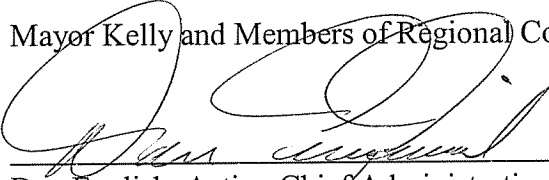



10.1.3

Halifax Regional Council
August 17, 2004

TO: Mayor Kelly and Members of Regional Council

SUBMITTED BY:


Dan English, Acting Chief Administrative Officer


Denise Schofield, Acting Director of Planning & Development

DATE: July 22, 2004

SUBJECT: **Case 00595: Amendments to Municipal Planning Strategies and Land Use By-laws for HRM owned lands surrounding Moore's Lake**

ORIGIN

A request made by the Five Bridge Wilderness Heritage Trust to amend the Municipal Planning Strategies (MPS's) and Land Use By-laws (LUB's) for Planning Districts 1&3 (St. Margarets Bay) and Planning District 4 (Prospect) in respect to HRM owned lands surrounding Moore's Lake.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Instruct staff to initiate a process to consider amending the Municipal Planning Strategies and Land Use By-laws for Planning Districts 1&3 (St. Margarets Bay) and Planning District 4 (Prospect) to redesignate areas of HRM owned lands (PIDs 00656298 and 00650069) surrounding Moore's Lake as Conservation; and,
2. Request that public participation be undertaken in accordance with the Public Participation Resolution adopted by Regional Council on February 25, 1997.

BACKGROUND

- On May 9, 2003, members of the Five Bridge Wilderness Heritage Trust (the Trust) met with regional planning staff to investigate the feasibility of rezoning HRM owned lands surrounding Moore's Lake for conservation and passive recreational uses.
- Correspondence from the Trust was forwarded to Western Region Community Council and was considered at their meeting on May 26, 2003. Protection, through rezoning to a conservation zone, of the HRM lands (please see Attachment 1) was requested. At that meeting Council requested staff to investigate the feasibility of rezoning two parcels of HRM owned lands surrounding Moore's Lake on the Chebucto Peninsula.
- The lands are located in the boundary area between Planning District 4 and Planning Districts 1 and 3 on the Chebucto Peninsula (please see Map 1). The lands within the Prospect Plan Area are zoned Resource (RE) and designated Resource under the Prospect MPS. The lands within the St. Margarets Bay Plan Area are zoned Mixed Resource 1 (MR-1), and designated Resource under the St. Margarets Bay MPS. In both cases, the requested changes require MPS amendments.
- Lands surrounding the HRM owned parcels are predominantly under ownership of the Crown and are zoned Conservation (P-3) and MR-1, under the Prospect and St. Margarets Bay MPSs, respectively.

DISCUSSION

According to the Five Bridge Wilderness Heritage Trust, the lands surrounding Moore's Lake represent the last pristine and publicly accessible lakes in western HRM. Allowing future resource, commercial or residential development of these lands would greatly impact the natural integrity of the area. Furthermore, the Big Five Bridge and Moores Lakes form part of the Nine Mile River that empties into Shad Bay. The future development of the lands could have detrimental affects on the ecological integrity of the Bay.

As the lands in question fall within two plan areas, amendments would have to be considered for both the Prospect and St. Margarets Bay Plan Areas. The community feels that these lands surrounding Moore's Lake should be conserved for future generations to use for passive recreation and wilderness protection. This request is consistent with Guiding Principle 1 of the regional planning project which is: "to ensure opportunities for the protection of open space, wilderness, natural beauty and sensitive environmental areas".

Prospect Plan Area

- The HRM owned lands designated Resource under the Planning District 4 MPS should be redesignated Conservation to protect the lands for future wilderness recreation and open

space uses. Under the Resource Designation, lands may be developed for resource extraction, commercial recreation, and residential lots.

