an agreement cannot be reached with respect to any park boundary for the BMBC Regional Park without Halifax Regional Council granting their request to initiate Secondary Planning Strategies for their lands.
- For Annapolis Group, this includes the lands currently zoned Urban Reserve
- HRM Planning staff does not recommend Secondary Planning Strategies be initiated for any of these lands at this time, in accordance with Policy S-2 and S-3 of the Regional Plan
- Requests to initiate additional secondary planning in potential growth areas must consider the implications to meet Regional Plan growth targets, the need for additional serviced land, the fiscal implications and in particular the ability of HRM and Halifax Water to meet the additional financial commitments imposed by growth.
- The Regional Plan strives to ensure there is a minimum 15 year supply of land that is available for serviced development.

HRM Staff relies upon the following:

- According to Statistics Canada census data, the number of households in HRM grew by 10,015 from 2006 to 2011 – an average of 2,003 per year.

- The Regional Plan targets approximately 50% of all residential growth, or approximately 1,000 dwelling units per year, to occur in the urban communities outside of the Regional Centre. An inventory of potentially developable lands within the urban communities, outside the Regional Centre, was undertaken in the fall of 2013. It was estimated that there was sufficient supply for at least 28 to 35 years based on a more conservative estimate of growth in urban communities of 1,200 households per year.
- Notwithstanding, Regional Council has initiated the planning process for the Port Wallace growth area and invested in oversizing a trunk sewer and completed a watershed study for the Sandy Lake growth area. Both of these areas could collectively provide an additional 15,000 dwelling units, or 12 years additional supply based on 1,200 new households per year.
- There is an abundance of land available for development on the fringes of the Urban Service Area, and it is critical that informed decisions are based on all the costs that will place a burden on property taxes.
- To permit development at this time on the Annapolis lands that are zoned Urban Reserve, the 2014 Regional Plan and the Halifax Mainland LUB will have to be amended to change the zone to Urban Settlement or another zone that will permit the development planned by Annapolis.

Annapolis Group and Susie Lake Developments dispute the reasons put forward for staff's recommendation not to proceed with secondary planning for their lands and state:

- that their lands can be developed without imposing any additional burden upon Halifax taxpayers as all necessary infrastructure will be built at the landowners' costs with the exception of HRM's contribution for roads built fronting lands owned by it (i.e. parkland acquired through this process) and major road infrastructure to the extent required to handle traffic generated by the users of the regional park and/or background traffic.
- Planning for the conceptual development of the Urban Reserve lands is required to occur at the same time as planning for the development of the Urban Settlement lands as the infrastructure for servicing the Urban Reserve lands will have to be built on the Urban Settlement lands and designed and sized accordingly. The phasing and timing of development of the Urban Reserve lands in accordance with the Regional MPS can be addressed in secondary planning.
- Setting the boundaries for the regional park will require an amendment to the Regional MPS and it is most efficient to fine tune the boundaries as secondary planning proceeds with adjacent development.
- HRM's wish to acquire their land for the regional park while not determining the boundary for the park has been the motive for delaying the approval of their lands for secondary planning. Annapolis Group and Susie Lake Developments take the position that failure by HRM either to set the regional park boundary or to permit secondary planning to proceed while it still intends to establish a regional park and acquire their lands is actionable.

COST OF LAND ACQUISITION

- Annapolis Group has indicated that should HRM accept the park boundaries proposed in the Development Plan, it would accept the amount of \$6 million, or similar value through a land swap. HRM would be responsible for constructing the roads through the parkland or sharing the costs of those portions of the road with parkland frontage. HRM's appraisal of this proposed parkland values it at \$2.8 million.

- Annapolis Group has also indicated that as an alternative to receiving \$6 million in compensation for its loss of lands to regional park, it is prepared accept compensation based upon the fair market value of these lands determined through arbitration. It is also prepared to negotiate the timing of the payment for the acquisition of these lands by HRM. Annapolis Group is prepared to adjust the boundaries of the regional park through the secondary planning process with its compensation for lands in excess of the 10 percent subdivision requirement required for regional park to be negotiated or set by arbitration of the fair market value of this land.
- Susie Lake Developments is prepared to sell to HRM portions of its lands additional to the 10 percent parkland requirement, if these lands are required for the regional park at a price to be agreed upon.

