

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 
Jacques Dubé, Chief Administrative Officer

DATE: January 13, 2021

SUBJECT: Proposed Disposal of Park West School Park

ORIGIN

Request from the Province of Nova Scotia.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (Charter):

- 61 (3) The property vested in the Municipality, absolutely or in trust, is under the exclusive management and control of the Council, unless an Act of the Legislature provides otherwise.
- (5) The Municipality may
- (b) sell property at market value when the property is no longer required for the purposes of the Municipality;
 - (c) lease property owned by the Municipality at market value;

283 (14) Where the Council determines that any land transferred pursuant to this Section may no longer be needed for parks, playgrounds or similar public purposes, the Council may sell the land, after notifying the owners of lots in the subdivision with respect to which the land was conveyed to the Municipality, by notice published in a newspaper circulating in the Municipality at least fourteen days prior to the Council meeting at which a decision to sell will be made, and the proceeds must be used for parks, playgrounds and similar public purposes.

Administrative Order Number 50 Respecting the Disposal of Surplus Real Property:

- 1 The Municipality can acquire and sell real estate within its legislative provisions. Real estate holdings can be a "corporate" asset necessary for municipal functions and purposes of the business units or may be held for particular use of inhabitants of HRM for example, parks and institutional uses. Corporate assets are subject to corporate review by the Asset Owner Business Unit for continuing requirement. Where the business units of HRM have determined that properties no longer serve an operational requirement of the corporation or otherwise appear to be surplus to the needs of the Municipality, then the policy of disposal to be followed in all cases, excepting municipal property which

requires particular process through statute or common law or property available in the Municipal Business Parks, is as directed by this policy of Council.

The Municipality will dispose of real property Council determines is no longer required for the purposes of the Municipality. Staff will identify surplus properties by the following categories...:

Intergovernmental Transfer

- (f) Properties requested by another level of government which:
 - i. will be used for a public purpose; and
 - ii. sold for market value.

4 Disposal Methods

Intergovernmental Transfer

- (4) This category of properties will be dealt with as directed by Council.

Other relevant legislation

Education Act, 2018, c.1, Sch. A:

75 (1) A regional centre may enter into and carry out a lease or agreement for the renting of premises for public school purposes.

- (2) No lease or agreement may be entered into under subsection (1) that
 - (a) fails to place the rental premises completely under the control of the regional centre;
 - or
 - (b) contains any undertaking or agreement that abridges or modifies any power or duty of the regional centre.

81 (5) A regional centre may not sell a school property to which an agreement with respect to a community facility relates without first offering to sell the school property to the municipality.

RECOMMENDATION

It is recommended that Halifax Regional Council direct the Chief Administrative Officer (CAO) to:

1. Work with the Province of Nova Scotia to undertake a community consultation on the possible disposal of the Park West School Park land (identified as PIDs 40682411, 40724619, 40774077) to the Province for the proposed school, as outlined in this report;
2. Give notice in accordance with *Charter* Section 283(14), of the Municipality's intention to consider the disposal of the said Municipal parkland at a future Regional Council meeting; and
3. Subject to the community consultation, return to Regional Council for consideration of the proposed disposal of the said Municipal parkland pursuant to the Intergovernmental Transfer provisions under Administrative Order 50 and Administrative Order 2018-004.

BACKGROUND

Due to school enrollment increases in the area of Clayton Park West, the Province's Transportation and Infrastructure Renewal Department (TIR) has been looking for a suitable location for a new school. TIR approached the Halifax Regional Municipality about the possibility of acquiring municipally-owned parkland at the Park West School Park site for a new pre-primary to grade 8 school (Attachment A). Through subsequent correspondence the Province identified that it had considered at least eight other locations for the school. Some locations were publicly owned but were poorly located and others were privately owned and either not available or also poorly located. Park West School Park is the Province's preferred site due

to its location within the heart of the community, its proximity to the existing Park West School, and its sports field.