- The Conservation Designation under the Prospect MPS requires amendments to include municipally owned lands. Currently, the designation only considers Crown lands owned by the Province. Staff recommends amending the Conservation Designation to include HRM owned lands, and to re-designate the lands to Conservation. Minor amendments may be required to the Conservation Zone.

St. Margarets Bay Plan Area

- Currently, the St. Margarets Bay MPS does not include a Conservation Designation. Lands zoned conservation or provincial park generally fall under the Resource Designation. Resource designated lands that fall under the St. Margarets Bay MPS may developed for open space and recreation uses, and residential, commercial and industrial development.
- Staff does not feel that the Resource Designation is appropriate for the Moore's Lake lands, and recommends that a new Conservation Designation be created and placed on the site. This new designation would reflect the principles within the plan of conservation and preservation of the natural environment.

Conclusion

- The Trust's proposal for protecting the natural environment of the Moore's Lake area, through rezoning, was not considered when the Prospect and St. Margarets Bay MPSs were adopted by the former Halifax County Council. This redesignation and creation of a new conservation designation in the St. Margarets Bay MPS and the redesignation and amending of the conservation designation of the Prospect MPS may be beneficial to the community and HRM as a whole. However, staff advises that such a proposal necessitates a review of land use policy for the community, including public input. Appropriate policy and implementation mechanisms need to be developed in order to ensure the project is compatible with community objectives, adjacent land uses, and the impending Regional Plan.
- It is therefore recommended that Council request staff to initiate a process to consider appropriate amendments to the MPSs and LUBs for Planning Districts 1&3, and 4.

BUDGET IMPLICATIONS

There are no budget implications at this time.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

ALTERNATIVES

The following alternatives are identified :

1. Regional Council may wish to follow the staff recommendation and initiate a process to amend the Planning Districts 1&3 (St. Margarets Bay) Municipal Planning Strategy (MPS) and Land Use By-law (LUB) and Planning District 4 (Prospect) MPS and LUB to enable rezonings to permit conservation areas for HRM owned lands (PIDs 00656298 and 00650069) surrounding Moore's Lake.
2. Alternatively, Regional Council may choose not to initiate the amendment process to permit conservation designations and zones on the subject site. This is not the recommended course of action for the reasons stated previously.

ATTACHMENTS

Attachment 1: Letter from the Five Bridge Wilderness Heritage Trust, dated May 28, 2003

- Map 1: Location and Zoning
Map 2: Generalized Future Land Use
Map 3: Ownership

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Jaime Smith, Planner I, 490-4793



29 Noble Court
Lake of the Woods
Hubley, NS B3Z 1A7
(902) 482-8200, ext. 226

Mr. Gary Meade
HRM Councillor, 23rd District
18 Oakland Point Lane
Head St. Margaret's Bay, NS
B3Z 2H6

Dear Councillor Meade,

Even before the formation of the Five Bridge Wilderness Heritage Trust, 9800 hectares of Crown lands surrounding Big Five Bridge and Moores lakes were proposed for protection under the Wilderness Areas Protection Act. These lands also surround 700 hectares of HRM lands between and to the east of these two lakes. The combined lands are home to the Five Bridge Lakes chain, 30 other undeveloped lakes, and over 8 km of frontage on the Nine Mile River. The area contains oak and jack pine woods, numerous wetlands, and a remnant population of native Nova Scotia moose. It is home to many old fishing holes and campsites.

If protected, these lands would provide a large wilderness at the doorstep of Atlantic Canada's largest—and fastest growing—urban centre. It would also add considerable value and protection to the Western Common municipal wilderness, and provide recreational access to the traditional backcountry trails network (including Jimmy's Roundtop, Old St. Margaret's Bay Road, and Old French Village Road) as well as the new Bluff Trail now under construction by the Woodens River Watershed Environmental Organization.

In November 2001, the Five Bridge Wilderness Heritage Trust (FBWHT) was formed to protect the natural habitat, watersheds, and wildlife on public lands on the western third of the Chebucto Peninsula and to use these lands for recreational, educational, and scientific activities. To achieve these objectives FBWHT works with provincial and municipal governments, promotes public involvement through a variety of forums, and coordinates projects of mutual interest with other like-minded community groups. FBWHT is a registered, not-for-profit, non-governmental organization with a volunteer Board of Trustees and a general membership.

