

Environment and Sustainability Standing Committee
September 6, 2012

TO: Chair and Members of Environment & Sustainability Standing Committee

SUBMITTED BY:



Richard MacLellan, Acting Director, Planning & Infrastructure

DATE: August 8, 2012

SUBJECT: **Blue Mountain Birch Cove Regional Park – Conceptual Plan and Objectives**

ORIGIN

- Halifax Regional Council - Dec 13, 2011 – Item 12.1 Bayers Lake Business Park and Blue Mountain Birch Cove Regional Park –
Moved by Councillor Hum, seconded by Councillor Smith that Halifax Regional Council reaffirm the process as outlined in the November 22, 2011, staff Information report and presentation. MOTION PUT AND PASSED.
- See Attachment 1 and Attachment 2 for further detail.

RECOMMENDATION

It is recommended that the Environment and Sustainability Standing Committee:

1. Approve the Conceptual Plan and Objectives for the Blue Mountain Birch Cove Lakes Regional Park as presented by staff in this report and accompanying presentation to the Standing Committee.
2. Refer the Conceptual Plan and Objectives to Regional Council for consideration of its adoption in principle.

BACKGROUND

The idea of a regional park involving the Birch Cove Lakes was explored as far back as 1971 within the Metropolitan Area Planning Committee (MAPC) reports. The lakes and surrounding resource lands have been a favorite recreational destination for people for more than a century. Subsequently, there has been a series of planning initiatives which explore the future of these lands as park and/or as built development.

Regional Council endorsed the Blue Mountain/Birch Cove Lakes Park Feasibility Study in 2006 as a guide to providing the proposed park. That study set out a proposed boundary and objectives for the park. These were:

- to provide a near-urban wilderness experience in perpetuity for the citizens of HRM;
- the preservation of the Birch Cove Lakes and the associated water quality of Washmill, Kearney and Paper Mill Lakes which are downstream, heavily used, and have already been impacted by development; and
- create a wilderness network inter-connecting across the Chebucto Peninsula, providing wildlife corridors and habitat.

The study also identified expanded opportunities towards Cox Lake to achieve these objectives.

In 2006, the creation of the Blue Mountain Birch Cove Lakes Regional Park was endorsed by Council as part of the HRM Regional Plan. The plan called for the assembly and development of the park over the long term. Little land in the area was held by the Municipality; some lands are owned by the Crown and other lands are privately held. The HRM Regional Plan states that the lands are to be acquired over time through a variety of means. The Regional Plan did not rezone the desired park lands as “park” but left them as either Urban Reserve (no development for the life of the plan) or Urban Settlement (lands could be considered for development within the life of the plan). To officially zone any privately owned lands desired for the park as “park zone”, is considered down-zoning and would affect fair market purchase value. Downzoning to park land requires the municipality to purchase the lands within one year at a mutually agreed to or URAB set price. It was not the wish of HRM Council to downzone or expropriate the necessary lands but rather to acquire the lands over time through purchase, donation, subdivision park land dedication, land trade, etc. This was the instruction given to staff.

In 2010, the Province of Nova Scotia, in consultation with HRM, declared crown lands within the proposed park boundaries as a Protected Wilderness Area in support of the Regional Park objectives. This is part of the Province’s legislated Wilderness Protection Program which targets the protection of 12% of Nova Scotia lands to be brought under the Wilderness Protection Act. The Province is very interested in having at least one of those areas next to and available to the citizens of Nova Scotia’s largest urban area through the creation of the regional park. HRM has very much considered the lead in the creation of the park; however, the Province continues to work closely with the municipality and a working committee of staff has been set up. There are opportunities for the additions of other crown land in the pursuit of the Regional Park. However, the Province has made it clear that HRM is the lead in the land assembly of private lands,

although they have expressed a willingness to participate in negotiations and funding where it meets their program guidelines. To date, HRM has not acquired any private lands.

In 2010, the owners of the 104 Corridor Lands, which comprise critical lands desired for the park, approached Regional Council through the Regional Planning Advisory Committee to have their lands considered for secondary planning and residential/commercial development. Under the Regional Plan, a Watershed Study is required prior to any secondary planning consideration. Council directed staff to:

- (i) Undertake a Watershed Study for the Highway 102 West Corridor lands and await completion of Halifax Water's Wastewater Functional Plan;
- (ii) 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;
- (iii) 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.

These initiatives are all underway.

