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**Item No. 1**  
**Halifax Regional Council**  
**December 13, 2011**

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

Original Signed by Director

**SUBMITTED BY:**

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Phillip Townsend, Director, Planning & Infrastructure

**DATE:** November 22, 2011

**SUBJECT:** **Bayers Lake Business Park and Blue Mountain Birch Cove Lakes  
Regional Park**

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**INFORMATION REPORT**

**ORIGIN**

At the October 18, 2011, session of Halifax Regional Council, a motion was put and passed requesting staff to provide an information report to Regional Council with regard to the potential impact of the recent sale of lands associated with the Bayer's Lake Business Park, on the future of the Birch Cove Lakes Blue Mountain Wilderness Park, outlining the steps taken to-date and future work to be undertaken to ensure the preservation of the lakes and the wilderness park.

## **BACKGROUND**

### **Business Park Context:**

The Bayers Lake Lands being conveyed are entirely within the Business Park Boundary and are zoned as-of-right as established in the approved Regional Plan. These Business Park lands are separate from the Blue Mountain Birch Cove Lakes (BMBCL) Regional Park lands.

The sale and commercial development of the Bayers Lakes Land is an objective under the Bayers Lake Functional Plan endorsed by Council. In accordance, Regional Council established and approved the Washmill Lake Court Underpass as a prerequisite to the sale and commercial development of the Bayers Lake Business Park lands.

In 2010, Council endorsed a Public RFP process and subsequently approved the award and Agreement of Purchase and Sale with BANC Developments and BANC has duly executed the agreement of purchase and sale. The property conveyance will close following normal process, specifically, upon concept plan approval and the final plan of survey necessary to complete the conveyance.

In addition to the economic and Regional Plan deliverables, the transaction also delivers an equally important goal of enabling access to the adjacent BMBCL Regional Park.

### **Blue Mountain Birch Cove Lakes Regional Park Context:**

The Blue Mountain Birch Cove Lakes Regional Park is proposed in the HRM Regional Plan. The park objectives are to provide a near urban wilderness experience in perpetuity for the citizens of HRM. The park also is a means for the preservation of the Birch Cove Lakes and the associated water quality of Washmill, Kearney and Paper Mill Lakes which are downstream and have been impacted by development. Finally, the lands are part of a wilderness network connecting across the Chebucto Peninsula providing wildlife corridors and habitat. The park is a joint effort with the Province of Nova Scotia who has already declared crown lands, which they have dedicated towards the park, as a Protected Wilderness Area. Other lands, which are currently privately held, are identified for addition to the proposed park in order to realize the objectives outlined above.

Regional Council endorsed the Blue Mountain/Birch Cove Lakes Park Boundary Study as a guide to providing the proposed park. Lands are to be acquired over time through a variety of means

## **DISCUSSION**

The successful interface between the Bayers Lake Business Park and the Blue Mountain Birch Cove Lakes Wilderness Area is an objective of the Regional Plan and the approved Agreement of Purchase and Sale for the Business Park lands.

In accordance with the Municipal Subdivision Approval process, Staff and its engineering consultant have been working with the Purchaser to finalize the approved Concept Plan including the final delineation of the required parkland dedication. The piece defining the parkland requirement has been led by HRM Real Property Planning.

Due to the size of the property being sold, and its location adjacent the proposed Regional Park, the public has taken an active interest in this real estate transaction. Inquiries to date have focussed mainly on areas of interest including the parkland dedication/regional park interface, status of the sales transaction, required development approvals, and the contents of the Regional Council in-camera approval report.

**Regional Plan Context:**

*a) Public Lands*

Through the Regional Plan, publically owned lands in the Area of Blue Mountain-Birch Cove intended for the proposed regional park were zoned “Regional Park (RPK)”, further to Policy E-4 of the Regional Plan and as illustrated on Attachment 1 of this report.

The pending sale of Bayers Lake Business Park land does not include any of the public lands that were zoned “Regional Park (RPK)” under the Regional Plan. This is further illustrated on Attachment 2, “Generalized Future Land Use Plan”, Map 2 of the Regional Plan.

*b) Proposed Acquisition of Private Lands*

The Regional Plan also indicates that it is the intention, over time, to acquire the necessary private lands within the proposed park boundary for public use. A variety of acquisition methods can be utilized, including provincial and municipal partnerships as financial resources permit.

