

FOIPOP Review

Approved to Release

Date May 6/2010

C. Meltz

Halifax Regional Council

December 9, 2008

In Camera

TO:

Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:

Dan English
Dan English, Chief Administrative Officer

Wayne Anstey
Wayne Anstey, Deputy Chief Administrative Officer - Operations

DATE:

October 6, 2008

SUBJECT:

Acquisition of Lot B3-A (PID#40263915), Cow Bay Road, Cow Bay, NS

PRIVATE & CONFIDENTIAL

ORIGIN

A request was made by the local surfing community and the area Councillor to staff to determine HRM's interest in acquiring **Lot B3-A (PID#40263915), Cow Bay Road, Cow Bay, NS**. The property is shown on the partial Plan of Survey attached hereto as Attachment "A".

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Approve the acquisition of Lot B3-A (PID#40263915), Cow Bay Road, Cow Bay, NS as per the Terms and Conditions of this report with funding as per the budget implications section of this report;
2. Approve the withdrawal of \$211,283.00 from Q107 Parkland Reserve;
3. Increase the budget of Capital Account CPX01149, Park Land Acquisition in the amount of \$211,283.00; and
4. Not release this report until the transaction has been completed.

BACKGROUND

The local surfing community brought the subject property to the attention of the area Councillor and HRM staff. Cow Bay Peninsula has traditionally been a surfing destination. Currently, there is no public land in this area to accommodate ocean access. As a result, local residents are experiencing a problem with trespassing on private properties and illegal parking along Cow Bay Road. To solve this problem the surfing community is interested in developing proper facilities to support surfing activities in this area. The nearshore area directly outside of the property is known as "Minutes" and is considered by professionals as a world-class surfing break. (See Attachment "C" for more background information)

The subject property is approximately 9.2 acres with more than 1,000 linear feet of oceanfront. The central portion of the property has an environmental zone (EC) to protect the existing wetland. The remaining two areas of this parcel have a residential zone (RA). The front portion of the site has a convenient and direct access to Cow Bay Road. This area has been recently re-graded, it is flat and suitable for development. The rear section of the parcel is also suitable for development and is covered with natural vegetation and trees. Both areas are able to accommodate residential development (see Attachment "D"). Any development of this parcel needs to comply with the NS Department of Environment requirements for development in or near an environmentally sensitive area.

Over the years the property owner has been infilling the environmentally sensitive portion of the parcel with the expectation of creating an access driveway to the north corner of the property. Last year, this process was stopped due to the lack of a proper permit for this work. Since that time there is no new site improvements and development activity on the parcel.

DISCUSSION

The evidence shows that the shoreline of this property is suitable and highly desired by the surfing and non surfing community. The environmental area on the property is suitable for passive recreation uses of local and regional scale.

Relatively small improvements will be required to the front portion of the site to create parking and proper driveway access to the site. This area is expected to accommodate 40 to 60 parking spaces. The ocean frontage of this parcel can be accessed only by crossing the environmentally sensitive area. This access can be established in the future by a wooden pedestrian board walk. A boardwalk would protect the existing sensitive ecosystem of the site and will be sufficient for the intended recreation uses in the North part of the parcel. This area has attractive vegetation and topography and appears to be suitable for passive recreation.

Staff received comments from the surfing community that the proposed wooden board walk would be sufficient to access this area. In addition, the surfing community has offered to participate in the construction of this access when the property was acquired by HRM. In addition to the primary use as a surfing destination the site will make a great contribution to the park and open space system in

the Cole Harbour community. This parcel will also provide additional water access in this general area. The acquisition will improve public safety along Cole Harbour Road. The proposed development scenario is represented on Attachment "E".

Negotiations began with the property owners signing an Offer to Purchase with a Purchase Price equivalent to current market value. An appraisal was completed in May, 2008 with a final estimated value of \$205,000.

The Offer of Purchase to the owner will be subject of NS Department of Environment review and permission to construct the required board walk in environmentally sensitive portion of the site. The details of development and construction of the board walk will comply with site specific requirement of the Department of Environment.

