

**TO:** Mayor Savage and Members of Halifax Regional Council

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

**DATE:** July 12, 2021

**SUBJECT:** Dog Off-leash Area – Eastern Passage

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## ORIGIN

January 16, 2018 Regional Council motion (Item 14.1.1):

MOVED by Councillor Cleary, seconded by Councillor Nicoll THAT Halifax Regional Council:

1. Adopt Administrative Order 2017-013-OP, *Off-Leash Dog Areas Administrative Order*, as set out in Attachment A of this report;
2. Adopt By-law P-601, amending By-law P-600, the Municipal Parks By-law, as set out in Attachment C of this report;
3. Approve the continuation of the existing Off-Leash Dog Areas approved pursuant to the 2007 Off-Leash Strategy within Point Pleasant Park, Fort Needham Park, Mainland Common, Hemlock Ravine, Shubie Park, Dartmouth Common, Sandy Lake, and Ardmore Park;
4. Approve the continuation of the existing seasonal Off-leash Dog Areas as listed in Attachment E; and
5. Direct the CAO to identify potential additional Off-leash Dog Areas, pursuant to Administrative Order 2017-013-OP, for the communities of Cole Harbour, Eastern Passage, Spryfield area, and Dartmouth. **MOTION PUT AND PASSED UNANIMOUSLY**

## LEGISLATIVE AUTHORITY

### *Halifax Regional Municipality Charter*

Section 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.

Section 79A (1) Subject to subsections (2) to (4), the Municipality may only spend money for municipal purposes if

- (a) the expenditure is included in the Municipality's operating budget or capital budget or is otherwise authorized by the Municipality...

***HRM Administrative Order 2017-013-OP Respecting Off-leash Dog Areas Within Parks (Off-leash Dog Areas Administrative Order)***

## **RECOMMENDATION**

It is recommended that Halifax Regional Council:

1. Approve the general area identified in Attachment A within Shearwater Flyer Park, 1340 Caldwell Road, Eastern Passage, for designation as a dedicated year-round off-leash dog area pursuant to Administrative Order 2017-013-OP with requirements for hours of operation and other regulations pursuant to the Parks By-law (P-600), to be effective upon completion of the necessary capital work; and
2. Direct the Chief Administrative Officer (CAO) to include development of the Shearwater Flyer Park off-leash dog area for consideration in the 2022/23 capital budget.

## **BACKGROUND**

### **Off-Leash Dog Area Program History**

HRM's Off -Leash Dog Area (OLA) program dates to 1998 when Regional Council passed By-law D-100, *Respecting the Registration and Regulation of Dogs*, which contained provisions regarding the designation of OLAs within municipal parks.

On November 9, 2004, Regional Council requested that staff develop a master plan for off-leash dog areas within the municipality to respond to an increasing demand for formalized OLAs. The master plan took the form of the 2007 Off-Leash Dog Strategy that was adopted by Regional Council on June 26, 2007. The Strategy was a pilot program to create new off-leash areas and monitor their effectiveness. Numerous public consultation sessions were held and seven year-round OLAs were developed through the implementation of the Strategy: Dartmouth Common; Fort Needham Memorial Park; Hemlock Ravine; Point Pleasant Park; Sandy Lake; Shubie Park; and Mainland Common (a dedicated off-leash facility). To supplement the year-round locations, the municipality also developed an inventory of seasonal OLA sites, which were generally sports fields that could supplement the program by allowing use during an identified season and/or times of day.

A review of the off-leash pilot program undertaken between 2014 and 2015 indicated that the pilot project generally worked well and on November 19, 2015, Regional Council approved the off-leash program as a permanent service. However, the need for a stronger policy framework, updated planning and site criteria, and clearer procedures for receiving and approving requests for off-leash service were identified. Regional Council directed staff to prepare an administrative order to guide further expansion and management of the OLA program.

On January 16, 2018, Regional Council approved the continuation of the pilot OLA locations and Administrative Order 2017-013-OP, *Respecting Off-leash Dog Areas in Municipal Parks (OLA Administrative Order)* to guide the expansion of the program as well as a work program which outlined potential OLA locations based on service gaps. The gap areas were Dartmouth, Cole Harbour, Eastern Passage, and the Spryfield area.

### **Respecting Off-leash Dog Areas within Parks Administrative Order**

The OLA Administrative Order recognizes the health benefits of dog walking and the need to provide appropriate and safe facilities which are economically and environmentally sustainable. It also formalizes:

- the process by which new off-leash areas are designated, modified, or closed;
- an off-leash classification system (shared vs. dedicated); and
- the criteria by which potential candidate off-leash areas are evaluated, such as proximity to different land uses, size, compatibility with other recreation facilities, opportunities for active use by dog owners, and financial implications.

## **DISCUSSION**

Based on site selection criteria set in the OLA Administrative Order, four sites in the community of Eastern Passage were identified for OLA's, each with a unique set of opportunities and constraints. These sites were Shearwater Flyer Park, Smelt Brook Park, ROST Ball Diamond, and Seaview Elementary Soccer Field (Attachments B and C). The community was presented with the four options via on-line engagement.

Results of the community engagement and site selection criteria, outlined in the Administrative Order, support the creation of a year-round dedicated OLA at Shearwater Flyer Park (Attachment A).

### **Dedicated vs. Shared OLA**

While shared facilities are designated areas within a park where off-leash dogs are permitted along with other park uses, dedicated OLAs are constructed specifically to only allow dogs and their owners. Dedicated OLAs can mitigate conflict with non-dog owners and adjacent uses while reducing concerns for owners of dogs with poor recall skills. For these reasons they tend to be regional facilities which draw residents from a wide area. These facility types therefore need to be of sufficient size and provide parking to accommodate large numbers of users. Dedicated OLAs, to date, have included enhanced features such as agility areas, shelters, and separated spaces for small dogs, making them more costly. Shared facilities have been preferred in the municipality as they are more cost effective and as a result can be more broadly offered. In some instances, a dedicated OLA may be appropriate based on a site's characteristics or other circumstances.

