

TOWN OF CANMORE
MINUTES
Public Hearing
Bylaw 2013Z-23 Stewart Creek Golf Course Resort Accommodation District
Council Chamber at the Canmore Civic Centre, 902 – 7 Avenue
Tuesday, November 26, 2013 at 7:00 p.m.

COUNCIL MEMBERS PRESENT

John Borrowman	Mayor
Sean Krausert	Deputy Mayor
Joanna McCallum	Councillor
Ed Russell	Councillor
Vi Sandford	Councillor
Rob Seeley	Councillor
Esmé Comfort	Councillor

COUNCIL MEMBERS ABSENT

None

ADMINISTRATION PRESENT

Lisa deSoto	Chief Administrative Officer
Kate Van Fraassen	Development Planner
Alaric Fish	Manager of Planning and Development
Cheryl Hyde	Municipal Clerk (Recorder)

1. CALL TO ORDER

Mayor Borrowman called the public hearing for Bylaw 2013Z-23 Stewart Creek Golf Course Resort Accommodation District to order at 7:00 p.m.

2. ADMINISTRATIVE BRIEFING

Administration provided an overview of Bylaw 2013Z-23 Stewart Creek Golf Course Resort Accommodation District, as well as a review of the biophysical impact statement.

3. APPLICANT'S PRESENTATION

The following people spoke on behalf of the applicant:

- Jessica Karpat, Principal Planner for QuantumPlace Development Ltd.
- Sean Kjemhus, Golf Course Superintendent, Stewart Creek Golf Course
- Elliot Terry, Wildlife Biologist, Stantec
- Greg Andrew, General Manager at Stewart Creek Golf Course
- Chris Ollenberger, QuantumPlace Development Ltd.

4. QUESTIONS OF CLARIFICATION

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5. PUBLIC SUBMISSIONS

Gordon Schultz, Canmore resident and owner/operator of Golf Canada's West spoke in support of the proposed bylaw. Being able to accommodate guests on the golf course is preferable as it enables them to expand their business model from a relatively short golf season through events like weddings and meetings.

Frank Kernick, Spring Creek Mountain Village, spoke in support of the proposed bylaw. The addition of resort accommodation should help make the golf course sustainable for the long term.

Colin Ferguson, Canmore resident, submitted a written presentation on behalf of Heather McFadyen, Bow Corridor Organization for Responsible Development (BowCORD). The submission is included as Attachment 1 to these minutes. BowCORD is not in favour of the proposed bylaw because it fails to meet the Golder 2002 recommendations.

Eileen Paterson, Canmore resident, spoke to concerns about development causing loss of habitat for wildlife, particularly grizzly bears.

Gary Anderson, Canmore resident, spoke in support of the development of 20 golf course cabins, however is not in favour of this particular proposal. This proposal represents a significant shift in 2004 ASP requirements with respect to location and appearance. The first priority needs to go to wildlife and wildlife corridors.

Steve Landy, Canmore resident, spoke in favour of the proposed bylaw. The proposed cabins would be economically beneficial to the town of Canmore, and would be in an ideal location.

Ron Remple, Executive Director of BOWDA, noting that BOWDA's practice is not to speak either in support or against a development proposal, spoke instead to the approval process. Delays discourage investment. The applicant has fulfilled all requirements. They prepared a biophysical impact assessment and obtained a third party review, both of which agree the proposed development would have a negligible environmental impact. BOWDA requests that the application be dealt with quickly.

6. WRITTEN SUBMISSIONS

Written submissions received from the following are attached to these minutes:

- Attachment 2 – Kay Anderson
- Attachment 3 – Perry Davis
- Attachment 4 – Lisa Downing
- Attachment 5 – Denise and Kyle Kitagawa
- Attachment 6 – James Mottram
- Attachment 7 – Hans Helder
- Attachment 8 – Our Lady of the Snows Catholic Academy
- Attachment 9 – Lawrence Hill
- Attachment 10 – Jim Pissot, Wild Canada Conservation Alliance