Given the subjectivity of the value of the environmental lands, staff questioned the appraisal. After some conversation and greater due diligence, staff was satisfied with the value determined.

Therefore, the recommended purchase price and terms are outlined below.

KEY BUSINESS TERMS AND CONDITIONS OF TRANSACTION	
<i>Property Address</i>	PID#40263915, Lot B3-A, Cow Bay Road, Cow Bay
<i>Site Area</i>	9.2 acres (as per the Plan of Survey)
<i>Zoning</i>	RA, Residential Zone & EC, Environmental Conservation
<i>Vendor</i>	Mr. Edward Jakeman & Mrs. Eva Jakeman
<i>Purchaser</i>	HRM
<i>Proposed Development or Use</i>	The regional/provincial surfing destination. With district/community seashore park component. Passive recreation uses only. Protection of existing natural environment.
<i>Purchase Price</i>	\$205,000
<i>Appraised Value*</i>	\$205,000
<i>Property Taxes</i>	To be adjusted at closing.
<i>Special Conditions</i>	<ul style="list-style-type: none"> • Vendor and HRM to pay their own legal fees. • Subject to positive response from NS DOE regarding construction of a boardwalk crossing of the wetland.
<i>Closing Date</i>	Upon receiving municipal approval.

* - Appraisal completed by Turner Drake & Partners Ltd. - May, 2008

BUDGET IMPLICATIONS

Expected funds in the amount of \$211,283.00, are available in Parkland Reserve Q-107 and would be assigned to Capital Account - CPX01149, Park Land Acquisition. This property is exempt from HST. The availability of funds has been confirmed by Financial Services. Applicable adjustments to the Purchase Price include, but are not limited to, appraisal, survey, environmental, deficiencies, legal, marketing and administrative costs. Environmental and or deficiency allowances resulting from the Purchaser's due diligence inspection, if required, shall be to a maximum of 15 percent of the purchase price.

Budget Summary: Capital Account CPX01149 - Park Land Acquisition

Cumulative Unspent Budget	\$	0
Add: Proposed increase to spending	\$	211,283
Less: Property Purchases	\$	205,000
Appraisal	\$	3,283
Legal Fees (Maximum)	\$	<u>3,000</u>
Balance	\$	0

No further budget implications are expected with this conveyance.

This project was estimated at \$211,283.

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.

If approved, this report will increase reserve withdrawals and increase the gross capital budget with no increase to the net budget.

ALTERNATIVES

Council could choose not to move ahead with the acquisition. This is not the recommended course of action.

ATTACHMENTS

Attachment "A" - Property Map

Attachment "B" - Site Photographs

Attachment "C" - Background information regarding surfing activity in the area


Attachment "D" - Development capability on the property

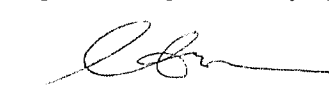
Attachment "E" - Proposed site development plan


If the report is released to the public, a copy can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.


Report Prepared by: Carla Thistle, Real Estate Officer, TPW 490-5477
Jan Skora, Coordinator - Planning, Real Property Planning, IAM 490-6783