It is worth noting that the Province did not designate any privately owned lands as wilderness protection, nor did it acquire any privately owned lands for the purpose of designating them as wilderness protection. It simply placed a wilderness protection designation on lands that it already owns.

Birchdale Properties Inc. represents four property owners in this area (Annapolis Group Inc., Armco Capital Inc., Gateway Materials Inc., and Sisters of Charity). These lands are commonly referred to as the "Highway 102 West Corridor Lands".

The privately-owned lands within the proposed boundary of the park are designated and zoned “Urban Reserve” or “Urban Settlement”. The reason the privately-owned lands were not zoned “Regional Park” at the time of adoption of the Regional Plan was because, as mandated by provincial planning legislation, HRM would have been required to purchase the subject lands within a one year time frame.

**Parkland Dedication/Regional Park Trailhead:**

The parkland dedication required under the concept plan approval process, will be delineated and retained by HRM. The regional park is intended to be large and serve a number of bordering but separate communities. Therefore, the Bayers Lake Entrance is one of a number of planned entrances to the proposed park. Each entrance will be sized and located to best accommodate various activities, number of anticipated users, and appropriate levels of environmental protection. The entrance being planned, as part of this sale of land, is to be a secondary entrance leading to some intensively used areas of the park but is mainly intended for access to the "backcountry" areas of the park with lower usage; thus this trail head entrance will require only a moderately sized parcel of land. The parkland will provide portage and trail access for canoeists and hikers; HRM is working closely with the Province to achieve these goals.

Present access to the existing park area is difficult and unsafe and the public are anxious to see a proper park entrance with parking. A key opportunity provided by this proposed development is that the access to the parkland will be provided much more quickly than may have otherwise been possible.

HRM Real Estate, Real Property Planning, and the Purchaser are in the process of delineating the final parkland dedication area as required under the subdivision by-law and in keeping with the goal of the April 5, 2011, Council RFP Award. Attachment 3 of this report illustrates the parkland delineation and the adjacent wetland encumbered parcel to be retained by HRM, as part of the overall Concept Plan which is now in the final stages.

The purpose for Blue Mountain-Birch Cove Lakes Regional Park viewshed includes protection of the wilderness park experience which is, in part, defined by wilderness views and vistas from the proposed Blue Mountain - Birch Cove Lakes Regional Park. These wilderness views establish the setting and essential character of the park. Wilderness park viewsheds and vistas are valued assets of the landscape of the proposed Regional Park which require protection from diminution and loss can result in the visually undesirable impacts of development.

Development along the ridgeline and side slopes of hills at elevations near and proximal to the elevations at the interface of the Property and the proposed Regional Park, present risk of undesirable visual impacts and changes to valuable views and vistas. Development controls presented in the restrictive covenants are designed to limit such undesirable visual impacts and minimize the visual impact of permitted development to the extent reasonably achievable. The regulation of development within the Property under these covenants is intended through good civic design and arrangements requiring development to have regard for the predominant tree line of existing vegetation within the Wilderness Park.

In keeping with the original RFP, HRM is registering Restrictive Covenants against the entire property to ensure the original intent of development and to provide protection to the interface with the proposed regional park.

**Highway 102 West Corridor Lands Watershed Study:**

Regional Council had directed that a watershed study be undertaken in response to requests from the property owner(s) of the defined Highway 102 West Corridor Lands to initiate planning for new serviced communities through a secondary planning process.

The Bayers Lake Business Park lands under Agreement are not part of these Highway 102 West Corridor Lands and are already properly zoned I-3 and are within the service boundary.

The management of storm water is regulated by the Province and HRM/HRWC and all regulations and requirements will be adhered to. It is anticipated that there will be little, if any, storm water directed from the Bayers Lake property into this watershed.

**Next Steps for the Regional Park:**

In accordance with Regional Council's direction, the results of the Watershed Study will initiate negotiations with the private land owners associated with the Birchdale Consortium. This is expected in the next year.

Staff of HRM and the Nova Scotia Department of the Environment, are setting up a planning workshop for the proposed park aimed at refining the plan beyond the level developed in the Boundary Study. This will include determining desirable park entrances, locations for intensive use, moderate use and areas where human use will be minimized. The workshop will also mine out anticipated issues which require greater examination for the proposed park and develop an approach to future planning for the park.

