



CHESTERMERE

City of Chestermere

East Acreages - Urban and Rural Standard Options for Development

Committee of the Whole Report

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Introduction

The purpose of this report, is to address a new business resolution made by Council at the December 17, 2019 Council meeting, which reads:

“WHEREAS a significant amount of information has been provided to Council on the opportunities and constraints of development based on urban and rural standards in the East Acreages;

AND WHEREAS the City of Chestermere is committed to ensuring the most efficient and effective delivery of services on behalf of taxpayers and all affected stakeholders served by the municipality;

AND WHEREAS prudent planning ensures that land use will be coordinated with services, when services are available to facilitate development, which would result in an intensification of use;

NOW THEREFORE BE IT RESOLVED that Council direct administration to present options for development in the East Acreages, based on urban and rural standards, at the February 11, 2020 Committee of the Whole meeting.”¹

In response, administration has been working to comprehensively address this request through several lenses including legal, land use planning, landowner engagement, and engineering contexts. Please be advised that this report is a collaborative team effort utilizing multiple professional perspectives from various disciplines. This report has been organized by the Director, John Popoff, with written submissions and reviews from legal, planning, engineering, and engagement professionals.

This report presents an overall history and background regarding the Town of Chestermere’s Annexation and the East Acreages Area Structure Plan (ASP) project, a contextual discussion of different ASP processes and standards based on legal requirements, sound planning principles, and technical information, and finally, urban and rural development options for discussion and consideration by Council.

Background

The Town of Chestermere presented three primary reasons for annexation to the Municipal Government Board (MGB). The three reasons noted are, rapid growth, ability to service annexed lands efficiently, and diversification of the tax base. Below is an excerpt from MGB Order No. 018/09.

- 1) “First, the Town emphasized the importance of safeguarding its ability to accommodate a significant rate of growth. This includes allowing for the growth of a balance of land uses

¹ Chestermere Minutes of the Regular Council Meeting December 17, 2019 (Resolution 541-19), p.10

including residential, industrial, and commercial. It is also intended to promote competition within the housing marketplace to ensure variety and affordability.”²

- 2) “The second reason articulated was enabling a contiguous, efficient, and cost-effective urban form. This is intended to promote the protection of the agricultural land base by ensuring growth is contiguous and phased in concert with urban infrastructure. It was presented as also promoting the efficient extension of urban services and utility infrastructure to facilitate development, enabling the creation of a continuous open space system, and to protect water and ground water quality through connection to piped water and sewer services via agreement with the City of Calgary.”³
- 3) The third and final reason, “the Town submitted that the annexation is necessary in order to allow for a diversified tax base. It was presented that this would create a healthy and competitive residential marketplace and would help to ensure a range of services for residents in an autonomous and sustainable community.”⁴

Municipal Government Board Order: Analysis and Reasons

It should be noted that within the Municipal Government Board (MGB) Order numbered 018/09, the MGB acknowledged that Chestermere was experiencing severe pressures due to an extremely rapid population growth rate which may have accounted for, at the time, the lack of a completed plan addressing the extension of servicing into the annexed lands. It should also be noted that at the time, the Town did indicate/attest that it was confident that there would not be any major issues with servicing the lands contained within the proposed annexation area.

In the MGB’s recommendations, the following comments were made related to the three reasons presented by the Town for annexation. The comments below are excerpts from Section VII of the MGB Board Order No. 018/09 and represent only part of the full analysis and reasons provided. The whole MGB analysis and reasons for annexation can be found in APPENDIX A at the end of this report.

- “The MGB finds that this rapid growth, combined with the limited amount of land currently available for development within the Town’s boundary, constitutes a reasonable justification for this annexation.”⁵
- “The MGB is convinced that this annexation will facilitate the well managed growth of the Town by providing land inventory for the expansion of industrial, commercial, and residential development.”⁶

² Board Order No. MGB 018/09 (File: AN05/CHES/T01), p. 20 (MGB report)

³ Board Order No. MGB 018/09 (File: AN05/CHES/T01), p. 20 (MGB report)

⁴ Board Order No. MGB 018/09 (File: AN05/CHES/T01), p. 20 (MGB report)

⁵ Board Order No. MGB 018/09 (File: AN05/CHES/T01), p. 44 (MGB report)

⁶ Board Order No. MGB 018/09 (File: AN05/CHES/T01), p. 44 (MGB report)

- “The MGB finds that the lands identified for annexation represent a logical progression of growth.”⁷
- “The MGB acknowledges that the community is experiencing severe pressures due to an extremely rapid population growth rate, **which may account for the present lack of a completed plan dealing with the extension of servicing.** During its presentation, the Town indicated that it was confident that there would not be any major issues with servicing land within the proposed annexation area.”⁸
- “In conclusion, the MGB finds that the proposed annexation reflects legitimate local needs and concerns as well as, complies with the MGB’s annexation principles set out in previous recommendations. As such, the MGB is satisfied it is appropriate to recommend approval of the proposed annexation.”⁹

The MGB accepted the annexation report based on the submission, which expressed that the potential for servicing these lands was feasible.

Legal Context

Annexation Process

Under the *Municipal Government Act*, RSA 2000, c M-24 (MGA), section 116, a municipality may, by giving written notice of a proposed annexation, approach another municipality to work towards the annexation of land. In November 2005, the then Town of Chestermere undertook this process with Rocky View County.¹⁰ This process included collaborative dialogue between the two jurisdictions and consultation with the public, including the residents of the East Acreages. On February 1, 2008, Rocky View County and the Town entered into an annexation agreement. Following the agreement relating to the proposed annexation, the Municipal Government Board (MGB) conducted a two-day hearing and on May 10, 2009, by written report, recommended to the Minister of Municipal Affairs Chestermere’s annexation of approximately 6,650 acres (2,691 hectares) of land from Rocky View County upon certain conditions.¹¹ Pursuant to section 125 of the MGA, the Lieutenant Governor in Council, by Order in Council 130/2009, ordered the annexation of the lands on the same conditions as set out in the MGB report.

Annexation Agreement

Part 9 of the annexation agreement entitled “Future Long Range Planning (Not to be included in the Annexation Order)” requires the Town to engage in public consultation and establish the boundaries of future ASPs and prepare these ASPs by front-ending the cost. The cost may be

⁷ Board Order No. MGB 018/09 (File: AN05/CHES/T01), p. 44 (MGB report)

⁸ Board Order No. MGB 018/09 (File: AN05/CHES/T01), p. 45 (MGB report)

⁹ Board Order No. MGB 018/09 (File: AN05/CHES/T01), p. 47 (MGB report)

¹⁰ Town of Chestermere Growth Study / March 2007

¹¹ Board Order No. MGB 018/09 (File: AN05/CHES/T01), p. 10 (MGB report)

recovered later from developers of these ASP lands. Particularly, sections 9.6 and 9.7 of the annexation agreement read:

- 9.6** “The MDP update will be undertaken with public consultation and will establish boundaries of future Area Structure Plans (ASPs) or similar statutory plans for existing rural residential acreage areas (e.g. Paradise Road, Lake Ere) located within the Annexation Territory.”¹²
- 9.7** “Chestermere will prepare an ASP, or similar statutory plan for existing rural residential acreage areas. The cost of preparing the ASP and consulting with residents within existing rural residential areas will be “front-ended” by Chestermere and recovered through appropriate pro-rata charges applied to future development or infrastructure in these areas.”¹³

Neither the MGB report nor the Order in Council set out the requirements and scope of sections 9.6 and 9.7.