Existing Park

The Park West School Park site consists of four parcels. PID 40867400 is owned by the Province and is the location of the existing primary to grade 9 Park West School. PIDs 40682411, 40724619 and 40774077 are the Municipal parkland parcels the Province is interested in obtaining (Attachment B). The original request from the Province was for only one parcel, but during the preparation of this report, clarification was received from the Province that the interest was actually for all three parcels. These three properties were conveyed to the Halifax Regional Municipality, between 1994 and 1999 during the development of Clayton Park West as part of the parkland dedication mandated under the subdivision requirements. The parkland is approximately 4.25 ha and contains a soccer field (0.75 ha) and a forested area (3.5 ha) with a 280 m pathway connecting Radcliffe Drive and Lanshaw Close. There are also informal trails within the forest which connect the formal pathway to the soccer field and school.

Proposed School

The proposed school is to house approximately 700-800 pre-primary to grade 8 students. A site fit test plan submitted by the Province shows a forest buffer beside lots on Raleigh Court and retention of the existing soccer field and a portion of the pathway (Attachment C). Several other outdoor program elements are also shown to illustrate what could fit on the site, but which would not necessarily be included in the school project:

- Nature playground elements (in a portion of retained forest);
- Nature trail and outdoor classroom (in a portion of retained forest);
- Basketball courts;
- Tennis court;
- Open field play space; and
- New pathway.

The site fit test plan indicates that the school will be 4,200m² and shows facilities that are part of the provincial standard for schools:

- Parking with approximately 80 spots;
- Bus loop with bus drop-off/pick-up for minimum 5 buses;
- Separate bus and vehicular access points from Radcliffe Drive;
- Waste and recycling collection; and
- Area for future building expansion.

DISCUSSION

Park West School Park Site and Parkland Context

Based on the site fit test plan (Attachment C), the soccer field and the majority of the pathway would be retained. The main municipal impact would be the inability to provide any future outdoor recreational function on the lands that would be taken up by the school building footprint, driveway and parking lot as well as the ecosystem services currently provided by the forest. Under the Halifax Green Network Plan, this type of forested area is characterized as both a Community Shaping Patch, which is defined as a local natural and recreational amenity, and an Ecological Stepping Stone that supports habitat, animal movement and natural processes.¹ Benefits from the forest patch include, but are not limited to, improved air quality, carbon sequestration, stormwater retention, urban heat island mitigation, and enhanced human physical and psychological health.²

¹ [Halifax Green Network Plan](#)

² [Urban Forest Master Plan](#)

In order to consider the potential disposal of the site, the surrounding park context should be considered. In the immediate vicinity (within approximately 800 m) of Park West School Park there are six developed parks which provide a range of outdoor recreation experiences and three undeveloped forested parks (Table 1 and Attachment D).³

Table 1. Parks and outdoor recreation facilities within approximately 800 m of Park West School Park.

Park Name	Outdoor Recreation Facilities	Size (ha)
Park West School Park (Existing School Site)	Two playgrounds, basketball hoops, open lawn area	2.82*
Mainland Common	Two ballfields, soccer field, football field, three basketball courts, dedicated dog off-leash area, forested area	56.47**
Linear Park	Multi-use pathway	11.89
Turnmill Drive Park	Playground, basketball hoop, trail, forested area, open lawn area	2.08
Montgomery Court Park	Playground, trail, forested area, open lawn area	0.58
Belchers Marsh Park	Trail, natural area with interpretation	15.58
Stratford Way Park and Gardens	Playground, Korean War Veteran Memorial Garden, open lawn area	1.93
Chelton Woods Park (undeveloped)	Forested	0.36
Radcliffe Drive Park (undeveloped)	Forested	0.63
Lacewood Drive Park (undeveloped)	Forested, power corridor trail	0.70
Total Area		93.04
*Site area excludes Park West School building footprint		
**Site area excludes building footprints for The Canada Games Centre, BMO Soccer Centre, Halifax West Highschool, and Lacewood Bus Terminal		

The amount and variety of outdoor recreation space in the Clayton Park West area is generous. It is reasonable to conclude that it will meet future recreation needs of the community. Should Regional Council choose to dispose of the site for a new school, the site fit test shows that the sport field would be maintained. As a result, informal use of the field and organized sport use would continue, similar to other schools, through the Service Exchange Agreement between HRM and Halifax Regional Center for Education.