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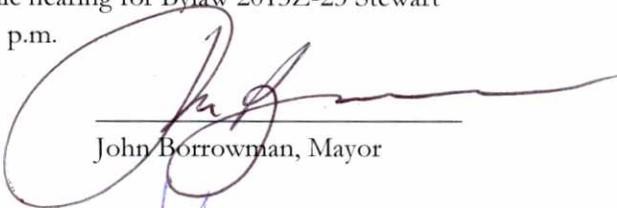
- Attachment 11 – Suzanne Wilson
- Attachment 12 – Ron Wiebe, Alberta Fish and Wildlife
- Attachment 12 – Brenda Davison
- Attachment 13 – Canmore Business and Tourism
- Attachment 14 – Alan J. MacFadyen
- Attachment 15 – Tracey Henderson
- Attachment 16 – Mike McIvor, Bow Valley Naturalists
- Attachment 17 – Heather McFadyen

7. FINAL ADMINISTRATIVE COMMENTS

Administration plans to submit recommendations to council about forming a stakeholder group to address wildlife conservation issues in the Stewart Creek/Three Sisters lands.

8. ADJOURNMENT

Mayor Borrowman adjourned the November 26, 2013 public hearing for Bylaw 2013Z-23 Stewart Creek Golf Course Resort Accommodation District at 9:43 p.m.



John Borrowman, Mayor



Cheryl Hyde, Municipal Clerk

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Attachment 1 - BowCORD

Presentation to Canmore Council on Bylaw 2013(Z)-24– Discretionary Use of 20 Golf ‘Cabins’ Adjacent to the Stewart Creek Section of the Along Valley Wildlife Corridor

Bow Corridor Organization for Responsible Development (BowCORD)

Public Hearing on Tuesday November 26, 6:30PM

Dear Mayor Borrowman and Councillors Comfort, Krausert, McCallum, Russell, Sandford, and Seeley

The 2.3 kilometre Stewart Creek section of the Three Sisters Along Valley Wildlife Corridor is the most significant Environmentally Sensitive Area (ESA) in Canmore and the Bow Valley.

And as such, this Council has made a public commitment to give priority to the protection and conservation of this regionally and national recognized Wildlife Corridor.

As Council knows, the proposed golf ‘cabins’ under Bylaw 2013(Z)-23 are a discretionary land use under the 2004 Stewart Creek Area Structure Plan (ASP), and are entirely at the discretion of Council to approve or not approve, regardless of how many times this proposal is brought forward by the proponent.

At present this proposal fails to meet the over-riding required Policy 5.9.2 f) which states that this development “apply the Golder 2002 recommendations of the Golder report as a minimum”, i.e.,

Policy 5.9.2 f) Any biophysical impact assessment submitted by an applicant in accordance with Policy 5.9.2 (c) above SHALL be reviewed by an independent qualified professional selected jointly by the Developer and the Town of Canmore, to apply the Golder 2002 recommendations of the Golder report as a minimum, and retained and funded solely by the Town of Canmore

POLICY 5.9.2 f) IS THE OVER-RIDING LEGAL POLICY REQUIREMENT IN THE ASP TO LOCATE THE ‘CABINS’, IS BASED ON THE ‘GOLDER’ COLLABORATIVE SCIENTIFIC APPROACH TO ESTABLISH CORRIDORS AND ADJACENT USES, AND IS A COMMUNITY-SUPPORTED ‘MADE IN CANMORE’ ENDEAVOR.

As Council is aware, and the independent review by MSES states: Section 5.9.2f of the SC ASP requires the BIA to adhere to recommendations for development outlined in Golder 2002. That report suggests a ‘layering approach’ for developing adjacent to wildlife corridors. The recommended sequence of uses is:

- conservation easements; (Core corridor width of 600m + 35-m corridor buffer)
- golf courses;
- human use trail;
- large acreage lots with houses positioned away from the corridor;
- business park, hotel development;
- low density housing; and
- high density housing

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In the case of the placement of the golf 'cabins' the following land uses would be required as minimum in any proposed use or bylaw:

1) Extension and "Alignment of the 35-metre wildlife corridor buffer" from the TSMV Resort Area, where the buffer in the TSMV Resort Area has been protected under a Conservation Easement since 2007 (see attached Land Use Concept Map 4, with the buffer alignment referred to in the Legend).

THIS BYLAW DOES NOT ADDRESS THIS.

2) A MINIMUM "adjacency" to the Wildlife Corridor consistent with the 2002 Golder recommendations in the TSMV Resort Area, with the golf course as a "seasonal buffer" which increases the "effective" functionality of the Corridor in the fall, winter and spring.

In the TSMV Resort Area the green adjacent use IS the golf course and the first building is set back 350 metres below the downslope boundary of the 35-metre corridor buffer in Bylaw 36(Z)2004.