### **Site Selection/Community Engagement**

Community engagement was hosted on-line using the Shape Your City platform due to the COVID-19 pandemic, between December 3, 2020 and January 18, 2021. Engagement opportunities were advertised via:

- a public service announcement;
- mailouts to adjacent residents;
- alerting key stakeholders via e-mail; and
- digital promotion.

Participants were presented with a review of HRM's approach to dog OLAs and the Administrative Order; links to relevant staff reports and OLA rules; an overview of the opportunities and constraints of the potential sites (Attachment C); and a survey where participants were asked to rank the sites in order of preference.

Over 275 survey participants ranked the four OLA options as follows:

1. Shearwater Flyer Park (49%)
2. Smelt Brook Park (27%)
3. Eastern Passage Common Seaside Soccer Field\* (14%)
4. Eastern Passage Common ROST Ballfield\* (10%)

*\*winter off-leash with summer morning only pilot*

Shearwater Flyer Park was the first choice by a considerable margin, despite not being centrally located within the community. The Shearwater site was preferred because of its natural setting, proximity to the existing trail, large size, and because it is not a sports field. Full engagement results were posted on the Shape Your City webpage as a *What We Heard Report* (Attachment D).

### **Shearwater Flyer Park**

Shearwater Flyer Park is 8 hectares and is located near the intersection of Caldwell Road and Hines Road in Eastern Passage. The park abuts the Shearwater Flyer Trail to the north and light industrial uses to the east. The park is largely forested wetland with trees, shrubs, and perennials. There is a parking lot which serves trail users and two additional open areas, one close to the trail and another along Caldwell Road.

The open areas have been altered, cleared of vegetation, and compacted from unsanctioned ATV use. These altered areas are not characteristic of the surrounding natural landscape.

Shearwater Flyer Park is currently underutilized and assessed favourably with the OLA site selection criteria set out by the Administrative Order (Attachment E). The open area that is close to the trail could accommodate an OLA of just under 1 hectare (Attachment A). The space could accommodate looping trails and provide opportunity for some dog-owner exercise. Owners could also have the option of exercising on the adjacent Shearwater Flyer Trail with their dogs on-leash. There is over 300m of separation between the proposed OLA and the nearest residential building. Much of this portion of separation is forested and therefore provides an acoustic barrier. The site has an existing gravel parking lot which could be expanded.

A concern raised during community consultation was the protection of surrounding forested wetlands and how to keep dogs from entering the Shearwater Flyer Trail. This concern could be considered during the design of the OLA. The size, general park underutilization, and available parking make the proposed site appropriate for a dedicated year-round OLA.

#### Concept Plan

As improvements are required to convert the site to an OLA, a concept plan has been developed (Attachment A). Highlights include:

- Potential fencing to protect the surrounding wetlands, reduce visual impact on the natural landscape, keep dogs from entering the Shearwater Flyer Trail;
- looping trails to largely follow the paths already cut through the landscape by ATVs;
- approximately 500m of trails;
- a small crusher dust dog run area with repurposed logs for seating; and
- opportunities for regeneration of Acadian Forest plant species in cleared and degraded areas using community volunteers.

A high-level capital cost estimate is in the range of \$375,000, however geotechnical investigation and detailed design will inform final capital cost estimates for capital budget purposes.

#### **Conclusion**

The municipality's OLA work program had identified a need for an OLA in Eastern Passage. Community consultation and analysis determined a preference for an OLA to be established at the Shearwater Flyer Park. This location meets the criteria within the municipality's Administrative Order for situating these types of facilities. The municipality does place an emphasis on establishing shared OLAs in the municipality, however, a dedicated OLA is warranted in this situation. The estimated capital cost for the project is \$375,000, which would be considered during capital budget prioritization and planning.

#### **FINANCIAL IMPLICATIONS**

There are no immediate financial implications. The preliminary capital cost estimate to develop the proposed off-leash area, is \$375,000 (Attachment A). Detailed cost estimates and designs would occur as part of the municipality's future capital planning under CP200007 – Off Leash Dog Parks.

There would be on-going maintenance costs associated with the new OLA. Annual operations costs, which would use funds from account W180, are expected to be approximately \$40,000. These costs would be planned for and accommodated within future operating budgets for Regional Council consideration.

### **RISK CONSIDERATION**

There are no significant risks associated with the recommendations in this Report. Unanticipated costs may arise as the site is developed. These will be mitigated through detailed assessments as required.

### **COMMUNITY ENGAGEMENT**

Virtual community engagement was held between December 3, 2020 - January 18, 2021. Details are provided in the Discussion Section above and in Attachment D.

### **ENVIRONMENTAL IMPLICATIONS**

When the OLA is established, dog owners will be responsible for following off-leash area regulations, which include requirements regarding picking up their dog's waste. The proposed concept plan includes environmental benefits through opportunities for Acadian Forest regeneration in cleared and degraded areas.

### **ALTERNATIVES**

1. Regional Council could decide to designate Shearwater Flyer Park as a year-round shared OLA, meaning that the enclosed area would also be available for general park use.
2. Regional Council could decide to designate Shearwater Flyer Park as a shared seasonal OLA, rather than a year-round facility, or specify time of day restrictions or other requirements respecting its use.
3. Regional Council could decide not to designate Shearwater Flyer Park as a year-round dedicated OLA, meaning that it would only be available for on-leash activities.
4. Regional Council could decide to designate one of the other parks that was part of the public consultation, as a shared OLA.

