

**PUBLIC HEARING MINUTES FOR MOUNTAIN VIEW PARK CONCEPTUAL
SCHEME AMENDMENT (BYLAW 019-09)
FOR THE TOWN OF CHESTERMERE
HELD MONDAY, MARCH 15, 2010 AT 7:00 PM IN
COUNCIL CHAMBERS AT THE MUNICIPAL OFFICE**

PRESENT: Mayor Patricia Matthews
Deputy Mayor Christopher Steeves
Councillor Stu Hutchison
Councillor Kelsey Johnson
Councillor Patrick Bergen
Councillor Heather Davies
Councillor Tim Reid

ALSO PRESENT: Terry Hurlbut, CAO
Ray MacIntosh, Director of Finance
Blake Termeer, Director of Public Works
Tracy Anderson, Director of Administrative & Legislative Services
John Popoff, Director of Planning & Development
Tammy Botsford, Recording Secretary

GALLERY: 27 people
1 media

A. CALL TO ORDER

Mayor Matthews called the meeting to order at 7:10 PM and provided an overview of Public Hearing procedures.

B. ADOPTION OF AGENDA

Moved by Councillor Steeves that the agenda be adopted as presented.

CARRIED:

C. BYLAW 019-09

Pursuant to the provisions of Section 692 of the Municipal Government Act, Chapter M-26 of the Revised Statutes of Alberta, 2000, and amendments thereto, the Council of the Town of Chestermere is considering Bylaw 019-09 being a bylaw to amend Mountain View Park Conceptual Scheme (Bylaw C-6474-207), adopted by Municipal District of Rocky View No.44 and annexed to the Town of Chestermere in 2009.

Chen Peng, Senior Planner, presented the information regarding

Bylaw Number 019-09, which is an amendment to the Mountain View Park Conceptual Scheme.

The Conceptual Scheme was adopted by Municipal District of Rocky View No. 44 on June 12, 2007. The Chestermere Annexation was approved by Municipal Government Board on March 18, 2009. Council adopted the Chestermere MDP on July 20, 2009.

The re-designation of the subject land from Ranch and Farm District under the M. D. Rocky View No. 44 Land Use Bylaw C-4841-97 to Rocky View Ranch and Farm District under the Chestermere LUB 99-600, as amended was granted by Town Council on July 6, 2009. The first reading of the proposed Bylaw 019-09 was granted on August 17, 2009. Third reading of Bylaw C-6865-2009 in respect to the proposed storm water management facility for Bayfield development was granted by Council of Rocky View County.

There is no time frame in which Council is required to act on a Land Use Bylaw Amendment request within the MGA. However, any bylaw requires three (3) separate readings by Council under Section of the MGA, and a Public Hearing must be held by Council prior to Second Reading of the proposed bylaw under Section 692 of the MGA. Section 188 of the MGA states that once First Reading is granted, the applicant must apply for Third Reading within two (2) years.

According to Section 4.0 of the Annexation Agreement between the Town of Chestermere and Municipal District of Rocky View No. 44 (now named Rocky View County), the Conceptual Scheme will continue to govern the subject lands until there is plan amendment or re-designation approved by the Town Council.

Staff received the application to amend the Conceptual Scheme in spring of 2009. First Reading of the proposed amendment was granted by the Town Council in August of 2009.

The changes of policies in the proposed amendment to the Conceptual Scheme are summarized as Exhibit B. The major changes to the Conceptual Scheme are as follows:

1. Adjusted development area according to the detail survey result;
2. Revised conceptual land use plan;
3. Adjusted Municipal Reserve area and location;

4. Adjusted the alignment of Township Road 243 according to Alberta Transportation functional studies for Highways 791/1 and Highway 1/1A;
5. Revised storm water management strategy, including the creation of off-site storm water pond and employment of LID;
6. Adjusted development criteria for residential, commercial and industrial lands to reflect the switch from rural to urban development as a consequence of the 2009 annexation approval and to comply with the Chestermere MDP; and
7. Revised the conceptual land use plan to accommodate an indoor sport complex to embrace the community's desire for additional recreational facilities in the Town.

The proposed amendment (Bylaw 019-09) and land use re-designation (Bylaw 020-09) has been circulated to all parties in accordance with the MGA in August of 2009. All of the circulation comments are attached as Exhibit C.

Alberta Health Services Calgary Health Region had reviewed the Environmental Impact Assessment for the Conceptual Scheme area and suggested that industrial residential interfaces be minimized and recommended that “any development that has the potential to adversely impact surrounding residential receptors (e.g. noise, odours, emissions etc.) should not be located in close proximity to residential or sensitive land use areas (e.g. Child care facilities, schools, parks and playgrounds) and approximate setback distances and/or buffers should be developed to ensure that future residential receptors are adequately protected.” Staff have been working with the development to add in a policy in the proposed amendment to address this recommendation.