Discussions have been held, and will continue to be held, with the public and stakeholder groups to determine their needs and objectives for the proposed park.

Currently, lands are being looked at outside of those that are under the control of the Birchdale land owners. Any proposed acquisitions will be brought to Regional Council for discussion and approval.

**BUDGET IMPLICATIONS**

There are no budget implications.

**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**

The future development of the remaining lands at Bayers Lake was brought before the public during the Regional Plan (2006) and subsequent Business Parks Functional Plan (2009) process.

## **ATTACHMENTS**

Attachment 1 - Zoning Map

Attachment 2 - "Generalized Future Land Use Plan", Map 2 of the Regional Plan.


Attachment 3 - Current Concept Plan

Attachment 4 - Birch Cove / Susie Lakes Area: Questions and Answers (by HRM 2009)

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A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.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: Michael Wile, Business Parks Manager, Planning & Infrastructure, 490-5521

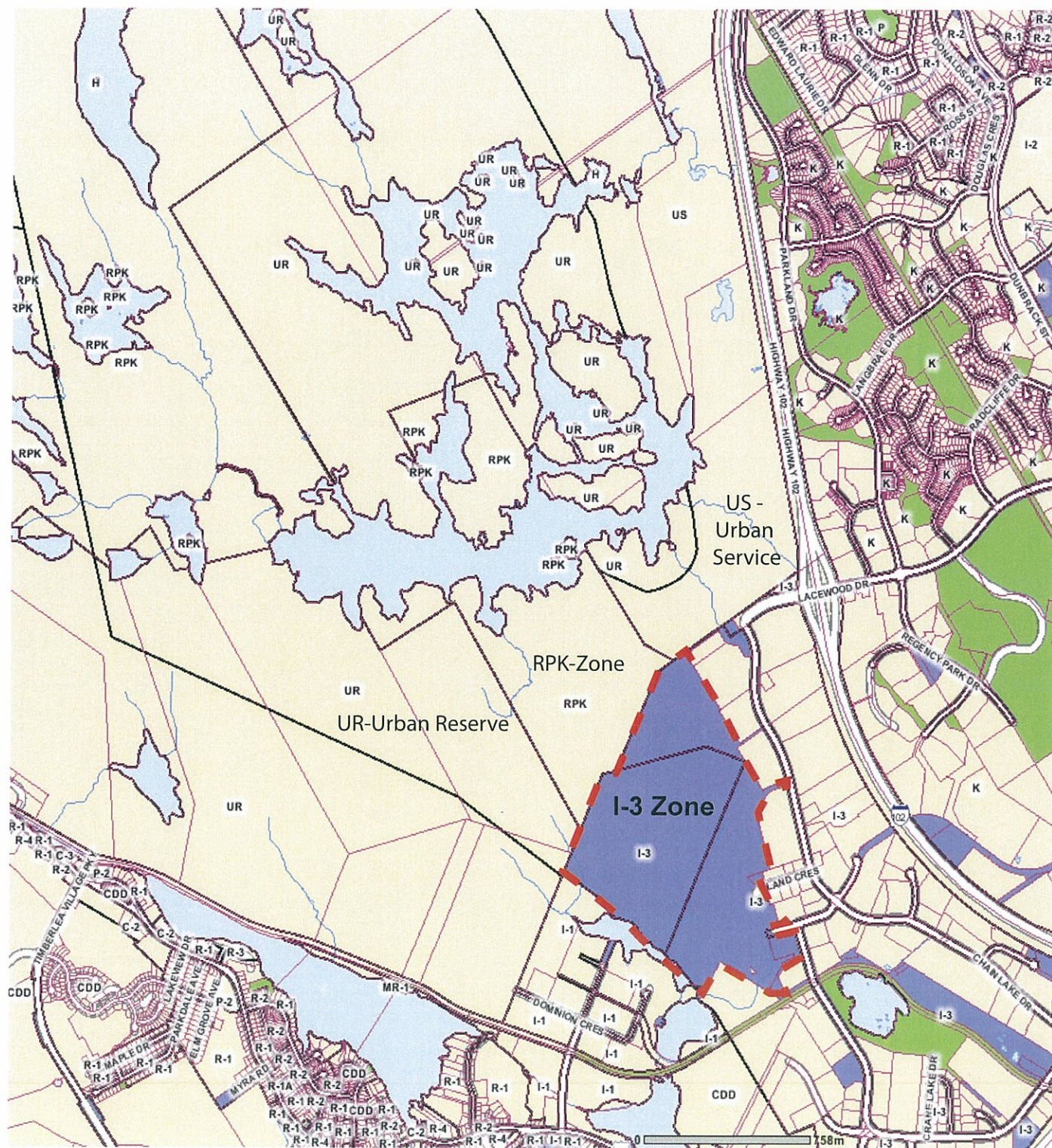
Report Approved by:  Peter Stickings, Manager, Real Estate, Planning & Infrastructure, 490-7129

