

Smith Creek Community Advisory Group Meeting Notes July 16, 2015 5:00 pm

In Attendance

- Wanda Bogdane, Recreation
- John Borrowman, Town Council - Mayor
- Kyla Conner, Canmore Resident
- Ken Davies, Recreation
- Karsten Heuer, Environmental
- Pat Kamenka, Canmore Resident
- Sean Krausert, Town Council – Councillor
- Paul Lessard, TSMV Resident, Canmore Business
- Andrew Nickerson, Canmore Business and Tourism
- Chris Ollenberger, Owners Representative for TSMV

CAG Support

- Lori Van Rooijen, Facilitator
- Tracy Woitenko, Town of Canmore
- Jessica Karpat, QPD
- Kate van Fraassen, Town of Canmore
- Andrew Nakazawa, QPD
- Alaric Fish, Town of Canmore

Agenda

1. What are we hearing in the community?
2. Notes from June 25, 2015
3. Review of background information
4. Meeting schedule
5. Wrap up

Agenda Item 1: What are we hearing in the community?

- While the community is curious about the vision for the lands, they are also hopeful that this will give some certainty to how the lands will be developed - residents in TSMV want more certainty about the development – will it happen or will it not?
- Many are bringing up past issues that weren't resolved and want the process to provide the confidence that this will happen in a way that has the least impact – most know something will happen and they know there is history and wonder if this process be better

- There is some concern that the ASP TOR was not reviewed extensively by the Committee before going to Council, and while this was addressed by Council, they are concerned it got the process off on the wrong foot
- There is a hope that other experts will be invited to discuss the issues with the CAG. There is a concern that TSMV will be the sole source of information for the group. All agreed, including TSMV, that the intention to bring in specialists/experts in different fields will be an important part of this process to provide. This will strengthen the recommendations from the CAG.
- There was a desire that the CAG has good discussions that present ideas that TSMV can work with and a concern about how input would be sought from the community. There is a need to know more about how the process will work and what the various roles will be. For example, some wondered why the CAG meetings weren't public and how would input from the public be incorporated into the plans for the future.
- Some members heard many times in the community that the CAG will only be a rubber stamp for what happens with the land and the resulting plan. Some are wondering how trust will be established and how Council will eventually make a decision
- Some in the community have contacted the Town with a concern around the process to determine wildlife corridors. The NRCB Decision acknowledged that input was helpful in their last decision. All acknowledged that the Province has the authority to set wildlife corridors. However, if there is an opportunity for input that would be welcome.
- Community has concerns with the issues associated with undermining in the Smith Creek area and used the Dyrkas Gate in another area of Three Sisters. Some are wondering how this will be addressed?
- Much of what the community wants to know is about the granular detail of the proposed development but this is beyond the ASP level and will be addressed at later stages in the planning and development process.

These items have been answered throughout Agenda item 3.

Agenda Item 2: Notes from June 25, 2015

Discussed notes from June 25, 2015 Community Advisory Group Meeting and agreed that the notes represented the conversation. As the CAG is advisory, formal minutes are not necessary. Notes from each meeting will be posted after members have an opportunity to review, agree on content and share with their own constituent group.

The CAG discussed in-camera topics and confidentiality of those discussions. In-camera notes will be kept by the facilitator and will be reviewed at the beginning of each meeting. The CAG discussed the collaborative process established for the Smith Creek ASP and agreed that it is an iterative process so ideas and concepts will change and some items will need to be confidential. The CAG will be integrally involved.

At the last meeting, the Terms of Reference for the Community Advisory Group were briefly discussed. Members of the CAG were asked to review in detail. The Terms were reviewed and agreed that the Terms were clear and no changes to the Terms were necessary.