COMMENTS OF HRM PARK STAFF CONCERNING LANDOWNERS' DEVELOPMENT PLAN

HRM Park Staff applied the Regional Park Criteria to the proposed BMBC Regional Park boundaries identified in the Landowners' Development Plan. The following is a list of positives, semi-positives and negatives arising out of that assessment, as well as additional comments from staff arising out of the facilitation process:

Positives

Moves the Regional Park boundary almost entirely within lands that are currently zoned Urban Reserve.

Partially achieves the regional park objective of protecting the old growth forest east of Fox Lake.

The cost to acquire the land will be less than if Regional Council adopts conceptual plan as regional park boundary.

Semi-Positives

Minimally achieves the regional park objective of providing regional public lands and lakes for nature based recreation. This is to be a public park providing for a wide spectrum of user abilities and interests.

Minimally achieves the regional park objective of providing a linear trails system. This objective is to create a primary spine linear trail system that functions for nature based recreation and active transportation connecting neighbourhoods and communities and connecting to the larger regional system (COLTA, Mainland North Linear Trail, Bedford West).

Minimally achieves the regional park objective of providing front country recreation nodes. These nodes are to provide areas for concentrated recreation activities and education as well as necessary support infrastructure (parking, washrooms, launches, etc).

Minimally achieves the regional park objective of providing community parks. The goal is to provide community related facilities for the new community at Birch Cove Lakes (sportsfields, playgrounds).

Minimally achieves the regional park objective of water quality. This objective is to protect the water quality of the following headwater lakes: Fox Lake, Ask Lake, Susie Lake, Charles Lake and Pond, Quarry Lake and Washmill.

Minimally achieves the regional park objective of providing a riparian buffer. This is an adequate undisturbed area adjacent to lakes and streams to maintain the ecosystem.

Minimally achieves the regional park objective of park image. The objective is to contribute to the positive image at the regional level and within the Birch Cove Lakes Community.

Minimally achieves the regional park objective of providing a network of accessible open space.

Negatives

Fails to achieve the regional park objective of providing access. This objective is to provide an appropriate level and ease of public access and park presence while respecting the limitations of the *Wilderness Protection Act*. It is also to provide trailhead entrances and supports at entrances to back country areas.

Fails to achieve the regional park objective of buildability: ensure areas for recreation are buildable without undue destruction of natural assets and undue costs.

Fails to achieve the regional park objective of buffer wilderness protected areas. The objective is to provide a buffer from Development, from intensive recreation use and view planes from the front country and back country lands.

Fails to achieve the regional park objective of providing connectivity of natural areas, such as connecting lakes to the interior and being a stepping stone to natural areas within existing settlement areas to the east.

Fails to achieve the regional park objective of positive views from key locations. The key view areas are Blue Mountain, Quarry Lake Hill, Birch Cove Lakes Canoe Route and Back Country Protected Area Lakes.