The City of Chestermere’s Municipal Development Plan (MDP) satisfies section 9.6 of the annexation agreement. It updated the then MDP and established the boundaries of the East Acreages, North Acreages, and Paradise Meadows ASPs.¹⁴

To comply with section 9.7 of the annexation agreement, the City must “prepare” an ASP or ASPs for three existing acreage areas (East Acreages, North Acreages, and Paradise Meadows), but is not obligated to “prepare” an ASP or ASPs by a specific time as no time is specified in the annexation agreement. Where a contract does not specify a specific time within which an obligation is to be performed, a court will imply either (i) the obligation can be performed at *any* time, or (ii) the obligation must be performed within a *reasonable* time.¹⁵ It is a question of fact as to what is a reasonable time. Much depends, therefore, on the type of contract, the subject matter and the locality of the contract. In this matter, much would depend upon the time horizon for growth and development in the rural residential areas of the annexed lands.

Section 9.7 of the annexation agreement does not compel the City to pass an ASP for the existing rural acreages by bylaw and, if there was such a provision, it would be void for attempting to fetter the discretion of Council. Municipalities “cannot bargain away [their] powers in advance.”¹⁶ It is a general principle of municipal law that municipalities “must be free to amend or alter bylaws as circumstances dictate.” Contracts cannot fetter the discretion of Council unless specifically allowed by legislation.¹⁷ The MGA does not expressly allow a municipality to fetter the legislative discretion of Council through the entering into of an annexation agreement.

¹² Chestermere Annexation Agreement (2007) p. 11

¹³ Chestermere Annexation Agreement (2007) p. 11

¹⁴ MDP, Bylaw 015-15, p. 11

¹⁵ G.H.L. Fridman, *The Law of Contract in Canada*, 5th ed.(Thomson Carswell, 2006), p. 541

¹⁶ *Pacific National Investments Ltd. v Victoria (City)*, [2000] 2 SCR 919, at para 56

¹⁷ See *Cochrane (Town), Re*, 2004 CarswellAlta 1358 (Alta. Mun. Gov. Bd.)

The City has complied with section 9.7 of the annexation agreement. It prepared an ASP, being the East Acreages ASP Draft August 7, 2014. Under Section 3.0 dealing with “Policy Context”, on page 28, the ASP specifically refers to the annexation agreement as part of the City’s compliance with its obligations:

Annexation Agreement

The Annexation Agreement between Rocky View County (formerly MD of Rocky View No. 44) and the Town of Chestermere includes a commitment to the following:

- Develop a joint Intermunicipal Development Plan;
- Update the Town’s Municipal Development Plan; and
- An Area Structure Plan (ASP) for existing residential acreage areas.

On August 18, 2014, Council received first reading of proposed Bylaw 013-14 “East Acreages Area Structure Plan.” On December 1, 2014, staff provided an update on the ASP. On January 19, 2015, a public hearing was held pursuant to s. 692 of the MGA. On February 2, 2015, Council heard the second reading of Bylaw 013-14. It was moved by Deputy Mayor Steeves that Council table the second reading of the bylaw and ask that staff return with answers to the concerns raised by Council. This motion was carried. On April 7, 2015, one of the items under “F. Actions/Decisions” on the Agenda of the Regular Meeting of Council was entitled “7. Request for East Acreages ASP draft amendments.” On June 15, 2015, Council moved to “take the East Acreages ASP off the table” and then Council defeated the second reading of the ASP. In a later motion on June 15, 2015, Council “directed staff to bring back a revised Area Structure Plan for the East Acreages that will not include interim servicing.”

Hierarchy of Planning Documents

The *Alberta Land Stewardship Act*, SA 2009, c 26.8 made compliance with a regional plan mandatory. The *Enabling Regional Growth Boards Act*, SA 2013, c 17 amended the MGA making compliance with a growth plan mandatory and prohibited any participating municipality from adopting a statutory plan that conflicts or is inconsistent with a growth plan.¹⁸ The Calgary Metropolitan Region Board (CMRB) was established by regulation.¹⁹ Chestermere, among other municipalities, is listed as one of the participating municipalities in the CMRB.

In Alberta, a hierarchy of required plans exists under provincial legislation and includes in order of priority:

1. ALSA Regional Plan (South Saskatchewan Regional Plan);
2. Interim Growth Plan and Interim Regional Evaluation Framework (CMRB);
3. Intermunicipal Development Plan;
4. Municipal Development Plan; and
5. Area Structure Plan or Area Redevelopment Plan.

¹⁸ MGA, s. 708.12

¹⁹ *Calgary Metropolitan Region Board Regulation*, Alta. Reg. 190/2017

The City of Chestermere's MDP must be in compliance with the regional plan and growth plan, and, if any, an Intermunicipal Development Plan (IDP). All ASPs in the city must be in compliance with any IDP and any MDP.²⁰

A MDP is mandatory under the MGA.²¹ Areas identified for ASPs in the MDP may be developed if all applicable regulations, including provincial, regional, and municipal plans are met.

For further information on the CMRB's Interim Growth Plan and principles on which its policies are based, please refer to APPENDIX B. This appendix also includes the purpose of the City of Chestermere's MDP and relevant land use, infrastructure, and servicing goals for all planning exercises.

Long-Term Planning Context

Area Structure Plans

An ASP is a statutory document adopted by bylaw through Council that acts as a high-level blueprint for a particular area. It proposes a sequence of development for an area, the future land uses, the density of population, and the general location of transportation and public utilities. Preparation of an ASP enables land use (zoning) of the land, therefore, allowing future developers to anticipate the uses in the area, followed by subsequent subdivision of the land and the placement of infrastructure to enable development.

Section 633(1) of the MGA reads, "For the purpose of providing a framework for subsequent subdivision and development of an area of land, a council may by bylaw adopt an area structure plan." The sections below then set out the required contents of an ASP:

- (2) "An area structure plan
 - (a) must describe
 - (i) the sequence of development proposed for the area,
 - (ii) the land uses proposed for the area, either generally or with respect to specific parts of the area,
 - (iii) the density of population proposed for the area either generally or with respect to specific parts of the area, and
 - (iv) the general location of major transportation routes and public utilities,
 - and
 - (b) may contain any other matters, including matters relating to reserves, as the council considers necessary."²²

- (3) "An area structure plan must be consistent with

²⁰ MGA, s. 633(3)

²¹ MGA, s. 632

²² MGA, s. 633 (2)

- (a) any intermunicipal development plan in respect of land that is identified in both the area structure plan and the intermunicipal development plan, and
- (b) any municipal development plan.”²³

Given the complexities of the approval process, preparation of an ASP is typically undertaken for land uses identified in the MDP, if services exist to service the land, and/or could be installed in the near future to service the land. In Chestermere, all ASPs approved to date have been prepared by developers at their cost in conjunction with imminent servicing plans. The majority of development in Chestermere, both residential and commercial, is the result of the ASP planning process.

Chestermere and the East Acreages

As discussed previously, alongside the annexation process, Town Council in Chestermere also prepared a new MDP to guide development in Chestermere. The 2009 MDP identified the East Acreages as a candidate area for an ASP. Following annexation and adoption of the new MDP, residents from the East Acreages began requesting that an ASP process be undertaken, as stipulated in the annexation agreement.

In response, Council deliberated and requested that at least 85% of the land owners be in favour of preparing the ASP, before staff and financial resources were allocated to prepare the plan. A survey was conducted in 2011 which identified approval from 85% of residents to proceed.

The process was initiated in 2013 and a consultant was retained to prepare the land use concept and ASP as required by the MGA and in compliance with new MDP policies, including required density of development.