Agenda Item 3: Discussion on Background of the Area

- The Community Advisory Group met for a second time on July 16. While TSMV provided most of the background, other CAG members were encouraged to share perceptions and experiences from previous processes.
- The focus of the meeting was on providing members of the group new to the history of the development with background information so we can start our discussions in August with the same understanding of the constraints and opportunities.
- During the review of the background information, the CAG covered some major topic areas and had early open discussions about the different aspects of the project including:
- History of the lands – mining, tourism, development
- Ownership of the lands in and around Canmore showing key areas, boundary of Canmore and MD of Bighorn, developable vs undevelopable, Thunderstone Quarry (lease and owned mining operations) and the extent of Three Sisters lands (Resort Centre, Stewart Creek, Sites 7, 8 & 9).
- Previous processes – community and developer perceptions and the precedent of working with each other in this collaborative process. All agreed that there is good value in working through the common issues that people deal with as this will create a place/community that people want to live in.
- Previous decisions including those made by the NRCB with regard to wildlife corridors, how the Policy flows from the NRCB Decision Report, what has changed and the acknowledgement made by the NRCB of community input into their last decisions on wildlife corridors (not legal but certainly good correspondence)
- Undermining across the entire area including a detailed review of areas
- Wildlife corridors both existing and previously proposed, science behind the slope and size of corridors
- A vision for the development
- Members of the CAG asked a number of questions throughout the review which lead to an open discussions of a number of issues and concerns. Those questions and answers follow.

ASP Process

Will the discussions of Community Advisory Group be made available? How will we ensure a transparent process?

- The CAG discussed that it is a selection of volunteers; a cross-section of the community who represent a range of local perspectives. Members of the CAG were clear that they know that they represent many people and ideas from their community and agreed that they will be speaking to and engaging with their constituency groups about the various items being discussed at the CAG meetings.
- Like other processes, planning for the Smith Creek ASP is an iterative process. The group agreed that some of the information that is shared with the Group is very preliminary and is, in some cases, not completely thought through.

- The concern is that releasing very preliminary thoughts or ideas could create the wrong expectations and worse, confusion.
- The CAG discussed its role in providing an opportunity for the Town and TSMV to discuss ideas and solutions to some very complex issues facing the area – to act as a sounding board.
- The CAG will be able to provide input into improving functionality of existing approved wildlife corridors and how to complete the next pieces
- It is the intention is that the ideas, concepts and potential solutions discussed by the CAG will form the basis of discussions with the public and ultimately, the basis for the recommendations coming from the CAG.
- Notes of all meetings will be posted to the web after the CAG has an opportunity to review and confirm.
- Topics for discussion at each meeting will be posted to the web so that members of the public know what is being discussed.
- A schedule of public events and activities will also be posted.

Will the recommendations coming from the CAG negate opinions and concerns of others?

- One of the goals of the CAG is to look at all the input and feedback from the community meetings, workshops, open houses, and online activities.
- While this collaborative process is new to the Town of Canmore, it is the hope, that where possible, the recommendations put forth by the CAG to the Town and Council will reflect the input and feedback received.
- The CAG discussed its role. It was noted that landowners in the past have developed concepts and ASPs in isolation often with little or no input from the community.
- The CAG is important to the collaborative process established for the Smith Creek ASP as it provides an opportunity for broader discussion of the issues and opportunities in greater detail.
- It was noted that there must also be a public and legislated process followed by the Town before any Council debate to approve the new ASP occurs. This will occur once the landowner has an ASP ready to submit.

Having Council members on the CAG may make it more powerful – will other members of Council have a clear voice?

- The CAG discussed the process in detail noting again that there will be a fully public and legislated process that will need to be followed by the Town administration before any Council debate to approve a new ASP occurs.
- Before submission of the ASP and in addition to the discussions at the CAG, there must be opportunities for the public to provide input and give feedback.
- The CAG agreed that in the end, all Council members will need to balance the desires of the community with the needs of the developer for financial success and of the Town for long term sustainability and, all of this will need to be reviewed with the requirements under law for the development of lands within the Town of Canmore in mind.

How will members of the public be engaged in this process?

- The CAG is only one opportunity for the Town and the developer to seek input and feedback on ideas and concepts in this process.
- The Town and TSMV discussed ideas for public input. There will be many other opportunities for the broader public to participate in the ASP process including traditional means such as open houses to less traditional means such as solutions based workshops, through social media and PlaySpeak, an online engagement tool. The early open house on held on May 20th, 2015 Open House is the first example of this broader engagement.
- In addition, as indicated information will be posted on the website regularly including the notes from the Community Advisory Group meetings and regular updates will be provided to Council. These Council updates are also opportunities for members of the public to participate.
- The collaborative process established for the Smith Creek ASP is iterative. The process is about creating balance and focusing on solutions that work for the community, the Town and TSMV.
- The Town and TSMV anticipate that a public discussion on the constraints and opportunities, the first draft of the concept, and an opportunity to discuss wildlife corridors will occur with the broader community in the fall.

