

9.1.3

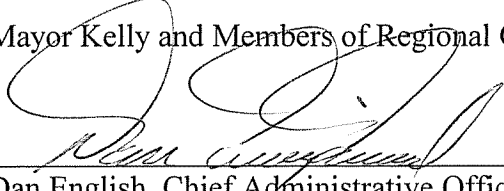


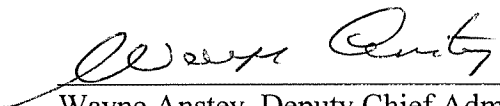
PO Box 1749  
Halifax, Nova Scotia  
B3J 3A5 Canada

Halifax Regional Council  
January 9, 2007

**TO:** Mayor Kelly and Members of Regional Council

**SUBMITTED BY:**

  
\_\_\_\_\_  
Dan English, Chief Administrative Officer

  
\_\_\_\_\_  
Wayne Anstey, Deputy Chief Administrative Officer - Operations

**DATE:** December 21, 2006

**Subject:** **Case 00989: Amendment to Regional MPS and Subdivision By-law -  
Parkland Dedication for Small Lot Subdivisions**

---

**ORIGIN:**

Motion of Regional Council on October 31, 2006

**RECOMMENDATION:**

It is recommended that Regional Council:

- Initiate the process to consider amending the Regional Municipal Planning Strategy and Subdivision By-law to reduce or exempt the 10% parkland dedication requirement for small scale subdivisions of three lots or less based on the options presented in the Discussion section of this report; and
- Adopt the public participation process outlined in Attachment 2.

**BACKGROUND:**

At its meeting of October 31, 2006, Regional Council directed staff to provide a report on options to enable a reduction or exemption of the 10% parkland dedication requirements for small scale (three lots or less) subdivisions. Councillor Hendsbee also sought clarification on whether the parkland dedication for four lots or more would be calculated on the basis of the entire property or on the basis of the remaining property less the area for the first three lots.

Prior to the enactment of the Regional MPS, subdividers had to dedicate an area of land to the Municipality equivalent to 5% of the total area of lots to be subdivided. This excluded land proposed for roads or parkland purposes. Alternatively, subdividers could provide an equivalent sum of money equal to 5% of the assessed value of these lots in lieu of dedicating real property (parkland). This requirement was applicable to all land involving the creation of one or more lots throughout most areas of the Municipality. The requirements, however, did not apply to the Musquodoboit Valley-Dutch Settlement Plan Area. The exemption also applied to the first three lots subdivided from any parcel of land created before March 31, 1978 in the areas of the former Halifax County.<sup>1</sup> No further exemption was allowed from these pre-1978 parcels after the first three lots were created. All subsequent subdivision activity had to comply with the parkland dedication requirements.

In 1999, the Municipal Government Act included enabling legislation which permitted municipalities to increase parkland dedication or cash in lieu of parkland from 5% to 10%. In order to put this into effect, municipalities are required to include such provisions within the subdivision by-law and include supporting policy within the Municipal Planning Strategy.

With the adoption of the Regional MPS in 2006, the Parkland dedication requirements were increased to 10% and all previous exemptions were eliminated. This was in accordance with the goals and objectives that Regional Council adopted to guide the development of the Regional Plan on January 20, 2004. Specifically, the goals relating to parkland dedication as endorsed by Council were to:

**Ensure the availability of useable public open-space in all communities for recreational and leisure opportunities, enhanced environmental character and community identity, and access to the natural beauty of the region's forests, lakes, rivers, and coastal areas.**

---

<sup>1</sup> The amount of land dedication for these pre-1978 parcels was calculated beginning with the fourth lot, and excluded land for the first three lots and proposed roads.

**Ensure a minimum of a 10% open space dedication through all new subdivisions and development agreements. (Increase in the percentage of open space dedicated by private developers).**

The proposal to increase the parkland dedication from 5% to 10% was presented to the public in all drafts of the Regional MPS. Citizen response was positive throughout all phases of public consultation from 2004-2006.

