



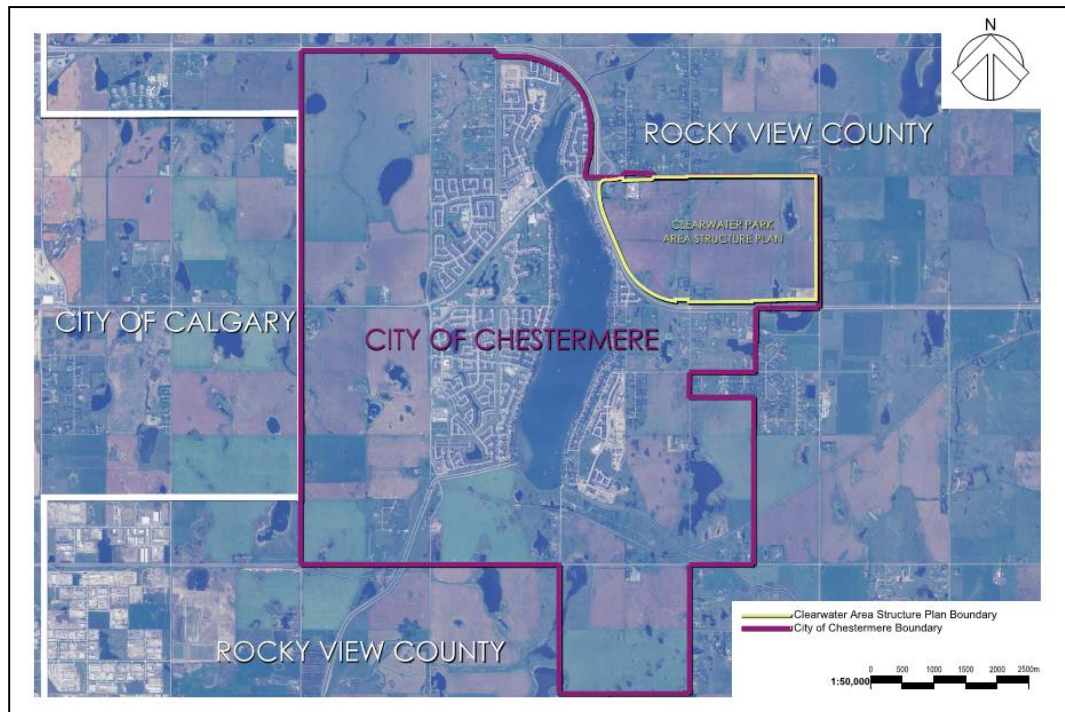
# Request for Bylaw Reading

**TO:** Mayor and Council  
**FROM:** Elizabeth Armitage, Planner  
Community Growth & Infrastructure  
**DATE:** February 15, 2022  
**RE:** **Second Reading of Bylaw 007-21 – Proposed Amendment to the Municipal Development Plan – Clearwater Park**

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## REPORT SUMMARY:

IBI Group, on behalf of Clearwater Park Inc. (a Centron Company), has applied to amend the Municipal Development Plan (MDP) to address the amendments required for the proposed Clearwater Park Area Structure Plan (ASP). The location of the Clearwater Park ASP is indicated on the following exhibit:



The following report provides an overview of the existing conditions, critical evaluation items, overview of proposed MDP Amendment, and impacts on other projects.



### **Chestermere's Strategic Vision**

Amazing Quality of Life · Amazing Partnerships · Amazing Relationships · Amazing Opportunities · Amazing Neighbourhoods

**PROPOSED AMENDMENT OVERVIEW:**

The applicant has proposed the following MDP amendments:

**1. SECTION 3.4.4 PLANNING NEW COMMUNITIES** is amended as follows:

- a) Add **Section 3.4.4.7** to read:

“3.4.4.7 Where a proposed Residential Neighbourhood abuts or backs onto a road that fronts Country Residential development within Rocky View County, or where it abuts a provincial highway or secondary highway, policy provisions that reflect a rural to urban interface transition shall be included in an Area Structure Plan. Cross section details shall be provided in an Area Structure Plan and confirmed with an Outline Plan application.”