Therefore, while there is community benefit to the proposed disposal due to the addition of a new school and the potential for community use of the school gymnasium, the disposal would result in a loss of parkland and forested ecosystem. The loss of forested land must therefore be weighed against the need for a new school at this location, which should be informed by community input.

Relevant Policy

Halifax Regional Municipal Charter

As discussed in the Background section, the properties were obtained as parkland dedication through the subdivision process. Regional Council therefore has the legislative authority, through the Halifax Regional Municipal Charter Section 283(14), to divest parkland obtained in this manner, but, the local community

³ 800m is outlined in the Halifax Green Network Plan as a service level distance to parks in the Urban Settlement area outside of the Regional Centre.

needs to be informed by publishing an advertisement in the newspaper at least 14 days prior to the Council meeting.

Halifax Municipal Planning Strategy

Another pertinent policy is the Halifax Municipal Planning Strategy (MPS). Policy 7.10 under the Community Facilities Section states that, "Except when the interests of the City would clearly be better served, the City shall not release park lands or public open spaces for uses other than recreational in nature, unless such parks have been designated by the City as temporary, or unless alternative recreational space within the neighbourhood has been provided."

Determination about how the community's interests are best served regarding the use of the parkland in question would be informed through the community consultation.

Development Agreement

The properties of interest are subject to a development agreement that restricts their use to parkland. If Regional Council decides to proceed with the disposal of the properties and sale of the lands to the Province, planning processes relative to amendment or discharge of the development agreement may be necessary. Council will be advised of the applicable processes in the future staff report it will consider relative to the disposal.

Administrative Order Number 50 Respecting the Disposal of Surplus Real Property

Through the AO50 process the Municipality may sell real estate within its legislative provisions. If Regional Council proceeds with the sale of the properties to the Province it can do so under the Intergovernmental Transfer category, where the lands would be used for a public purpose and sold at market value.

Lease Alternative

The request from the Province is to purchase the lands from HRM. As a result, staff have assessed the lands for potential disposal. Strategically, there may be merit in considering a potential long-term lease option rather than disposal. The municipal parkland impacts would essentially be the same, in that the lands would be solely used by the Province for a new school and would no longer be available for parkland purposes. The primary difference would be that the Municipality would retain ownership of the lands, meaning that at some point in the future, if the site was no longer required for a school, HRM would be able to determine the future use for the lands.

A long-term lease option would be a different approach than has been used in the past for provincial requests for lands from HRM. The *Education Act* states that a regional centre may lease premises for public school purposes. This approach would require further discussions with the Province. These discussions would be used to determine if that the long-term lease approach would be considered and whether it would impact the timeline for the construction of the school. If Regional Council saw value in exploring a long-term lease option, it is recommended that the community consultation still be undertaken as a long-term lease would still result in the effective loss of parkland.

Conclusion and Next Steps

Given the provincial interest to obtain the Park West School Park site for a new pre-primary to grade 8 school and the considerable amount of parkland in the immediate vicinity, there is sufficient merit to commence the process for possible disposal. While Regional Council may legally proceed with the parkland disposal by only posting an advertisement within the Municipal Notices section of the newspaper for two consecutive weeks prior to making a decision, it is recommended a more fulsome engagement process be undertaken. This would include mailouts to those within approximately 250 m of the site and the posting of information on the municipality's website, along with multiple avenues to collect public feedback.

After the community has been consulted, and subject to the outcome of that consultation, staff will return to Regional Council with a recommendation report pursuant to *Administrative Order 50, Respecting the Disposal of Municipal Property* for an Intergovernmental Transfer. Other processes, including the preparation of an appraisal to determine the value of the lands would be undertaken. The report will include

the public input that is received through the community engagement. No public hearing would be required for Regional Council to subsequently proceed to consider the disposal, although in advance of that meeting, the parkland disposal notice would need to be published pursuant to the requirements of the *Charter*.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this staff report. However, after the community has been consulted, staff will return to Regional Council with a recommendation report on the potential disposal of the parkland and other processes, including the preparation of an appraisal to determine the value of the lands. The lands would be sold at market value and this would also apply to a lease, and the proceeds will go to Q611 – Parkland Development Reserves.