Rocky View County has expressed the concerns with respect to transition of rural residential development in Rocky View County and proposed urban residential development in the Town, Staff considers that a proposed buffering green space 25-30 meter in width to the north of the Conceptual Scheme area between the two municipalities addresses this concern. With the recent approval from the County Council for the storm water pond bylaw, Staff believes the concern of storm water management proposal has been addressed.

ATCO Gas indicated an existing ATCO Gas main may be affected by this project and required that the development must determine the exact location before grading the land.

Calgary Catholic School District has objection to the proposed

uses and distribution of reserve lands contained, and the concern relates to the lack of future reserve lands intended for school purposes.

Rocky View School Division opposed to the proposed amendment and land use re-designation, due to the same concern as Calgary Catholic School District's.

To address their concerns, the planning consultant of the developer had communicated with two school boards and proposed a shadow land use layout for the rest of conceptual scheme area to the south of the applicant's land (Figure 6-2.1). The shadow land use plan illustrates there are two parcels in rectangular shape are joint together for possible school sites in the future. However, please note that the shadow plan is just conceptually illustrated; it can only be confirmed at the land use re-designation stage.

TELUS has stated the needs for 2 independent easements and associated construction specification to service the proposed residential and commercial development, as well as permanent road improvement to extend their service for the future development.

Energy Resources Conservation Board (ERCB) has identified an existing sour well and sour natural gas pipelines in the surrounding area. A minimum setback of 100 meters for development was also identified. After reviewing the attached ERCB's infrastructure map, Staff determines that it has minimum impact on the Conceptual Scheme area development.

Alberta Transportation(AT)'s final comments mentioned the following:

- The Town, the developer and AT have been communicating in the last few months with respect to the proposed Highway 1 & 1A interchange and its impact on the Conceptual Scheme area. The developer had revised the land use to reflect the proposed interchange.
- Due to the interchange has no a definite timeframe and it may be beyond the 20 year horizon, AT suggested a caveat be registered at the subdivision stage to the lands which may potentially be affected by the interchange and consequently separated as interim commercial use.
- Any future development within 300m of Highway 1 will need approval from AT.

The Town Engineer had a few circulation comments throughout the proposed amendment. Planning Staff had facilitated discussions between the Town Engineer and the applicant, and believes that all of the comments have been addressed by amending or adding policies or being dissolved through communication. Staff has confirmed with Town Engineer at the point of writing this report that there is no concern at this stage.

The following agencies have not replied to the circulation:

- ALBERTA ENVIRONMENT
- CANADA POST CORPORATION
- SHAW CABLE

Staff assumes these agencies do not have concerns since circulation responses have still not been received. Overall, all circulation comments have been forwarded to the applicant. In the event that Town Council approves this amendment request, Staff assumes that the applicant will work with these agencies and fulfill their conditions.

In respect to the public consultation, the developer had held an open house on May 6th, 2010. The notice to the public and adjacent neighbours was attached as Schedule D. The developer has also contacted the rest of landowners within the Conceptual Scheme area regarding their proposal. The letters of consent from the landowners are attached as Exhibit E. Only one owner did not have his support in writing, and his land is located at the corner of intersection of Highway 1 & 1A, and is potentially be affected by the expansion of the interchange.

The Public Hearing notice was advertised on February 25th and March 4th 2010 in “The Anchor”. Staff also hand delivered the written notice to the adjacent landowners on March 11, 2010. Therefore, the requirement stated in Section 606 and 692 of the MGA were fulfilled.

The proposed amendment generally complies with the Chestermere MDP and endorsing the triple bottom line principle to create a sustainable community through the follow development practice:

- accommodating a indoor sport complex;
- creating a live-work community and increasing local employment opportunity;
- diversifying the Town tax base by providing business park and regional commercial centre;
- employing Low Impact Design(LID) in Storm water

- management practice;
- providing a variety of housing types; and
- specifying the private-owned land servicing the community through designating a parcel as Community Services District.

Since the Town Council granted First Reading of the proposed amendment, Town Administration, including the CAO, Public Works, Engineering and Planning & Development have been working with the developer and some circulation agencies for six months. At this point in time, Staff believes that most concerns were addressed in the revised proposed amendment.

Planning staff recommends Council approve Second and Third Reading of Bylaw 019-09 as proposed.