Over the last eight months, the working team of Nova Scotia Environment and HRM have been undertaking a planning process to further detail the concept for the Regional Park. The work sets a more refined direction for the park and allows HRM and the Province to move forward on the land assembly and park development.

In response to the direction of Regional Council on December 13, 2012, and a subsequent request of Chebucto Community Council, a public meeting was held on May 31, 2012, to provide an overview of the refined vision and concept of the park and to solicit feedback. In addition, Council directed staff to continue the process to assemble lands for the creation of the park with any acquisitions to be brought back to Council for approval (Attachment 2 - Minutes of Regional Council December 13, 2011).

DISCUSSION

In conducting the planning work, staff of NSE and HRM have uncovered additional opportunities for the park. The original feasibility study in 2006 concentrated on the opportunities around the Birch Cove Lakes and the impact of the proposed Highway 113 on that opportunity. It did identify larger connections which were available. In refining the park vision, staff started with this base information. Attachment 3 illustrates the considerations, opportunities and concept that resulted from that work.

Four primary goals have emerged from the collective planning for the park. These are:

- Protection of 22 lakes and headwaters of two watersheds -
- Protection of a Wildlife Corridor -
- Protection of Bio-diversity in a near urban context-

- Provision of Recreation Access and Experience -

Highlights of the plan involve:

- The unique location and configuration of the proposed park means that, in addition to being a regional destination, it will locally serve up to 11 communities which border it. A hierarchy of well-placed community entrances would provide access for surrounding communities.
- A Front Country/Back Country approach would allow the park to offer areas for intensive human use while protecting sensitive and wild areas. This strategy also generally means lower development and operational costs, as the more intensively used and developed areas are kept at the edge of the front country areas near existing roads and services and the level of infrastructure to be built and maintained diminishes as one penetrates the park. Additionally, not all program elements are available in all areas of the park; rather, they will be assigned where they will be most utilized and best accommodated.
- The Back Country Core being comprised largely of Crown Wilderness Protected Area. Reduced access to these areas for intensive recreation is congruent with the objectives of the Wilderness Protected Area legislation and regulations.
- Boating from the park property being limited to self-propelled small craft and small motorized boats for fishing. These are more conducive to the near-urban wilderness concept of the park, the size and depth of the waterways and requires less infrastructure than large motorized watercraft.

Wilderness preservation and water quality maintenance are objectives of the park which, while shared by the municipality, will require the participation of the public/NGO's and the Province.

Significant lands have already been set aside for the park; however, there are opportunities to designate more crown lands under the Wilderness Protection Area Act and to acquire key private lands. Staff of HRM and the Province has identified key lands and have prioritized them through the planning process.

The agreed synopsis of the public consultation is as follows:

The vision of Blue Mountain Birch Cove Lakes is not only about the needs of today. It is seen by the public as a seminal undertaking which will be one of the future defining elements of the municipality. The public regards the effort to create this park in the same city-building category as heritage preservation, good public transportation, leadership in solid waste and setting aside of other parklands such as Point Pleasant, Shubie and the Halifax and Dartmouth Commons. Many cities in North America are also setting aside large tracts of wilderness and open space in order to achieve environmental, social, economic and recreational goals. HRM has a unique opportunity here to be a leader. This objective is congruent with Smart Growth strategies which are a foundation of the HRM Regional Plan. The concept of opening areas of the park to public use prior to the full

lands being required is supported. After six years, the public wishes HRM to move this park forward with deliberate and immediate intention.

The public and stakeholder groups also indicated that they feel significant sense of ownership for this park and are willing to work with HRM and the Province to create and possibly administer Blue Mountain Birch Cove. Staff understands that steps have been taken to form a consortium of interested groups to advance this effort with government. If endorsed by Council, the plan will allow staff to advance the land assembly for the park in a more detailed way and to further refine the park's development, activities, operation and administration in conjunction with the public and stakeholders.

BUDGET IMPLICATIONS

The Regional Plan calls for the development of the park to take place over the life of the Regional Plan, which is twenty five years from adoption. However, all expenditures, such as land purchases, land trades, capital development and operational funding, will be subject to Regional Council approval on an individual basis in accordance with the Municipal Charter.

An endorsement of the Blue Mountain Birch Cove Lakes Plan by the Environment and Sustainability Standing Committee and referral of the Plan to Regional Council for its consideration, will produce no budget implications in 2012-2013. The plan will provide a decision-making framework but does not commit Council to any specific financial actions. Rather, any future implementation of the conceptual plan and park objectives will occur through the annual budget process.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

Blue Mountain Birch Cove Regional Park has been the subject of several community engagement opportunities through the initial feasibility study and the Regional Plan, as well as Council sponsored community meetings. The most recent was on May 31, 2012, and was attended by approximately 200 people, where the Conceptual Plan and related Objectives were reviewed.