COMMUNITY ENGAGEMENT

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

ENVIRONMENTAL IMPLICATIONS

The environmental implications for divesting the properties of interest have been outlined in the Discussion section of this report.

ALTERNATIVES

Halifax Regional Council could direct the CAO to:

1. Not proceed with the steps for a disposal of the Park West School site, thereby refusing the request from the Province.
2. Proceed with the disposal of the Park West School Park site without community consultation. This would require an advertisement in the Municipal Notices section of the newspaper for two consecutive weeks prior to a future council meeting in accordance with the HRM Charter section 283(14) at which Regional Council would then need to declare the site surplus to municipal purposes pursuant to Administrative Order 50 for Intergovernmental Transfer.
3. Explore the potential of a long-term lease of the site to the Province for the use of the site for a new school. This would result in the municipality retaining ownership of the land, but the site would be used solely by the Province. This alternative should still require community consultation regarding the change in the use of the lands but would not require the notification in the newspaper.

ATTACHMENTS

Attachment A – Letter from TIR
Attachment B – Properties of interest
Attachment C – Site fit test plan
Attachment D – Parkland context

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Penelope Kuhn, Real Property Policy Coordinator, Policy and Planning, Parks and Recreation, 902.240.2647

December 16, 2020

Ms. Denise Schofield
Director Parks and Recreation
PO Box 1749, Halifax NS
B3J 3A5

Dear Ms. Schofield:

RE: New School site, Radcliffe Drive, PID 40682411

Further to your letter of June 9, 2020 and our discussion on December 9, 2020 the Province of Nova Scotia would like to proceed to a formal request of Regional Council.

The Province would like to move forward and seek approval from the two regulatory processes and the necessary approval bodies for the above lands. Transportation and Infrastructure Renewal is willing to work with Halifax staff and prepare an application to the Planning and Development department and engage in public consultation for their consideration.

Details on the planned School

The new school is proposed to house approximately 700-800 pre-primary to grade 8 students. The total size of the school is about 100,000 sf. Some possible preliminary site program elements could include:

- Sports field to be shared with existing
- Standard school playground elements
- Basketball court markings (2 half courts)
- Parking (approx. 80 spots)
- Bus Loop with bus drop-off/pick-up for minimum 5 busses
- Separate bus and vehicular access points from Radcliffe
- Waste and Recycling Collection
- Area for possible future building expansion

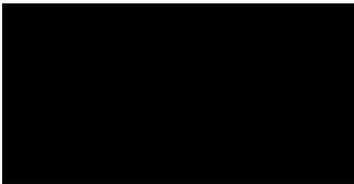
All these are shown on the site fit test drawing, attached, and would be included within the provincial standard for school facilities. Other programs shown (i.e. tennis courts, nature trails, outdoor classrooms, gazebo, full basketball court) are not necessarily applicable to this site, nor

included in the school project; however, they are shown to help represent the capacity for further HRM provided recreation programming, if required or desired.

Given the enrollment increases in this area, it is imperative that the site selection process is expediated as best as possible, in this current environment, so we can confidently plan the project towards an appropriate opening date.