**DISCUSSION:**

The Regional MPS designates 55 centres throughout HRM which are intended to be well designed with parks and facilities to service the surrounding communities. The Regional MPS increased the parkland dedication requirements from 5% to 10% to generate greater resources for park acquisition and development within these designated growth centres and the surrounding areas. The increase in parkland dedication, and more specifically the elimination of previous exemptions, was recommended (and adopted) in order to provide for a more equitable contribution of parkland funds across all areas of the municipality. Attachment 1 presents the Regional Plan policy and preamble regarding the new parkland dedication requirements.

The parkland dedication requirement is a key source of funding for parkland acquisition and development throughout the Municipality. Approximately \$500,000 was collected in the parkland dedication account last year and this could potentially double with the increased parkland requirement from 5% to 10%. The vast majority of this revenue is collected from small lot subdivisions since it is HRM's general practice to collect cash in lieu for any subdivision consisting of 5 lots or less. Staff is concerned that the introduction of a reduction or exemption for small lot subdivisions on a wide scale will result in a significant loss of potential revenue. This may impact HRM's ability to provide for parkland acquisition and development within the designated growth centres and ultimately reduce the effectiveness of the Regional MPS.

It is recognized, however, that the amount of subdivision activity within the rural areas of HRM, particularly within the Musquodoboit Valley area and Eastern Shore (East) is expected to continue to be relatively small. The corresponding potential revenue generated in those areas is also therefore anticipated to be relatively small in comparison to the suburban and urban areas of HRM. It is therefore recommended, should Council choose to initiate an amendment to the Regional MPS, that consideration for reducing or exempting parkland dedication be limited to the rural areas of the municipality.

The following options are recommended to Council for consideration in amending the Regional MPS and Subdivision By-law:

- 1. Exempt the parkland dedication requirement for 3 lots or less within the Rural Resource Designation, Agricultural Designation and Open Space and Natural Resources Designation**

The Rural Resource, Agricultural and Open Space and Natural Resources Designations apply to the Eastern Shore East, Musquodoboit Valley and interior wilderness areas respectively. Subdivision development activity in these areas has been low relative to other areas nearer the urban centre. A total of 148 lots were created in these areas from March 2003 to November 2006. Within the Valley, the vast majority of these subdivisions consisted of 1 to 2 lot subdivisions involving large areas of land (e.g. 100 - 300 acres). Subdivision development in the Eastern Shore East area fit the same pattern of 1 to 2 lots.

- 2. Reduce the parkland dedication requirement from 10% to 5% for small scale subdivisions (3 lots or less) within the Rural Resource Designation, Agricultural Designation and Open Space and Natural Resources Designation.**

This option would not eliminate the parkland dedication requirement altogether. Rather it would reduce the parkland dedication requirement from 10% to 5% in the areas of the Eastern Shore East, Musquodoboit Valley and rural interior areas. This would lessen the financial impact on the land owner while continuing to secure contributions toward parkland acquisition and development.

- 3. Re-establish the previous exemption for small lot subdivisions (3 lots or less) from any parcel of land created prior to March 31, 1978 and apply it to lands within the Rural Commuter Designation, Agricultural Designation, Open Space and Natural Resources Designation and Rural Resource Designation.**

This would restore the previous exemption that existed under the former Subdivision By-law for Halifax County. The exemption would only apply to pre-1978 parcels that have not been subdivided. This option includes the Rural Commuter Designation and thus would apply to a larger land area and parts of HRM where subdivision activity is substantially more active than the Designations included in Options One and Two.

### **Public Participation Process**

Municipal policies respecting parkland dedication is a regional issue under the Regional MPS and Subdivision By-law, which must be addressed by Regional Council. Staff recommend that Regional Council adopt the public participation process as outlined in Attachment 2.

**Conclusion**

Should Council wish to initiate a process to consider amending the Regional MPS and Subdivision By-law regarding parkland dedication, staff recommends that the three options presented in this report be presented to the public and analysed by staff, and that the public consultation program presented in Attachment 2 be followed.