Councillor Hutchison requested clarification regarding the height of the buffer above the road, size of the north-central portion of Municipal Reserve, future plans of MR and is the 6.55 units/acre applied only residential. Irwin Torry replied - plans are that the 5.65 acres of MR located near extension of Range Road 243/Bayfield Boulevard is to provide a neighbourhood park for the residents in that area. Because of the 100ft width east of 281, the developers intend to use natural, indigenous materials with meandering pathway, they are looking at potentially expanding the buffer, time and development permitting, however at this time, they do not have height details.

Councillor Reid requested clarification regarding the size of the green space allocated for the Amourdome complex – 23.4 acres.

Councillor Johnson requested the percentage of industrial versus residential for Stage/Phase 1, Stage/Phase 2 – Irwin Torry replied the Traffic Impact Assessment that was done, limits the developers to 50% of the industrial, 50% of the commercial and 100% of the residential but if Council supports the amendment for interim commercial, that is capped at 150,000 sq feet and that would be taken out of whatever permanent commercial is built because they are competing from a traffic perspective. In Stage 1, the developers can do 50% of 486,000 sq feet commercial (some 200,000 sq. ft), can do all of the residential and then light industrial/business park, is roughly 50% of their total of 3,890,000 sq feet.

Councillor Bergen asked about the proposed Amourdome site, does this building plan fit with the shape of the site that is set

aside and requested further clarification about the pathway system? Mr. Irving stated that the developers adjusted it to fit the Amourdome requirements. Where there is interface planning principles of residential and light industrial, there is continuous fencing, screening, pathway and landscaping – all oriented to the internal roads. The pathway system is a band of the Municipal Reserve; they are trying to tie this into the future pedestrian linkages and Municipal Reserve systems. Communicate every stage with Rocky View County – Chen Peng answered yes, providing all future circulations to RVC.

Mayor Matthews requested clarification regarding Low Impact Development plan – not all at once – subdivision by subdivision that the effect of the LID can be measured. During past annexation, ensured that neighbours to borders would be consulted during development processes? Is this open space essentially going to be “the berm” landscaped? Irwin Torry told Council that it will be undulating berm/trees and have a natural look to it.

D. IN FAVOUR

Guy Buchanan, President of CENTRON Residential Corporation

Representing Homburg Centron Development Limited, owner of lands subject to this hearing, spoke in favour. Thanked CAO Hurlbut, Planning & Engineering Department staff for working with their team to advance this project to this important milestone. After many months of information gathering, analysis, planning and engineering, public consultation and interaction with town staff. Page 6, line items 227-240 of the staff review memorandum regarding the conceptual scheme amendments clearly identifies the extent of the public consultation conducted by Centron. An Open House was held on May 6, 2009 after posting notices in two local newspapers and either hand-delivering or mailing notices to adjacent land owners and residents. Approximately 100 people attended the Open House. They received two verbal negative responses to the proposed development and these related to not wanting any development at all. In fact, they received many, many positive comments regarding the inclusion of commercial uses and the provision of a variety of housing opportunities for this town. In addition, Centron mailed and hand-delivered notices to residents adjacent to the storm pond regarding an Open House that was held on February 24, 2010 to discuss the storm pond

proposal. No one attended the Open House. The County also advertised the notice for the Public Hearing in the local newspaper. The Public Hearing was held March 2, 2010 in Rocky View County, their Council unanimously approved second and third reading of the Bylaw to facilitate the storm water solution for Bayfield. Centron facilitated the agreement between the Town of Chestermere and Rocky View regarding cooperation and sharing in the capacity of the facility. This storm water solution is innovative and provides a huge competitive advantage for Centron and the Town of Chestermere in that we will not be at the mercy of others regarding timing and cost to providing storm water servicing. In addition, the solution is very environmentally responsible and will result in a reduced need for potable water to irrigate public uses. Centron is here today to speak in favour of the Bayfield Land Use Application. This is a very important step for us and they are eager to get going on the next stage which is the detailed engineering and aggressively marketing this project. Bayfield will not only benefit existing residents by offering a variety of commercial and recreational opportunities but it will diversify Chestermere's tax base.

Irwin Torry, President torry planning consultants ltd. 1050 West 19th Street, North Vancouver, BC. Planning Consultant working for Homburg Centron for this project. Mr. Torry spoke in favour.

The application before Council consists of two components. The first component focuses on the proposed amendments to the existing conceptual planning scheme, Bylaw 019-09. The second component deals with land use contained in the Bylaw 020-09.