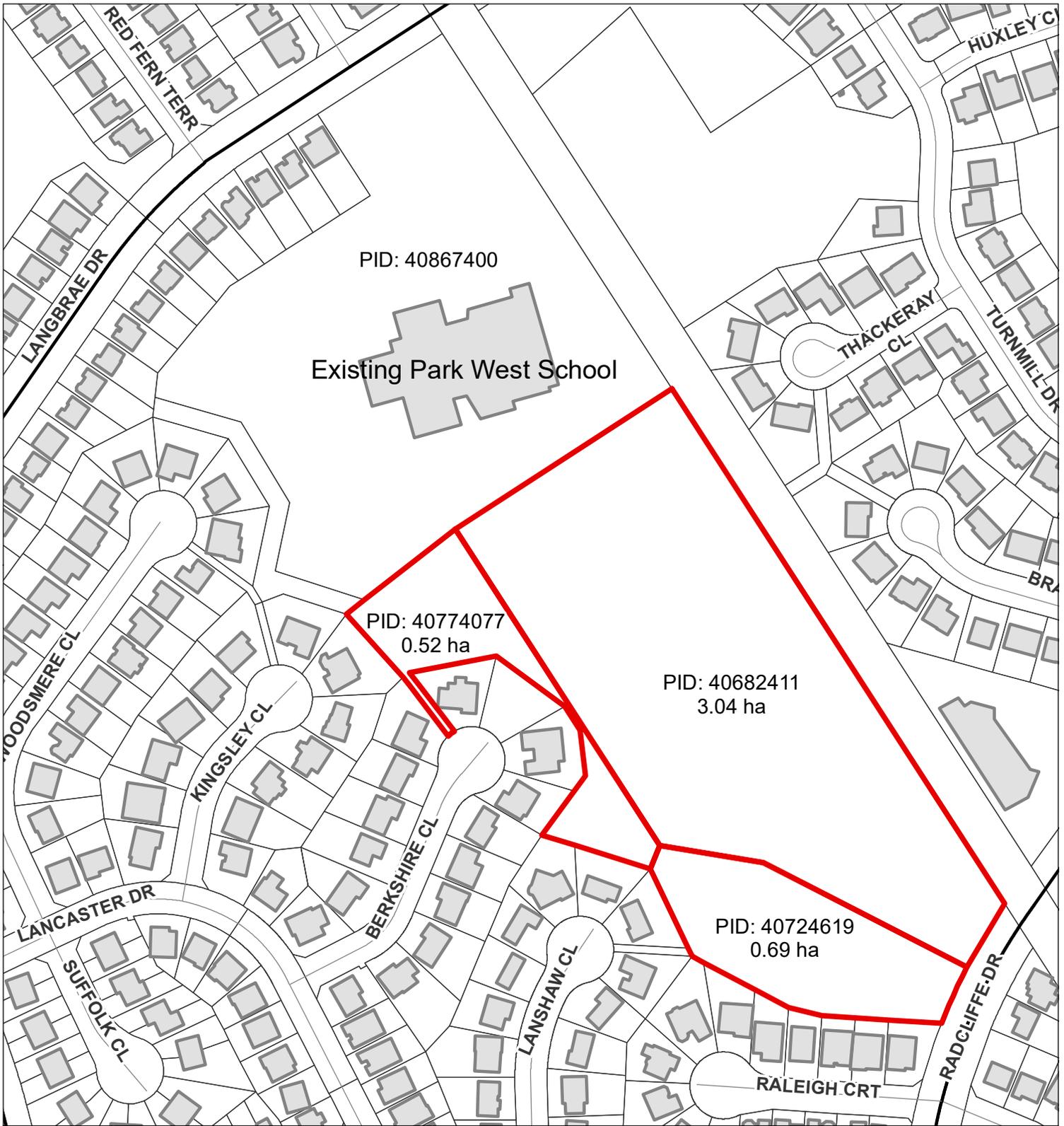
We appreciate the efforts of HRM to assist with this important initiative.