Report Approved by: 
Peter Stickings, Manager Real Property, TPW 490-5931

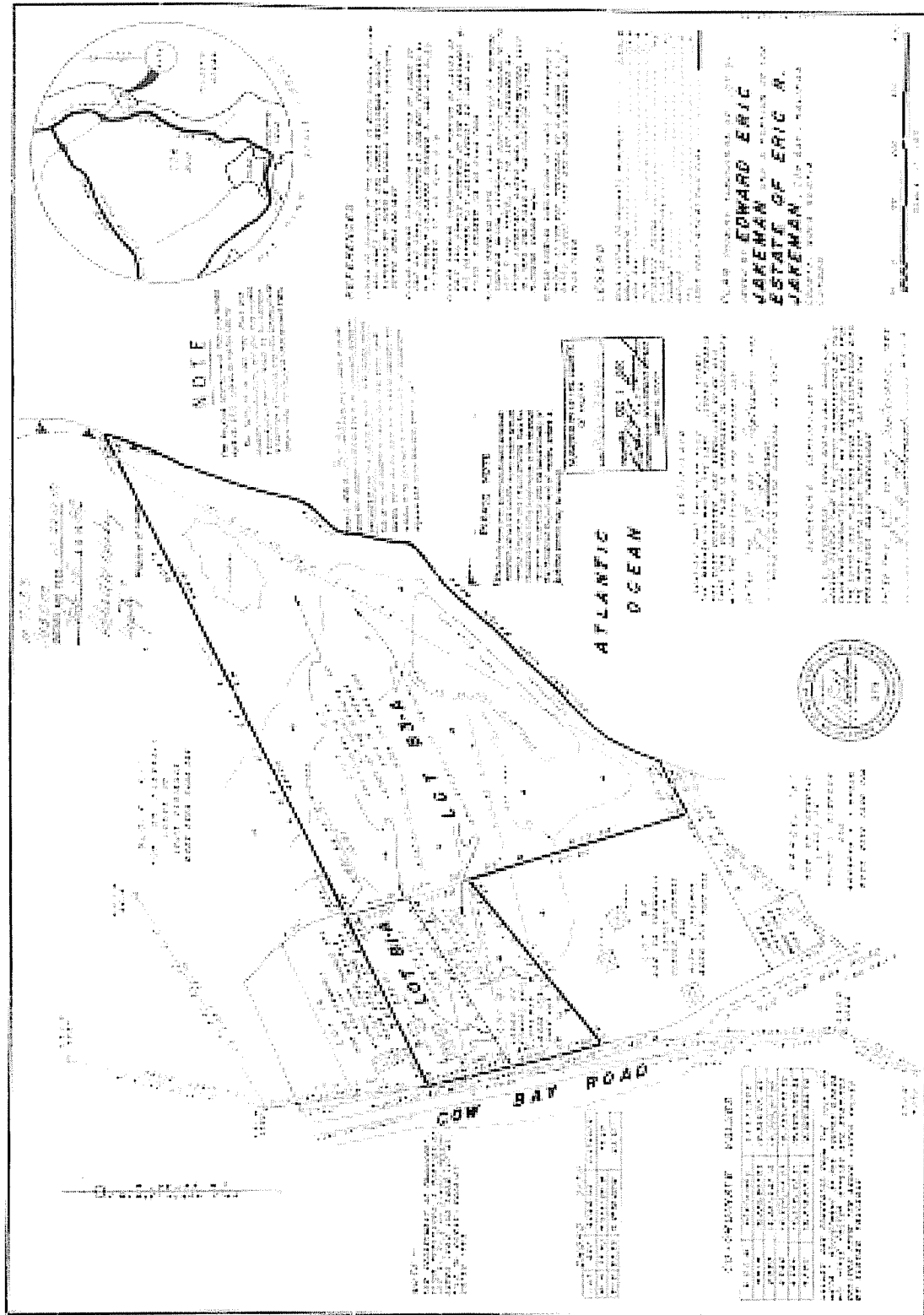

Peter Bigelow, Manager, Real Property Planning, IAM 490-6047

Financial Approval by: 
Catherine Sanderson, Senior Manager, Financial Services 490-1562

Report Approved by: 
Michael Labrecque, Director TPW 490-4855


Report Approved by: Cathie O'Toole, Director IAM 490-4825

Attachment "A" - Survey Plan



SUBJECT PROPERTY
(Exterior)



ROAD FRONTAGE



LOT INTERIOR

SUBJECT PROPERTY



BEACH FRONT LOOKING NORTH



BEACH FRONT LOOKING SOUTH



5781 Sarah Street, Unit A, Halifax, NS, Canada, B3K 1H4, coastalaccessns@gmail.com, 902-478-1146

Dear City Council:

Please accept this letter as a commitment from the Coastal Access Committee to act as stewards of the proposed property acquisition in Cow Bay. Over the past few years we have established a relationship with former counselor and current MLA Becky Kent; present District 8 counselor, Jackie Barkhouse and HRM Real Property representative Jan Skora with the goal of improving coastal access to the world-class surfing breaks in Cow Bay and the province at large.