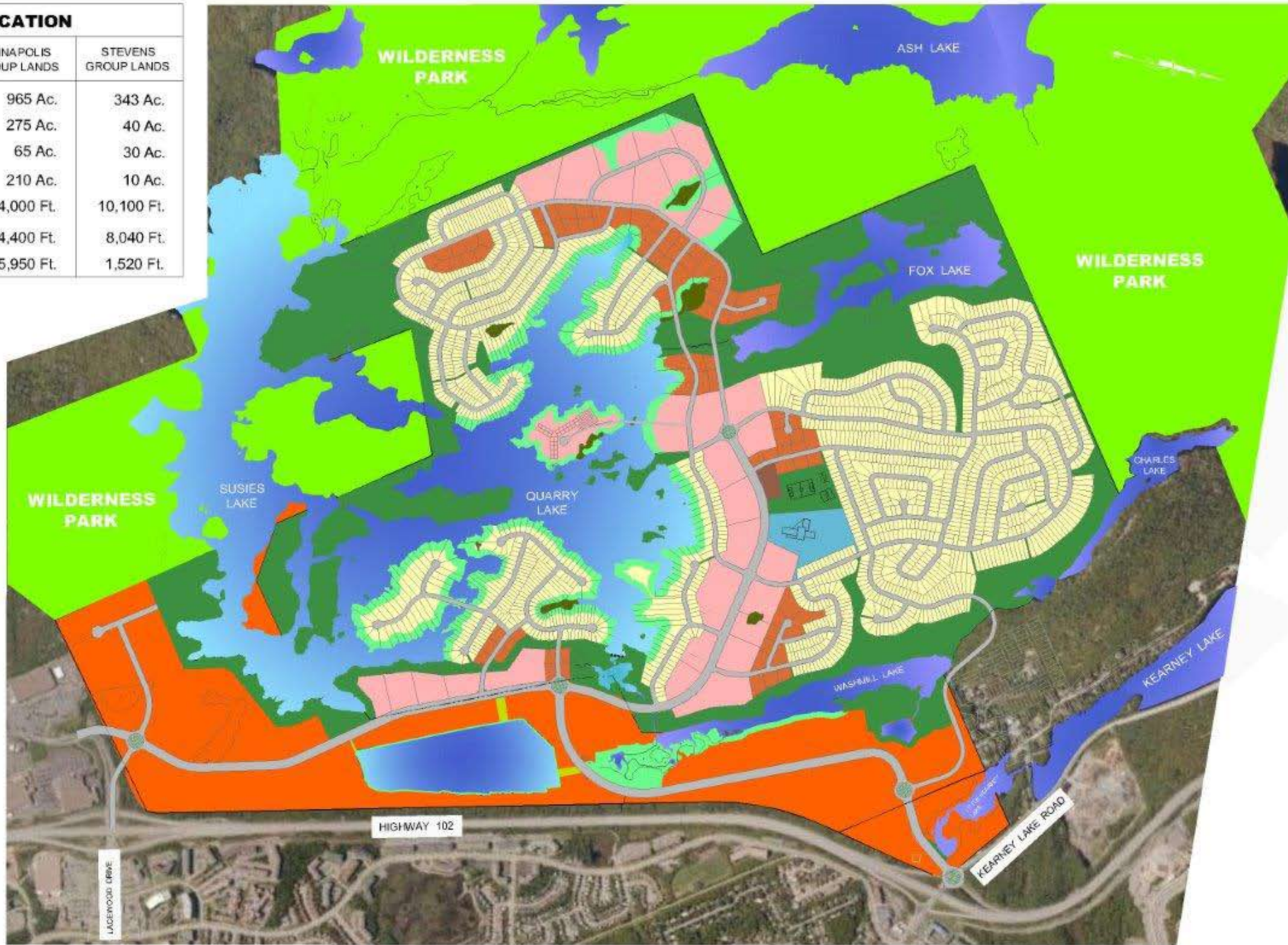
COMMENTS OF ANNAPOLIS GROUP INC. AND SUSIE LAKE DEVELOPMENTS LIMITED ON THEIR DEVELOPMENT PLAN

- Development will provide multiple points of public access to the proposed regional park and to Birch Cove Lakes at little public expense as roads and intersections are built by developers.
- It is buildable and affordable for HRM and will result in an accessible regional park being made available to the public sooner than the alternative.
- The Development Plan features 315 acres of parkland which results in 64,100 feet of shoreline of the Birch Cove Lakes in public ownership and all privately owned shoreline protected by a riparian buffer.
- The Development Plan provides the opportunity to address pollution of the Birch Cove Lakes by diverting contaminating storm water emanating from Clayton Park and Bayer's Lake and currently entering Susie Lake to a man-made lake for further treatment as part of the development of the lands of Susie Lake Developments.
- Development of the private lands will utilize existing public facilities. (See plan Appendix V) and will not require any additional investment by HRM apart from sharing road costs for streets fronting HRM owned property (i.e., parkland) or for conventional cost sharing of major road structures based upon projected road traffic generated by users of the regional park and/or background traffic.
- Development will generate park users and increase access routes (roads and pathways) and modes of access (car, transit, bike, walk, run) to the park.

- The Development Plan allows for the extension of the COLTA trail through the development along the sides of Washmill, Susie and Quarry Lakes to Kearney and Charles Lakes. It also preserves for public park use waterfront property at the dam which controls the flow out of Quarry Lake.
- Dedication of parkland upon completion of secondary planning will provide security that land for the regional park may be acquired and the regional park realized. Phasing of the development through secondary planning manages pace of development.
- Acceptance by HRM of the Development Plan as the basis for resolution of the regional park boundaries through a facilitated agreement will secure parkland for generations to come and amicably settle the regional park boundaries, an action it cannot delay indefinitely while not permitting the development of the lands.
- Susie Lake is within the Regional Park boundary.