It is imperative to stress, that the 2009 MDP (and the current 2016 MDP) are intended to urbanize Chestermere. That means new communities must be constructed to “urban standards” which allow city sized lots to be connected to piped water and sewer. Urban standards also include curbs, gutters, sidewalks, street lights, and fire hydrants for improved fire protection. Urban densities allow for more tax paying properties per acre, and typically enable higher levels of service to residents in the municipality. Servicing standards and the engineering context will be discussed in greater detail further on in this report.

In order to achieve MDP compliance, current target densities need to be 8 units per gross acre (2016 MDP) up from 5 to 7 units per gross acre (2009 MDP). Relevant policies in the 2016 MDP are listed below:

- MDP Policy 3.4.3.1: “The City shall support *Residential Neighbourhood* by encouraging intensification efforts of existing development. Intensification should:
 - Emphasize the existing community character;

²³ MGA, s. 633 (3)

- Encourage neighbourhood re-investment; and
 - Maximize the use and viability of existing services and facilities.”²⁴
- MDP Policy 3.4.3.2: “Infill, redevelopment, and intensification will be encouraged throughout existing communities in *Residential Neighbourhood*, if the development:
 - Is contextually integrated and complementary with the existing character;
 - Appropriately transitioned between low-density residential areas and more intensive, multi-residential or commercial areas; and
 - Is supported with services and infrastructure.”²⁵
 - “Interim uses are intended to be temporary uses that are eventually developed (i.e. replaced) through the Outline Plan process. Interim uses include limited commercial, but shall not include residential subdivisions.”²⁶

The MDP policies from 2009 and the current 2016 MDP, clearly articulate that the annexed acreages, specifically the East Acreages, are to be built out to an urban standard. Further, the last bullet point clearly states that “interim uses” shall not include residential development. In order to adopt an ASP with any interim residential uses, the MDP will require an amendment (change of policy) which must be approved by the CMRB. The need for an amendment would include low density rural subdivisions in the East Acreages, which are below specified densities in the MDP, and would not be built to an urban standard. In other words, the current MDP does not allow for subdivisions, in any of the existing acreages, without an adopted ASP and full urban servicing.

The long-term planning envisioned by the MDP, resulted in the development of a draft ASP for the East Acreages. The draft vision and land use concept proposed by the draft ASP, is in compliance with both the MDP and the former Calgary Metropolitan Plan (CMP). The residents and landowners of East Acreages were extensively engaged throughout the draft ASP process to formulate the vision and land use concept, which included a multi-day design charette.

A comprehensive review of the amount and type of engagement/consultation activities were conducted based on the known project file. Formal consultation/communication activities included:

- Council meetings
- Landowner surveys
- Formal consultation activities including open houses, public meetings held as part of the three-day charette in 2013, education sessions, information sessions, and surveys
- Targeted landowner interviews
- Mass landowner letters and/or emails

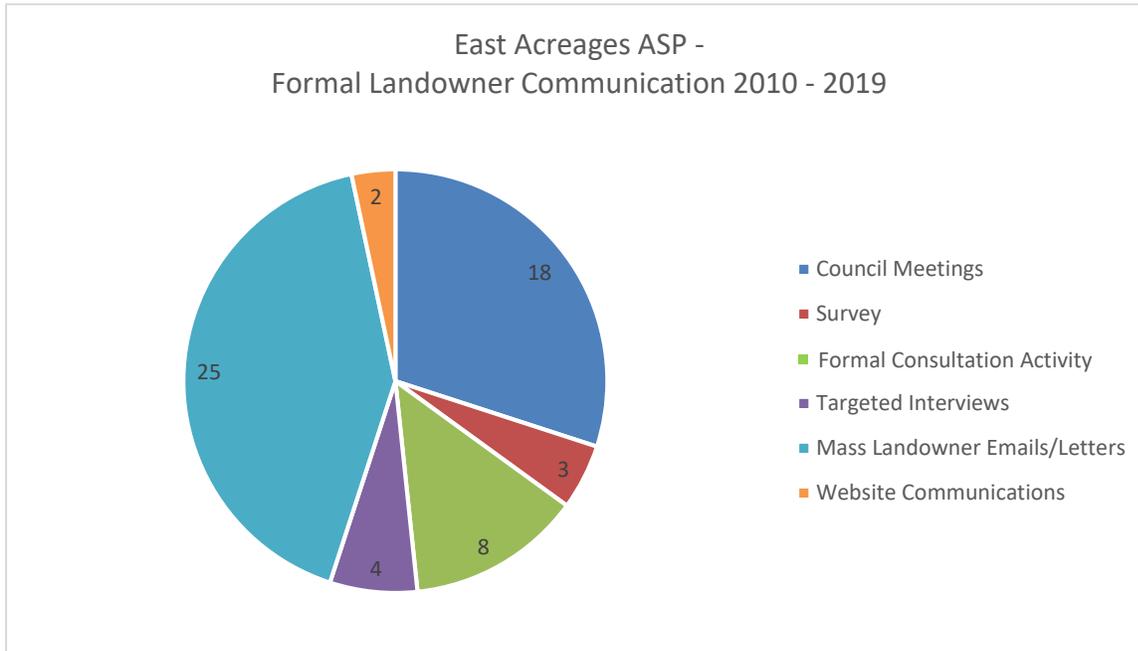
²⁴ City of Chestermere Municipal Development Plan 2016 (Bylaw 015-15) p. 34

²⁵ City of Chestermere Municipal Development Plan 2016 (Bylaw 015-15) p. 34

²⁶ City of Chestermere Municipal Development Plan 2016 (Bylaw 015-15) p. 28

- Website communications

Chart 1.0 – East Acreages ASP Formal Landowner Communication 2010 - 2019



A total of 60 formal consultation/communications activities have been conducted between 2010 and 2019. Between 2010 and 2015, 36 of the formal consultation/communication activities took place prior to defeat of the ASP at second reading on June 15, 2015. Please refer to Appendix B for a full examination of the landowner engagement and consultation activities that were undertaken by administration from 2010 through to 2019.

In conjunction with the preparation of the ASP vision and land use concept, a consulting engineering firm (McElhanney), began evaluating the feasibility of servicing the East Acreages with water and sewer. The engineering firm reviewed the Utility Master Plan for Chestermere and met with Chestermere Utilities Incorporated (CUI). The firm also discussed the possibility of alternative water and sewer for East Acreages. It was determined through this process, that the most practical manner to achieve the densities and urbanization contemplated, would be to service the East Acreages with piped water and sewer. Further, CUI did not support options outside the Master Servicing Agreement.

The Utility Master Plan of the day, which is currently still in effect, identifies that both water and sewer will be brought up from the south in order to service the entire east side of Chestermere. The foundation of the plan was based on a very high growth rate, land development in the Webster area and south east Chestermere, which was estimated to proceed in a 5 to 10-year period, and that a lift station was needed to reduce long term operating costs. The Utility Master Plan assumed that water would be supplied from a large water main from Township Road 240 north along Range Road 281, and then looped back on Chestermere Boulevard. The sanitary sewer would flow south in a large gravity pipe from a section of land north of Highway 1 south along

Range Road 281, to a new large lift station in the Webster area which would then be pumped back to Calgary in force mains. This infrastructure was not built then and is only partly completed today.

The combined total cost of this infrastructure was estimated at \$80,000,000 in 2013. The timing of land development along the proposed water and sewer servicing lines (Webster, Kinniburgh South, and others) paired with the estimated cost for water and sewer servicing, emerged as the single largest constraint to development of the East Acreages. While, three technical studies were completed in 2013 (Biophysical Impact Report, Phase 1 Environmental Site Assessment and a Transportation Plan), the high estimated cost for infrastructure was the main reason further technical studies were not pursued in the planning process. As a result, administration presented a draft ASP to Council, which deferred the technical work to the Outline Plan stage in 2015, until the arrival of water and sewer services to the East Acreages boundary.

