


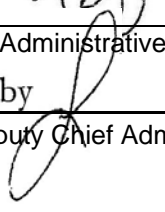


P.O. Box 1749
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Item No. 11.1.4
Halifax Regional Council
August 4, 2015

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original signed by 
Richard Butts, Chief Administrative Officer

Original Signed by 
Mike Labrecque, Deputy Chief Administrative Officer

DATE: June 8, 2015

SUBJECT: Off-site Parkland Dedication Request – Marsh Lake Lands, Bedford

ORIGIN

- Request by Armco Capital Inc.
- Order M06387 from the NS Utility and Review Board dated December 23, 2014

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter:

Subsection 283(2) – “Where a subdivision by-law provides for the transfer to the Municipality of useable land, the applicant may provide land, equivalent value or a combination of land and equivalent value equal to the amount of the transfer required by the subdivision by-law.”

Subsection 283(11) – “An applicant may, with the approval of the Council, convey to the Municipality an area of land in the Municipality of equal value outside the area being subdivided, in lieu of land in the subdivision.”

RECOMMENDATION

It is recommended that Regional Council accept the transfer of the Marsh Lake lands as shown on Map 1 of this report as public parkland with a value of \$1,620,000, for the benefit of Armco Capital Inc. and its affiliates, as lands of equal value outside the area being subdivided, for their various subdivision application requests.

BACKGROUND

In new subdivision projects along with providing the necessary streets, services and utilities to service the new lots to be created, developers are required to provide a public park dedication to the Municipality. Generally, a land dedication must equal not less than 10% of the total area of all newly created lots and a cash-in-lieu of land dedication must equal 10% of the assessed market value of the newly created lots.

While park dedications in the form of land are most common, the dedication may also take the form of equivalent value such as park site development or be composed of a combination of land, cash and equivalent value. Proposed subdivision plans are reviewed by staff against the requirements of the Regional Subdivision By-law with the form of park dedication being determined by staff as follows:

- (a) land, where a deficiency in parkland exists;
- (b) cash, where sufficient parkland or recreation facilities are available;
- (c) site development, where sufficient parkland is available but a deficiency in recreation facilities exists; or
- (d) a combination of land, cash and site development, where the 10% dedication will result in more than sufficient parkland to serve the surrounding area.

HRM's authority to require parkland dedication is contained within the provisions of the *HRM Charter* and regulated through the Regional Subdivision By-law. Cash-in-lieu of land payments are collected by the Development Officer at the time of final subdivision plan approval and are deposited into the Parkland Reserve account (Q107). Where cash is paid in lieu of transferring land, the *HRM Charter* requires that these funds are to be used for the acquisition of, and capital improvements to, parks, playgrounds and similar public purposes.

Further to this, the *HRM Charter* also enables a subdivider, with the approval of Regional Council, to convey to the Municipality parkland outside of the area being subdivided provided the lands are of equal value to that which is required by the Subdivision By-law. Armco Capital Inc. has a number of active subdivision applications on file where park dedications in the form of cash-in-lieu of land are required. As per the provisions of the Regional Subdivision By-law, cash-in-lieu of land is required where staff determines that sufficient parkland or recreation facilities are available. Rather than provide the dedications in the form of cash, Armco has requested instead that the Municipality accept two large tracts of land in Bedford totalling 160 acres and known as the Marsh Lake lands (see Map 1), as public parkland of equal value.

The consideration of this matter is also an item that is contained in the December 23, 2014 Order¹ of the NS Utility and Review Board regarding an alternative dispute resolution for a number of issues arising from Armco's appeal of HRM's refusal of the Twin Brooks Development Ltd. subdivision application. Among other matters, the Order requires that the Municipality will accept the transfer of the Marsh Lake lands as a parkland dedication bank for the benefit of Armco and its affiliates, subject to the approval of Regional Council. Subsequent to their Order, the Board dismissed Armco's appeal on January 29, 2015 and ruled that the Municipality was entitled to receive the quantity of parkland dedication that it had requested. In this case, a cash-in-lieu of land dedication in the amount of \$449,472 is payable to HRM.

DISCUSSION

Requests to convey parkland outside of the area being subdivided are very rare. While the former Halifax County Municipality did previously approve a small number of these requests, this is the first such request to HRM since municipal amalgamation in 1996.

In reviewing a request to accept a parcel of parkland outside of the area of land being subdivided, staff must consider how doing so would serve the recreational needs of the residents within the area being subdivided. As it would be difficult to identify how a park dedication in one community could serve the residents of a distant community, these requests typically would not receive staff support. However, in

¹ See Staff Information Report on this item at: <http://www.halifax.ca/council/agendasc/documents/150113cai11.pdf>

this particular instance, the request to dedicate land outside of the area being subdivided would apply only to those cases where cash-in-lieu of land is required.