ENVIRONMENTAL IMPLICATIONS

The overall goal of the Concept Plan and Objectives is to ensure a sustainable future for the municipality in accordance with the Regional Plan. The project meets all applicable Council approved Environmental Policy.

ALTERNATIVES

1. The Environment and Sustainability Standing Committee may choose to not recommend the proposed park plan to Regional Council and direct staff to undertake additional work in relation to the conceptual plan.

ATTACHMENTS

Attachment 1 – Chronology

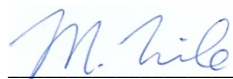
Attachment 2 – Excerpt of Minutes of Regional Council December 13, 2011

Attachment 3 – Inventory/Analysis/Concept Mapping of the Proposed Park

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.html> 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: Peter Bigelow, Manager, Real Estate and Property Management 490-5771

Report Approved by:



Michael Wile, Acting Manager, Real Estate

Financial Approval by:



Bruce Fisher for: Greg Keefe, Director of Finance & Information Technology/CFO, 490-6308

Attachment 1 – Chronology (see page 1)

- 1971 Metro Area Planning Committee identifies Birch Cove Lakes as an area of interest for future Regional Park and Open Space.
- 1994 City of Halifax explores options for feasibility of servicing lands at Birch Cove Lakes (Porter Dhillon Study). Raises concerns around impact on water quality.
- In 2006 Halifax Regional Council approved the Blue Mountain Birch Cove Lakes Feasibility Study as the basis to advance the creation of Blue Mountain Birch Cove Lakes Regional Park.
- The Halifax Regional Plan, approved in 2006, identifies and calls for the creation of a regional park around the Birch Cove Lakes and Blue Mountain Area with reference to the 2006 Feasibility Study boundaries.
- In 2010 the Province of Nova Scotia declared 3,242 acres of Crown Lands within and near the proposed park as Wilderness Protected Area to become part of the proposed regional park.
- November 16, 2010 –In reference to a request from landowners of the 104 Corridor to advance their lands to secondary planning- Halifax Regional Council - MOVED BY Councillor McCluskey, seconded by Councillor Hendsbee, that Halifax Regional Council adopt the Regional Plan Advisory Committee recommendations to:
 - (i) Undertake a Watershed Study for the Highway 102 West Corridor lands and await completion of Halifax Water's Wastewater Functional Plan;
 - (ii) 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;
 - (iii)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; MOTION PUT AND PASSED
- Dec 13, 2011 - 12.1 Bayers Lake Business Park and Blue Mountain Birch Cove Regional Park - Moved by Councillor Hum, seconded by Councillor Smith that Halifax Regional Council reaffirm the process as outlined in the November 22, 2011 staff Information report and presentation. MOTION PUT AND PASSED.

12.1 Councillor Hum – Request to add Information Item #1 “Bayers Lake Business Park and Blue Mountain Birch Cove Lakes Regional Park” to the Agenda for Discussion

In response to questions raised by Councillor Hum, Peter Bigelow, Manager, Real Property Planning, Planning and Infrastructure, provided the following clarification:

Two processes have been approved by Regional Council:

- Divesting the lands at the rear of the Bayers Lake Business Park
- Assembling lands for the proposed Regional Park
 - Once a proponent is secured by HRM for those lands (Bayers Lake) , staff would enter into negotiations for certain lands to be conveyed or held by HRM for the proposed Regional Park
 - The entrance to the proposed park has shifted in order to better achieve Municipal objectives
 - Staff is recommending that the parcel of land where there is a bog/marsh be retained
 - In terms of the proposed Regional Park schedule: staff is working on concluding the application process for subdivision; staff is also in discussions with the Department of Environment to detail the proposed park and advance the concept plan to a point where HRM can better refine the necessary lands
 - Staff has commenced discussions with other land owners in preparation for negotiations for acquisitions over the summer of 2012
 - Regarding community engagement: there is opportunity for public input; feedback received to date will be incorporated into the concept plan and will be brought back to the public for review and additional input.

MOVED by Councillor Hum, seconded by Councillor Smith that Halifax Regional Council reaffirm the process as outlined in the November 22, 2011 staff information report and presentation. MOTION PUT AND PASSES