The one exception was the inclusion of interim rural servicing for approximately an additional 16 new lots. As noted earlier, adopting the ASP with limited interim servicing, would have required an amendment to the MDP, and additional technical studies to ensure the ground and subsurface could support water supply, sanitary sewer, and stormwater disposal without significant impact to the environment or other land users. As discussed previously, the Council of the day defeated the ASP at second reading on June 15, 2015. However, in response to resident requests, in 2015 Council directed administration to begin preparing an ASP, removing interim servicing. In 2017, Council also directed administration to begin the ASP process again on the East Acreages including appropriate community engagement.

Growth Management in Chestermere

As with most development, financial cost of servicing is a significant driver to allow development to proceed, often referred to as orderly development. Orderly development describes a growth pattern that is an outward expansion from existing development that is contiguous and defines a more compact urban form. It capitalizes on adjacent resources, such as water, sanitary, and stormwater infrastructure, and essentially extends those services. This is contrary to leapfrogging development, which results in costlier, dispersed, and/or non-sequential growth patterns.

Structuring growth management policy to ensure future development is conducted in a logical, coordinated, and fiscally and environmentally sustainable manner involves orderly development considerations. Both the 2009 and 2016 MDP's include guidance regarding future urban development and how the City must ensure the required transportation, servicing infrastructure, and community services be in place to support any development. The following are a listing of specific policies related to enabling legislation, growth management, and general infrastructure from the current 2016 MDP:

- MDP Policy 1.2: "The MDP will be implemented through a variety of means and processes. **The approval process of Area Structure Plans (ASPs), Area Redevelopment Plans (ARPs), and Outline Plans may be subject to the availability of resources.** The **City**

Council will determine the top priorities for public funding and phasing of development, in accordance with the City’s annual and capital budgets.”²⁷

- MDP Policy 3.3.2.2: “The City should ensure an appropriate supply of land and infrastructure to accommodate future growth within city boundaries.”²⁸
- MDP Policy 3.3.2.3: “Development shall be guided through comprehensive planning under the planning City’s planning hierarchy. **The required transportation, servicing infrastructure and community services shall be in place to support the development to the satisfaction of the City.**”²⁹
- MDP Policy 4.2.1: “The City shall consistently monitor future urban development and update utility service plans.”³⁰
- MDP Policy 4.2.2: “The City shall encourage new development adjacent to existing development to capitalize on, and efficiently use, existing utility infrastructure.”³¹
- MDP Policy 4.2.3: “The City shall consistently monitor future urban development to identify development priorities or issues, and provide valuable information for public accountability, budget allocation, and delivery of services. In doing so, the City shall ensure that utility services are extended in a logical and economically practical manner that is coordinated across infrastructure services and development projects.”³²
- MDP Policy 4.2.4: “The City shall make land use decisions within servicing capacities, and in coordination with upgrade investments; **construction of new developments shall proceed only when a utility servicing strategy is in place.**”³³

The previously approved MDP from 2009 also reflects orderly development principles, in a more general manner. One of the main infrastructure goals was to provide utility infrastructure systems that can be extended in an effective and efficient manner to meet growth requirements.³⁴ It went on to explain that along with roadways, the provision of water, sanitary sewer, and stormwater services can be the most expensive components of urban development. “Major facilities and connections should be comprehensively planned **in advance** of development to meet the needs of the future population.”³⁵

²⁷ City of Chestermere Municipal Development Plan 2016 (Bylaw 015-15) p. 3

²⁸ City of Chestermere Municipal Development Plan 2016 (Bylaw 015-15) p. 28

²⁹ City of Chestermere Municipal Development Plan 2016 (Bylaw 015-15) p. 28

³⁰ City of Chestermere Municipal Development Plan 2016 (Bylaw 015-15) p. 55

³¹ City of Chestermere Municipal Development Plan 2016 (Bylaw 015-15) p. 55

³² City of Chestermere Municipal Development Plan 2016 (Bylaw 015-15) p. 55

³³ City of Chestermere Municipal Development Plan 2016 (Bylaw 015-15) p. 55

³⁴ City of Chestermere Municipal Development Plan 2009 (Bylaw 012-09) p. 21

³⁵ City of Chestermere Municipal Development Plan 2009 (Bylaw 012-09) p. 24

In all, growth management policy direction from our previous and most importantly, Chestermere's current MDP, requires that a servicing infrastructure strategy be in place prior to development. At this time, the East Acreages are a significant distance from the nearest community water and sewer system with capacity to accommodate further development and intensification. Therefore, proceeding with an ASP exercise or an ASP approval without a feasible servicing strategy in place reflects noncompliance with MDP policy. In order to do so, it would require an amendment to the 2016 MDP policy framework. This lack of piped water and sewer services remains the obvious constraint to full urbanization of the East Acreages.

Reports Required Under Legislation

As was alluded to earlier, through preparing an ASP, certain technical studies inform the planning and engineering approval process and determine the feasibility of an ASP area for development, while ensuring the lands are fit for the proposed purpose. An ASP should be based on sound planning principles and technical information that accounts for the particular natural and physical characteristics of the plan area.

The number and requirements of background studies are based on multiple factors including, the proposed land use, existing land character, municipality's servicing standards, municipal statutory documents, and other known or possible constraints. The MGA does not specify the exact studies required, as such, determining the required studies is discretionary and determined by the approving municipality. The following is a list of possible studies that are typically required for a comprehensive ASP:

- Growth Management Analysis
- Biophysical Impact Assessment & Inventory
- Historical Resource Impact Assessment (HRIA)
- Traffic Impact Assessment (TIA)
- Road Network Analysis
- Transit Network Analysis
- Community Facilities Analysis
- Environmentally Significant Areas Assessment (EIA)
- Reserve Dedication / Joint Use Site Analysis
- Reclamation and Future Land Use(s) Study
- Level I/II Environmental Site Assessment (ESA)
- Geotechnical Evaluation and Slope Stability Assessment
- Sanitary Servicing Analysis
- Water Servicing Analysis
- Master Drainage Plan
- Deep Utility Servicing Report (Water, Sewer, Storm)
- Aquifer Study
- Hydrogeological Study & Groundwater under the Direct Influence of Surface Water (GWUDI)
- Hydrological Assessment & Connectivity Study

- Shallow Utilities Analysis
- Historical Resource Overview
- Risk Assessment & Emergency Management Plan
- Fire Coverage Model
- Noise Study
- Employment Forecast
- Commercial / Retail Demand Study

It is important to ensure that the technical findings of these reports and studies inform the policy development within ASPs. The ASP acts as a bridge between the very broad policies of the MDP and the creation of individual lots and the issuing of development permits. An ASP should provide an assessment of the existing lands and development constraints, the policy context for development, as well as, the proposed land uses, density, and pattern and sequence of development.

Engineering Context

Servicing Standards

The requirement of any of the above studies would be outlined in a municipality's municipal servicing standards document. Servicing standards specify the requirements that need to be fulfilled by a service to establish its fitness for purpose. The standard provides definition, indicators of service quality and their levels, and/or specific time period for delivery. The City of Chestermere servicing standards are based on an urbanization concept, where land use is of sufficient density to require community level servicing, including community supply of water, sanitary, and storm services. Urbanization standards are fundamentally different than rural servicing standards where land use density is low enough, such that, private water and sanitary services will not impact adjacent land and their ability to have independent on-site services (well and septic). The level of service that can be provided is typically less to lower density than higher density areas, resulting in a lower servicing standard in rural areas.

Based on the general servicing standard (urban versus rural) the urban concept is significantly different from the rural concept. For an urbanization concept or urban standard, the first consideration must be whether the lands can be serviced by community supplied water and sewer services. For rural, the first consideration must be whether the ground and subsurface can support water supply and sewer disposal without significant impact to the environment or other land users.