### **ATTACHMENTS**

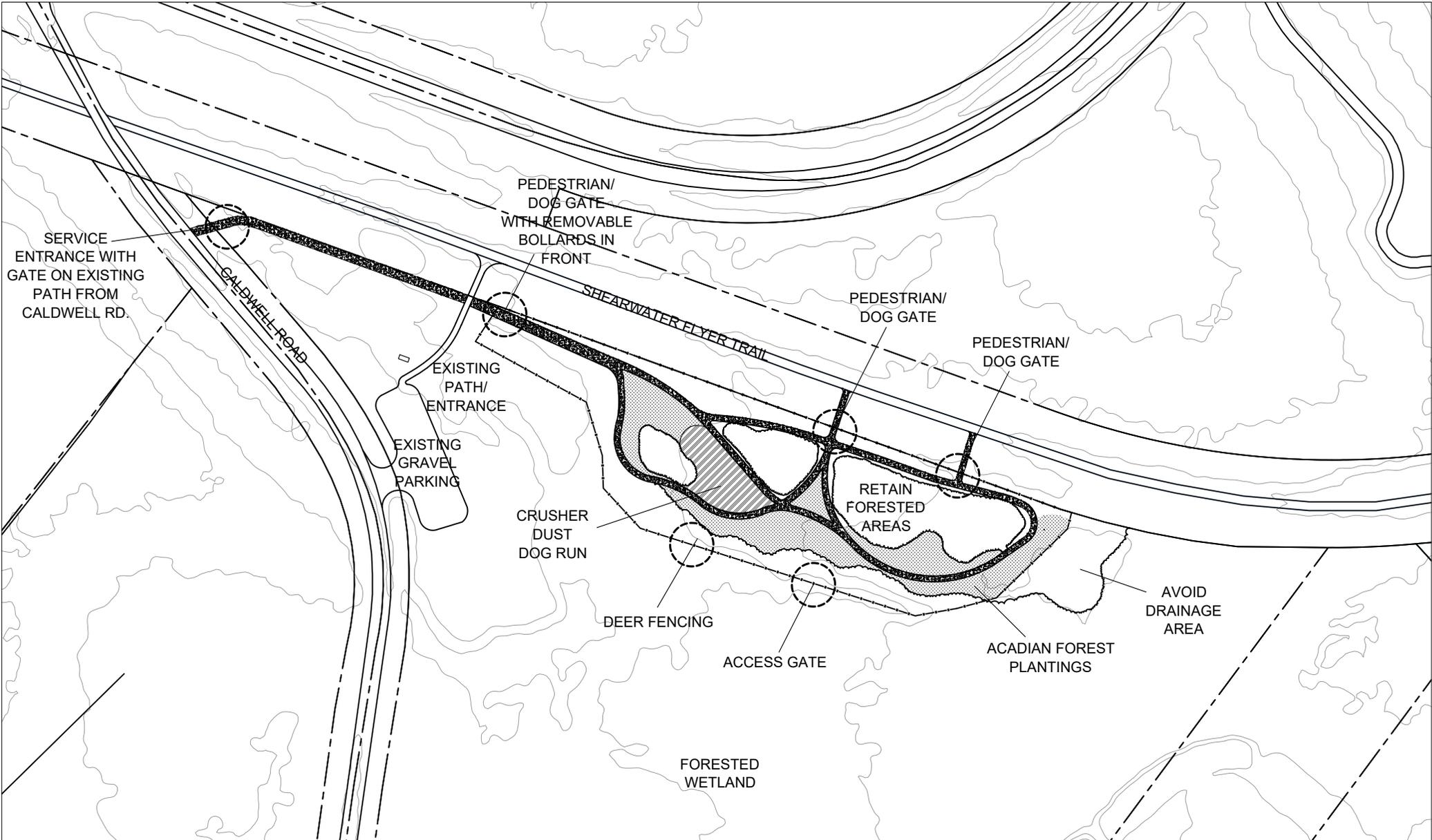
Attachment A Shearwater Flyer – Dog Off-leash Park Concept  
Attachment B Potential Dog Off-leash Areas in Eastern Passage  
Attachment C Potential Sites Analysis  
Attachment D Off-leash Areas in Eastern Passage - What We Heard Report  
Attachment E Administrative Order Selection Criteria

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A copy of this report can be obtained online at [halifax.ca](http://halifax.ca) or by contacting the Office of the Municipal Clerk at 902.490.4210.

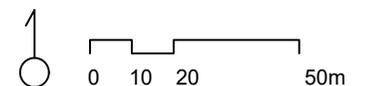
Report Prepared by: Penelope Kuhn, Real Property Policy Coordinator, Parks & Recreation, 902-240-2647

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# SHEARWATER FLYER - DOG OFF-LEASH PARK CONCEPT

PARKS & RECREATION  
POLICY & PLANNING  
June 15, 2021



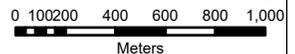


### Potential Dog Off-leash Areas in Eastern Passage

 Municipal Parkland

- 1. Shearwater Flyer Park
- 2. Smelt Brook Park
- 3. Eastern Passage Common ROST and Seaside Fields

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Parks & Recreation  
Policy & Planning



## Potential Sites Analysis

The opportunities and constraints listed below were provided for community consideration as part of the on-line engagement.

Potential Site	Opportunities	Constraints
<b>Shearwater Flyer Park</b>	<ul style="list-style-type: none"> <li>• Large area of undeveloped parkland (8 ha) could accommodate an OLA with open space and trails</li> <li>• Adjacent to Shearwater Flyer trail and parking lot</li> <li>• Well removed from residential uses (over 300m)</li> </ul>	<ul style="list-style-type: none"> <li>• Wetland areas on site</li> <li>• Considerable capital investment would be required to create OLA, which would be tied to a future capital budget</li> <li>• Not centrally located within community</li> </ul>
<b>Smelt Brook Park</b>	<ul style="list-style-type: none"> <li>• Shared 300m of existing crusher dust linear trail, plus 150m informal trail</li> <li>• Promotes some dog-owner exercise</li> <li>• Could be implemented right away</li> </ul>	<ul style="list-style-type: none"> <li>• Some sections of the existing trail are too close to residential areas and are therefore excluded</li> <li>• Wetland areas on site</li> <li>• Limited parking area</li> <li>• Not in centre of community</li> </ul>
<b>Eastern Passage Common ROST Ballfield and Seaside Soccer Field*</b>	<ul style="list-style-type: none"> <li>• Fields are the most buffered areas from nearby residential areas (over 65m) within the Common</li> <li>• Little capital investment required</li> <li>• In centre of community</li> <li>• Parking available</li> <li>• Could be implemented right away</li> </ul>	<ul style="list-style-type: none"> <li>• Sport field setting is unlikely to promote dog-owner exercise</li> <li>• Limited off-leash hours as facilities would be shared with sports field users in the summer</li> <li>• May be negative impacts on field quality from dog activity (ex. digging)</li> </ul>

\*These locations would be off-leash in the winter from Nov 1 – May 1 and open as a pilot project in the summer from June 1 – Nov 1 in the mornings only (6am – 10am).