How is the MD of Bighorn involved in the ASP process? Do they have authority to influence decisions/plan?

- The MD will be like any other adjacent landowner and will have an ability to support or oppose the proposed ASP. When an application comes into the Town, it is circulated to adjacent landowners for their review and comment. The same will happen here.

Are the plans proposed by the MD of Bighorn for Dead Man's Flats ASP against the BCEAG Guidelines?

- Yes, the plan that is proposed does not meet the BCEAG guidelines.
- There is a public hearing on Wednesday July 22, 2015 for Dead Man's Flats ASP. This is the area just east of Smith Creek boundary and it includes the development of an industrial area in the future.
- The Town has concerns about the continuity of the wildlife corridor and so will oppose the ASP.
- As will TSMV. Over the years, TSMV has given 1,000 of acres to ensure corridors and this development will sever the continuity of the corridors established through the land given up by TSMV.

Land Use and Planning

How does TSMV prefer to develop land within Three Sisters?

- With the exception of Cairns on the Bow, TSMV prefers to sell blocks of land to builders rather than selling single lots to individual home owners.

What is the DC 1-98 Bylaw?

- The Town discussed background history to DC 1-98 Bylaw. The DC Bylaw was created as a result of the Three Sister's MGB appeal on development within the Peaks of Grassi. As a result, the Town and Three Sister's negotiated the 1998 Settlement Agreement, which outlined the process by which future land use approvals would take. The Master Zoning Bylaw DC1-98 provides direction for future development, including types of land uses and approximate maximum density and floor area.

Are approval processes the same for residential and commercial?

- Yes, although there are different planning and technical requirements for each.

What role do developers have in planning and servicing (sewers, water) the development?

- In most developments, the developer is typically responsible for the planning, engineering and construction of all the services required by the development including sewers, stormwater ponds, water lines, roads, pathways and transit stops.
- The Town has specific standards which inform the planning and engineering and ultimately approve the plans developed by the developer.
- The Town inspects facilities, roads and pathways during the process of construction to ensure compliance. Ultimately, when complete, these facilities, roads and pathways are turned over to the Town.

Does TSMV work with the Town to determine appropriate transportation infrastructure? How is the Town involved in determining the transportation solutions?

- A Transportation Impact Assessment (TIA) is completed by a qualified transportation engineer with guidelines and background information provided by the Town.
- The Town of Canmore uses the City of Calgary's new complete streets standards which are considered to be leading edge.
- While the engineer works for the developer, the Town will ask for changes and ultimately, sign off on the final report.
- The Town has to balance road standards with safety/first responders' standards.
- There is a delicate balance to work with technical details/ constraints/ what people want/fiscal requirements/environment and social issues.
- While borrowing ideas from other jurisdictions is good all agreed that the need to incorporate local concerns and solutions will be critical.

What determines a successful development?

- The CAG discussed the costs and significant risk is undertaken by any developer to build and service new developments given the constraints of the area – topographical, undermining and wildlife corridors being the largest constraints.

- The CAG discussed the need for the development to be financially successful and agreed that no one is saying development shouldn't happen.
- Financially successful developments provide the Town with a new tax base and ultimately, sustainability over time. Utilizing public infrastructure such as interchanges that are already in place are important to ensuring that the infrastructure is not underutilized.
- Increasing density in areas doesn't always create more revenue for a project. Road allowances, pathways and the physical constraints of the lands add up and this often affects housing plans.

What is the role of the purpose statement in the land use bylaw?

- The purpose statement is intended to illustrate the general intent of a land use district. They are used to summarize the intent of how, where, and when to apply the district or why the custom district has been created (in the case of Direct Control districts). The purpose statement can be useful for assisting with interpretations of detailed implementation of the regulations, but is of lower "authority" than the regulations of the district.

What are the costs associated with development?

- Typically there are four types of costs associated with development projects before the homes are built.
 1. Land costs and carrying costs (interest rates, assessments)
 2. Planning services including concept development, background studies, engagement processes, fees for applications and detailed plans for servicing and infrastructure
 3. Building the infrastructure such as storm ponds, roads, water and sewer services, lift stations, etc.
 4. Building community amenities such as play areas, parks, trails and pathways

How are things like walkability, biking and trails, recreation decided in the process? How are these reflected in the ASP? What input do you need from the CAG?