Rural Area Structure Plans vs. Urban Area Structure Plans

There are noticeable differences between rural and urban planning, based mainly on land uses and servicing patterns. Rural areas often have land intensive uses including farming, forestry, agricultural processing facilities, and livestock operations, to name a few examples. Country residential areas have larger lot sizes, and usually do not have the same level of service as an urban format.

Rural ASPs are prepared in jurisdictions such as Rocky View County. One of the main differences between a rural and urban ASP are the servicing standards. To reiterate, urban standards are based on criteria such as, piped water and sewer, curb and gutter, sidewalks, streetlights, and fire hydrants. Urban standards allow for higher densities, meaning more houses can be built in one area. This results in more taxes collected per acre and a higher level of service for residents delivered by the municipality.

Rural standards for residential development are generally based on self-servicing, such as, using wells for water or a cistern to store water, and septic fields for sewage disposal. Storm water drains off roads into swales (ditches) and there are typically no curbs, gutters, or sidewalks. In order to allow self-servicing of water and sewer (well and septic field) on the same parcel of land, a comprehensive study of the aquifer is required. There are a number of factors that determine self-servicing suitability. These factors include topography, soil characteristics, storm water collection and disposal, availability and adequacy of water supply, sewage disposal systems and solid waste disposal sites.³⁶ There are also provincially stipulated requirements within the *Private Sewage Disposal Systems Regulation*, Alta Reg 229/97 in respect to lot size and distances from property lines, buildings, water sources and private sewage disposal systems that are to be considered at the time of subdivision.

These requirements assist in ensuring the well is not overused, contaminated with sewage effluent, and that there is sufficient land to dispose of sewer without impacting others. If an aquifer or primary water source becomes contaminated or overused, a boil water advisory or water delivery process through truck transportation will need to be utilized. As a result, rural ASPs typically have significantly lower densities to enable and protect private water sources and septic fields.

Rocky View County and other rural jurisdictions have rural standards for subdivisions. At this time, the City of Chestermere does not have rural standards for development. To consider rural subdivisions for the East Acreages, rural standards would need to be developed by the City of Chestermere. The development of rural standards would not simply be a 'copy and paste' of County standards, but would need to consider the specific Chestermere context to ensure that community needs are met.

In addition, before rural standards could be fully developed, the MDP would need to be amended to allow for rural development. The first step would be to determine if the amendment to the MDP would be permitted under the Interim Growth Plan (IGP) of the Calgary Metropolitan Region Board (CMRB). If Chestermere is successful in having the proposed amendment passed by the CMRB, then the process of developing rural standards could begin. This would require standards to be established and that administration is trained to implement those standards, keeping in mind they will be substantially different from existing urban standards.

It must be mentioned that rural standards are appropriate for rural land uses. Roads to farms do not require amenities such as sidewalks, and more cost-effective planning and infrastructure

³⁶ *Subdivision and Development Regulation*, Alta Reg 43/2002, s. 7

development and maintenance makes sense for rural areas which collect lower taxes due to a reduced density.

However, incorporating two sets of development policies and standards within a jurisdiction, needs to be consistent with the vision of the MDP as articulated by Council and the CMRB. At this time, the MDP for Chestermere indicates an urban vision for the East Acreages, which is not consistent with rural standards.

Steps Forward

Options

Council will need to consider the 'go forward' strategy based not only as it impacts the East Acreages, but the impact to other annexed acreages including North Acreages and Paradise Meadows.³⁷ In addition, Council must consider the impact that the change will have on other land owners and developers in the City, as well as, other policies and regulations.

The following are high-level options and/or directions that Council could direct administration to develop as a 'go forward' plan. Each option has both positive and negative aspects and the specific plan will need to be refined to minimize any negative aspects, while maximizing on the positive aspects.

Option 1 – Urban Standard

Do not adopt an ASP for full urbanization until services arrive at the East Acreages boundary. At that time, undertake an ASP process including an update to the Master Servicing Agreement.

- Advantages – This would extend the commitment made under the annexation agreement. On-site services would be paid by landowners/residents. Current policy direction within the MDP stipulates development at an urban standard. Furthermore, it is prudent planning practice for developers to coordinate land use and servicing through an ASP process.
- Drawbacks – Future planning will not occur until the necessary servicing is available.

Option 2 – Rural Standard

Pursue full rural standards for lower density development of East Acreages, similar to that of Rocky View County and written specifically for the Chestermere context.

- Advantages – Landowners may be able to subdivide based on wells and septic fields, and upon yet to be developed engineering standards.
- Drawbacks – Eliminates the opportunity for full urbanization in the future. It will involve an amendment to the MDP, and an approval from the CMRB, to allow for rural standards to facilitate subdivision. If the legal MDP policy framework is successfully changed, significant technical work would need to be undertaken to determine the carrying capacity

³⁷ MDP, Bylaw 015-15, p. 11

of the land. This would also involve detailed technical studies on the aquifer, and would not guarantee subdivision. With this in mind, to proceed with rural standards, additional City resources and/or a reallocation of City funds would need to be arranged.

Option 3 – Rural Standard – (Interim, Ultimate Urban)

Allow interim servicing based on a rural standard that does not preclude ultimate buildout to full urbanization.

- Advantages – This will allow for some rural subdivision, where the costs for this type of development would be paid by landowners/developers.
- Drawbacks – Similar to that of full rural standards, option 3 will require an amendment to the MDP and CMRB approval. Rural standards would also still need to be developed through the undertaking of substantial technical studies, as well as, a reorganized City fund strategy put in place. Furthermore, this option complicates the possibility of full urbanization, by potentially creating additional rural serviced lots.

Conclusion

Based on the team's evaluation of the legal context, planning context, and engineering context, developing the East Acreages to an urban standard is the specified engineering development standard. Under the City of Chestermere's current legal and policy framework, piped water and sewer services are required before an ASP exercise is undertaken. The timely coordination of land use and services, is the essence of planning to an urban standard.

Efficient servicing in a municipality typically begins from the source, and moves outward in a contiguous manner. The East Acreages are on the east end of the city, and are among the furthest areas from Calgary supplied water and sewer services. For this reason, there would be a significant cost to provide piped water and sewer to the East Acreages boundary.

In all, allowing development to occur based on rural standards, either in full or in part, is not a practical alternative to development at an urban standard. Proceeding with the implementation of rural standards in the City of Chestermere would require an amendment to the MDP, CMRB approval, and the full development of rural engineering standards.

APPENDIX A: Municipal Government Board Order No. 018/09

BOARD ORDER NO. MGB 018/09

FILE: AN05/CHES/T01

VI MGB Recommendations

After reviewing the documentation provided prior to and following the hearing as well as listening to the presentations by the parties affected by the proposed annexation, the MGB recommends that the annexation of the lands applied for proceed with an effective date of January 1, 2009 and including the conditions outlined in the proposed order in council.

VII Analysis and Reasons

The reasons for the MGB recommendations are provided below.

The MGB finds that the Annexation Agreement demonstrates a high degree of cooperation and collaboration between the Town and MD. Although no IDP currently exists, the MGB recognizes that the Annexation Agreement indicates that within 120 days of the proposed annexation being approved, the Town and MD will commence the joint preparation of a new IDP. The Annexation Agreement also outlines that the municipalities will undertake reasonable efforts to finalize the IDP within two years. The MGB places considerable weight on this demonstration of intermunicipal cooperation between the two impacted municipalities in support of the proposed annexation.