As noted above, funds received through cash-in-lieu of land dedications may be used by the Municipality to acquire land for parks. The acquisition of the Marsh Lake lands has been reviewed by Parks and Recreation staff and based on their review, they advise that it is appropriate for the Municipality to acquire the lands for public parkland purposes.

Suitability for Parkland

The subject lands at Marsh Lake are immediately adjacent to municipal lands being assembled for Jacks Lake Regional Park. The Jacks Lake Regional Park is identified in the Halifax Regional Plan as one of six (6) regional parks to be created over the life of the plan. The park's focus is to:

- 1) provide a Regional Near Urban Wilderness Park adjacent to the Bedford /Sackville Area;
- 2) protect representational Acadian Inland forest habitats;
- 3) provide water quality protection of Sandy Lake, Jacks Lake and Marsh Lake;
- 4) provide access to and protect the ecology of the Sackville River; and
- 5) provide continuity of a wilderness corridor along the Sackville River stretching from the 102 highway at Bedford to the Pockwock Municipal Watershed.

Staff have conducted field work on the Armco Marsh Lake lands and assessed them in terms of the above objectives. The Armco lands:

- add 160 acres of desirable forested recreation lands to the Jacks Lake Regional Park land assembly. The lands help create a loop trail around Marsh Lake and have the potential to provide low impact access to undeveloped sections of the Sackville River with desirable aesthetic value;
- host a variety of successional Acadian forest types including complexes and ages which are near to being classed as rare old growth forest as well as former industrial forest;
- offer a buffer to Marsh Lake from future development, helping to protect water quality and habitat within the Sackville River watershed;
- extend from Marsh Lake to the banks of the Sackville River and add another ½ km of shoreline protection for the watercourse;
- protect habitat presently functioning as an un-official wildlife corridor extending from the Bicentennial Highway at Bedford along the Sackville River to Hants County. This corridor's viability is presently ensured by public ownership of the lands associated with Jacks Lake Regional Park, the Dept. of National Defence Rifle Range, the former Sackville Landfill and the Pockwock/Tomahawk Watershed lands. The Halifax Green Network Plan, currently underway, will be recommending that this corridor be one of several key wilderness corridors penetrating into the urban area to be incorporated into land use and park planning.

Staff has been assembling lands at Marsh Lake since 1999, first following direction set out in the former Town of Bedford's MPS policy and then in the 2006 Regional Plan. If these lands were currently available for sale on the open market, staff would be recommending to Regional Council, independent of this request, that they be purchased using the funding from the Park Land Reserve account.

Valuation & Allocation

To provide a valuation of the lands, the subdivider provided an independent appraisal prepared by Ingram Varner and Associates dated July 2014. Staff has reviewed the appraisal report and agrees with the assigned market valuation of \$1,620,000 for the Marsh Lake lands.

Staff recommend that Council accept the land transfer at this valuation and that the value be used as a credit to be drawn down and applied to cash-in-lieu of park land dedications owing for various Armco subdivision projects throughout the Municipality. Under this program, the \$1,620,000 balance would be drawn down to \$0 by deducting the cash-in-lieu of land dedication values that are payable to the Municipality only in those instances where a cash-in-lieu of park land dedication is required as per the Regional Subdivision By-law. Staff would keep an accounting of these transactions and provide a report to Council identifying the individual subdivisions and the respective cash-in-lieu of land values owing and deducted from the credit.

As noted above, Armco Capital Inc. has a number of active subdivision applications on file throughout the Municipality where park dedications in the form of cash-in-lieu of land are required. Armco may proceed with approval of some or all of these applications at the present time based on their business needs. The dedications for these projects, including the \$449,472 owing for Twin Brooks, would more than exhaust the \$1,620,000 value of the Marsh Lake lands.

Conclusion

In keeping with the policies of the Regional Plan, the Marsh Lake lands are highly desired for regional park purposes. In consideration of the request by Armco Capital Inc. and the December 2014 Order of the NS Utility and Review Board, staff recommend that Regional Council accept the transfer of the Marsh Lake lands as public parkland with a value of \$1,620,000.

FINANCIAL IMPLICATIONS

None identified. The request is based on an equal value transfer, accordingly there is no budgetary effect.

COMMUNITY ENGAGEMENT

At the September 15, 2014 meeting of North West Community Council, a petition was received from the Sandy Lake Conservation Association supporting that the Municipality expand the park lands surrounding Marsh Lake and Sandy Lake to create a regional park and wilderness area. Staff responded with an Information Report to Community Council indicating that planning and land acquisitions for the Regional Park were continuing.

ENVIRONMENTAL IMPLICATIONS

This land will serve as a positive move to protect and preserve high value ecological lands associated with the Sackville River Corridor.