The protection of public land takes on greater importance each day. The growth of HRM will continue to place increasing pressure on governments to release public lands for industrial and housing development—development that would destroy much of Nova Scotia's natural and cultural heritage.

The HRM lands in the vicinity of Big Five Bridge and Moores Lakes occupy a very important strategic position. A Warden recently termed Five Bridge and Moores Lakes "the last pristine, publicly accessible lakes in Western HRM that have large stocks of wild trout." As part of the Nine Mile River system, these lakes also have environmental importance. The Nine Mile River system empties into Shad Bay. Commercial fishers are rightly concerned about the impact on the fishery of the waters that empty into the ocean through this watershed.

We cannot underestimate the importance of ensuring the ecological integrity of these lands. The land, its waters, and its wildlife do not recognize the boundaries that separate HRM lands from the larger tract of surrounding Crown lands. Industrial or housing development on either would interrupt this continuity and its wildlife corridors.

We recognize that this land may have commercial value, but we believe that this value is best seen in terms of the economic benefits of wilderness recreational activities that respect the integrity of the land. Hiking, birding, canoeing, skiing, sport fishing, and hunting are compatible with the land's integrity and can generate substantial revenues through the sale of equipment and supplies to both residents and eco-tourists.

We congratulate HRM on its vision in planning the Western Common, especially its sensible integration of residential, light industrial, and recreational zones. We applaud its recreational areas that include everything from urban ball diamonds, soccer pitches, and equestrian grounds to more protected forms of wilderness recreation. We are writing now to petition the extension of this outstanding plan into the area of the Big Five Bridge and Moores Lakes by protecting one of the most pristine of the natural environments on the Chebucto Peninsula.

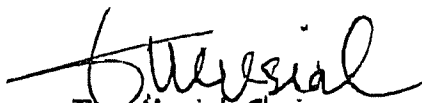
FBWHT therefore calls upon you and the other HRM Councillors who understand the benefits of conserving this unique tract of public land to ensure that it will be preserved in its integrity, that it will be used appropriately, and that present and future generations will benefit from and enjoy quality outdoor experience.

We recognize the complexities of zoning criteria and potential changes in local polling districts. We acknowledge the special zoning bylaw that governs the Western Commons. We understand that the 700 hectares in question crosses two different zoning districts. From our investigation, we believe the best way to protect the lands in question would be with a "Conservation" designation, but we leave it to staff experts to determine the best legal protection mechanism.

We can confirm the strong support of the community for this measure. We offer to work with the staff in any way we can. We have held preliminary discussions with HRM planning staff (Paul Morgan) and recreation / open space planning staff (John Charles) and have found them supportive of our request to protect this parcel of land.

Following the success of Canada's first national stewardship conference, "Caring for our Land and Water," held in June 2000 in Guelph, Ontario, a second national gathering of Canada's stewardship and conservation communities is planned for July 3rd to 6th, 2003 at the University of Victoria in British Columbia.. The conference is entitled "The Leading Edge: Stewardship and Conservation in Canada 2003," and is gathering together people working in all sectors of conservation to showcase progressive practices and share the most innovative tools, techniques, and visions found in Canada. The Honourable David Anderson, Minister of Environment, will deliver the opening keynote address. The Five Bridge Wilderness Trust has been chosen among juried submissions to present its work at this conference. We would like nothing more than to report HRM's constructive vision in preserving a most important tract of pristine land in Halifax's "urban wilderness."

We thank you sincerely for your support with this important matter.