Regards



Stephen MacKenzie
Director Real Property Services

C: Gerald Jessome, Building Project Services

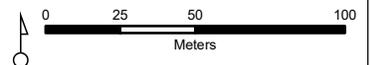


PARK WEST SCHOOL PARK

 Properties of Interest

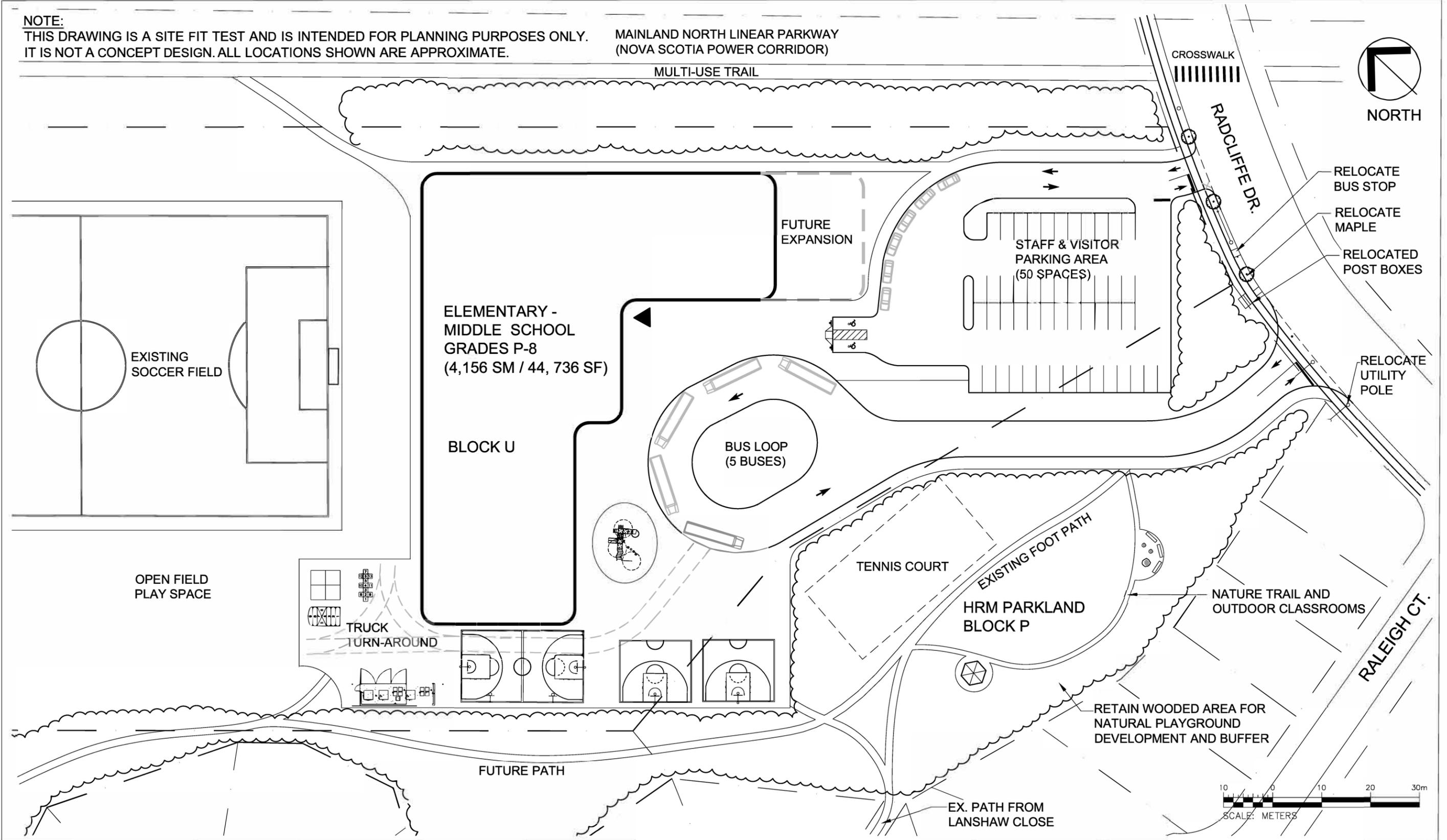
HALIFAX

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NOTE:
 THIS DRAWING IS A SITE FIT TEST AND IS INTENDED FOR PLANNING PURPOSES ONLY.
 IT IS NOT A CONCEPT DESIGN. ALL LOCATIONS SHOWN ARE APPROXIMATE.