ALTERNATIVES

Regional Council may choose to refuse to accept the transfer of the Marsh Lake lands as equal value park lands outside the areas of land being subdivided by Armco or its affiliates. Should this be the case, Armco will be required to provide payments of cash-in-lieu of land to HRM prior to receiving approval of their subdivision applications.

ATTACHMENTS

Map 1 Marsh Lake lands, Bedford

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

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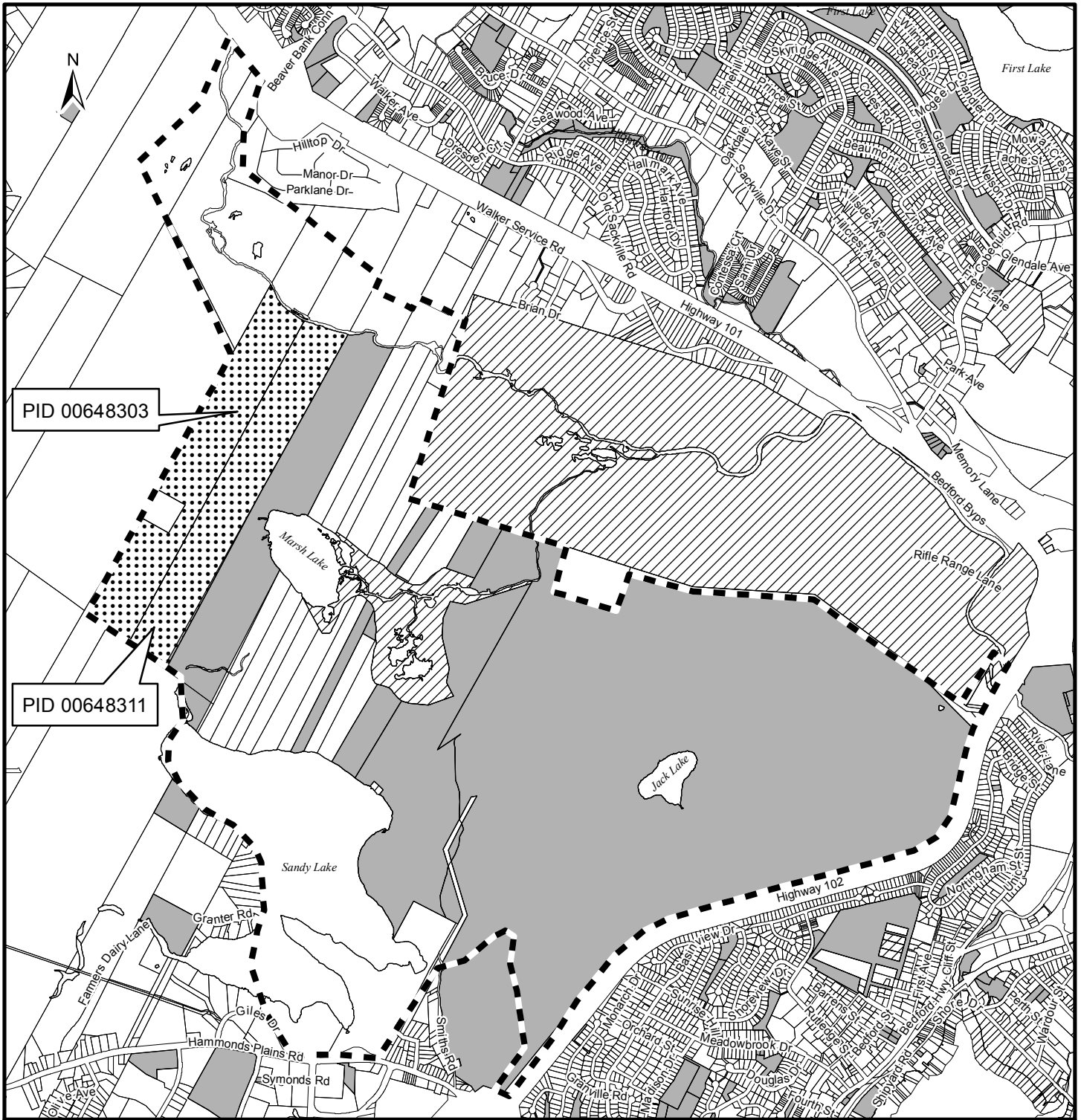
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



John Traves, Director, Legal Services, 902.490.4219

Original Signed



Map 1 - Marsh Lake Lands, Bedford

HALIFAX

-  Subject Properties
-  HRM Owned Parcels
-  Federal Government Owned Parcels
-  Conceptual Boundary of the Jack's Lake Regional Park



The accuracy of any representation on this plan is not guaranteed.

Bedford
Plan Area