PARK DEDICATION

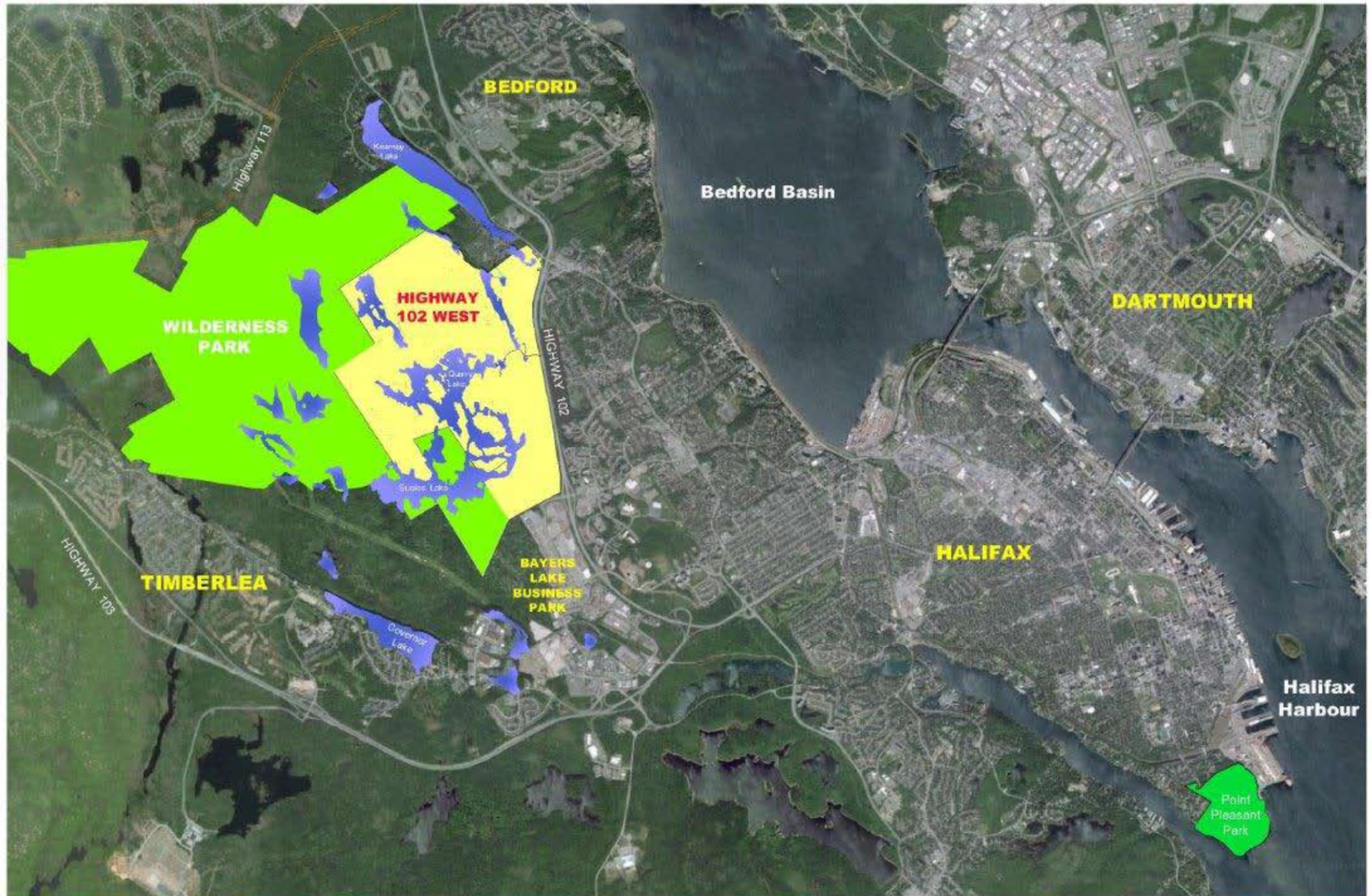
| | ANNAPOLIS GROUP LANDS | STEVENS GROUP LANDS |
|----------------------|-----------------------|---------------------|
| TOTAL LAND | 965 Ac. | 343 Ac. |
| TOTAL PARK | 275 Ac. | 40 Ac. |
| REQUIRED PARK | 65 Ac. | 30 Ac. |
| SURPLUS PARK | 210 Ac. | 10 Ac. |
| PUBLIC SHORELINE | 54,000 Ft. | 10,100 Ft. |
| PRIVATE SHORELINE | 34,400 Ft. | 8,040 Ft. |
| PARK STREET FRONTAGE | 5,950 Ft. | 1,520 Ft. |