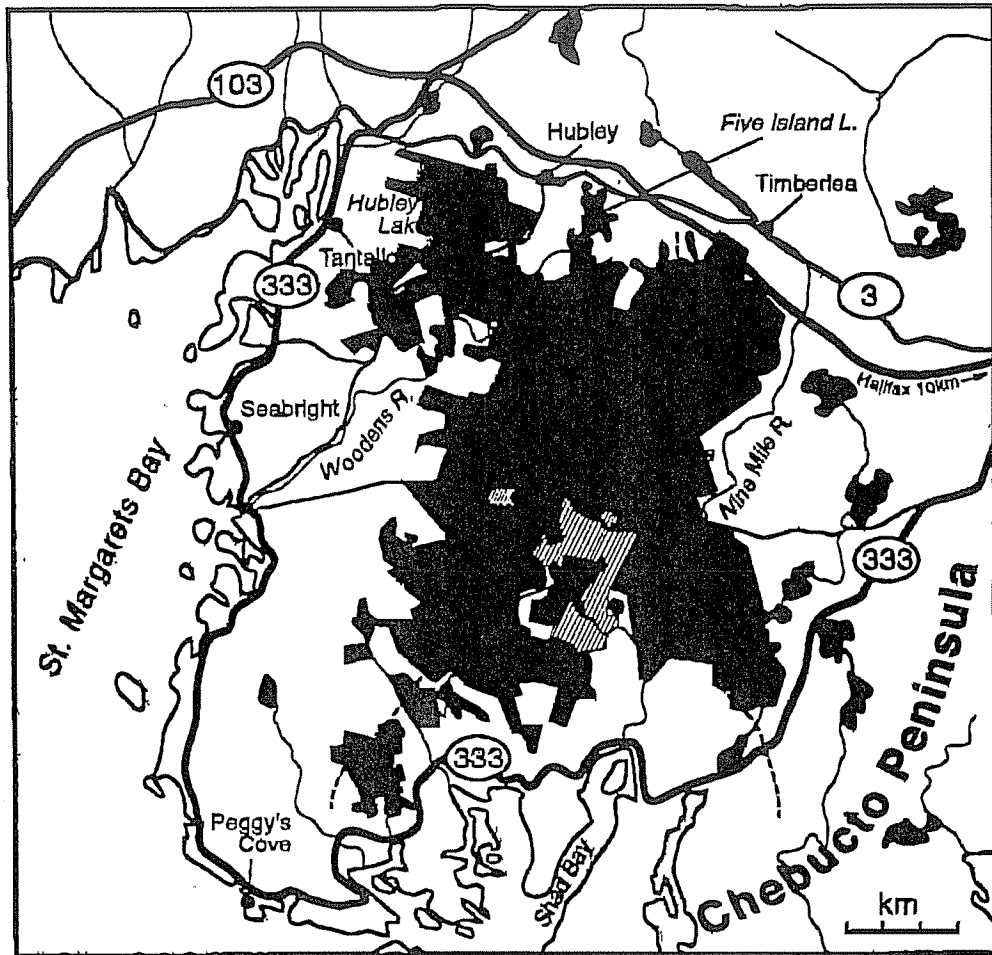


Tom Musial, Chair

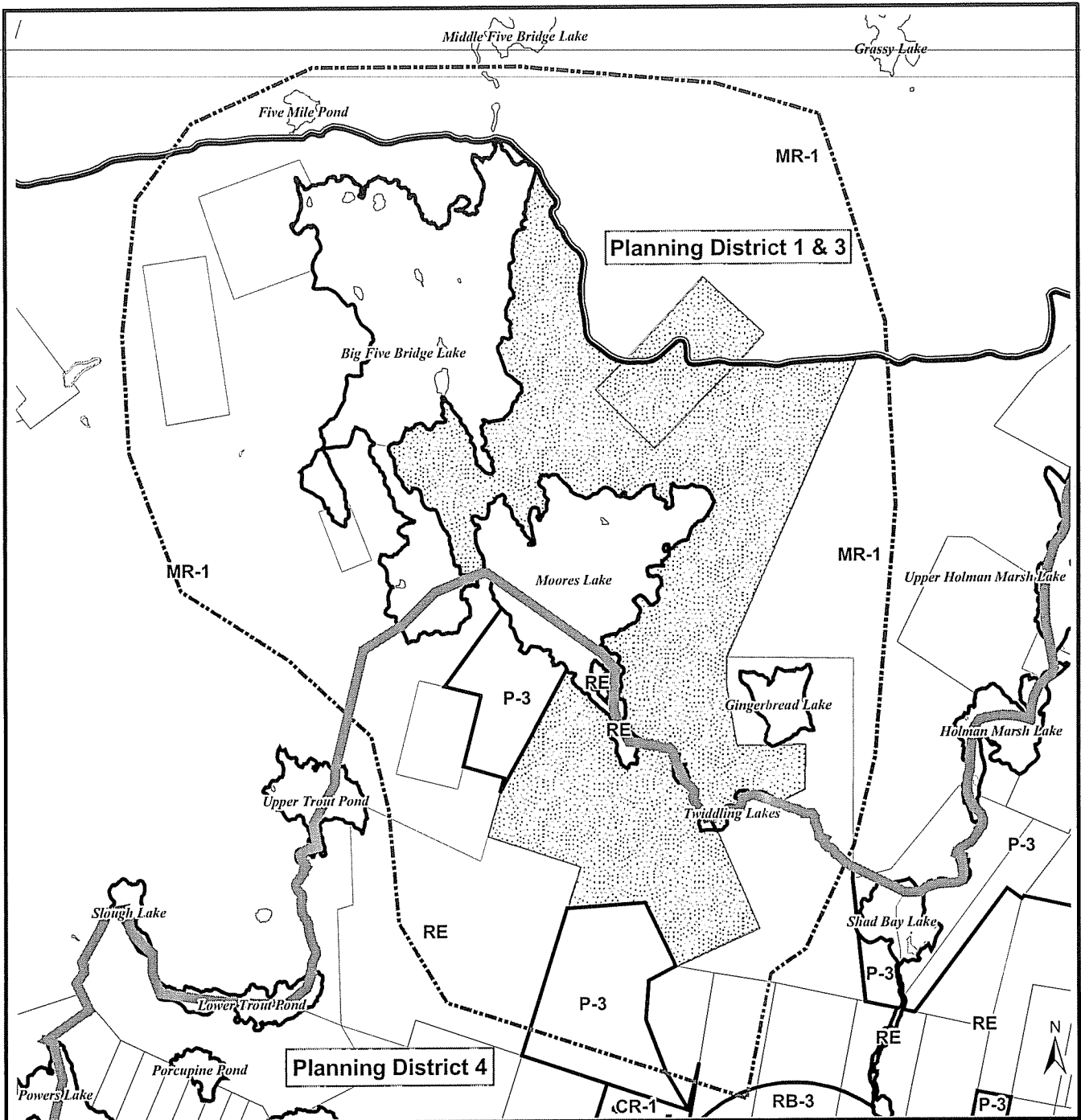
Five Bridge Wilderness Heritage Trust

Enclosure: Map showing the area of the HRM lands at Big Five Bridge and Moores Lakes

Copies: Councillor Reg Rankin - District 22 (Hammonds Plains - Timberlea)
Councillor Stephen Adams - District 18 (Spryfield - Herring Cove)



