



**Subject:** *Meadow View Way Open Space Parcel PID 45354677*  
**To:** Parks, Recreation & Culture Committee  
**Date Prepared:** October 31, 2023  
**Related Motions:** C23(210)  
**Prepared by:** Evan MacDougall, Manager of Parks and Buildings  
Alana Tapper, Director of Parks, Recreation and Culture  
**Approved by:** Kim Ramsay, CAO

---

### Summary

In December 2022, staff brought forward a report recommending that Council declare PID 45354677 on Meadow View Way in Belnan surplus for disposal and that the designation and zoning be changed to Country Residential (CR) as part of the plan update. As part of Council's consideration of the open space disposal, neighboring land owners were opposed and the open space disposal did not proceed. As a result of this discussion, staff committed to come back to Council with a more viable secondary road access for Council consideration.

Following the Nova Scotia wildfires, Council passed motion C23(210) in June 2023 that directed staff to discontinue allowing developments to exceed the 100 unit minimum before requiring a second entrance/exit when negotiating development agreements prior to coming to Council.

This report seeks Council direction on the future of PID 45354677 as it is adjacent to PID 45333333 which has a preliminary plan of subdivision for less than 100 units.

### Financial Impact Statement

The estimated cost to deem the lot surplus and subdivide it into a separate lot for the road construction is \$7,000. The road construction estimate is between \$60,000-\$75,000.

### Recommendation

Staff are recommending Council proceed with the open space surplus property disposal process for the parcel of land required for the road, allowing for the construction of the road on that subdivided parcel and transfer to the Municipality.

### Recommended Motion

***Move that the Parks, Recreation and Culture Committee recommend to Council to declare surplus the section of PID 45354677 required for the future public road between Meadow View Way and the proposed development on PID 45333333.***

---

### Background

A preliminary subdivision application for PID 45333333 was submitted to East Hants for review in 2022. As part of the initial review, it was determined that there was an opportunity to improve both pedestrian and vehicular connectivity in the Garden Meadows Subdivision. As a result, staff requested that Council determine that PID 45354677 be identified as surplus open space lands and authorize staff to dispose of the open space lands in accordance with the Council Disposal of Surplus Property Policy.

In December 2022, staff brought forward a report recommending that Council declare PID 45354677 on Meadowview Way in Belnan surplus for disposal. As part of Council's consideration for the open space disposal process required by the Municipal Government Act (MGA), neighboring land owners were opposed, the open space

disposal did not proceed and the land remains in the open space inventory. As a result of this discussion, staff committed to come back to Council with a more viable secondary road access for Council consideration.

In June 2023, following wildfires in various locations throughout Nova Scotia, Council passed motion C23(210) that directed staff to discontinue allowing developments to exceed the 100 unit minimum before requiring a second entrance/exit when negotiating development agreements prior to coming to Council.

---

## Discussion

The preliminary plan for PID 45333333 prior to the open space disposal had a secondary entrance/exit on Meadow View Way through the former open space parcel (see below Preliminary Plan PID 45333333).



**Preliminary Plan PID 45333333**

This secondary access aligned well with the Parks, Open Space and Active Transportation Master Plan by providing increased connectivity with Garden Meadows, better access to Royal Oaks Playground (see below Royal Oaks Playground, PID 45333333 and PID 45354677) and provided more efficient service delivery for solid waste collection, snow clearing and emergency services.



**Royal Oaks Playground, PID 45333333 and PID 45354677**

Legal has advised that the Municipality does not have authority to construct a road on an open space parcel unless one of three options is fulfilled: 1) the lands are designated as surplus property and sold; 2) consent is obtained from all of the owners of all the lands in the subdivision or 3) to expropriate the lands to remove the

restriction that PID be used for open space purposes (parks, playgrounds or other public recreational purposes). The second and third options are less viable as obtaining written consent from the adjacent landowners could prove challenging and would only work if all agreed, i.e. a majority of adjacent landowners could agree, but only one not agreeing would result in this not moving forward. While expropriation was provided as an option and the intent would be to remove the restriction that only permits parks and other public assets to be built; there is no precedent for expropriating lands already owned by the Municipality to change the use. This could also be an expensive process as the land required would have to be surveyed and appraised to determine if any damages would be payable.

If the surplus property process were to be re-engaged, the intent would be for the Municipality to subdivide the parcel required for the road, sell the land as part of the RFP process to get the road constructed and then the contractor would deed the road back to the Municipality.

The proposed plan (see above Preliminary Plan PID 45333333) previously discussed at Council indicates a buffer along 146 Meadow View Way. This plan would leave approximately 3.8 acres on one side of the proposed road unaffected and around 2500 sq meters on the other side (buffer along 146 Meadow View Way) unaffected. In total, a small portion of the 4.2-acre parcel would be required for the road, leaving approximately 4-acres remaining as open space.

#### DISPOSAL OF OPEN SPACE PROCESS

Both the MGA and the MPS have regulations and policies that stipulate the process for the disposal of open space. Provision 273(13) of the MGA states that *“Where council determines that any land transferred pursuant to this Section might no longer be needed for parks, playgrounds or similar public purposes, the council may sell the land, after notifying the owners of lots in the subdivision with respect to which the land was conveyed to the municipality, by notice published in a newspaper circulating in the municipality at least fourteen days prior to the council meeting at which a decision to sell will be made, and the proceeds shall be used for parks, playgrounds and similar public purposes.”*

#### DISPOSAL OF SURPLUS PROPERTY POLICY

If Council deems this section of PID 45354677 as surplus land, the section of property will be disposed of within a Request for Proposals, where a road construction contractor would buy the section of land, construct the road and transfer the section of land with the constructed road back to the Municipality for a set price.

The developer of the proposed adjacent development may choose to bid on the RFP for the surplus parcel and road construction, but they are not required to move forward with this process if approved. The section required for the road has to transfer out of Municipal ownership for the open space covenant to be removed. The Municipality would then have to buy back the completed road at the RFP bid price, which would include the cost of road construction, property purchase price, legal costs and expected profit margin.

#### STRATEGIC ALIGNMENT

The consideration of disposal of open space aligns with the Strong Community Strategy, which promotes long-term strategic planning of parks and ensuring that the Community Plan is effective in managing community character.

Building sustainable infrastructure is key to a healthy community. One of Council’s primary objectives is to plan for and create transportation infrastructure that improves the connectivity and accessibility of roads, tourism routes, multi-use trails, and active transportation networks. This project would feed directly into this objective.

#### LEGISLATIVE AUTHORITY

Section 273 of the MGA permits Council to consider the disposal of open space in relation to provisions of the MGA. The Municipal Planning Strategy and the Disposal of surplus property policy also provide a framework to Council on the disposal of open space.

## FINANCIAL CONSIDERATIONS

If Council wished to move forward with disposal of the open space parcel, there would be a cost for the public notification via the Chronicle Herald ad and 300 m mail out.

The estimated cost to deem the lot surplus and subdivide it into a separate lot for the road construction is \$7,000. The road construction estimate is between \$60,000-\$75,000.

---

## Alternatives

1. Obtain written consent from all the landowners in the subdivision to subdivide and deem the section surplus for road construction.
2. Expropriate the lands and move forward with the road construction.