The MGB acknowledges that the Town has experienced a period of nearly unprecedented population growth which has been a driving factor behind the proposed annexation. The MGB finds that this rapid growth, combined with the limited amount of land currently available for development within the Town's boundary, constitutes a reasonable justification for this annexation. Furthermore, the MGB is convinced that this annexation will facilitate the well managed growth of the Town by providing land inventory for the expansion of industrial, commercial, and residential development. The MGB finds that the lands identified for annexation represent a logical progression of growth. At the same time, the MGB finds that the annexation will not serve to hinder the MD's ability to achieve its own rational growth directions.

The MGB notes that the Town has acknowledged that its MDP was adopted in 1999, and that it is therefore significantly out of date. The MGB accepts that an extremely rapid growth rate has presented unique challenges with respect to the Town's ability to maintain an up-to-date statutory plan.

The MGB also recognizes that the upcoming MDP, IDP and ASP processes identified in Part 9 of the Annexation Agreement are intended to include preparation of an updated master servicing plan to address the logical extension of Town servicing into the proposed annexation area. The MGB also notes that the Stantec utility plan was provided. Although dated, the Stantec report provides the foundation of a utility plan that is supportive of the various directions of growth

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contemplated in the annexation. Despite the Stantec report not referencing Section 35, the MGB accepts that this area is needed in order to allow for added non-residential growth and allow the Town participation in the East Calgary Growth Corridor.

Again, the MGB acknowledges that the community is experiencing severe pressures due to an extremely rapid population growth rate, which may account for the present lack of a completed plan dealing with the extension of servicing. During its presentation, the Town indicated that it was confident that there would not be any major issues with servicing land within the proposed annexation area. Additionally, the MGB is conscious of the high level of intermunicipal cooperation which has been evident in the Annexation Agreement and subsequent proceedings. Due to these circumstances, the MGB accepts the undertaking by the municipalities to create such a servicing plan.

The MGB notes that the Town has notified relevant agencies and other entities of the proposed annexation, including Alberta Transportation and the WID. The MGB is satisfied by the evidence that the Town and MD are working with the WID to identify and address storm water drainage issues. Having received a response from Alberta Transportation, the Town is aware of requirements regarding future transportation planning. The MGB is satisfied that Alberta Transportation does not object to the annexation proceeding.

The MGB feels that the public consultation could have provided more focus on informing the Town's ratepayers of the financial implications of annexation. However, upon review of the process as a whole, the MGB is satisfied that the Town provided adequate notification of the annexation proposal to landowners and undertook a sufficient level of consultation. The consultation process included holding open house meetings on May 3, 2006, January 17, 2007, and April 19, 2007. In addition, a special meeting for landowners in the East Half of 12-24-28 W4M was held on May 30, 2007. On September 12, 2007 the Town and MD also held public hearings in order to allow further input concerning the proposed annexation. The MGB accepts that these meetings provided opportunity for public input and participation.

At the hearing, the municipalities offered and the MGB accepted that additional information be provided reflecting the Town's fiscal position and the potential financial ramifications of the proposed annexation. The MGB notes that the financial report provided did not provide an ideal level of detail in its analysis of some issues, such as the financial implications of annexing a considerable length of rural roads that will have to be maintained pursuant to the agreement. Nor did it provide alternative projections for costs and revenues based on different economic variables. However, the MGB does find the presented report to be adequate and to provide clarification of the Town's fiscal situation in relation to the annexation. The MGB notes that there may be additional costs over the first few years of the annexation until the benefits of additional tax revenue are realized. Nevertheless, the MGB is satisfied that the annexation is unlikely to cause serious financial hardship for the Town.

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The MGB is satisfied with the provisions included in the Annexation Agreement respecting compensation are reasonable considering the facts in this annexation. The MGB notes that the total compensation agreed to by the municipalities is substantially larger than the compensation amounts corresponding with many previous annexations in the province. Nevertheless, the MGB places a great deal of emphasis on the autonomy of municipalities and the fact that the proposed compensation figure was developed through a negotiation process. The financial report presented by the municipalities subsequent to the MGB hearing provided further evidence that the Town is unlikely to face a significant financial burden as a result of the annexation. Taking into account the impending Mountain View Park development, the MGB is satisfied that the compensation figure agreed to by the municipalities is not excessive.

In Mr. Ramsay's response to the financial report, he suggests that the Town may be overestimating future revenues and underestimating future costs. The MGB notes that even if this is found to be true, the Town has a sizable contingency fund that is available to deal with any short term financial impact. Additionally, the costs associated with annexation appear to represent a relatively small portion of the Town's total income from property taxes, and less than 2% of the Town's total revenue in 2007. There are therefore options available to the Town if it should be necessary to respond to a short term shortfall. As such, the MGB finds that the Town has sufficient financial capacity to meet its obligations with regard to compensation.

The Town clarified in the financial report that roads within the annexation area would not immediately be upgraded to Town standards, but that this would occur as development progresses. The MGB finds that this will help to ensure that the Town will not be unduly burdened with maintenance and upgrading costs.

The presentation made on behalf of Mr. Ramsay at the MGB hearing was primarily centred on the question of whether Section 35 should be included within the annexation area. Some additional concerns regarding the annexation of this section were raised by other nearby landowners. While acknowledging these concerns, the MGB feels that it is appropriate for this section to be included in the annexation area. The inclusion of Section 35 allows the Town to participate in the East Calgary Growth Corridor. Diversification of its tax base was one of the reasons for annexation set out by the Town, and potential industrial development within Section 35 is a crucial element to accommodating non-residential growth. The MGB also notes that individuals residing in Section 35 indicated their support of the annexation. The MGB places considerable weight on the boundaries proposed in the application, as they reflect an agreement negotiated between the Town and MD.

The MGB acknowledges that some landowners who are not located in the annexation area requested to have their lands included. As noted above, the MGB gives considerable regard to the boundaries negotiated by the municipalities. Further, the MGB respects that the final

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boundaries were arrived at after a public consultation process. The MGB does not find that sufficient reason was given to recommend a change to the proposed boundaries presented in the Annexation Agreement.

The proposed assessment and tax conditions address many of the concerns raised by the impacted landowners. The MGB finds that the 15 year assessment and taxation transition period for non-farm property is within the normal range recommended. The MGB feels that this time period will provide a sufficient timeline of adjustment and certainty for affected landowners. A longer assessment and taxation transition period of 30 years was included in the Annexation Agreement with respect to farm property. The MGB recognizes the importance of agriculture and preserving agricultural lands, and therefore accepts this attempt to provide a longer period of transition and protection for agricultural operations. Additionally, the agreed-to definition of "Farm Property" included in the Annexation Agreement is sufficiently narrow in scope. As such, the MGB finds that this longer transition period for farm property is acceptable.

The MGB finds that the Town has indicated a respect for existing acreage owners within the annexation area and recognized their unique interests. Through providing assurances that residents in country residential areas will be included in future planning processes, the Town has strived to address the interests of these landowners in a proactive manner.

The MGB notes that the MD addressed environmental considerations and indicated that there were no natural environmental sensitivities identified within the annexation area. The spillway to the west of Chestermere Lake was mentioned, and it was expressed that principles of development in that area would be addressed through the upcoming IDP and MDP processes, as well as through local planning exercises. The MGB is satisfied that environmental factors have been taken into account by the municipalities and that the annexation does not pose a threat to the environmental integrity of the area.

In conclusion, the MGB finds that the proposed annexation reflects legitimate local needs and concerns as well as complies with the MGB's annexation principles set out in previous recommendations. As such, the MGB is satisfied it appropriate to recommend approval of the proposed annexation.