Report Approved by: Peter Bigelow, Manager, Real Property Planning, Planning & Infrastructure, 490-6047

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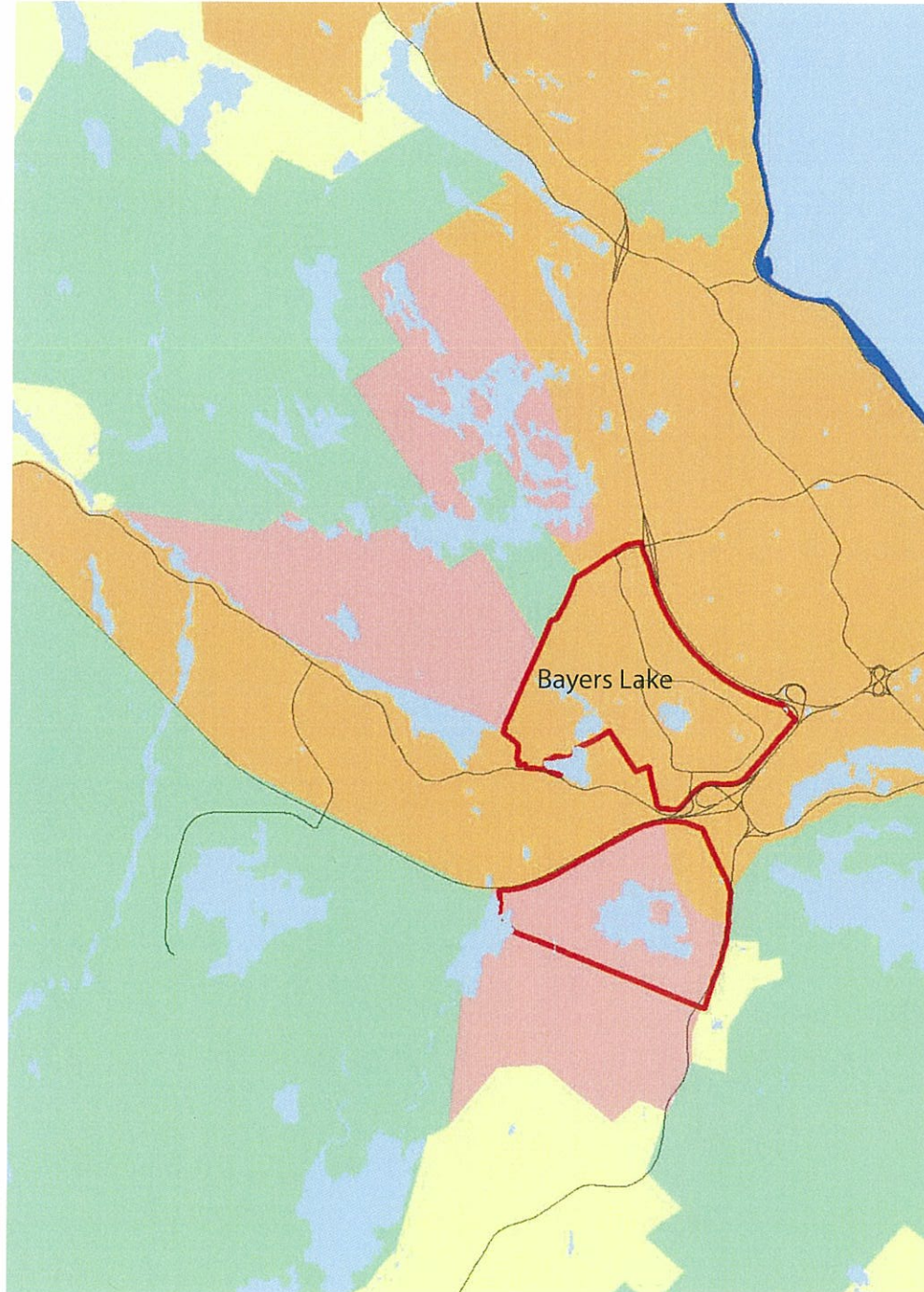