# Off-Leash Dog Areas in Eastern Passage What We Heard Report



April 2021

**HALIFAX**

## OVERVIEW

The community engagement exploring potential dog off-leash areas (OLA's) in Eastern Passage ran from December 3, 2020 to January 18, 2021. Information, a survey, and a Q&A platform were hosted on the Shape Your City portal.

Engagement opportunities were advertised via:

- A public service announcement
- Mailouts to adjacent residents
- Alerting key stakeholders via e-mail
- Digital promotion

Digital promotion included digital screens and paid Facebook and Instagram posts. Facebook reach was over 19,000, and over 600 people engaged. Instagram reach was over 7,000 with over 100 engaging, and Twitter reached over 18,000 people with more than 200 engaging.

The Q&A platform was not utilized.

## ENGAGEMENT SUMMARY

There were 278 survey respondents, 72% of who live in Eastern Passage (postal code begins with B3G). The majority of respondents, 87%, are dog owners and almost the same percentage feel there is a need for a dog OLA in Eastern Passage. Some currently walk their dog off-leash in areas where off-leash activity is not permitted.

Of the four options presented the preferred location is Shearwater Flyer Park. The rank order was:

1. Shearwater Flyer Park (see below)
2. Smelt Brook Park
3. Eastern Passage Common Seaside Soccer Field\*
4. Eastern Passage Common ROST Ballfield\*

\*winter off-leash with summer mornings only pilot

The most frequently written comments (question 8) were related to:

1. General positivity about the project
2. Opposition to using sports fields for OLA's
3. Preference for fenced-in OLA's
4. Preference for facilities with trails
5. Need for better by-law enforcement

## Shearwater Flyer Park

### Opportunities

- Large area of undeveloped parkland (8 hectares) could accommodate an OLA with open space and trails
- Adjacent to Shearwater Flyer trail and parking lot
- Well removed from residential uses (over 500m)

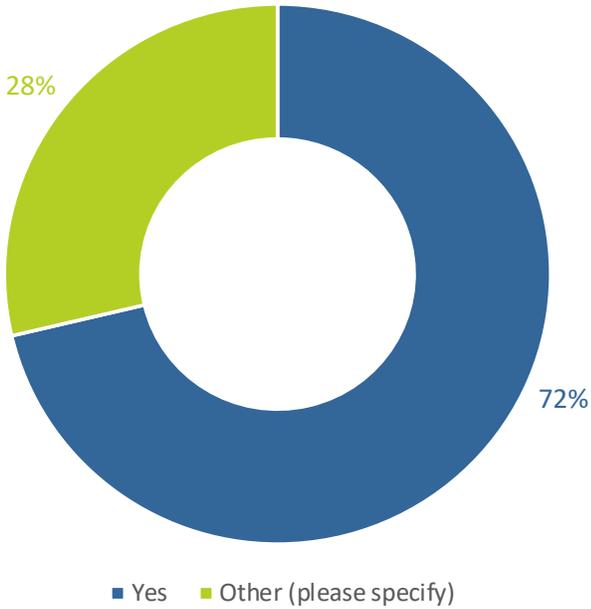
### Constraints

- Wetland areas on site
- Considerable capital investment would be required to create a quality OLA, which would be tied to capital budget and take considerable time (several years) if approved by council
- Not centrally located within community