Having recently applied for registered not-for-profit status, the Coastal Access Committee (CAC) has been active in Cow Bay for over 5 years. The CAC was first established in reaction to threatened access to the renowned surfing break 'The Moose' at Silver Sands Park. By working closely with a local organization, 'Friends of the Moose,' we were able to facilitate the establishment of this public park, ensuring permanent access to the surfing break. Since that time the CAC has worked closely with community residents and surfers to promote harmonious relationships. Furthermore, we have established a regular coastal cleanup program, and have been involved in the development of programs to promote public access for all coastal users around Nova Scotia. We continue to work with other community organizations who are concerned about coastal issues including the Ecology Action Centre; Surfing Association of Nova Scotia; the Coastal Coalition of NS; and have contributed to the provincial government's Voluntary Planning policy forum.

The proposed property acquisition and the relationship we have established with HRM recognizes support for the surfing community. It is a vote of confidence for the rapidly expanding surfing community in Nova Scotia (totaling over 1,000 year-round surfers and thousands more seasonally), recognizes that surfing is becoming a part of HRM's identity and reflects a commitment to ensuring access to the world-class waves in the area for future generations. The proposed property will also addresses a number of key initiatives in the Community Plan including the protection of watersheds and wetlands, access to the coast, recreational infrastructure, the development of parks and green spaces and overall promotion of healthy living.

The CAC is firmly committed to the following:

- 1- We will act as stewards of this property on an ongoing basis including promoting proper use and respect for the site, maintain cordial relationships with neighbors and the site will be included in our coastal clean-up program.
- 2- We will contribute a significant financial commitment to the property's infrastructure.
- 3- We have already been in contact with provincial government departments and have received a preliminary commitment to aiding in the development of infrastructure.

The surfing community in Nova Scotia is broad and diverse. Surfers range across a wide swath of demographics and industries, making the community a resource in itself. We have already begun to mobilize the resources within our community and have started dialogue with architects, contractors, amongst other professionals and have had an abundance of offers for grunt-labour from keen volunteers. We are communicating with various programs and departments at Dalhousie University as there is potential for support there as well.

The members and directors of the CAC represent the large and rapidly expanding surfing populace in Nova Scotia and assure you that this commitment is real and long-term. As access to surf breaks in the area are threatened, we hope that you will support this important initiative. We look forward to working with you,

Sincerely,



Ian Archibald,
Chair, Coastal Access Committee



Sean Kelly
Vice-Chair, Coastal Access Committee

EAC supports surf park at Minutes

November 4, 2008

Dear Honorable Mayor Kelly and HRM Councilors,

The Ecology Action Centre (EAC) is pleased to offer its enthusiastic support for HRM's partnership with the Coastal Access Committee to acquire property in Cow Bay for the creation of a surf park at the Minute break. This initiative is an excellent example of HRM demonstrating environmental leadership that will have positive ecological, economic and social benefits for our city.

The proposed surf park is a very suitable use of this stretch of shoreline, which includes a coastal wetland that is otherwise unsuitable for development, as it is ecologically sensitive zone (identified as such in HRM's regional plan) and subject to regular tidal inundation. The Minutes surf park will keep the area natural and preserve the existing ecological processes and habitat value of the area.

Surfing is an increasingly popular (and very low impact) recreational activity. Surfing can bring economic benefits by supporting (or establishing) local businesses, restaurants, and accommodations. Surfers tend to travel to surf destinations, and a municipal surf park will certainly position HRM as a leader in Atlantic Canada in providing facilities to the surfing community.

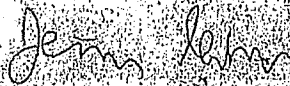
The surfing community is effective at creating economic opportunities. The EAC has worked with various local and provincial surfing organizations on a range of activities and initiatives including the recent Eco-Warrior surf competition at Lawrencetown beach, and establishing billboards promoting responsible surf etiquette. The surfing community is community-minded, and very able to work with private sectors, government, and community to promote events, leverage funds and other resources, and implement fun, inclusive, and professional events.