To meet even the MINIMUM requirement of the 2011 BCEAG Guidelines "adjacency" is defined as 175 metres from a Wildlife Corridor.

THIS BYLAW FAILS TO ADDRESS THE REQUIRED 'GOLDER' ADJACENCY TO THE WILDLIFE CORRIDOR (Page 28, BIA).

3) Permanent protection of the Wildlife Corridor under a Conservation Easement, where:

a) The Stewart Creek ASP Policy 8.8.2 d) requires that this conservation easement be signed on the Stewart Creek Wildlife Corridor. i.e., The appropriate conservation easement(s) required in association with the Stewart Wildlife Corridor shall be registered prior to registration of the final subdivision phase within the Plan Area.

b) The draft 2005 Provincial Conservation Easement on the Stewart Creek Corridor was agreed to in writing by TSMV, the Province and the Town of Canmore, where these letters are attached to the September 20, 2005 Staff Report. (Two maps of the Stewart Creek Conservation easement area are attached.)

Concurrent signing of this Conservation Easement would provide the NECESSARY protection from any other use in the Wildlife Corridor other than golf, and is critical when the developer is proposing "ALL-YEAR-ROUND USE" of the 'cabins' and a large number of possible permitted and discretionary uses.

THE OWNERS OF THE STEWART CREEK GOLF COURSE HAVE YET TO SIGN THIS 2005 CONSERVATION AGREEMENT WITH THE PROVINCE.

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ADDENDUM

BACKGROUND

It is unfortunate that the Stewart Creek Golf Course was approved in 1991 by the MD of Bighorn when over 60% of this golf course is made up of Wildlife Corridor and where 1/3 of the golf course operates on leased Crown/Public lands which are almost 100% Wildlife Corridor.

However golf is a seasonal use, and for most of the year this Corridor is seasonally functional for wildlife with golf as the only permitted use.

To meet the required Policies of the 2004 ASP and the scientific standards of the Province, this Bylaw would need to:

- a) Meet the Policy requirements of “Golder as a minimum”;
- b) Meet the best scientific requirements for setbacks and adjacent uses;
- c) Include a commitment to permanent protection for the Stewart Creek Corridor section concurrent with or prior to approval of development;
- d) Permit NO year round use in or adjacent to the Wildlife Corridor; and
- e) Pose no negative impact on the Stewart Creek Wildlife corridor.

REQUIRED POLICIES WITH DIRECT QUOTES

1) This ‘cabin’ Bylaw 2013(Z)-23 is a DISCRETIONARY use under the 2004 Stewart Creek Area Structure Plan ASP), and as such is entirely at the discretion of Council to approve or not approve under Policy 5.9.2 b) below:

5.9.2 Policies

b) In addition to golf and recreation uses, low-density Visitor Accommodation uses (“golf cabins”) may be located within the Golf and Recreation Area. In addition to core golf and recreation uses, up to 20 golf cabins may be located within the Golf and Recreation Area and may be functionally associated with the golf course facility. A golf cabin is defined as a resort accommodation use with a footprint of between 74.5 to 102.5 square meters (800 to 1,100 square feet), plus or minus 10%. It is desirable to locate visitor accommodation units in association with other resort areas.

2) THIS CABIN BYLAW IS REQUIRED TO BE APPROVED ONLY IF POLICY 5.9.2 f) IS APPLIED WITH: Golder 2002 recommendations of the Golder report as a MINIMUM” – which the independent biologist is to apply.

Policy 5.9.2 f) Any biophysical impact assessment submitted by an applicant in accordance with Policy 5.9.2 (c) above SHALL be reviewed by an independent qualified professional selected jointly by the Developer and the Town of Canmore, to apply the Golder 2002 recommendations of the Golder report as a minimum, and retained and funded solely by the Town of Canmore.

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This would include the extension and alignment of the 35-metre wildlife corridor buffer from the TSMV Resort Area, which is shown in Land Concept Map 4 of the Stewart Creek ASP – and is to be zoned under Bylaw 2013(Z)--24.

3) Consistent with Policy 5.9.2 f) the 2002 Golder recommendations as applied in the TSMV Resort Area require a sequence of land uses as follows:

- conservation easements;
- golf courses;
- human use trail;
- large acreage lots with houses positioned away from the corridor;
- business park, hotel development;
- low density housing; and
- high density housing

WHERE:

a) The Conservation easement on the “effective width” of the wildlife corridor in the TSMV Resort Area included a 600-metre core corridor and a 35-metre corridor ‘buffer’ for a total of a 635-metre corridor now protected under 2 conservation easement agreements in perpetuity (2003 and 2007 respectively), and,

b) An ‘ADJACENCY’ of 350-metres in the TSMV Resort Area where the golf course acts as a “seasonal” buffer with the first building (the golf maintenance facility) zoned at a distance of 350 metres from the lower boundary of the wildlife corridor buffer.