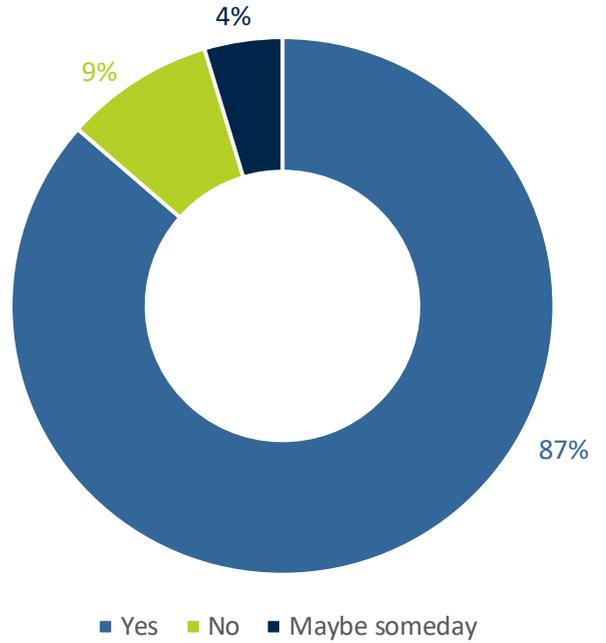


**SURVEY RESULTS**

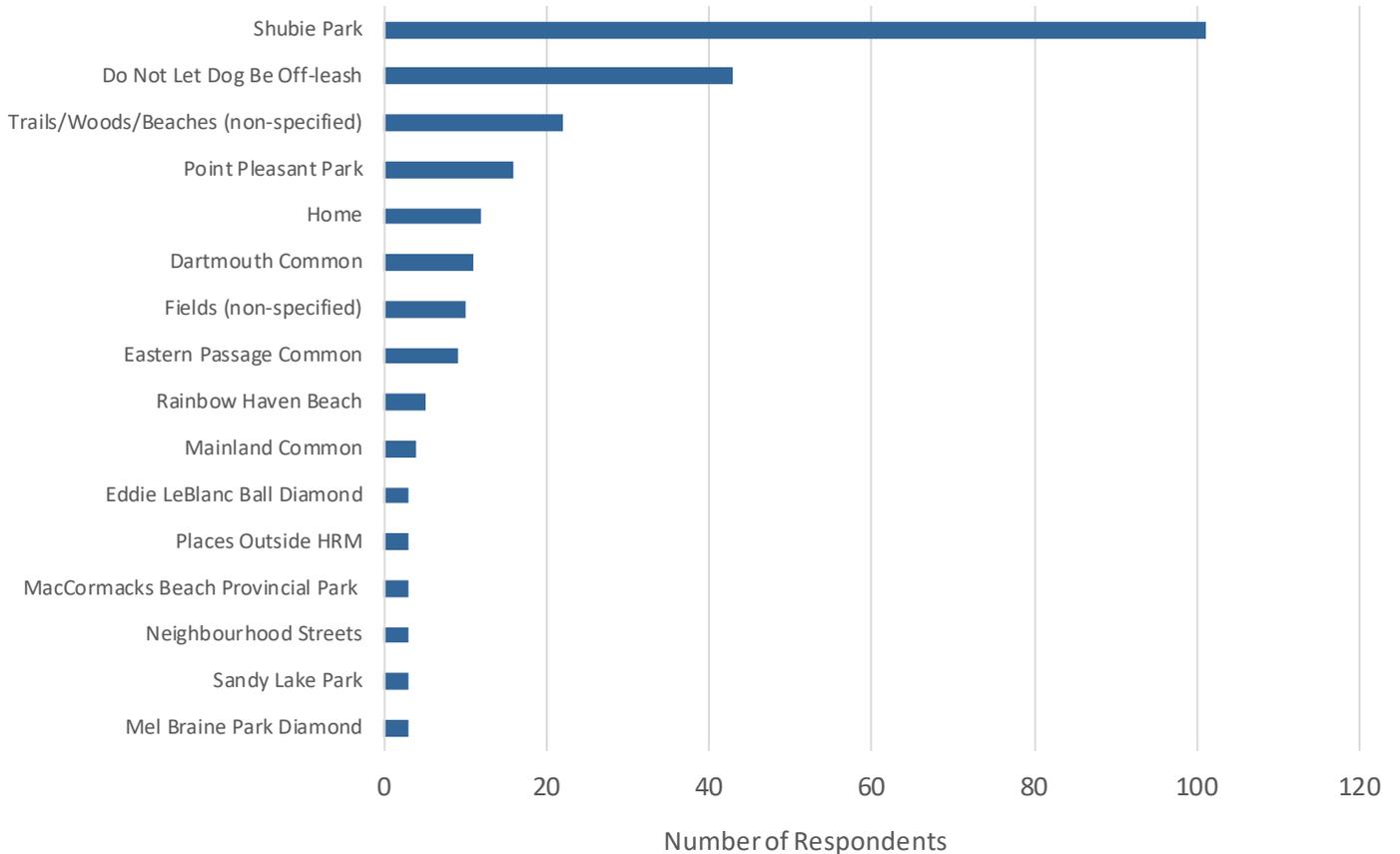
Q1. Do you live in Eastern Passage (ex. postal code begins with B3G)?



Q2. Are you a dog owner?

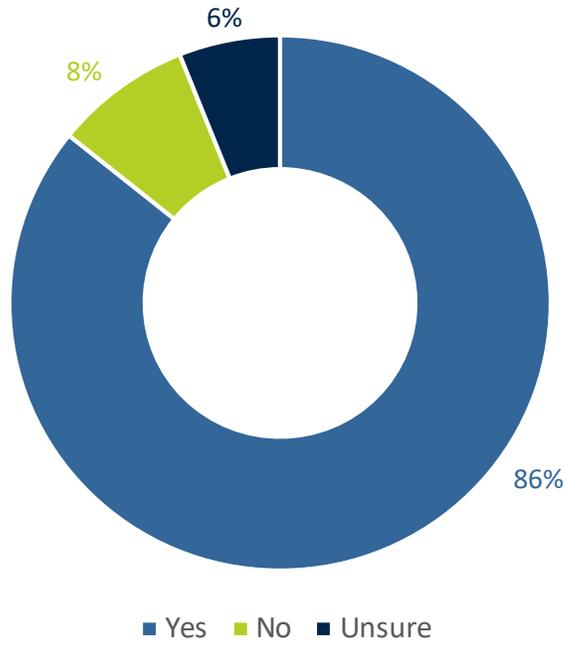


Q3. If you are a dog owner, where do you currently take your dog for off-leash walks? \*

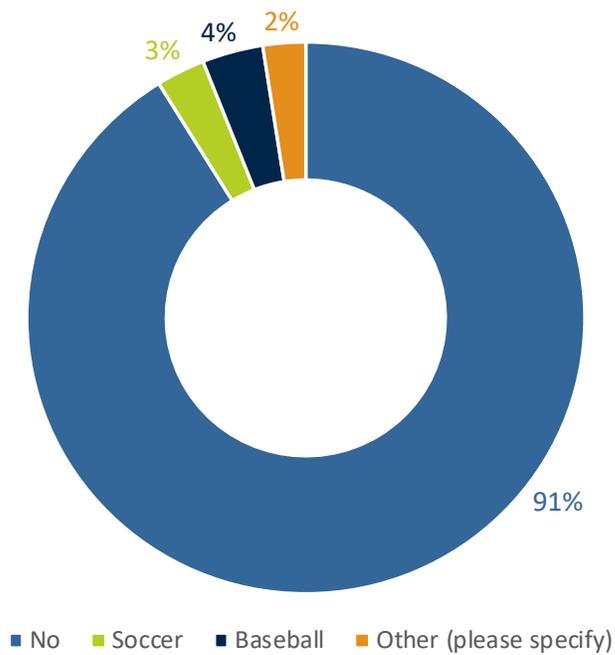


\*24 other locations with one or two respondents are not shown. Respondents often cited more than one location.

Q4. Do you feel there is a need for a dog off-leash area in the Eastern Passage community?