**2. SECTION 3.5.3 MIXED USE COMMERCIAL CENTRE** is amended as follows:

- a) Add **Section 3.5.3.5** to read:

“3.5.3.5 Council, through the approval of an Area Structure Plan, may consider residential as a discretionary use within a designated Mixed-Use Commercial: Centre area. The Area Structure Plan shall include policy that describes the discretionary uses and what will facilitate the eventual conversion to commercial uses.”

**3. SECTION 3.6.2 EMPLOYMENT LANDS AREA POLICY** is amended as follows:

- a) Replace **Section 3.6.2.2** to read:

“3.6.2.2 Employment Lands Area B should accommodate business park and light industrial uses. Development shall be focused on access to Highway 791. An updated Transportation Impact Assessment shall be included with an Outline Plan application that contemplates development with employment uses. The Transportation Impact Assessment shall consider, but not be limited to, to the continued viability of the Highway 791/1 intersection. The Transportation Impact Assessment shall be reviewed and approved by the City of Chestermere and Alberta Transportation.”

**4. SECTION 3.7.1 GENERAL PARKS AND OPEN SPACE POLICY** is amended as follows:

a) Add **Section 3.7.1.9** to read:

“3.7.1.9 Proposed privately-run and managed community recreation facilities that offer membership by residence or through a homeowner’s association (HOA) shall be identified as part of an Area Structure Plan application. The following general principles shall be considered as part of an approval for the HOA:

- Location of the facility and/or amenities within the proposed community to maximize accessibility and usage
- The catchment area of the facilities and/or amenities
- Quality and accessibility of the proposed facility and/or amenities
- Operational and financial sustainability of the proposed facility and/or amenities
- Amenities and activities that are complementary to the existing and proposed public facilities within the City.
- Alignment with the City of Chestermere current Recreation Policies and Recreation Master Plan.”

b) Add **Section 3.7.1.10** to read:

“3.7.1.10 Proposed privately-run and managed community recreation facilities that offer non-public community recreation facilities owned and operated by HOAs shall not be considered as dedicated municipal reserve.”

**5. SECTION 4.3.1 GENERAL TRANSPORTATION POLICY** is amended as follows:

a) Add **Section 4.3.1.8** to read:

“4.3.1.8 Any proposed roadway intersection with Highway 791/Range Road 280 shall require an updated Transportation Impact Assessment. The Transportation Impact Assessment shall consider, but not be limited to, to the continued viability of the Highway 791/1 intersection. The Transportation Impact Assessment shall be reviewed and approved by the City of Chestermere and Alberta Transportation.”

**6. SECTION 4.3.3 BICYCLE + PEDESTRIAN SYSTEMS** is amended as follows:

- a) Add **Section 4.3.3.5** to read:

“4.3.3.5 A bicycle and pedestrian access pathway shall be developed that connects the Clearwater Park Area Structure Plan area with trails on the west side of Highway 1. The design of the pathway shall be confirmed within the Clearwater Park Area Structure Plan. The pathway shall be reviewed and approved by the City of Chestermere and Alberta Transportation.”

**7. SECTION 4.4 WATER SUPPLY + SANITARY SEWER** is amended as follows:

- a) Add **Section 4.4.3** to read:

“4.4.3 The City shall use the most recent Utilities Master Plan (UMP), and any subsequent updates or amendments to the UMP, as the basis for future planning and improvements to the City’s potable water system and sanitary sewer collection system. Incremental upgrades are necessary to ensure that the system can handle the needs of future development and to accommodate future demand, based on the population growth trends included in this MDP.”