4) The “Golder 2002 recommendations of the Golder report as a MINIMUM” are also consistent with the “adjacency” recommendations of the 2011 Draft BCEAG Guidelines, where the BCEAG Guidelines were adopted as Town Policy in the Municipal Development Plan (MDP):

7.2 Acceptable Activities adjacent to Wildlife Corridors and Habitat Patches (P 21) state that:

“As noted earlier, "adjacency" is defined in terms of a distance within 175m from a multi-species wildlife corridor.”

Consistent with the 2002 sequence of land use recommendations of the 2002 Golder Report:

7.2.1 Best Practices adjacent to Wildlife Corridors and Habitat Patches state that:

“New land use activities should follow a gradient of less intrusive to more intrusive relative to distance from the wildlife corridor or habitat patch. For example, beginning with a golf course nearest to a wildlife corridor or habitat patch, then moving to a recreational trail, large acreage lots, light industrial development (i.e., warehouse), low density housing, hotel development, followed by high density housing.”

The 175-metre definition of “adjacency” in the 2011 Draft BCEAG Guidelines would be consistent with the recommendations of “Golder 2002 recommendations of the Golder report as a MINIMUM”.

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5) It is also clear that Stewart Creek Golf Resort is aware of the required “adjacency”, where setbacks of 100 – 220 metres from the corridor are proposed in their 2012 Sustainable Screening Report.

However, this proposal does not consistently meet the 175-metre definition of “adjacency” in the 2011 Draft BCEAG Guidelines, which would be the MINIMUM distance from the corridor with golf fairways in between, and is not comparable to the 350- metre “adjacency” in Bylaw 36(Z)2004 in the TSMV Resort Area where the “Golder 2002 recommendations of the Golder report as a MINIMUM” are applied i.e., Triple Bottom Line: Environmental Elements,

The project is planned in an area that already experiences human activity, most intensively in the spring, summer and fall seasons. The cabins will be located between 100-220 meters from the wildlife corridor, with several existing golf fairways acting as lower intensity land use buffers to the along-valley wildlife corridor to the southwest. Visitors using the golf cabins will be discouraged from walking towards the wildlife corridor with signage and appropriate site / building design constraints. The existing SCGCC golf course occurs between the location of the proposed project and the along-valley wildlife corridor, providing a lower intensity development buffer to the project in this area.

6) NO USE OR DEVELOPMENT IN THE CORRIDOR OTHER THAN THE EXISTING GOLF, where the ‘cabin’ Bylaw proposed “all-year-round use” of the cabins along with many other ‘permitted’ and ‘discretionary’ uses such as:

- Added Permitted Uses are: “Accessory developments” and “Parks and Playgrounds”. (Page 30);
- Added Discretionary Uses are: “Eating establishments, Offices” (freestanding), Parking Areas and structures, Personal Service Business (freestanding). (Page 30), i.e.,

3.31.2 Permitted Uses

Accessory Developments
Golf Course
Golf Course Maintenance and Storage Facilities
Home Occupations – Class 1
Parks and Playgrounds
Private Club
Public Utilities
Resort Accommodation – TSMV

3.31.3 Discretionary Uses

Eating Establishments (freestanding)
Offices (freestanding)
Parking Areas and Structures
Personal Service Business (freestanding)

7) URGENT NEED FOR PERMANENT PROTECTION OF THE STEWART CREEK SECTION OF THE ALONG VALLEY WILDLIFE CORRIDOR:

Policy 8.2.2 d) “The appropriate conservation easement(s) required in association with the Stewart Wildlife Corridor shall be registered prior to registration of the final subdivision phase within the Plan Area.”

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This ASP Policy is consistent with the Agreement between the developer, the Province and the Town to sign the 2005 Draft Provincial Conservation Easement Agreement.