Crown land
 HRM land
 trails
 proposed trails





Map 1 - Location and Zoning

Moores Lake Area

Planning District 1 & 3 Zones

MR-1 Mixed Resource 1


 Subject property

 Area of notification

Planning District 4 Zones

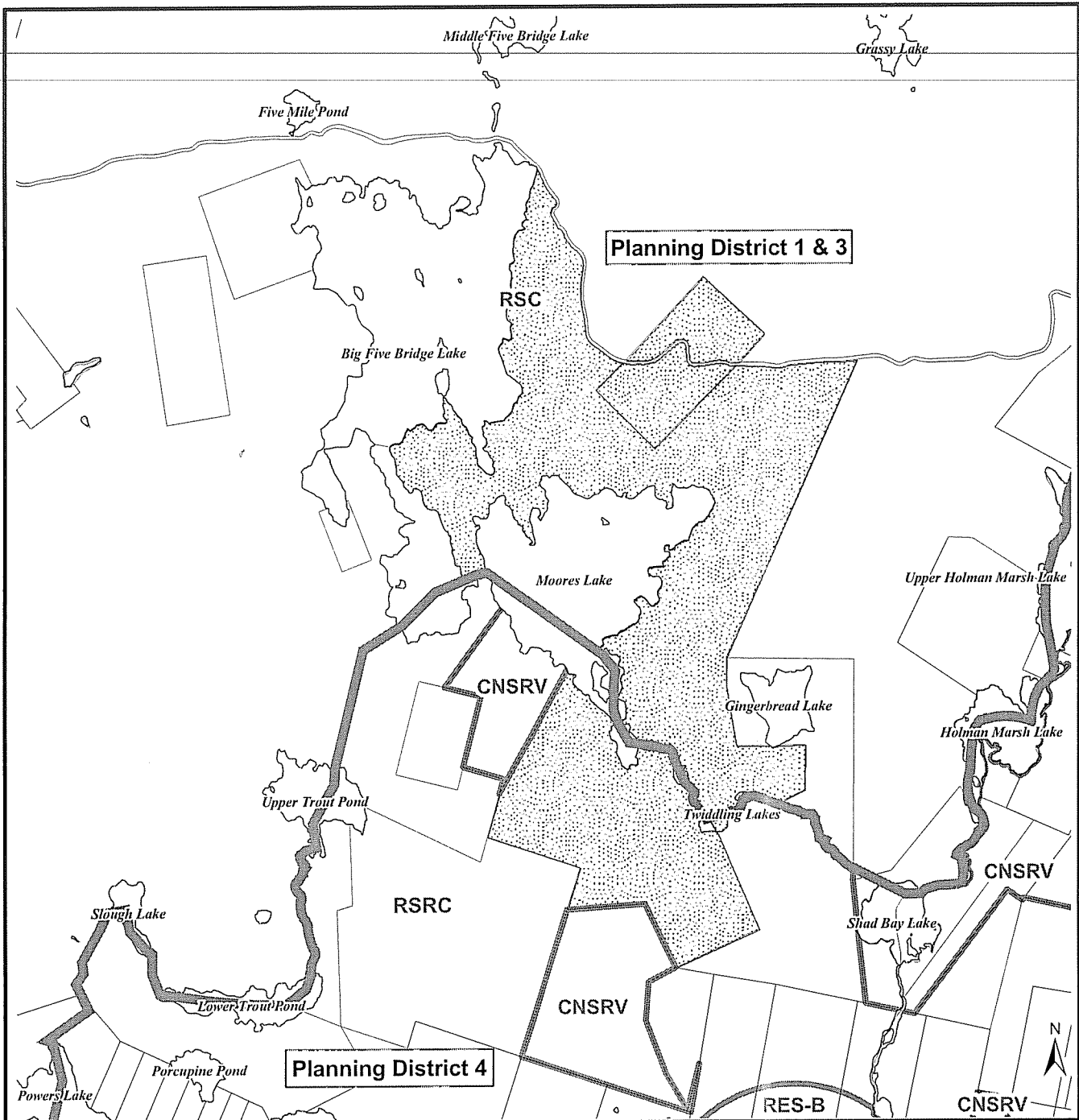
RB-3 Residential B-3
 CR-1 Commercial Recreation 1 Zone
 RE Resource
 P-3 Conservation

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0 200 400 m


This map is an unofficial reproduction of a portion of the Zoning Maps for the plan areas indicated.

HRM does not guarantee the accuracy of any representation on this plan.