**8. SECTION 4.5 STORMWATER MANAGEMENT** is amended as follows:

- a) Replace **Section 4.5.4** to read:

“4.5.4 The most recent Integrated Stormwater Master Plan requires strict adherence to post-development release rates, source control Low Impact Development (LID) practices and volume controls. The Plan identifies the following practices that the City should promote:

- Stormwater reuse through the use of irrigation of green spaces within the community;
- Extensive use of absorbent landscaping in public areas;
- Limited use of impervious surfaces that restrict water infiltration; and
- Decreased lot coverage, where appropriate, to provide increased absorbent landscaping in residential development.”



b) Replace **Section 4.5.5** to read:

“4.5.5 Since LID performance is a key component to the most recent Integrated Stormwater Master Plan, the City should support development industry initiatives to research and implement LID practices, so to create a better understanding of LID performance and the impacts of how engineering and design affect the function of stormwater management facilities and wetlands.”

**9. APPENDIX B: GLOSSARY OF TERMS** is amended as follows:

a) Add the following **definition** to read:

“Home Owners Association (HOA): A Home Owners Association (HOA) is an organization in a planned community that makes and enforces rules for the properties and its residents, including architectural guidelines, and provides enhanced services and amenities to residents. The HOA is a registered non-profit organization through the Societies Act in Alberta or a Part 9 company under the Companies Act in Alberta.

Those who purchase property within an HOA's jurisdiction automatically become members and are required to pay dues, known as HOA fees, through an encumbrance registered on the title of each property. The HOA's responsibilities will be determined through the Area Structure Plan approval process and will include the responsibility for the operation and maintenance of agreed upon amenities, any enhanced landscape associated with the community, and any other items approved through the Area Structure Plan approval process.

HOA's are generally associated with developments that provide private amenity centers and could include enhanced landscape maintenance. HOA's are not generally associated with enhanced landscape maintenance only. HOA's are generally associated with full developments within the Area Structure Plan boundaries, and not small parcels within the ASP. HOA's, if approved for a neighbourhood, will be at the discretion of the City of Chestermere approving Authority.”



**10. Figure 4 CHESTERMERE PLANNING AREAS** is amended as follows:

- a) Replace **Figure 4** with Exhibit A.

**11. Figure 8 LAND USE CONCEPT** is amended as follows:

- a) Replace **Figure 8** with Exhibit B.

**12. Figure 12 STREET NETWORK CONCEPT** is amended as follows:

- a) Replace **Figure 12** with Exhibit C.

### **CRITICAL EVALUATION ITEMS:**

There are a number of critical items related to this project that Council needs to be aware of prior to approving the proposed Municipal Development Plan amendments. These items will be presented at a Public Hearing as required by the *Municipal Government Act* (MGA).

**Reduction of employment lands:** The proposed amendments by the applicant will result in an overall reduction of 11.3% (68.4 hectares / 169.0 acres) from the entire City currently identified in the MDP land use map (estimate was provided by the applicant).

A change to the long-term residential/commercial ratio, will result in significant changes to the long-term financial projections for the City of Chestermere.

**Private recreation facilities:** The proposed amendments by the applicant will result in language being embedded into the MDP which will permit the development of private recreational/community amenities facilities (i.e. Home Owners Associations) within new communities, which is a new format of recreation delivery for the City.

The proposed amendments before Council include a clause in Section 3.7.1.9 which states “Amenities and activities that are complementary and have minimal adverse impact on the existing and proposed public facilities including non-for-profit organizations providing recreation services within the City.” Please note that this clause will be very challenging for Council, Administration, and developers to implement for a number of reasons including:

- The City may not know about all non-for-profit organizations operating in the municipality and as such a complete evaluation may be impossible;



- Subjective nature of this clause will result in substantial subjectivity through the approval process; and
- Municipalities do not typically have direct involvement in regulating private business operations and/or non-for-profit business operations.

Administration therefore recommends that this clause be re-worded to read “Amenities and activities that are complementary to the existing and proposed public facilities within the City.” This change is highlighted in Exhibit I: Bylaw 007-21 – For Public Hearing with mark-up.