8) NO NEGATIVE IMPACTS ON WILDLIFE OR MOVEMENT IN THE ALONG VALLEY WILDLIFE CORRIDOR from the proposed development, where even the developer's BIA (Biophysical Impact Assessment) states that:

- Impact on Wildlife Habitat and Corridors: "Potential effects on wildlife may include: habitat alteration, sensory disturbance, habitat avoidance, barriers to wildlife movement, wildlife habituation, food conditioning, associated wildlife-human conflict, and human-caused wildlife mortality. (Page 36);
- Wildlife-human interaction prevention plans: "Potential effects include attractants and food conditioning, as well as increased off-season human use of the wildlife corridor." (Page 36);
- 2.4.2 Mammals: "Mammal species expected to occur in the vicinity of the proposed development include listed carnivores, e.g. bears, wolves, cougars", based on scat observed in ONE SITE VISIT (page 50) AND GRIZZLY BEARS;
- 2.4.2.4 Other Carnivores: "Other carnivores species that frequent the RSA include: lynx, coyote. (Page 51);
- 3.3 Wildlife: "Though many mammal species occur within the Bow Valley corridor and are expected to occur in the project area, the greatest potential for wildlife effects to occur from project development are with carnivores and ungulates".

9) QUOTED CONCERNS OF THE INDEPENDENT REVIEW BY MSES

p.3-4 The BIA identifies the project footprint (3.5ha) as being too small to provide key habitat for large wide-ranging mammals: "The area is too small to serve as key habitat for larger animals, although they are currently moving on the ridge as evidenced during a July 9, 2013, visit where bear, elk, and deer scat were observed." (BIA, p.3-9) However, this area may still be used by wildlife to meet other survival needs including foraging, cover, denning or travel. These additional uses of the land by large mammals are not addressed in the BIA. Indeed, the BIA notes that scat of bear, elk and deer were found in this area. Stewart Creek Resort Accommodation BIA Review – Town of Canmore November 2013

4 Therefore, there are no data to support the claim that this area is unused by wildlife.

Recommendation 1: a. While MSES recognizes the limitations of the "desktop review" based on existing studies used in the BIA, the flow of accurate information to the Town of Canmore is critical and requires that the conclusions presented in the BIA are supported by evidence. In this regard, MSES recommends that the BIA define "key habitat" and use quantifiable information to support the claim that such habitats do. As well, year-round use of the new development by residents could increase sensory disturbance during the winter when energetic costs of avoiding human disturbances are the highest for wildlife (BIA, p.3-11). However, existing levels of human use or projected changes in human use within the LSA were not provided.

p.5 The extent to which the Project will create a barrier likely depends on the development footprint, including the location and type of fencing, spacing between residences, and distribution of buildings within the LSA. Depending on this configuration, the area north of the Stewart Creek Golf Course Clubhouse could

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create a cul-de-sac of natural habitat adjacent to the across valley corridor, which could increase the likelihood of wildlife-human conflict. While not one of the explicit recommendations contained in Golder 2002, avoiding cul-de-sacs was one of the underlying motivations behind the realignment of the wildlife corridor systems in and around the TSMV lands in that report.

pp.5-6 The BIA is not entirely in alignment with the Stewart Creek ASP. We note the purpose of Section 8.2 is to: "Ensure that the design and development of the Stewart Creek Land Use Concept does not adversely conflict with or constrain the movement of wildlife adjacent to the periphery of the Plan area." (SC ASP, p.61) Stewart Creek Resort Accommodation BIA Review – Town of Canmore November 2013

However, as we have outlined previously, there is a possibility that the development could create a cul-de-sac to the NE of the Stewart Creek Golf Course Clubhouse.

p. 5-6 re. Golder 2002

As well, Section 5.9.2f of the SC ASP requires the BIA to adhere to recommendations for development outlined in Golder 2002. That report suggests a 'layering approach' for developing adjacent to wildlife corridors. The recommended sequence of uses is:

- conservation easements;
- golf courses;
- human use trail;
- large acreage lots with houses positioned away from the corridor;
- business park, hotel development;
- low density housing; and
- high density housing

Golder - Alignment of recommendations in Golder 2002 with the Stewart Creek Golf Course Country Club BIA for land-use management adjacent to wildlife corridors.

Recommendation from Golder 2002: Conservation easements should be created on both sides of the across valley corridor as well as the along valley corridor. Within these easement lands, lands should be left in as undeveloped a state as possible, but thinning for wildfire control could be allowed (p 43)

Golf course fairways could be situated adjacent to the easements, although hours of use should be restricted to from one hour after sunrise to one hour before sunset (p43).