Lastly, the creation of the surf park at Minutes will go a long way towards minimizing some of the recent conflicts around coastal access that are escalating all over the province. Beaches are one of the most popular public resources. Because individuals need access to beaches in order to enjoy them, beach access is probably the biggest "lightning rod" for conflict in coastal areas. HRM has a unique opportunity to provide coastal access not just to surfers, but to hikers, beach-

combers, and others who enjoy a "day at the beach". The proposed surf park will also benefit public safety as the proposed park includes a parking area that will keep cars safely out of the way of passing traffic.

With HRM's coasts under increasing development pressure, I urge Council to proceed with the purchase and operation of a surf park, which will provide clear and tangible benefits to our community.

Sincerely,



Jennifer Graham

Coastal Coordinator

Ecology Action Centre

442-5046

coastal@ecologyaction.ca

Jan Skora - Surf Access in Cow Bay

From: "Steve Dunn -X (stdunn - Strataserv, Inc at Cisco)" <stdunn@cisco.com>
To: <barkhoj@halifax.ca>
Date: 01/12/2008 8:47 PM
Subject: Surf Access in Cow Bay

Hi Jackie,

My name is Steve Dunn. I'm sure you are aware of the Coastal Access Committee's bid to acquire the small piece of land on Cow Bay Road to ensure continued access to the surf for the NS surf community. I would just like to take this opportunity to briefly express my opinion on the matter. I think this is a matter of high importance and should be treated as such in council. The number of residents in your district who surf is growing by the week. The surf community in NS in general has grown by over 100% in the past 3 years and by and by I'm sure 200% in the past 5 years. Ensuring secure and viable access to the coast is of great importance to this growing community and will only increase in importance in the future. Coastal access should not be restricted to the NS provincial/regional park beaches. These surf spots, such as 'Minutes' in Cow Bay are a finite resource and access to them needs to be protected.

That's all. Just wanted to weigh in.

Thanks for your concern on this matter.

All the best~

Steve

Steve Dunn
Project Manager
Sales Program Office

stdunn@cisco.com
Phone: 1-902-474-0204
Mobile: 1-902-802-1616

Cisco Systems, Inc.

Canada
SPO @ Cisco



Think before you print.

Jan Skora - potential purchase by HRM of Minutes access point (Jakeman property)

From: "Dusan Soudek" <soudekd@ns.sympatico.ca>
To: <kellyp@halifax.ca>, <barkhoj@halifax.ca>
Date: 02/12/2008 9:07 AM
Subject: potential purchase by HRM of Minutes access point (Jakeman property)
CC: "Jan Skora" <skoraj@halifax.ca>, "Peter Bigelow" <bigelop@halifax.ca>

To Whom It May Concern:

I am writing on behalf of the Environment Committee of Canoe Kayak Nova Scotia, an association representing our province's recreational canoeists and kayakers, to express our wholehearted support for the proposed purchase by HRM of the Jakeman property, thus securing public access to the Minutes surf break. The issue was reported on by The Chronicle Herald on November 28.

I would like to point out that the break is famous not only among surfers but also among surf kayakers, not to mention spectators and other surf watchers. During the low-surf summer season the Pensey Head site could serve as a landing for sea kayakers and canoeists.

The above section of Eastern Shore is undergoing rapid residential development, and public access to the water is becoming rare. Let's avoid future conflict between residents and visitors to the surf break. I urge the HRM Council to support outdoor recreation within the municipality and to vote for the purchase of the Jakeman property.