- There are a number of statutory plans that frame and guide the development of Towns and Cities over time. Each Municipality is responsible to create a hierarchy of planning instruments. Higher level plans such as a Municipal Development Plan (MDP) has general policy statements and is broad brush in its content. Lower level plans such as the Land Use Bylaw are more specific and detailed in their content.
- All plans are guided by the Municipal Government Act. The Act is provincial legislation that identifies the roles and responsibilities of the local planning authority, in this case the Town of Canmore. The purpose is to ensure a) the orderly, economical and beneficial use of land and the pattern of human settlement and b) maintain and improve the physical environment within which the pattern of human settlement are situated in Alberta.

A Municipal Development Plan (MDP): describes the vision for the Town/City and makes broad statement about the values and goals of the community. It defines broadly how a Town will grow over a longer period of time.

“The role of the MDP is to provide the policies and guidelines that will direct the future growth and development of the Town of Canmore. The Plan is primarily concerned with the orderly and economic distribution of land uses, the form of future development, and the protection of key natural areas that are critical to the ecological preservation of wildlife movements and habitats within the community, throughout the Bow Corridor, and beyond. The Plan defines the general type and location of development that will be appropriate in Canmore. This information will be used by Town Council and administration, residents, and landowners to ensure a consistent and coordinated approach to decision-making about future development within the Town. Consequently, the Canmore Municipal Development Plan shall be regarded as the principle long-range land use planning instrument of the municipality.”

<http://smithcreekcanmore.ca/files/9214/3285/1761/Municipal-Development-Plan-March-2011.pdf>

An Area Structure Plan (ASP): provides a framework for the subdivision and development of an area. This is achieved by describing, among other things, proposed land uses, public open space and trail systems, population density, environmental sensitivity, the location of transportation routes, the location and method of utility servicing, phasing of the development, any site specific issues (i.e., escarpments, slopes, or river setbacks) and other matters Council deems necessary.

“An ASP contains policy statements that allow the Town of Canmore to review and evaluate specific development proposals against. An ASP can be viewed as an intermediate step between the Town’s Municipal Development Plan, and future re-zoning and subsequent subdivision. An ASP contains a conceptual framework for future development. In contrast, the Land Use Bylaw contains land use districts which provide specific regulations detailing the maximum heights, front and rear setbacks for buildings, and the types of uses and building forms.

Once adopted, all future land use changes (rezoning), subsequent subdivision and development within the area must conform to the policies set out in the ASP.”

http://smithcreekcanmore.ca/files/1214/3637/6760/20150707_Smith_Creek_ASP_TOR.pdf

Land Use Bylaw: regulates and controls the use and development of land and buildings within the Municipality to achieve fair, orderly and economic development of the community.

“Specifically, the Land Use Bylaw, in accordance with provisions of the Municipal Government Act, amongst other things: a) Divides the Town of Canmore into districts; b) Prescribes and regulates for each district, the range of Permitted Uses and Discretionary Uses and purpose for which land or buildings may be used; c) Prescribes and regulates for each district, the design of sites and buildings; d) Establishes the office of the Development Officer; e) Establishes a method of making decisions on applications for development permits including the issuing of Development Permits; and f) Prescribes the procedures to notify owners of land and citizens likely to be affected by the issuance of a Development Permit.”

<http://www.canmore.ca/Municipal-Services/Bylaws/Land-Use-Bylaw-22-2010.html>

Wildlife Corridors

What is the ideal wildlife corridor and where are the conflict points?

- General consensus in the community is that it is not reasonable for no development to occur and that there must be a balance.
- The conflict points are generally the interface between the corridor and the development and the types of human activities that occur within the corridors including dogs, walking, biking.
- The CAG reported that some in the community view the unfinished golf course as a buffer to the Wildlife Corridor. TSMV and Town noted that there is already a buffer separating the corridor and unfinished golf course.

How will the wildlife corridors be determined?