APPENDIX B: The Calgary Metropolitan Region Board & The City of Chestermere 2016 Municipal Development Plan

The Calgary Metropolitan Region Board's Interim Growth Plan

Any statutory plan passed or amended by member municipalities after January 1, 2018 shall conform with the Interim Growth Plan, until such time as the Growth Plan and Servicing Plan are adopted and approved. Specifically, to ensure environmentally responsible land-use planning and growth management, coordinate regional infrastructure investment and service delivery, and promote the economic wellbeing and competitiveness of the Region.

Member municipalities will work to ensure that new statutory plans and amendments to existing statutory plans address the following Principles and Objectives:

- **Principle 1: Promote the Integration and Efficient Use of Regional Infrastructure**

Objectives:

- a. Promote the integration of land-use and infrastructure planning
- b. Optimize the use of existing infrastructure when accommodating growth
- c. Encourage higher densities, greater intensity of use, the provision of community nodes, and the leveraging of transit service, where applicable
- d. Protect the function of regionally significant mobility and transmission corridors

- **Principle 2: Protect Water Quality and Promote Water Conservation**

Objectives:

- a. Manage the risks to water quality, quantity, and drinking water sources in accordance with federal and provincial legislation and regulation
- b. Promote water conservation practices
- c. Recognize the importance of ecological systems within the Region
- c. Prohibit new development in the floodway

- **Principle 3: Encourage Efficient Growth and Strong and Sustainable Communities**

Objectives:

- a. achieve an efficient use of land;
- b. accommodate residential and/or mixed-use development at a higher density than currently exists;
- c. provide for a mix of uses, such as employment and community services and facilities, where appropriate;
- d. make efficient and cost-effective use of existing and planned infrastructure through agreements with service providers,

The City of Chestermere 2016 Municipal Development Plan (MDP)

The City of Chestermere MDP expresses the aspirations of the Council and citizens of the City of Chestermere with respect to the long-term development of their community. The MDP identifies the goals and policies for land use, infrastructure, and community services and facilities that are intended to guide the future actions and decisions of the Council and the Administration of the City of Chestermere.

Council and the administration of the City of Chestermere must ensure that the development of public and private land within the City address the following goals:

3.2 LAND USE GOALS

- Create, update, and implement design guidelines to assist developers in building new development that is sensitive to context and consistent with the policies of the MDP, while allowing for quality, creativity, and innovation.
- Ensure that during the duration of the MDP, communities are developed with respect to density and intensification targets outlined in the Calgary Metropolitan Plan.
 - The MDP provides for a target of 8 units per gross residential acre for new residential neighbourhoods (Policy 3.4.4.1 and 3.4.4.2), and a target intensity of 100 people and jobs per gross developable hectare in major mixed-use commercial areas (Policy 3.5.2.2 and 3.5.3.2).
- Implement a range of green technology initiatives, such as energy-efficient building design, water conservation practices, low impact development, and stormwater management techniques.

4.1 INFRASTRUCTURE GOALS

- To create a multi-modal transportation system that includes multi-use pathways and public transportation, enabling the safe and efficient movement of people and goods.
- To provide utility infrastructure networks that can be extended in an effective and efficient manner to meet growth requirements in a fiscally and environmentally responsible approach.
- To establish stormwater management systems that are designed to adequately and efficiently serve development areas.
- To protect, enhance, and integrate wetlands and riparian corridors into development areas.
- To promote quality and accessible telecommunications throughout the city.

5.2 MUNICIPAL SERVICES + FACILITIES GOALS

- Provide cultural, social, and protective services, and waste management in an efficient and economic manner relative to land use development and planning, and to a uniform standard in order to provide equitable access across Chestermere.
- Ensure that the development and management of parks, beaches, green spaces, pathways, and recreation amenities are environmentally responsible, balancing the needs of natural ecosystems with those of users and providing sustainable facilities and services that minimize negative effects on the social and natural environments.
- Ensure that effective and convenient waste management services and facilities are available for residents, while supporting waste reduction initiatives.

APPENDIX C: East Acreages Landowner Communication & Consultation Activities (2010-2019)

The long-term planning envisioned by the MDP, resulted in the development of a draft ASP for the East Acreages. The draft vision and land use concept proposed by the draft ASP, is in compliance with both the MDP and the former Calgary Metropolitan Plan (CMP). The residents and landowners of East Acreages were extensively engaged throughout the draft ASP process to formulate the vision and land use concept, which included a multi-day design charette.

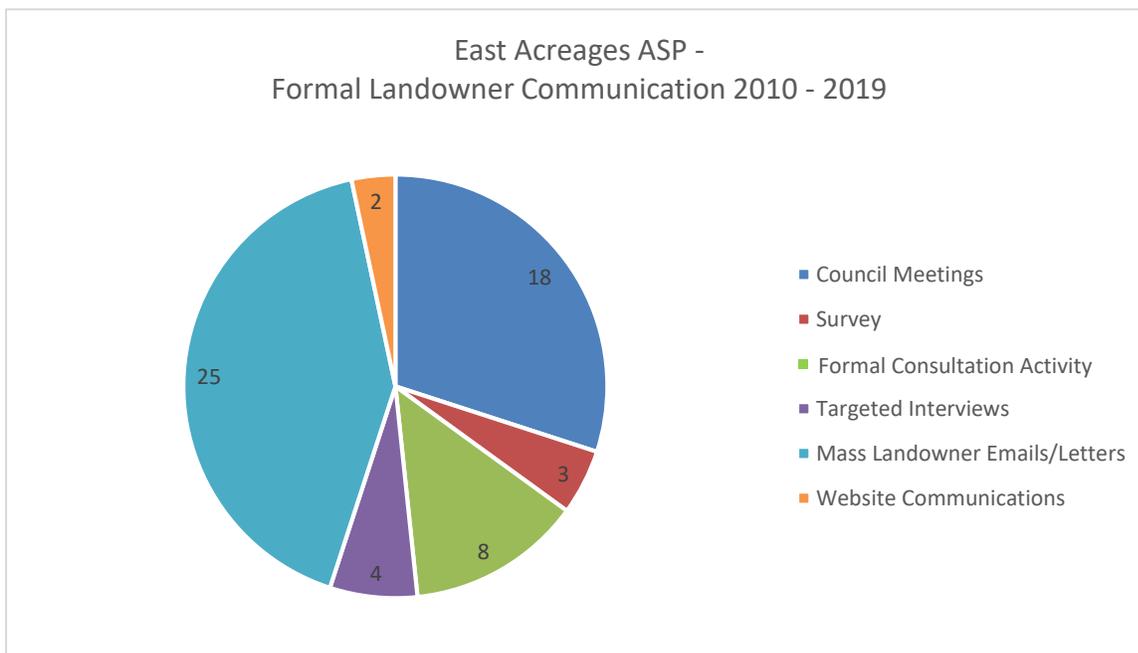
A comprehensive review of the amount and type of engagement/consultation activities has been conducted based on the known project file. Formal consultation/communication activities include:

- Council meetings
- Landowner surveys
- Formal consultation activities including open houses, public meetings held as part of the three-day charette in 2013, education sessions, information sessions, and surveys
- Targeted landowner interviews
- Mass landowner letters and/or emails
- Website communications

A total of 60 formal consultation/communications activities were conducted between 2010 and 2019. Between 2010 and 2015, 36 of the formal consultation/communication activities took place prior to defeat of the ASP at second reading on June 15, 2015.