Large residential lots (2-4+ acres) with the houses positioned at the front end of the lots would be ideally located on the far side of the golf course (away from the corridor and easement). The backyards of these lot should not be fenced. High to mid density housing should not be situated next to the easements (p44).

Attachment 2 – Kay Anderson

November 24, 2013

Thank you Mayor and Council,

The comments I would like to make for the record are that given the Values and Principles of the Residents of Canmore, we support development on Stewart Creek land or Three Sisters land that will apply all four of these points:

- 1) **Preserve and protect the environment with viable wildlife corridors and habitat**
 - a. The Stewart Creek section of the Along Valley Wildlife Corridor is part of the most SIGNIFICANT Environmentally Sensitive Areas in Canmore. We need to apply Golder 2002 guidelines to proposals adjacent to wildlife corridors.
- 2) **Actively involved the community with a “Made in Canmore” solution**
 - a. Listen to the guidance of our local wildlife experts who live here in Canmore
- 3) **Preserve the integrity of the adjacent lands**
- 4) **Mitigate and avoid undermining risks**

As an output of local residents group, we provided to Mayor Borrowman a few months back 241 signatures of individuals who support these values and principles. We will now provide to the Mayor an additional 254 signatures for a current total of **531 people who stand together in full support of these 4 Values and Principles in Canmore.**

These Values and Principles have their foundations in a plethora our own Town of Canmore Municipal Development Plan documents, Mining the Future Plan, Signposts to Sustainability, and our Strategic Plan. Specifically I would like to point out in the Municipal Development Plan page 2-1 point 1.0 it states, **“Canmore is extraordinary in terms of its environmental setting within a system of critical Rocky Mountain ecosystem wildlife movement corridors. The Town has responded to this setting in recent years by ensuring that wildlife movement corridors and habitat areas are protected PRIOR TO development. Maintaining the quality of the natural mountain environment within the Town’s boundary as a FIRST priority is recognized as critical to ecological viability of the wildlife movement corridors and wildlife habitat areas throughout the Bow Corridor region and beyond.”** I would also like to read the “Precautionary Principle” in the Town’s Mining the Future Executive Summary page 14, this principle states, **“The idea that if the consequences of an action are unknown, but are judged to have some potential for major or irreversible negative consequences, then it is best to avoid taking that action.”**

If any proposed development on the Stewart Creek/Three Sisters lands does not apply these critical principles listed above, we would respectfully ask that you not give approvals to move forward.

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Attachment 3 – Perry Davis

November 26, 2013

To Canmore Town Council

Re: Bylaw 2013(Z)23 –PROPOSED ZONING OF 20 LARGE ‘CABINS’ AS A ‘DISCRETIONARY USE UNDER THE 2004

The Golder 2002 Guidelines should be applied in the case of these cabins. If construction is to be permitted they should be set back from the wildlife corridor and its buffer zone the distance recommended in those guidelines. A corridor that is whittled away at and compromised here and there will not be a functional wildlife corridor. It will be like a pipeline that has leaks and kinks: not what many Canmore citizens would want in their back yard. There are no alternatives to a functioning wildlife corridor left in the valley: this is it.

Attachment 4 – Lisa Downing

November 25, 2013

Subject: Comments re Bylaw 2013 (Z) 24 and Bylaw 2013 (Z) 23

Dear Mayor and Council,

I feel I am having a deja vu...haven't we talked about this before?

Maybe I am missing something but I am pretty sure the message last time from Council was that these "cabins" weren't appropriate for the location. I can't see what is different about this application vs the last one, but maybe tomorrow night I will be enlightened?

A ZERO setback from the Stewart Creek Golf Course (which as we know is identified as a seasonal wildlife corridor) will not allow for a functioning corridor. The Golder 2002 report specifically states setbacks much farther than this as does the BCEAG guidelines. I imagine that you have all seen the location and looked across to the steep slopes above the golf course. The path of least resistance for the wildlife movement is close to, or on the golf course. "Cabins" filled with vacationing people will not provide for a functioning wildlife corridor. The science states this and it also comes down to common sense.

We also have to remember as per the 2004 Stewart Creek ASP that the golf cabins MAY be considered and they are identified as a discretionary use. There is no guarantee from the Town to the developer that this will go ahead.

I am sure you all have read the BOWCORD submission. Rather than say it all again-I want you to know that I agree with their submission.

I am hoping that as our elected officials, you will continue to fight for functional wildlife corridors.

Thanks for your time. See you tomorrow night.