- The high level constraints and potential solutions to the connectivity of wildlife corridors in the Wind Valley area were discussed.
- Ultimately, wildlife corridors are a Provincial decision but the CAG stated that it would be helpful to have the Province provide an explanation to better understand Corridor rationale.
- The collaborative process to develop the Smith Creek ASP will be iterative. It was agreed that there will be opportunities for members of the broader community to provide input and feedback on the Smith Creek concept including wildlife corridors.
- The CAG will look at finding solutions on how to manage the impact of the lands adjacent to the Wildlife Corridor.
- The CAG agreed that the early discussion on the wildlife corridors for the Smith Creek area was positive.

How do we manage the interface between homes and corridors?

- The CAG discussed that while it is the Province's is responsible to establish the ultimate location of the Corridor, there are opportunities to discuss the ultimate interface between corridors and human activity within those corridors. This will form an important part of the discussion within the CAG meetings.
- The CAG discussed timing with a general understanding that the Wildlife corridor design and ASP process can be done concurrently and that the Wildlife Corridor does not need to be established and agreed upon before the DRAFT ASP Concept can be discussed.

Ownership of the Lands

What does the Ownership structure look like for Sites 7, 8 & 9?

- While the majority of land is held by the owners of Three Sisters Mountain Village Properties Ltd. There are other ownership entities within the Smith Creek Area including Thunderstone Quarry, the Province of Alberta, and the Town of Canmore (road right-of-ways). While largely

a majority ownership structure exists for most parcels, there are some cross overs in ownership with multiple owners having a stake in each parcel.

What is happening with the Quarry?

- Thunderstone Quarry owns the land it is currently mining and also has the mineral lease across the road in two areas that would allow for mining.

Undermining

What are the most severe areas of undermining?

- Smith Creek has little undermining within the plan area boundaries.
- The CAG also reviewed the varying degree or levels of hazard areas that affect development. There are very clear solutions to remediate and resolve those areas that are not as severe. The methods were discussed.

What are the risks for undermining? How can we ensure residents are comfortable with the solution? How will the sink hole be fixed by Dyrgas area?

- The Province has put in place an undermining review process that removes this from the authority of the Town on private lands. This covers most of the Three Sisters lands.
- The Town reported that a solution for the Dyrgas sinkhole is in its final stages and residents can expect this to be addressed in the fall.
- The CAG discussed the risks associated with development and undermining areas in general. Undermining is a concern for most residents.

How will the issue of undermining be addressed in the ultimate plan for development?

- Undermining is actually well mapped and the most problematic areas are known and therefore defined as not developable.
- Developable land within Smith Creek has very few undermining issues.

How do we engage those in the community with long standing knowledge of the undermining issues in the community?

- The CAG discussed the importance of these individuals to finding solutions to the issues facing the community. These individuals in particular provide an historical perspective and deep knowledge of mine operations over time.
- This in combination with the recommendations of practicing engineering professionals familiar with undermining issues in the area will be part of the solution to resolve the issues associated with undermining in the community.
- There are little to no undermining issues within the Smith Creek boundary. In addition, the Canmore Undermining Legislation ensures the safe development of those areas that are undermined. For those areas that are undermined and are proposed for development, a

qualified geotechnical engineer experienced with undermining in Canmore will be employed to provide professional advice. Public engagement on constraints for the Smith Creek area will be community wide and include a discussion on undermining.

What are the risks for development on undermined sites? How can we be sure that the residents are comfortable with the solutions?

- There are clear provincial regulations that must be followed and these are based on sound engineering principles.
- The issue of undermining really needs to be addressed well and soon as it is a reputational issue for the Town of Canmore and could affect property values if not addressed appropriately and explained clearly.
- The CAG agreed that better education and a clear plan of action would really reduce the stress of residents.

Agenda Item Four: Meeting Schedule

Reviewed schedule and made changes to September date – move to the 21st and 22nd of September, 2015. These dates have been confirmed.

The CAG also discussed the opportunity for a public discussion on the constraints and opportunities, the first draft of the concept, and an opportunity to discuss wildlife corridors will occur with the broader community. The intention is that this will happen in the fall.

Reviewed a draft of the meeting schedule and what is planned for each meeting, when experts might be brought in and where the broader community input and feedback fits in throughout the project. The CAG discussed the process in detail and were asked to provide feedback on the meeting schedule and topics. It is the hope that once we get to the end of this process, there will not be many things that have not already been discussed or brought up.

In Camera Items:

- Two items were discussed in Camera: Wildlife corridors and Undermining