## ATTACHMENT 1 - Zoning Map





\*Cropped Zoom of Regional Plan Map 2 - Generalized Future Land Use



## Map 2

### Generalized Future Land Use

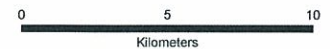
#### Legend

##### Primary Designations

- Urban Settlement
- Urban Reserve
- Harbour
- Rural Commuter
- Rural Resource
- Open Space and Natural Resources
- Agricultural

##### Secondary Designations

- Capital District
- Business / Industrial Park



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The following is a graphical representation and although care has been taken to ensure the best possible quality, HRM does not guarantee the accuracy of this document.

**Notes:** This map demonstrates a vision to be implemented over the life of the Regional Plan, through various tools, subject to financial ability and community interest.







## **Birch Cove / Susie Lakes Area: Questions and Answers**

*In recent weeks, there has been much public interest and media coverage regarding Birch Cove/Susie Lakes lands, located west of Highway 102 in Halifax. In an effort to provide the public with timely and accurate information about current initiatives in this area, HRM staff has prepared the following questions and answers. Please feel free to share this information with others who may also be interested in the Birch Cove/Susie Lakes lands.*

*Please visit the Halifax Regional Municipality website at [www.halifax.ca](http://www.halifax.ca) (Quicklink to Regional Planning - Reports, Studies and Guidelines) for more information.*

### **1. Where are the Birch Cove / Susie Lakes?**

The Birch Cove Lakes are on the west side of the Bicentennial Highway between Lacewood Drive and Kearney Lake Road. A series of lakes - the largest being Susie and Quarrie Lakes are within the upper watershed of lands which drains through Kearney Lake and Paper Mill Lake to Moirs Pond in the Bedford Basin (refer to attached map).

### **2. Is development being proposed for this area?**

Birchdale Properties Inc., representing four property owners in this area (Annapolis Group Inc., Armco Capital Inc., Gateway Materials Inc., and Sisters of Charity), has submitted a request to the Municipality to initiate a Secondary Planning Process to allow for the future development of approximately 500 acres. The lands represented by Birchdale Properties are illustrated on the attached map.

### **3. What is a secondary planning process?**

A Secondary Planning Process provides guidance for the future development of an area through the adoption of land use policies and regulations pertaining to such matters as environmental protection, land use allocations, municipal service provision and phasing of development and services. The process results in the preparation of a document containing land use policies and regulations called a Secondary Planning Strategy.

The process involves extensive public consultation and entails collaboration and negotiation among interested parties including land owners, municipal staff, neighbouring communities and various interest groups. For any development to proceed, a Secondary Planning Strategy must be adopted by Halifax Regional Council. A formal Public Hearing is required at Regional Council before a decision is made.

**4. What are the current planning provisions for the Birchdale Properties lands?**

Under the Regional Plan, approximately one-half of the Birchdale Properties lands are designated “Urban Settlement”. Within such areas, central wastewater and water distribution services are intended to be provided to facilitate an urban form of development over the next 25 years (2001 to 2026). The portions of the Birchdale Properties lands designated Urban Settlement are illustrated on the attached map.

An Urban Settlement Zone has been applied within this designation which restricts new development to single unit dwellings on a minimum lot size of 2 hectares (5 acres) provided that the lot has frontage on an existing road and an on-site disposal system can be provided. As there are no existing roads on these lands, no new development would be permitted until such time as a Secondary Planning Strategy is approved by Regional Council.

The Birchdale Properties lands situated within the Urban Settlement designation is one of six sites identified by the Regional Plan as potential areas for new urban growth within the next 25 years, subject to the completion and Council approval of a Secondary Planning Strategy (the Plan identifies this site as “Highway 102 West Corridor adjacent to Blue Mountain-Birch Cove Lakes Park”).