MAINLAND NORTH LINEAR PARKWAY
 (NOVA SCOTIA POWER CORRIDOR)



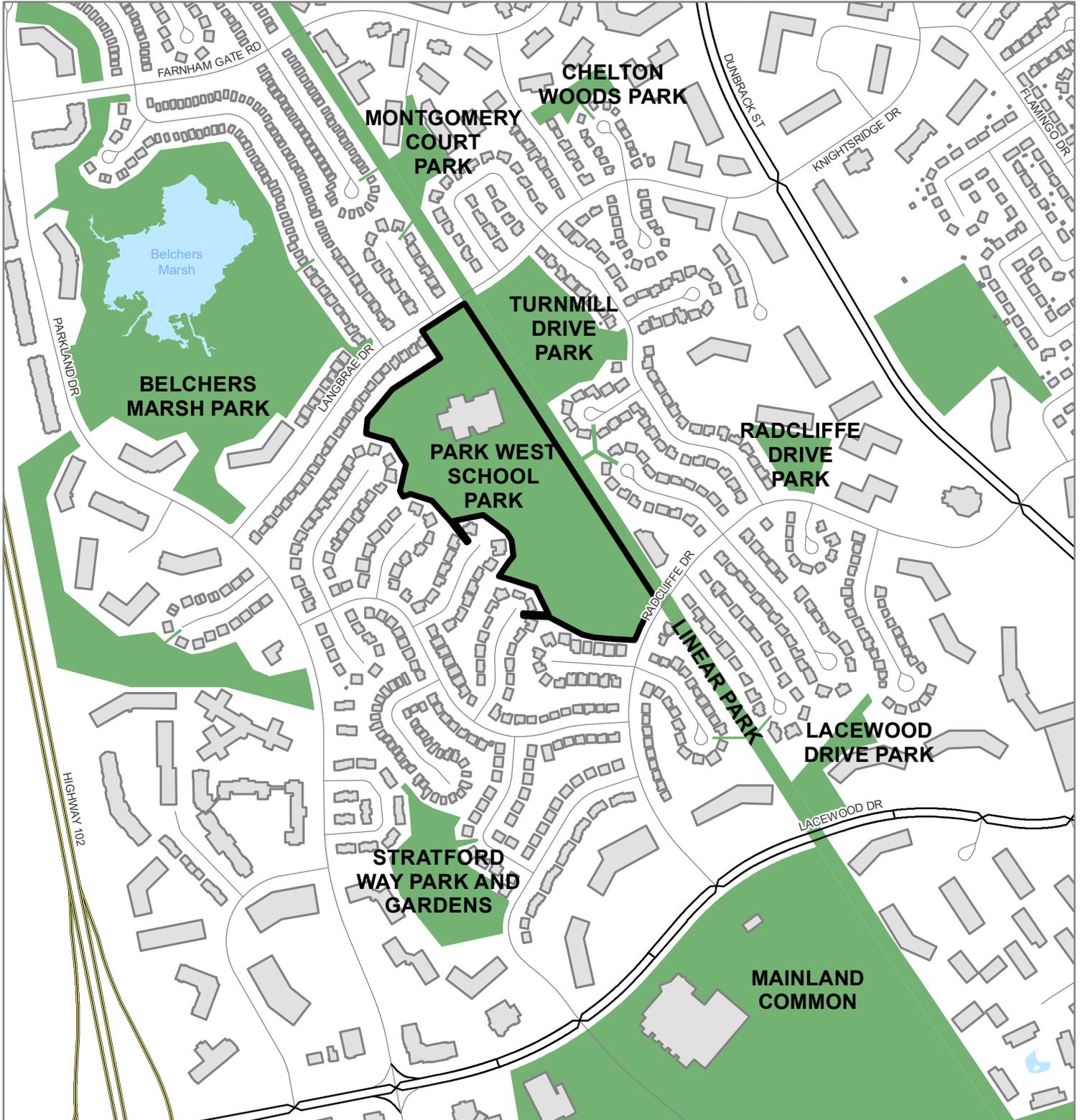
Gordon Ratcliffe
LANDscape ARCHITECTS

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project: **CLAYTON PARK-FAIRVIEW SCHOOL**
 title: **SITE PLAN - OPTION 1 REV. 1**

date: NOV. 12, 2019
 scale: AS NOTED
 drawn by: STAFF

dwg:
L-1R



PARK WEST SCHOOL PARK - Parkland Context

-  Park West School Park Boundary
-  HRM Parkland

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