**Municipal Services:** Developing a new community will have significant impacts on the City’s existing and projected future municipal services, including water, stormwater, sanitary, and transportation networks.

The inclusion of the Clearwater Park ASP means the City’s existing MDP needs updating to capture regional transportation network associated with the applicant’s new land use plan. Key regional transportation network connections and proposed neighborhood connectors have been incorporated into Figure 12 and reflect the high-level road hierarchy proposed to service Clearwater Park.

Section 4.3.1 contains the City’s general transportation policies, which will apply to the Clearwater Park development, and a new policy has been developed to ensure the preparation of an updated Traffic Impact Assessment prior to connection to Secondary Highway 791 (SH791), on the eastern boundary of the Clearwater Park plan boundary. This is required to ensure a fulsome technical review is completed to identify improvements that may be required to the existing intersection of SH791 and Highway 1, which will experience traffic from this development whenever that connection is made. This is intended to ensure that Clearwater traffic conditions, regional network planning horizons, and provincial plans for this roadway are better understood.

Policy 4.3.1.8 has been included to cover this requirement.

The proposed addition of section 4.3.3.5 is intended to ensure long term bicycle and pedestrian access between the Clearwater Park ASP area and the west side of Chestermere.

The proposed amendments to Section 4.4.3 removes reference to a specific Utilities Master Plan (UMP) as City current UMP is dated 2016 and the one currently in UMP refers to 2008. These changes will ensure that the development is consistent with the most current UMP and or amendments. This is imported as the City is expecting to update the UMP in next few years. The second change is to include both potable water



system and sanitary sewer collection system, not just sanitary sewer collection system. This will ensure that any updates/amendments to the UMP that consider changes to Water System are also considered.

The proposed amendment to Section 4.5 related to stormwater management removes reference to a specific Integrated Stormwater Master Plan (ISMP) as the City's current ISMP is dated 2020 and the one currently in ISMP refers to 2014. These changes will ensure that the development is consistent with the most current ISMP.

### **APPROVAL PROCESS SUMMARY:**

The steps required for Council approval of a Municipal Development Plan Amendment as per the Municipal Government Act are:

1. First Reading
2. Circulation to agencies
3. Advertisement for Public Hearing
4. Public Hearing
5. Second Reading
6. Circulation to the Calgary Metropolitan Region Board
  - a. Review
  - b. Appeal period
7. Third Reading

### **PUBLIC HEARING:**

In accordance with MGA Section 606 and Section 692, and standard municipal practice, the notice of Bylaw 007-21 and the Public Hearing have been advertised on the City of Chestermere website for two consecutive weeks and posted on the City's social media pages beginning on January 25, 2022. A total of 9 social media posts were made on Facebook, Twitter and Instagram on January 25, February 2, and February 7 2022.

Public Hearing was held on February 8, 2022.

At the public hearing, Administration provided a presentation with an overview of the Municipal Development Amendment. Comments presented at the Public Hearing included:

- ATCO Gas – contact our office regarding Atco's planned work in the area prior to construction.
- Western Irrigation District – Provided comments about the sanitary infrastructure, stormwater offsite infrastructure costs, wastewater, stormwater





- master plan, the post-development drainage from the Clearwater Park ASP draining to Chestermere Lake and confirms their commitment to CSML.
- Alberta Transportation – Provided comments about future Highway 1/791 interchange on MDP Street Network Concept and adding a policy related to the South Saskatchewan Regional Plan.
  - Rocky View County – Provided comments about conformity with the CMRB’s Interim Growth Plan.
  - Comments received via social media were about the public advertisement process and concerns about the intersection at Highway 791 and Highway 1.

At the Public Hearing, the applicant (Elvin Karpovich, with IBI Group) spoke on behalf of the applicant team in support of the Bylaw. No additional public comments were received at the Public Hearing.

The main topics discussed by Council during the Public Hearing included:

- School Sites.
- The future interchange at Highway 1 / 791.
- Reduction in employment lands and the potential for future amendments to the Municipal Development Plan to accommodate possible future increases in Employment lands.
- Private Recreation Facilities / Homeowners Association. Council requested additional information from IBI Group about Homeowners Associations. This information has been attached in Exhibit D.