The remaining portion of the Birchdale Properties lands is designated and zoned “Urban Reserve” under the Regional Plan (refer to attached map). Within this area, central services (municipal wastewater and water distribution) may eventually be provided, and the primary intent of this designation is to retain sufficient lands to provide an adequate supply of serviceable land beyond the time horizon of the Regional Plan (2026). The Urban Reserve Zone does not allow any subdivision and restricts new development to one single unit dwelling per existing lot, serviced by a well and on-site wastewater disposal system.

**5. Does the Municipality have to accept this request and what is it's status?**

The Municipality is not obligated to initiate Secondary Planning processes upon receipt of a request. This will be a decision of Regional Council, and criteria to guide Council's decision are set out in the Regional Plan. While several policies are relevant in this regard, perhaps the most important is Policy S-3, which speaks to protecting the fiscal health of HRM and financial commitments associated with servicing new growth areas.

No decisions by Council have been made to date concerning the requests to initiate Secondary Planning processes. A staff report has been prepared in response to the Birchdale Properties request, as well as two other sites for which requests have been made to initiate secondary planning processes. This report has been tabled with the Municipality's Regional Plan Advisory Committee. A copy of the report can be obtained at: <http://www.halifax.ca> (Quicklink to Regional Planning - Reports, Studies and Guidelines).

The recommendations of staff and the Committee will be forwarded to Regional Council for discussion and decision in early 2010.

**6. Is a regional park proposed in this area and where is it in relation to the proposed development?**

The Province has designated approximately 1,350 hectares (3,336 acres) of crown holdings to the west of the Birchdale Properties lands as a wilderness protection area. This area extends westward from the Birchdale Properties lands to Frasers Lake in Timberlea and includes lands to the north and south (refer to attached map).

It is worth noting that the Province did not designate any privately owned lands as wilderness protection, nor did it acquire any privately owned lands for the purpose of designating them as wilderness protection. It simply placed a wilderness protection designation on lands that it already owns.

Under the Regional Plan, a 2006 study prepared for HRM, NS Dept. of Natural Resources and NS Dept. of Transportation and Public Works titled “Blue Mountain-Birch Cove Lakes Assessment Study”, proposed a geographic area for the park (Map 13 of the Regional Plan). The proposed boundary includes portions of publically-owned lands (provincial) of the (now) wilderness protection area as well as considerable privately-owned lands, including portions of the Birchdale Properties lands. The park boundary in relation to the Birchdale Properties lands is illustrated on the attached map.

Through the Regional Plan, publically-owned lands in the area of Blue Mountain-Birch Cove Lakes are zoned “Regional Park”, as stated in Policy E-4. The privately-owned lands within the proposed boundary of the park are designated and zoned “Urban Reserve” or “Urban Settlement”. The reason the privately-owned lands were not zoned “Regional Park” at the time of adoption of the Regional Plan was because, as mandated by provincial planning legislation, HRM would have been required to purchase the subject lands within a one-year timeframe.

**7. How are privately-owned lands to be acquired for a regional park and who will decide what lands will become parkland and what will be developed?**

The Regional Plan indicates that it is the intention, over time, to acquire the necessary private lands within the proposed park boundary (Map 13) for public use. A variety of acquisition methods can be utilized, including provincial and municipal partnerships, as financial resources permit, land trades and conservation easements. At the municipal level of government, Halifax Regional Council will determine what lands become parkland and those that may be developed.