- Single Family
- Townhomes
- Multi Unit
- Institutional
- Community Commercial
- Riparian Buffer
- Park
- Wetlands
- Mixed Use
- Wilderness Park

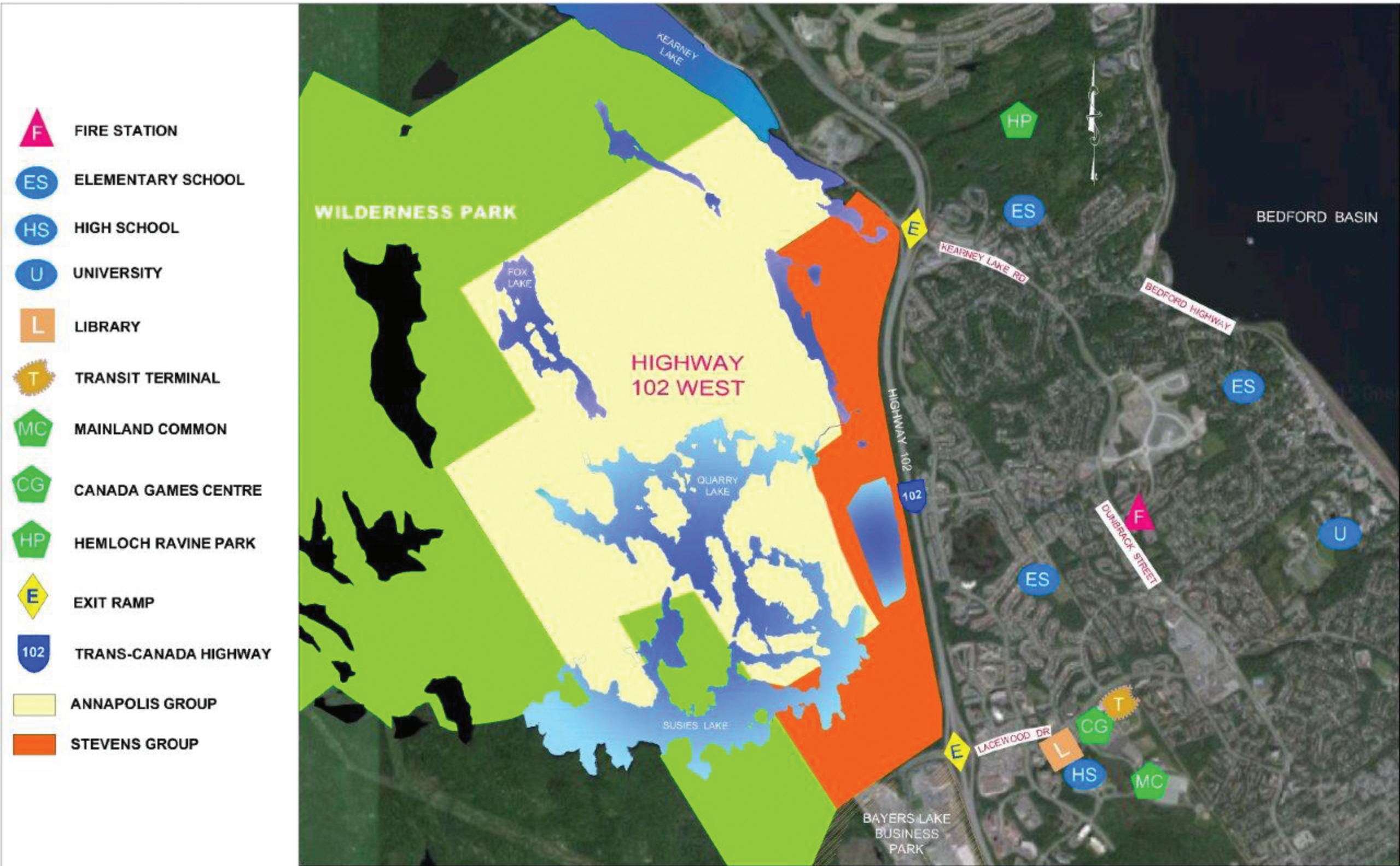
DEVELOPMENT PLAN
HIGHWAY 102 WEST CORRIDOR