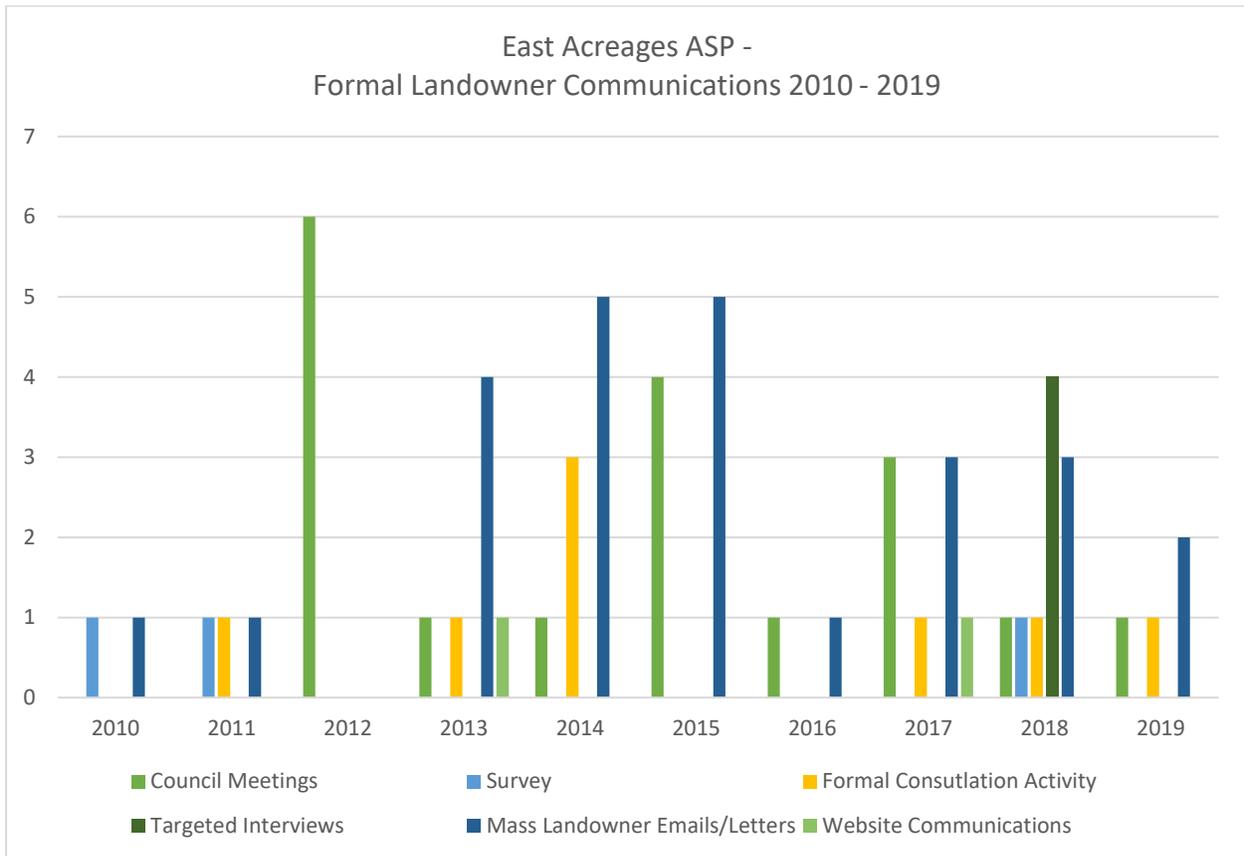
The following chart depicts the total number of formal landowner communications between 2010 and 2019 by the type of activity:

Chart 1.0 – East Acreages ASP Formal Landowner Communication 2010 – 2019



The chart below illustrates the type of formal communication/consultation activity by year:

Chart 2.0 – East Acreages ASP Formal Landowner Communications 2010 - 2019

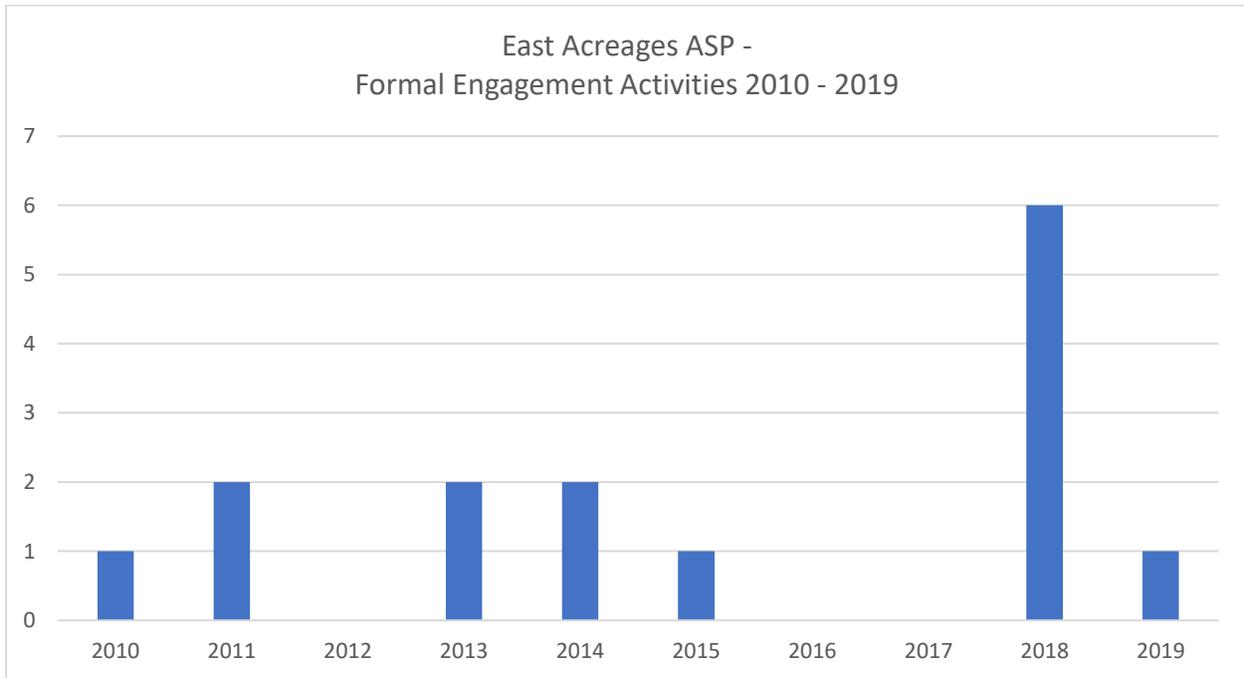


In addition to the formal landowner communications, it is estimated that hundreds of emails were sent between the Town administration and landowners. Many of these emails were saved by project managers in the project folder, however, it is suspected that many were not saved.

A further analysis of the communication/consultation activities indicates that 15 formal consultation activities (including open houses, public meetings held as part of the three-day charette in 2013, education sessions, information sessions, surveys, and targeted landowner interviews) have been conducted since 2010. 8 of these formal consultation/communication activities took place between 2010 and 2015, prior to defeat of the ASP at second reading on June 15, 2015.

The following chart depicts the number formal consultation activities by year:

Chart 3.0 – East Acreages ASP Formal Engagement Activities 2010 - 2019



Lastly, the following table lists the specific formal consultation activity by date:

Table 1.0 – East Acreages ASP Consultation Activities

Consultation Activity	Date
Landowner Survey	15-May-10
Education Session	20-Jul-11
Education Session - Survey	20-Jul-11
Charette Public Workshop	06-Nov-13
Charette Public Presentation	08-Nov-13
Open House	19-Mar-14
Open House	17-Jul-14
Public Hearing	19-Jan-15
Targeted Landowner Interview	12-Jul-18
Targeted Landowner Interview	12-Jul-18
Targeted Landowner Interview	13-Jul-18
Targeted Landowner Interview	13-Jul-18
Landowner Information Session	18-Oct-18
Landowner Information Session - Survey	18-Oct-18
Landowner Information Session	13-Jun-19