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Attachment 5 – Denise and Kyle Kitagawa

November 25, 2013

Subject: Some common sense considerations re: golf cabins proposed for Stewart Creek

Dear Mayor Borrowman and Members of Council:

Thank you for the opportunity to comment on the proposal to construct golf cabins at Stewart Creek.

Representatives of environment and wildlife conservation groups (such as WildCanada Conservation Alliance) are much more qualified than we are to offer well-considered feedback on the wildlife corridor considerations of the proposal to construct golf cabins at Stewart Creek.

And individual members the 500+ member strong group of Residents of Canmore do a very good job of articulating how we support further development in the Stewart Creek/Three Sisters area provided it preserves and protects the environment with viable wildlife corridors and habitat; actively involves the community to create "Made in Canmore" solutions to development challenges; preserves the integrity of adjacent lands; and mitigates and avoids undermining risks.

So rather than re-iterate any of those very well-informed and important considerations, we would like to add two points for Council's consideration:

First, where is the common sense in building what is basically tourist accommodations right on/along a wildlife corridor? Many visitors to the Bow Valley have very little knowledge of WildSmart principles and we are concerned that between the higher noise levels likely to originate from the golf cabins and the desire of many visitors to experience an up-close encounter with wildlife, there is too much potential for adverse consequences.

Second, is it not possible for more suitably located golf cabins to be connected to the main clubhouse at Stewart Creek via appropriately sited and constructed pathways? Such pathways could be incorporated into the regional pathway network and would provide visitors with a more authentic experience of Canmore, where many of us walk, cycle or use some other means of self-powered transportation, particularly to travel short distances. Perhaps some leeway could be granted to allow the use of golf-carts to transport guests from more suitably located golf cabins to the main clubhouse?

We appreciate that Council does not have an easy job when it comes to responding to all the various positions related to the golf cabin proposal, but have every confidence that Council will reference the well-considered guidance contained in the Town of Canmore Municipal Development Plan, Signposts to Sustainability, the Strategic Plan and the Mining the Future Plan documents when making its decision.

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Attachment 6 – James Mottram

November 22, 2013

As a full time resident of Canmore since 2005 I wish to express my concerns with regard to the proposed By-Laws to be heard at the council meeting scheduled for 2013-11-26.

I believe any uses of the lands in question should be in accordance with the intentions set out in the Golder 2002 recommendations, the Canmore 2004 Stewart Creek ASP, the Provincial 2005 Draft Conservation Easement Agreement, the 2011 Draft BCEAG guidelines as adopted as Town Policy in the Municipal Development Plan, and the Stewart Creek Golf Resort 2012 SSR.

So much time, effort, expertise and money has been expended and consumed in developing these guidelines that any failure to follow them would be a terrible squandering of resources. If the intentions of these guidelines are not followed, the loss of goodwill amongst the various community stakeholders, including developers who do try to abide by the guidelines, could be perceived as a betrayal of the Canmore Mining the Future Vision Statement.

I appreciate the opportunity to express my opinion and appreciate the good work carried out by Canmore Town Council and Administrative Staff.

Attachment 7 – Hans Helder

To Mayor and Council:

I am writing in support of Bylaw 2013Z-23. While on Council I refrained from participating in debate or voting on this matter due to my status as a member of Stewart Creek Golf and Country Club. However, I was privy to all materials related to the application and reviewed them in detail. I have since further reviewed the material provided, paying specific attention to the EIS and the third party review of the EIS. Both documents conclude that the environmental impact of the proposed development of 20 golf cabins as being “negligible”, due primarily to the fact that the location in question is already disturbed by being in immediate proximity to the golf course club house, by in part replacing the footprint of the existing temporary golf course maintenance facility, and occupying in general the first tee box area of the golf course.

The proposed development will have a significant positive economic impact within the community as well as for the Stewart Creek Golf and Country Club. The direct economic benefit of the development, as previously indicated in the approved SSR, will be in excess of \$20 million made up of goods, materials, services and jobs sourced in Canmore. It will also add to the commercial tax base in an amount in excess of \$20 million. Additional economic activity will result upon completion of the development through rental of the properties, increased use of the golf course, and in particular, increased use of the currently under-utilized club house banquet rooms and facilities. All of this will have a positive economic impact on the community. In addition, during the construction phase, the project will positively impact the social fabric of the community by supporting well-paying construction jobs.