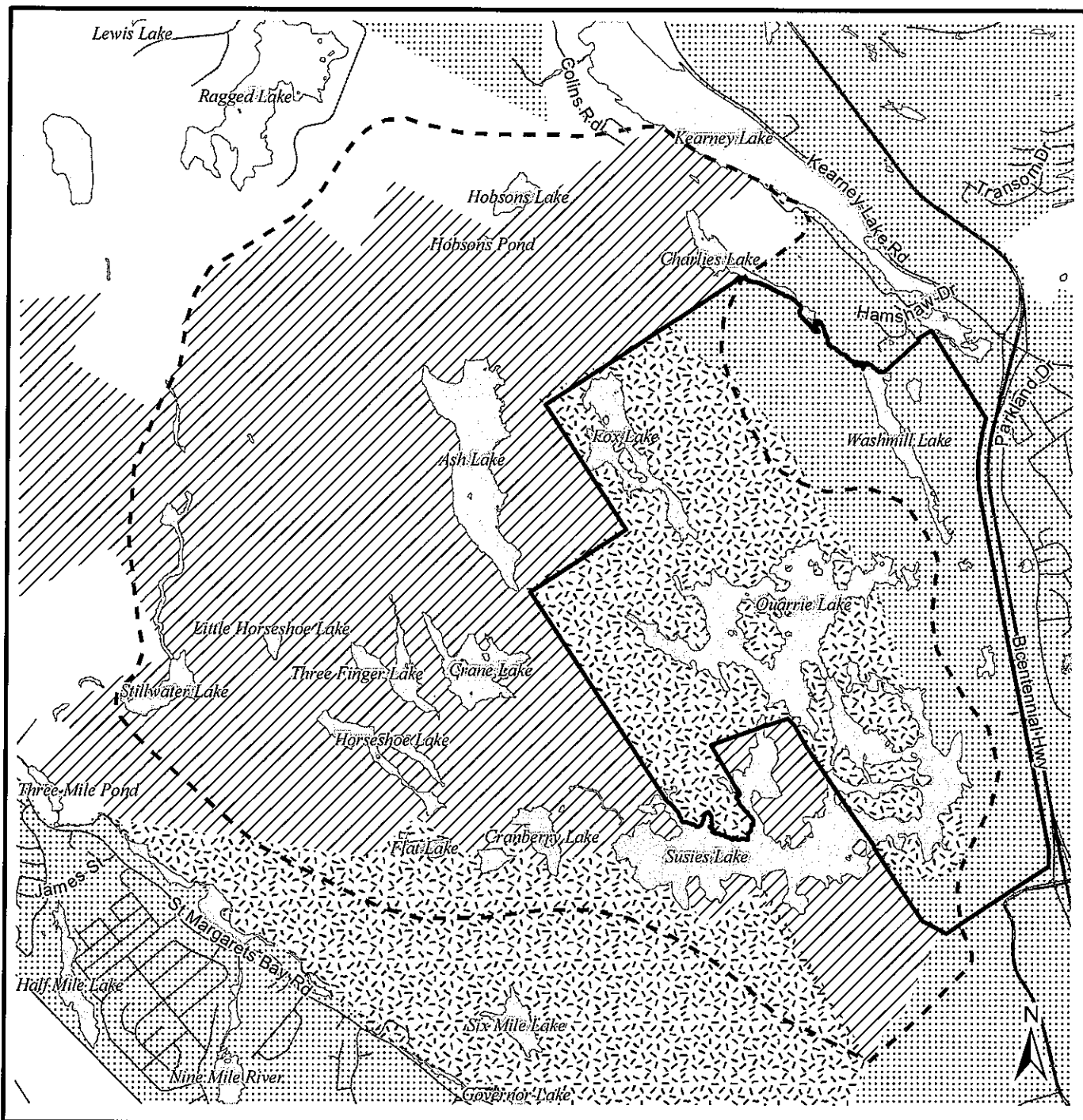
**8. If private lands are acquired for a regional park, what zoning will be applied?**

The Regional Plan states that any lands acquired will be re-designated to “Open Space and Natural Resources” and re-zoned “Regional Park”.




**9. When could development of these lands start?**

No development is imminent. Regional Council must first decide whether or not to initiate Secondary Planning processes at this time. Secondary Planning is typically a multi-year process and ultimately a planning document (Secondary Planning Strategy) will have to be brought to Regional Council for consideration. A Public Hearing must be held before a decision is made. If approved, detailed plans are then brought forward to the area Community Council for consideration, usually on a phase-by-phase basis. Again, a Public Hearing is usually required.

Further information regarding the planning process can be obtained by contacting Paul Morgan, Planner, Community & Regional Planning at tel: 490-4482 or E-mail: [morganp@halifax.ca](mailto:morganp@halifax.ca)



## Highway 102 West Corridor Lands Adjacent to Blue Mountain - Birch Cove Lakes Park

-  Privately Owned Lands (Birchdale Projects Inc.)
-  Conceptual Park Boundary: Blue Mountain - Birch Cove Lakes (Map 13, Regional Plan)
-  Blue Mountain - Birch Cove Lakes Wilderness Area (Provincial Crown Lands)
-  Urban Reserve Designation (Regional Plan)
-  Urban Settlement Designation (Regional Plan)

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