Bylaw 007-21 presented for second reading, reflects amendments made as a result of the comments received and the discussions that occurred at the Public Hearing. A mark-up of the Bylaw with changes are included in Exhibit E, and a clean copy of the Bylaw is included in Exhibit F. The two changes included in the Second Reading bylaw are:

A revision to Figure 12 Figure 12: Street Network Concept to include an arrow and text pointing towards the future interchange at Highway 1 / Highway 791 and a revision to the proposed text in Section 3.7.1.9 which is as follows:

“3.7.1.9 Proposed privately-run and managed community recreation facilities that offer membership by residence or through a homeowner’s association (HOA) shall be identified as part of an Area Structure Plan application. The following general principles shall be considered as part of an approval for the HOA:

- Location of the facility and/or amenities within the proposed community to maximize accessibility and usage



- The catchment area of the facilities and/or amenities
- Quality and accessibility of the proposed facility and/or amenities
- Operational and financial sustainability of the proposed facility and/or amenities
- ~~Amenities and activities that are complementary and have minimal adverse impact on the existing and proposed public facilities including non-for-profit organizations providing recreation services within the City.~~
- Amenities and activities that are complementary to the existing and proposed public facilities within the City.
- Alignment with the City of Chestermere current Recreation Policies and Recreation Master Plan.”

**IMPACT ON OTHER PROJECTS:**

In accordance with the MGA, the Clearwater Park Area Structure Plan, Bylaw 008-21, must be consistent with the MDP. The amendments to the MDP should be completed prior to the ASP approval.

**CONCLUSION:**

After a comprehensive review of the application, with consideration given to planning and development parameters, and the value versus impact to the existing development in this neighborhood, Administration supports the applicant’s request to amend the Municipal Development Plan to reflect to the proposed Bylaw 008-21, being an Amendment to the Clearwater Park Area Structure Plan.

<b>RELATED COUNCIL POLICIES/BYLAWS &amp; STRATEGIC VISION:</b>
<p>Connection to Strategic Vision</p> <ul style="list-style-type: none"> <li>• The bylaw aligns with the Relationships pillar by being outcome focused in increasing City tax revenue, supporting lower tax rates, providing more affordable housing options, and supporting new home sales in future growth areas.</li> <li>• The project demonstrates options to grow with purpose. This reflects the future OPPORTUNITIES for the City of Chestermere.</li> </ul> <p>Name of Related Policy/Bylaw</p> <ul style="list-style-type: none"> <li>• Proposed Bylaw 008-21, being an Amendment to the Clearwater Park Area Structure Plan</li> </ul>
<b>PREVIOUS REPORTS/COUNCIL DECISIONS (if any):</b>

- November 16, 2021 – First Reading
- December 14, 2021 – Council Briefing
- February 8, 2021 – Public Hearing

**ATTACHMENTS (including all In Camera items):**

- Exhibit A – Figure 4: Chestermere Planning Areas
- Exhibit B – Figure 8: Land Use Concept
- Exhibit C – Figure 12: Street Network Concept
- Exhibit D – HOA Information and Examples
- Exhibit E – Bylaw 007-21 – For Second Reading with mark-up
- Exhibit F – Bylaw 007-21 – For Second Reading without mark-up

**CITY DIRECTOR’S COMMENTS (if any):**

**RECOMMENDED ACTION:**

**That Council give Second Reading to Bylaw 007-21, being an amendment to the Municipal Development Plan for Clearwater Park, as presented.**

**That Council direct Administration to submit the Bylaw 007-21, being an amendment to the Municipal Development Plan for Clearwater Park to the Calgary Metropolitan Region Board (CMRB) for review under the Interim Regional Evaluation Framework (IREF) following Second Reading.**

Approved by:  
Jeff Gibeau  
City Director, Growth & Development