SITE LOCATION

HIGHWAY 102 WEST CORRIDOR



EXISTING PUBLIC FACILITIES

HIGHWAY 102 WEST CORRIDOR

Attachment C

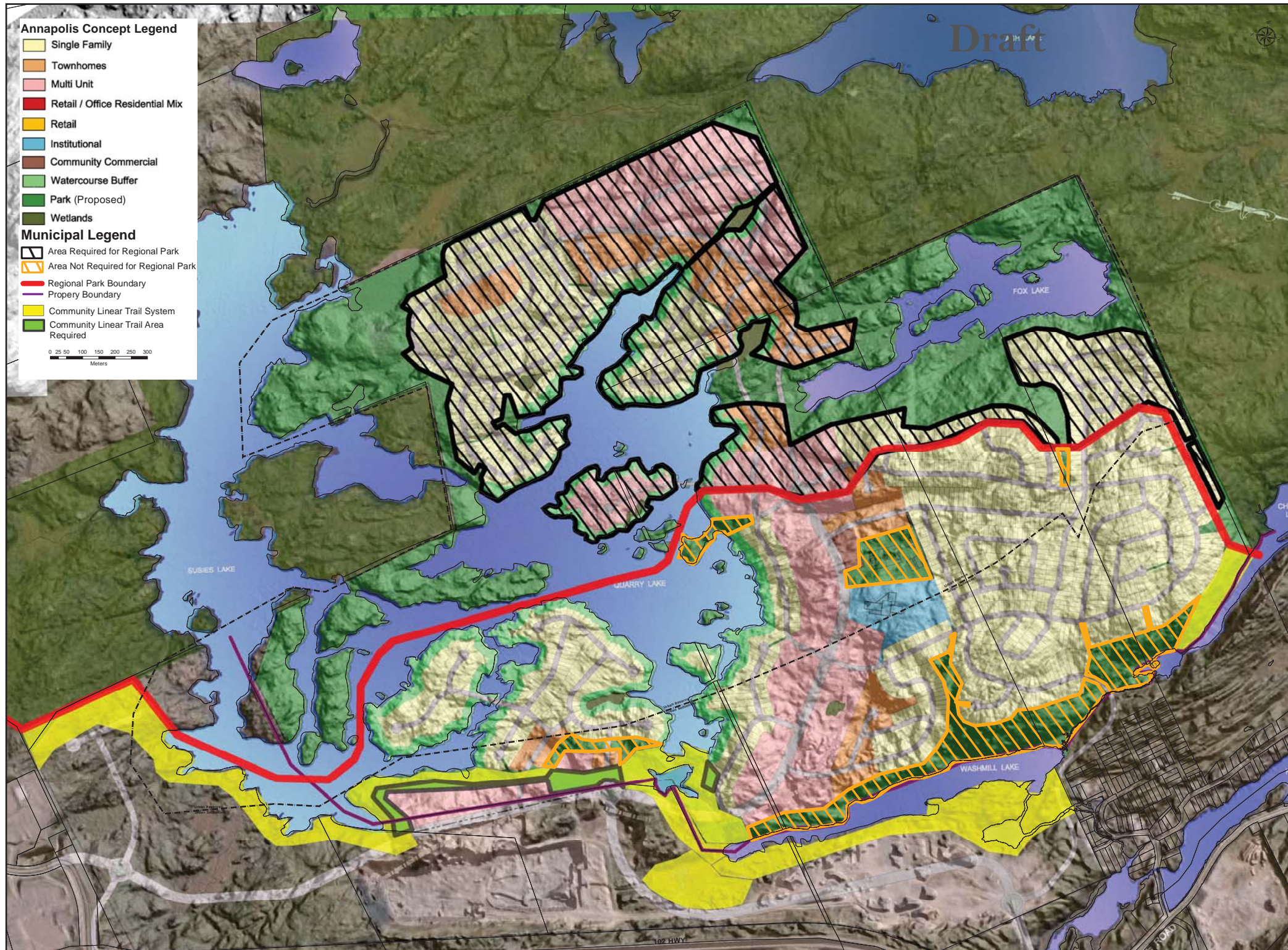
Map 3A

The attached copy of Map 3A is an alternative conceptual park boundary map prepared by HRM staff for discussion purposes during the facilitation process. The alternate boundary illustrated in Map 3A represents an attempt at a compromise that responded to the development proposal put forward by Annapolis Group and Suzie Lake Developments while still partially meeting several regional park objectives. It represents a minimum, as opposed to ideal, park configuration as a point a discussion. The map does not represent a park or land use plan or a staff recommendation.