Yours sincerely,

Dusan Soudek MD
Chair, Environment Committee
Canoe Kayak Nova Scotia
www.ckns.ca

222-2041 cell

Jan Skora - CAC - Minutes (Tofino case study)

From: Aaron Jackson <aaronjacksonsurfs@hotmail.com>
To: <streets@halifax.ca>, <barry.dalrymple@halifax.ca>, <david.hendsbee@halifax.ca>, <lorelei.nicoll@halifax.ca>, <mccclusg@halifax.ca>, <andrew.younger@halifax.ca>, <karsteb@halifax.ca>, <barkhoj@halifax.ca>, <smithj@halifax.ca>, <wilema@halifax.ca>, <blumenj@halifax.ca>, <sloaned@halifax.ca>, <utecks@halifax.ca>, <jennifer.watts@halifax.ca>, <walkerr@halifax.ca>, <humd@halifax.ca>, <mosherl@halifax.ca>, <adamss@halifax.ca>, <brad.johns@halifax.ca>, <harveyb@halifax.ca>, <outhitt@halifax.ca>, <rankinr@halifax.ca>
Date: 02/12/2008 10:59 AM
Subject: CAC - Minutes (Tofino case study)
CC: <iarch@hotmail.com>, <coastalaccessns@gmail.com>

Dear Councillors,

I am a surfer and surf film maker who lives in Seaforth, Nova Scotia and who was raised in Dartmouth NS. When buying a place in Seaforth I also looked at Cow Bay as an option for real estate, purely because of the surf.

I made tourism films for the 2010 Olympics, Canada Tourism, BC Tourism and many other smaller Tourism boards including that of a small surf town on the west coast of Vancouver Is, Tofino. After 27 years surfing in Nova Scotia and British Columbia and as the first to make a Canadian surfing film, I have had much opportunity to witness the explosive trends in surfing on both coasts and examine them from a business and surfer perspective.

Tofino, BC is a great example of one of the only other Canadian towns who's council had the opportunity to seize the potential community benefit that surfing offered. For years they denied this potential and for years they missed several great business, tourism and community benefits.

Now, several years after local Tofino community and business leaders took this opportunity seriously, surfing represents several millions in dollars for the community annually and has brought the community together with a healthy activity that has a rich national and global history.

Cow Bay represents the only surf destination that is less than an hour from a major centre in Canada. This is a very significant benefit to HRM in terms of a unique community activity, a tourism draw and a long term, sustainable resource for local businesses. Minutes is a world class destination sitting in Cow Bay. This I can say whole heartedly after traveling to many of the best surf destinations in the world.

If you would like more information on ways to embrace surfing in your community or would like to speak to some relevant contacts in Tofino as a case example, I will help to connect you.

From a surfer's perspective the inherent value of easy access to Minutes is obvious. For someone not involved in the sport it may be less obvious but can be shown with some basic research data and supporting case examples like Tofino.

Please embrace this opportunity before it is lost for ever.

Sincerely,

MEMORANDUM

DATE: November 20, 2008

TO: Jan Skora, Réal Property Planning

COPY TO: Carla Thistle, Réal Property Planning
Sean Audas, Development Officer

FROM: Cathy Spencer, Development Officer

RE: Jakeman Property, Cow Bay Road, Cow Bay (PID 40263915)

The front and rear portions of the Jakeman property at 1781 Cow Bay Road are zoned RA, Rural Area Zone while a large wetland through the middle of the property is zoned EC, Environmental Conservation Zone. I've attached a plan showing the zoning of the property.

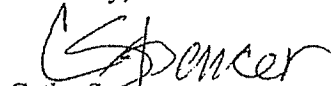
The EC Zone prohibits infilling and excavation of lands within the EC Zone, but does allow for the placement of a boardwalk or trail across the wetlands.

The RA Zone allows for development of a single unit dwelling. A permit for a single unit dwelling could be issued for the Jakeman property, provided the proposed development meets Land Use Bylaw requirements for setbacks, lot coverage, etc, National Building Code requirements and NS Environment (Health) requirements for the installation of an on-site sewage disposal system for such development.

I understand the Municipality is contemplating acquisition of this property for recreational use. This is to advise that the RA Zone will permit recreational uses and an associated accessory use such as parking for that recreational use.

I trust this is the information you are looking for, at this time. If you have any further questions please let me know.

Sincerely,


Cathy Spencer