Regarding Bylaw 019-09, this deals with the refinement of the total study of the acreage and that is a result of the developers completing detailed surveys for their land and using the most up to date assessment information for the other holdings. As a result of functional planning studies by Alberta Transportation for Highways 791 and Highway 1 plus Highway 1 and 1A, a bunch of the statistics within the document had to be changed to reflect different consumption and use of land. As Mr. Buchanan referred to before, the original concept for Mountain View Park contemplated a series of small ponds that all drained to the north-east and then the storm water was going to be pumped by force main up to McElroy Slough. Following meetings with the WID, we were uncertain as to whether or not they would even accept our storm water. As a result, Homburg Centron retained Stantec Corporation, who came up with a totally self-reliant storm

water management system strategy whereby the water is sent over to our storm pond, naturally treated. They also have a constructed wetland and the excess water can then be pumped back to be used as irrigation water for the Municipal Reserve sites in the Bayfield area.

Under the existing scheme, the policies made reference directed to residential densities being calculated on a gross-developable acreage bases, yet when looking at the tables, they actually used the net-developable area. As a result, they reviewed these inequities with the Planning staff, explained the methodology and revised the appropriate tables. Overall the residential density is 6.55 units per gross developable acre and that is within the five to seven units per acre that was recently adopted in the town's Municipal Development Plan.

The conceptual scheme used a site-coverage ratio of 30% for industrial areas to regulate overall development. In total, some 5,675,000 square feet of space can be developed. The original land use application contained 298 acres of land which would have generated 3,890,000 square feet of space. With design amendments to accommodate Alberta Transportation's future widening on 791 and the interchange of Highway 1 and 1A, plus the provision of a 24.3 acre municipal reserve site for the future recreational facility, the amount of industrial land was reduced to 248 acres, using the 30%, translated to 3,237,000 square feet of space. Given Council's desire to diversify the tax base, coupled with the need to increase the site coverage on smaller industrial lots, the proposed amendments increase the site coverage from 30% to 50% yet still remains within the original density restriction of 5,670,000 sq. feet in total or Homburg Centron, 3,890,000 sq. feet. So they are respecting the total caps, but asking for the flexibility in building coverage on smaller lots.

Site coverage for commercial development was originally limited to 25%, and a total of 1,140,000 sq. feet of space. With Alberta Transportation, once again, asking for the land at Highway 1 and 1A, the amount of commercial space was reduced to 714,400 sq. feet. The Homburg Centron share will amount to 486,700 sq. feet of space. In order to accommodate individual buildings on smaller sites, the proposed amendment is to increase the site coverage from 25% to 50%, however the total amount of commercial space would still remain at 714,400 sq. feet.

With Alberta Transportation's future requirements in the vicinity of Highway 1 and 1A, totally approximately 80 acres and possibly not

being required for some thirty years or more, it is proposed that the existing conceptual scheme be amended to accommodate a range of interim commercial uses that will generate additional tax revenue for the town, provide additional services for businesses and residents, and also provide additional employment opportunities.

From a traffic perspective the total amount of interim commercial space will be limited to 150,000 sq. feet.

Following the July 2, 2009 workshop with council, Homburg Centron amended the land use application in order to provide the 24.3 acre site for the future recreational complex. This is located on the south side of Bayfield Drive. This new location necessitates an amendment to the plan as before, the plan showed that it was in a north central region.

The original conceptual planning scheme did not illustrate the location of all the municipal reserve sites. At some of the earlier meetings the concept showed a series of pathways with small storm ponds. The amendments being considered tonight identify the location of all future MR sites within the entire study boundary. They have also identified sites on land they do not own, but it does give a flavour of where those sites can be combined for maximum massing of MR.

As previously discussed, the alignment of Township road 243 (extension of Highway 1A/referred to as Bayfield Boulevard), has been shifted southward by an additional 80 feet in order to minimize the impact on the existing acreages to the north and at the same time allow for the building of major entrance in and out of this development to connect with Highway 1A. Now Township road 243 will be 837 feet south of the northern boundary as opposed to 555 feet before.

During the review, Administration assessed the existing policies and some of the new proposed policies, they recommended the addition of further new policies, primarily in the engineering area of the document. Homburg Centron amended some of the wording of some of the existing ones and deleted several policies and a couple of sections primarily as a result of the annexation of the land by the Town. There were references in the past to the MD of Rocky View at that time. In addition, Homburg Centron had to amend most of the figures in the plan and to show the revisions that have been put in place as a result of changes in design.

Supporting documentation that was submitted, Chen Peng has referred to the interface planning objectives and principles for lands abutting municipal boundaries, and a similar land uses. Mr. Torry believes these should be incorporated into the inter-municipal development plan, he understood that process is started. The documents have been reviewed by Planning staff, and staff at the County.