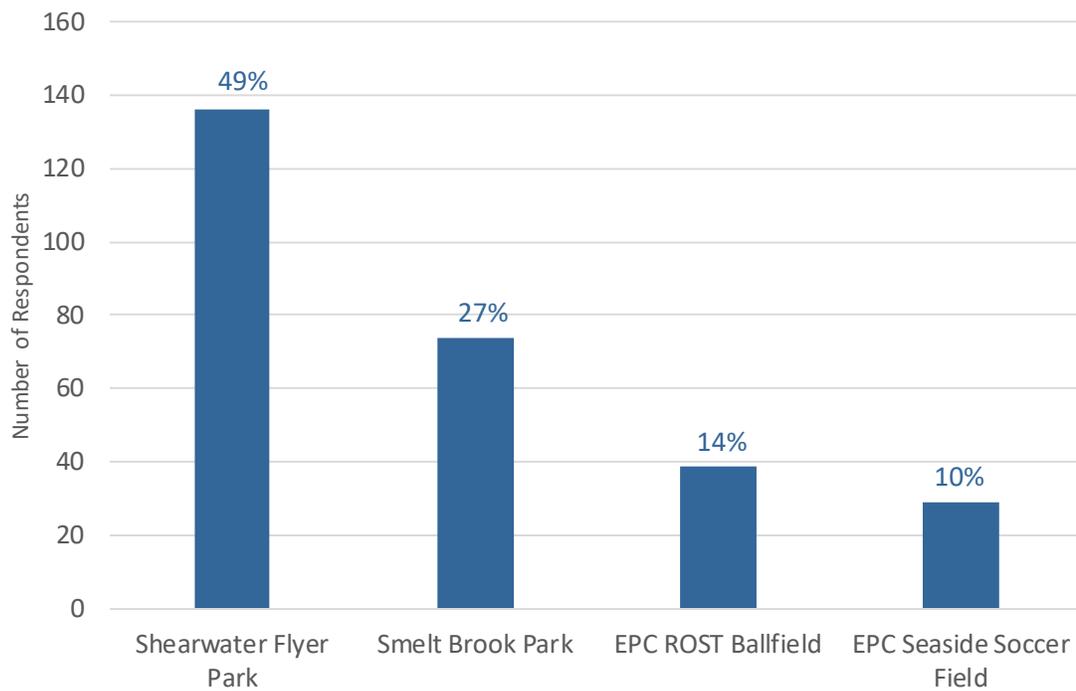


Q5. Are you affiliated with any association that might be relevant to this project?



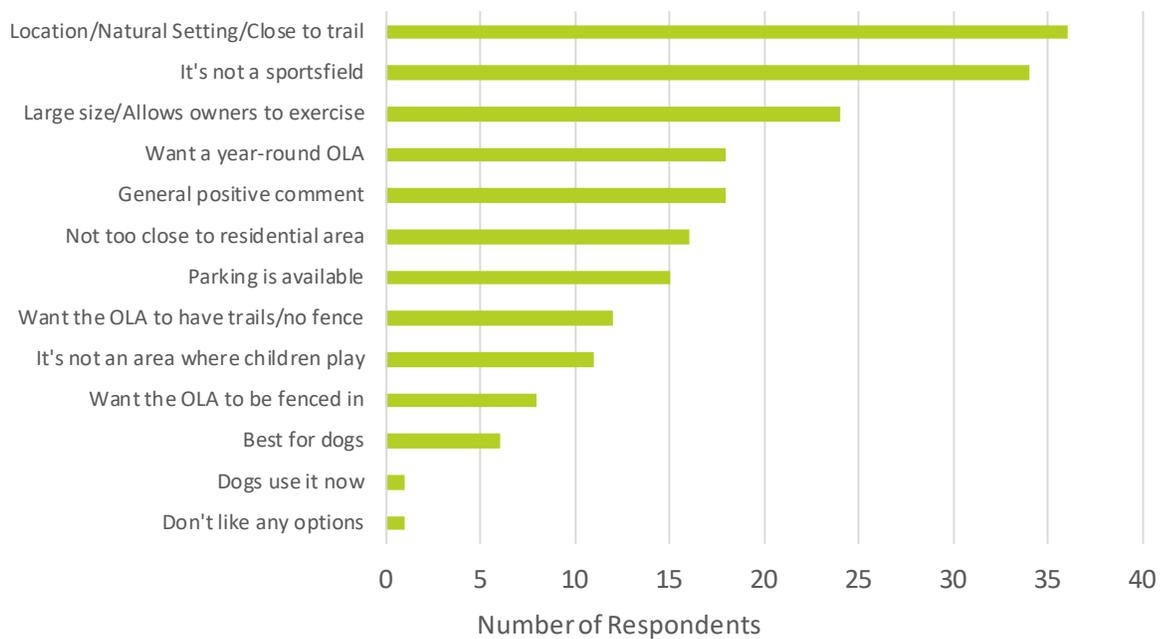
Q6. Of the four options presented, what is your preferred location for a dog off-leash area in Eastern Passage?  
(Rank Options)

First Choice Selections



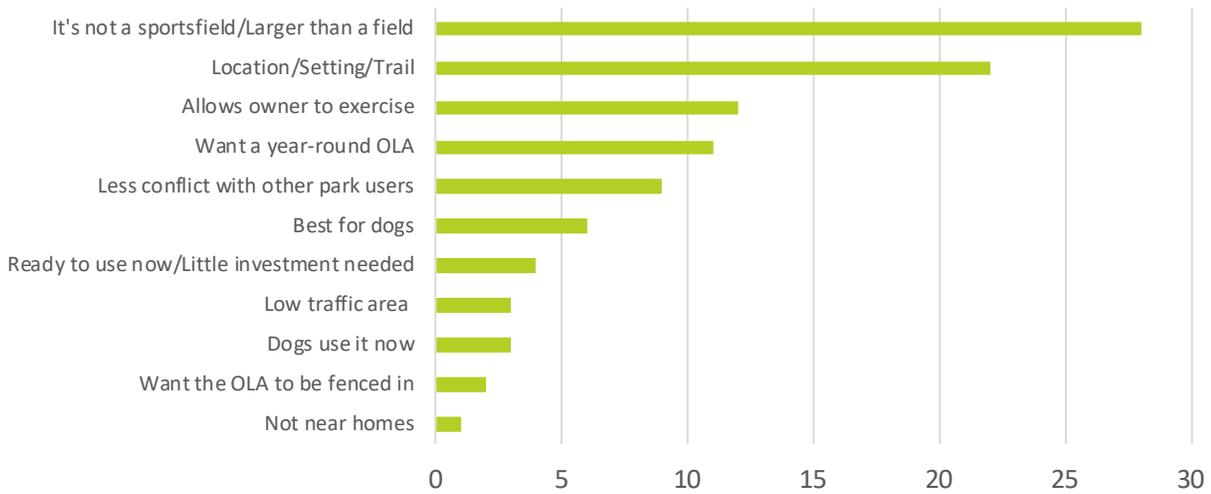
Q7. Why did you choose this preferred location? What is the major factor in your decision?