Map 2 - Generalized Future Land Use

 Subject property

Moores Lake Area

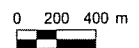
Planning District 1 & 3 Designation

RSC Resource

Planning District 4 Designation

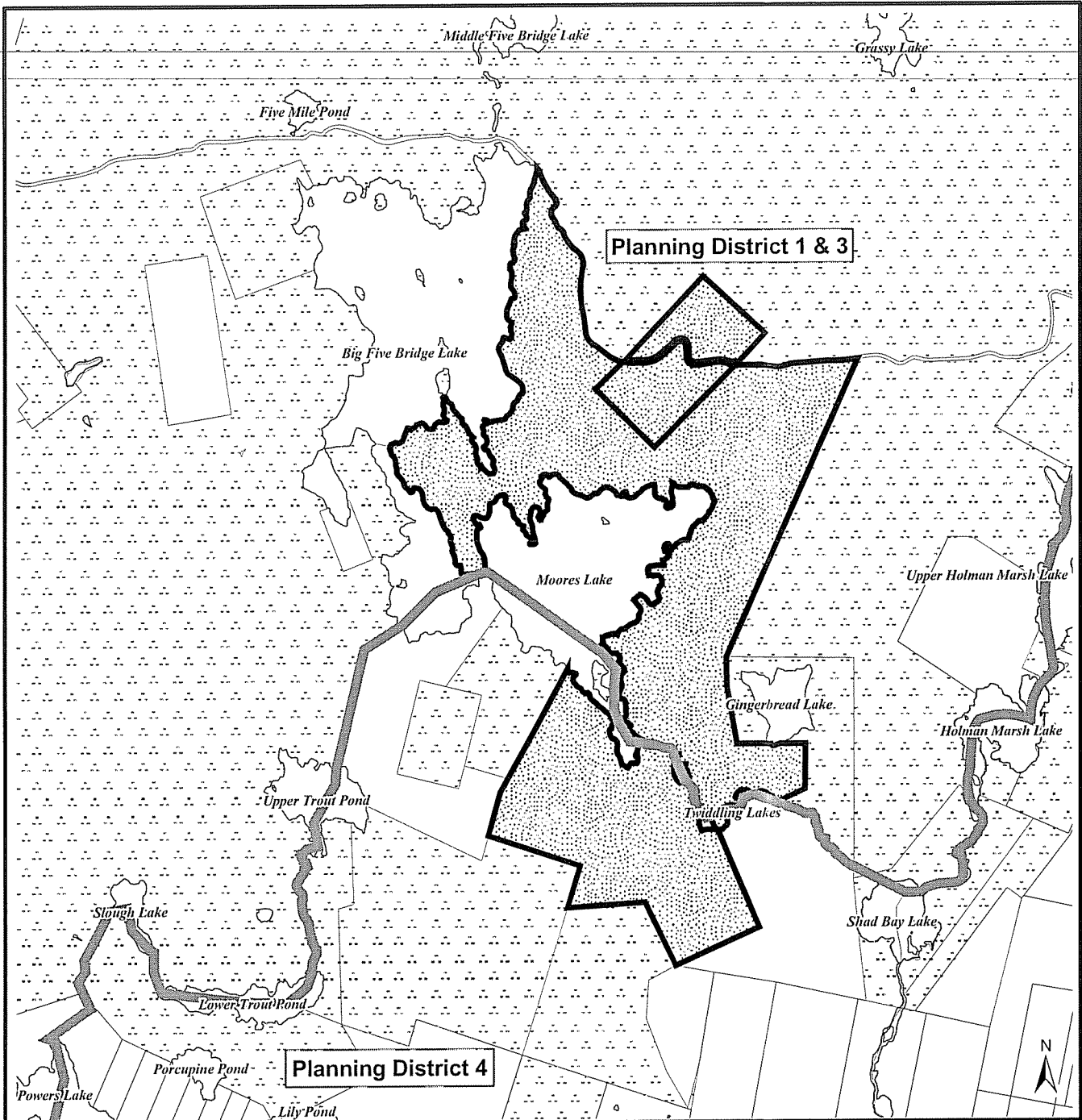
RES-B Residential B
 RSRC Resource
 CNSRV Conservation

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This map is an unofficial reproduction of a portion of the Generalized Future Land Use Maps for the plan areas indicated.

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Map 3 - Ownership

Moores Lake Area

 Subject property

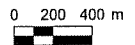
Ownership

 Municipal property

 Provincial property

 Private property

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