In preparing Map 3A for discussion during the facilitation process, staff considered the following key items:

- public access to the proposed park;
- separation between the proposed development on the provincially designated wilderness area;
- the use of lake islands as a natural transition between development and wilderness areas;
- the protection of key views;
- the protection of lake water quality, Fox Lake water quality in particular;
- the potential to relocate park areas within the proposed development to enhance the proposed BMBC regional park; and
- active transportation corridors.

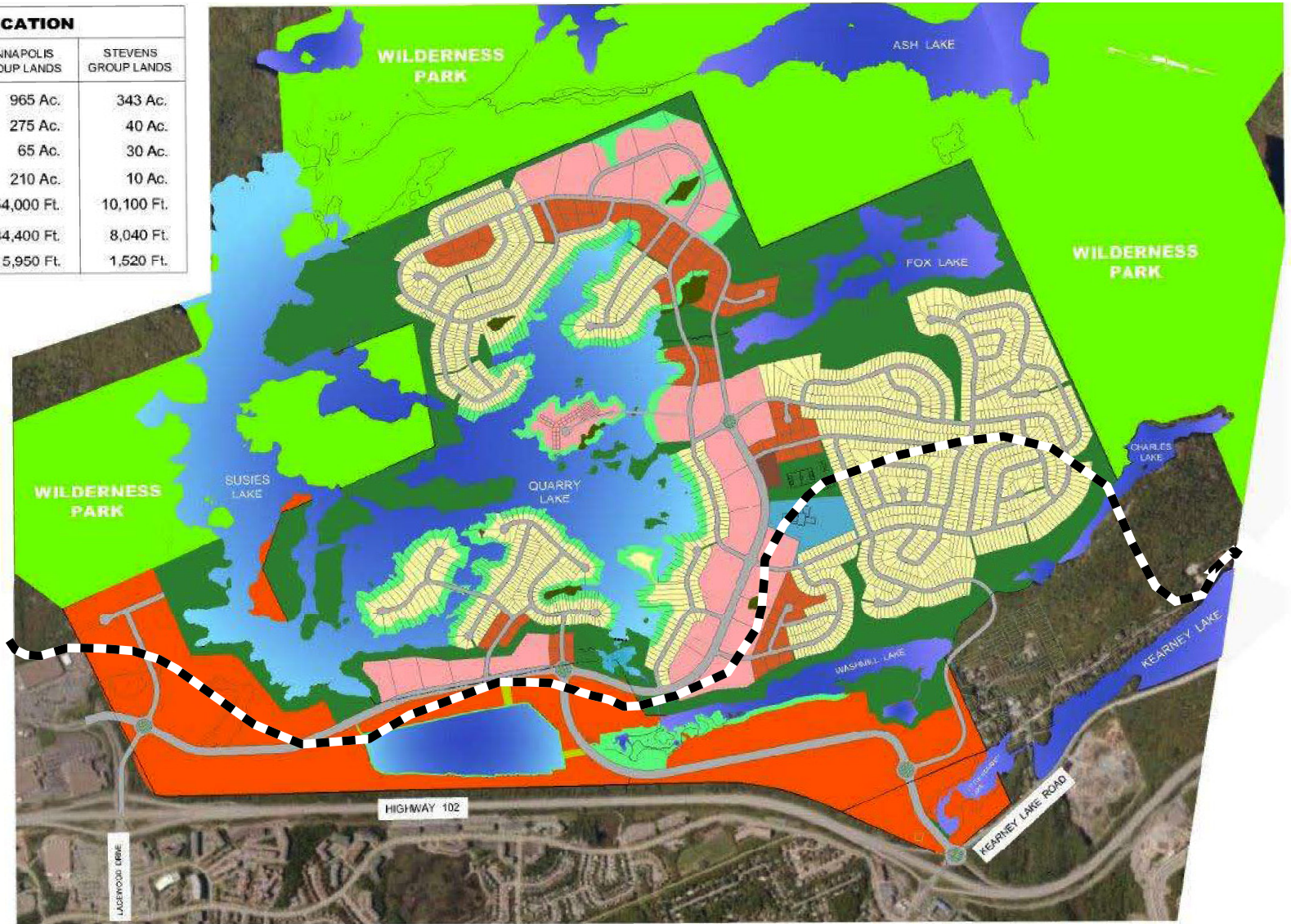
Map 3A is an alternative conceptual park boundary map prepared by HRM staff for discussion purposes during the facilitation process.