Shearwater Flyer Park

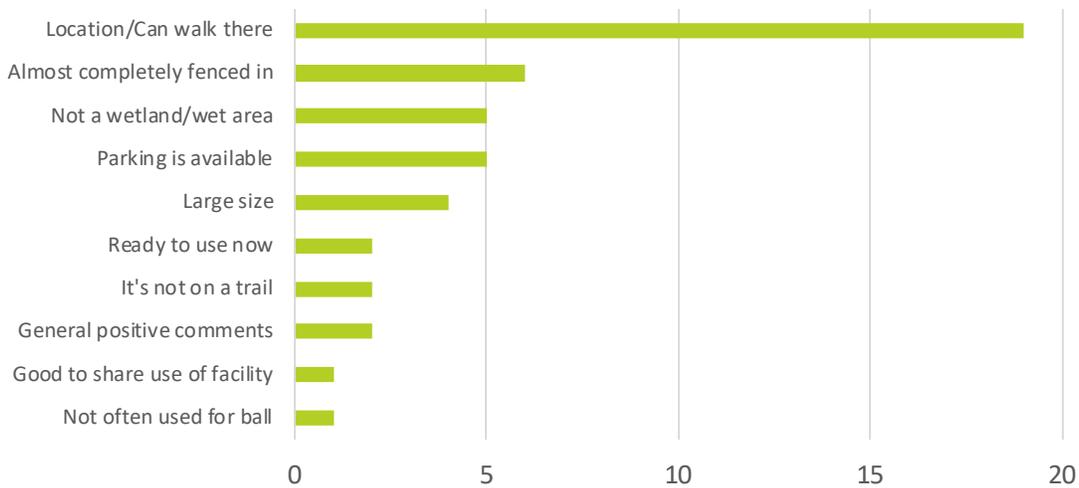


Q7. Continued

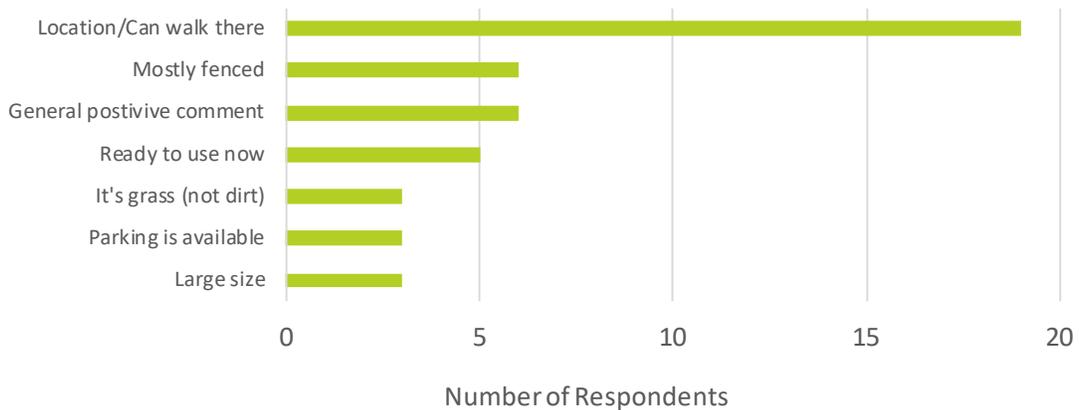
Smelt Brook Park



Eastern Passage Common ROST Ballfield

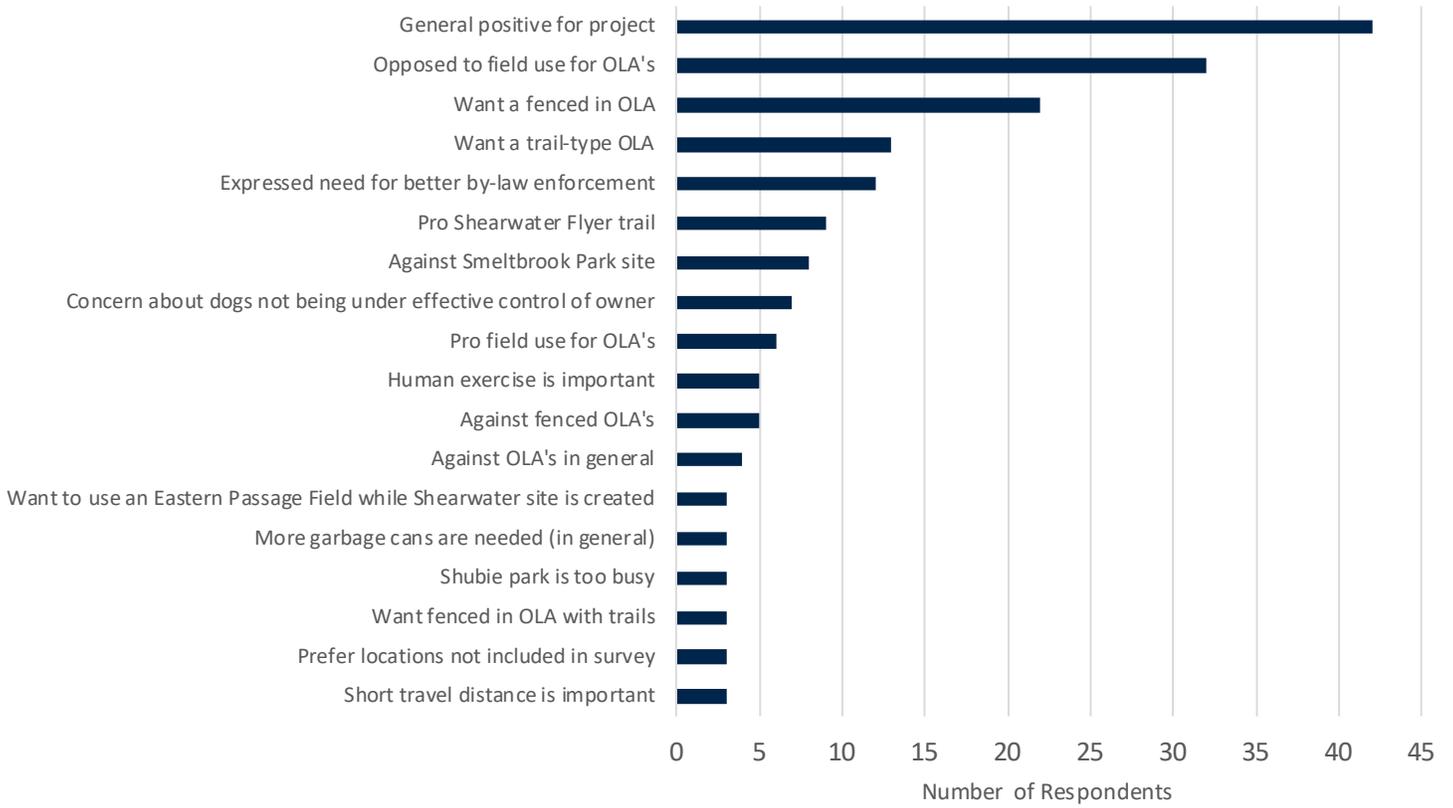


Eastern Passage Common Seaview Soccer Field



Number of Respondents

Q8. Please add any other comments directly related to this project.



**Administrative Order Selection Criteria**

Administrative order dog off-leash area (OLA) criteria for Shearwater Flyer Park.

<b>Administrative Order OLA Selection Criteria</b>	<b>Review Comments</b>
<b>13a-i: Distance to existing designated OLA and service gaps</b>	The nearest OLA is approximately 4.5km away at Mel Braine Park Diamond (winter use). The nearest year-round site is approximately 10km at the Dartmouth Common. On this basis, the municipality's OLA work program has identified a service gap in Eastern Passage.
<b>13a-ii: Extent of conflicts within existing OLAs</b>	Currently there are no existing OLAs in Eastern Passage. Some dog owners use existing park spaces (non off-leash areas) for off-leash activity, and significant issues have not been raised to date.
<b>13b: Population distribution</b>	The potential OLA is located on the northern edge of the Eastern Passage community. This means that most residents will need to travel to the selected OLA by vehicle. While this is not a central location within Eastern Passage, it was identified as the most favourable site within the community.
<b>13c: Park size (min 2.5 acres / 1 ha)</b>	The park parcel is approximately 8 hectares (ha) and can readily accommodate the proposed OLA in an altered/degraded section of the park (see 13d), which will be approximately 1 ha (Attachment E).
<b>13d: Existing classification &amp; park function</b>	Shearwater Flyer Park is a Regional Park containing forested wetlands. A parking lot on site is used for the Shearwater Flyer Trail. Two open area have been partially cleared, degraded and compacted by unsanctioned ATV use and are not characteristic of the surrounding wetlands.
<b>13e/f: Compatibility with:</b>	
<b>Play structures</b>	There are no existing play structures, nor plans for the development of such facilities.
<b>Community gardens</b>	There are no existing community gardens, nor plans for the development any.
<b>Sports fields</b>	There are no existing sports fields, nor plans for the development of such facilities.
<b>Courts (tennis / basketball)</b>	There are no existing courts, nor plans for the development of such facilities.