**BUDGET IMPLICATIONS:**

An amendment to the Regional MPS to exempt the first three lots from the parkland dedication requirements in whole or in part will result in a loss of revenue from HRM's Parkland Dedication Fund. Resources to process this amendment can be assumed within the existing operating budget

**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:**

1. Council could request staff to initiate the process to consider the three options for reducing the parkland dedication requirements in the Rural Resource, Agricultural and Open Space and Natural Resources Designations as described in the Discussion section of this report. This is the recommended action.
2. Council could choose not to initiate the process to consider reducing the parkland dedication requirement for small scale subdivisions (3 lots or less), since the new policy is consistent with the goals and objectives of the Regional Plan. This is not recommended as staff feels there is merit in further exploring this issue for the rural areas of the municipality.
3. Council could request that staff consider other options for reducing parkland dedication requirements or expanding the geographic area where such reductions might be applied. This is not recommended since it could represent a significant loss in potential revenue for the Parkland Dedication Fund. Staff further suggests that an amendment of this significance should only be considered as part of Council's five-year review of the Regional Plan.

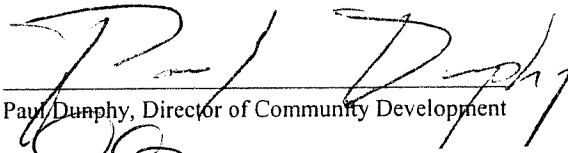
**ATTACHMENTS:**

Attachment 1: Regional Plan Parkland Dedication Policy  
Attachment 2: Proposed Public Participation Process

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: Maureen Ryan, Senior Planner, Community Development, 490-4799

Report Approved by:



Paul Dunphy, Director of Community Development

Report Reviewed by:



Catherine Sanderson, Sr. Manager, Financial Services, 490-1562

**Attachment 1  
Parkland Dedication Policy under the Regional MPS**

**2.1.4 Municipal Parks**

There are increasing expectations concerning the quality and quantity of municipally-owned public spaces dedicated to recreation and leisure pursuits. HRM is predicted to experience steady growth in residential development during the life of this Plan. Given the higher densities desired for growth centres within HRM, there will be additional requirements for more open space and parks to serve the recreation and leisure needs of local residents. Therefore, the dedication of land through the subdivision process is to be increased to 10% as enabled under the *Municipal Government Act*.

E-5 HRM shall, through the Subdivision By-law, establish a requirement for a minimum of 10% park dedication for new subdivisions. Existing residential subdivisions outside of the Interim Growth Management Area as well as those recognized under Policies S-20, S-22 and S-28 shall be subject to a 5% park dedication requirement.

**Attachment 2  
Proposed Public Participation Process**

Purpose:

To obtain input from public on amendments to the Regional MPS and Subdivision By-Law in order to reduce or exempt parkland dedication requirements for small scale subdivisions.

Jurisdiction:

The parkland dedication policy under the Regional MPS and Subdivision By-law is of region-wide significance and therefore subject to approval directly by Regional Council.

Process:

A single region-wide program allowing options to amend the Regional MPS and Subdivision By-law to be presented, discussed and adopted by Regional Council as a comprehensive package. Steps in the process are as follows:

- prepare background report outlining the financial implications of each of the options for consideration by the public.
- consult the general public through a minimum of three public information sessions to be held in each of the three administrative regions (Western, Central and Eastern). Staff would present the proposed options and members of any future Regional Planning Advisory Committee shall host the meetings. Members of the Community Council and local Planning Advisory Committees would be notified of the meetings.
- review the results of the public participation process with the development industry through the contacts established in the Development Liaison Group.
- conduct further review of the issues with internal and external agencies.
- prepare a staff report outlining the results of the public participation process, options for amendment including any additional options forthcoming from the public participation process and recommendation.
- present staff report to Committee of the Whole for endorsement and direction.

When Council is satisfied with the proposed amendments to the Regional MPS and Subdivision By-law, Council would move First Reading. At that same meeting, Council would set a date for a public hearing on the proposed amendments.

Council would adopt a resolution that all planning documents (MPS and SUB) be amended simultaneously.