Attachment D: BMBC Conceptual Park Boundary Compared to the Development Plan Contained in the Facilitator’s Report

| PARK DEDICATION | | |
|----------------------|-----------------------|---------------------|
| | ANNAPOLIS GROUP LANDS | STEVENS GROUP LANDS |
| TOTAL LAND | 965 Ac. | 343 Ac. |
| TOTAL PARK | 275 Ac. | 40 Ac. |
| REQUIRED PARK | 65 Ac. | 30 Ac. |
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-  Single Family
-  Townhomes
-  Multi Unit
-  Institutional
-  Community Commercial
-  Riparian Buffer
-  Park
-  Wetlands
-  Mixed Use
-  Wilderness Park



**DEVELOPMENT PLAN
HIGHWAY 102 WEST CORRIDOR**



DECEMBER 10, 2015

■ ■ ■ BMBC Conceptual Park Boundary (Added by HRM)

For easy comparison, this map overlays the approximate location of the conceptual BMBC regional park boundary shown in Map 11 of the Regional Plan over a copy of Appendix III of the Facilitator’s report, the development plan prepared by Annapolis Group and Susie Lake Developments.

Attachment E
Excerpts from the 2006 and 2014 Regional Plan

2014 Regional Plan

S-2 Where requests are received to initiate secondary planning for any of the areas identified above as potential growth areas, consideration shall be given to:

- (a) the need for additional lands and the fiscal implications to HRM and Halifax Water and their capacity to meet additional financial commitments; and
- (b) the implications for achieving the HRM growth targets.

2006 Regional Plan

S-3 Further to the principles of this Plan stated in section 1.4, HRM shall consider requests to allow for the initiation of a secondary planning process to consider development of the six sites for new growth provided that any such proposal serves to:

- (a) protect the fiscal health of HRM and its capacity to meet additional financial commitments; and
- (b) address any deficiencies in municipal service systems which would be needed to service the proposed area and the estimated cost of upgrades needed to provide a satisfactory service level.

1.4.1 HRM's Vision and Principles

The Regional Planning Committee used information gained during the first phase of the project to develop the vision and principles that guided the development of this Plan. These were approved by Council, and are presented below:

Vision

HRM's vision for the future is to maintain and enhance our quality of life by fostering the growth of healthy and vibrant communities, a strong and diverse economy, and sustainable environment.

Guiding Principle

The Regional Plan will seek to address the needs and views of all sectors of HRM, recognizing the diversity of its citizens, community and geography.

Principles

The Regional Plan:

- provides a framework which leads to predictable, fair, cost-effective decision-making;
- supports development patterns that promote a vigorous regional economy;
- preserves and promotes sustainability of cultural, historical and natural assets;
- supports appropriate roles for the Halifax/Dartmouth central business district and local business districts as a focus for economic, cultural and residential activities;

- manages development to make the most effective use of land, energy, infrastructure, public services and facilities and considers healthy lifestyles;
- ensures opportunities for the protection of open space, wilderness, natural beauty and sensitive environmental areas; and
- develops integrated transportation systems in conjunction with the above principles.