<b>Environmentally sensitive features</b>	Part of park is a forested wetland (not the section that will be used for the OLA).
<b>Monuments / public art / cultural</b>	There are no monuments, public art, or cultural structures on site, nor plans for the development of such facilities.
<b>Memorial parks</b>	The Shearwater Flyer Park is not a memorial park.
<b>Other: – ex. splash pads, supervised beaches</b>	There are no such park features on site, nor plans for the development of other facilities.
<b>13g: Site's physical capabilities - topography hydrology vegetation property configuration</b>	Wetland issues have been identified, which will be mitigated through design/fencing.
<b>13h: Jeopardize public safety</b>	Fencing is proposed to prevent dogs from getting onto the Shearwater Flyer Trail and causing conflicts with users.

<b>Administrative Order OLA Selection Criteria</b>	<b>Review Comments</b>
<b>13i: Proximity of other land uses, to include adequate separation distances, possibility of mitigation measures, and visual / acoustic buffers</b>	The site is well removed from residential use, > 300m, with treed areas which act as acoustic barriers.
<b>13j: Sufficient / appropriate parking</b>	There is an established parking lot for adjacent trail, with space for expansion if required.
<b>13l: Site specific restrictions</b>	The park will be open during regular park hours as per the Parks Bylaw (P-600).
<b>13k: Intended level of service and the park infrastructure requirements</b>	The OLA will be a dedicated facility approximately 1 ha, with open field space with approximately 500m trails looping off the open space. Fencing will protect surrounding wetlands and prevent dogs from entering Shearwater Flyer Trail.
<b>13m: Opportunities for active use by dog owners.</b>	The trail would allow for some active use. Co-location beside Shearwater Flyer Trail is favourable as owners can walk further with their dogs on-leash.
<b>13o: Financial implications</b>	<p>The anticipated capital costs are \$375,000 for landscaping, trail building and possibly fencing.</p> <p>There are minimal financial implications (signage, bag dispensers, waste infrastructure, and increase maintenance, including parking lot snow removal – priority 3). Costs would increase if additional fencing is added or the parking lot were to be expanded.</p>
<b>13n: Community engagement</b>	The site was first choice from community engagement (Attachment D).