The preparation of interface planning principles to be used specifically within this project have been incorporated into the design guidelines and will be brought forward at an appropriate time for presentation to Council.

The traffic impact assessment was submitted and revised. They are waiting for a final decision on the preferred option from Council and the Minister. They have completed a Bio-Physical Impact assessment. The proposed storm water management strategy has been submitted and revised. They have also conducted an environmental site assessment.

Mr. Torry also publicly thanked and acknowledged Chen Peng, Town Senior Planner for all of her work and assistance and cooperation over the last 2 ½ years to get this project to this point in the public process.

Councillor Hutchison asked for clarification about the 30% industrial, what kind of industrial is this? Light industrial/warehousing. How far into development will it take for landowners association to be formed? Mr. Buchanan – as soon as land use is approved, this will be a condition of sale.

Councillor Bergen asked how the storm water pond will be administered in the future. The draft agreement states that the Town will own/maintain/operate and could pass these costs onto land users (Property owners in Bayfield, lot owners association to be set up for commercial, residential and industrial). The water will be safe for irrigation purposes.

Councillor Reid wanted to clarification of “small site” in commercial area – have tried to allow flexibility for smaller business needs while respecting the cap.

Councillor Johnson asked about storm water costs on a yearly basis once the Town takes over operation of the storm water site? Mr. Buchanan – those numbers have not been established yet, but there will be no burden to the town, the plan being that Homburg

Centron will be setting up a lot owners association for the commercial, residential and light industrial owners to maintain and operate both the storm water management system as well as a certain landscaped areas LID principle areas also, they will be working with the town to develop a Capital budget for themselves and the operational budget on an on-going basis. Councillor Johnson asked if there will be a light industrial focus. Mr. Buchanan – don't know at this point in time as they were waiting for approval of the development. They will be aggressively marketing the land. The Amourdome is a huge draw not only for the town but also the business park as well, it's a huge opportunity.

Mayor Matthews asked about public consultation. Have there been discussions within areas not owned by Bayfield? Mr. Buchanan replied that within the 900 acres, they have letters of support from all of the landowners, which is included in the package for this development. Conversations with individuals has also occurred, legitimate concerns were brought forward and addressed, how the development was being built and the connectedness of the development and its neighbours.

Councillor Steeves asked if the Municipal Reserve could be wider as a buffer. Mr. Buchanan reiterated that they are more than willing to work with the Town to make the berm/buffer as visually appealing, as low or high as needed.

Sandeep Mann, 24 3002 Range Road 281

Spoke in favour, is a landowner directly north and adjacent to development – shares fence-line. Stated that there has been no individual consultation to date. Yes, there have been Open Houses and advertisements in the paper, but feels that this is inadequate. He is not opposed to the development, very pro-development, just wants more information and input into the process. Green space, will they as landowners have access to this? The interface planning is to be positive for all parties. Tree sizes for the berms and sizes of existing homes, direction of homes and the timing of development. Stated he did not receive notification of the storm water management Open House or Public Hearing. Suggest that a Community Advisory Committee be formed.

Councillor Reid asked if Mr. Mann had been in contact with Centron for follow up. No answer was given. Regarding the timeline, Planning staff advised that they have looked at the Conceptual Schemes, everything was advertised in the Anchor in

compliance with the Municipal Government Act (MGA) and hand-delivered notices were given. At this point if re-designation is approved, based on the MGA, the Town is not required to hold any additional Public Hearings regarding this Bylaw amendment.

Councillor Hutchison stated that historically, this Town has been very sensitive to existing land owners, neighbours, and that SDAB controls land uses.

Councillor Davies reiterated that the previous speakers did talk about the buffer and trees. That the storm water pond issue was a Rocky View County Public Hearing, not a Town of Chestermere event. These green space areas will be accessible to all land owners.

Steve McFazen, 211 Douglas Woods Drive, SE, Calgary and John Cyrussy of Highway 791 & Highway 1

Not opposed to the development, however, inquiring as a landowner at the corner of 791 and the interchange, how will his access to his land be affected? Mr. Buchanan told the gallery that this can be incorporated into future planning.

Mayor Matthews informed the gallery of the March 25, 2010 Alberta Transportation Open House which will be presenting information about the future of this interchange.

E. OPPOSED

No one spoke in opposition.

F. ADJOURNMENT

Moved by Councillor Johnson that the Public Hearing adjourn at 8:25 p.m.

CARRIED:

Mayor Patricia Matthews

Terry Hurlbut, CAO