The Stewart Creek Golf and Country Club has been a positive contributor to the local economy since 2000. It has supported both high quality professional jobs as well as providing entry level seasonal employment for many residents, young and old. The proposed development will add to that. The golf club has been and

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continues to be a significant tourism draw, bringing destination tourists to the community. Under the current ownership it has continued to do so under conditions of annual operating losses which the proposed development is intended to address. It is noteworthy that the Stewart Creek Golf and Country Club is not asking for any special consideration from the town of Canmore, either financial or administrative. Rather it is simply requesting that it be allowed to proceed with a development that was included as part of the approved ASP for these lands.

In consideration of the positive economic and social impacts of the proposed development, and the negligible environmental impact, I urge Council to proceed with passing second and third reading of Bylaw 2013Z-13. I would have preferred to make this representation in person, but unfortunately a personal commitment requires me to be out of town on the date of the Public Hearing. I have no objection to having my submission read into the record. In any event, I understand that it will form part of the official record of this public hearing.

Attachment 8 – Our Lady of the Snows Catholic Academy

November 25, 2013

To Whom it May Concern:

Following the completion of the Our Lady of the Snow's Catholic Academy in 2008, an evacuation plan was prepared for the students and staff that, in the case of a major emergency (example – fire in the building), Stewart Creek Golf and CC would be used as an evacuation centre. The school is in receipt of a key for the gate leading up to the golf course and the clubhouse should it be locked during periods where the golf course is closed.

With the current plan Stewart Creek Gold & CC has taken forward with the Town of Canmore of being able to develop future resort accommodations on site, next to the clubhouse and therefore would be open on a more year round basis. As a result, the school would benefit more by the overall program as it would provide greater access to the facilities on a year round basis, should an emergency ever arise. Thus avoiding the likelihood of us taking the responsibility of opening the site when closed in the off season.

Attachment 9 – Lawrence Hill

November 26, 2013

Subject: Stewart Creek Accommodation District

Now that the environmental concerns have been assuaged, there is no good reason why this application should not be approved.

Accommodation adjacent to the Stewart Creek Club House will bring more tourists to Stewart Creek, both during the golf season, but also during the off-season for weddings especially. Once here, most visitors will make their way downtown where they will spend at many of Canmore's fine restaurants and retail stores - a win-win for all of Canmore.

Much of the development will occur on land that was already cleared for the maintenance operation, thus minimizing the area of forest to be impacted.

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The buildings that are contemplated can easily be built by local trades and supplied by our local lumber and finishing stores, thus helping to keep Canmore's significant construction industry busy and employed

Attachment 10 – Jim Pissot, Wild Canada Conservation Alliance

Bylaw 2013Z-24

Bylaw 2013Z-23

Dear Mayor Borrowman and Members of Council:

Thank you for the opportunity to comment on the proposed bylaws before Council. Canmore, and Canmore's leaders, are justifiably recognized for efforts to accommodate wildlife and minimize human impact on the rest of the natural environment. Success in our collective efforts, though, requires watchful diligence with each proposal that comes before Council.

Over the past several years, we have learned more and more about wildlife sensitivity to human activities. While somewhat resilient in the face of change, wildlife populations are worn down over the long term by the cumulative effects of persistent human activities that affect their habitat and behaviour. So we must be ever vigilant when the impacts of some proposal are billed as "minimal," but instead are merely the latest in a long list of substantial threats to wildlife movement and well-being. This is particularly critical at wildlife corridor bottlenecks and other sensitive areas.

We conclude the proposed cabins at the Stewart Creek golf course pose significant threats to the wildlife use of the Along Valley Corridor. We urge Council to reject this particular proposal, and to continue to work with the proponent to locate this development at an appropriate distance from the wildlife corridor. This is no time to disregard previous concerns, bypass guidelines and wildlife principles, or redefine the meaning of "height."

As you debate these bylaws, please consider the following issues and questions.

1. The wildlife corridor should be strengthened, not deliberately weakened, at this critical pinch point. Zero setback is not acceptable.

Golder 2002 and BCEAG require, in fact and in principle, greater setbacks based on the intensity of human activity and on the sensitivity of the wildlife corridor. This portion of the Stewart Creek golf course is a significant bottleneck to wildlife movement and enjoys little of the protection afforded by NRCB rulings. The clubhouse location (and type and timing of clubhouse activities) already compromise wildlife movement and stand as an exception to NRCB and other wildlife conservation guidelines. As conceded by both the Stantec BIA and the MSES technical review, the construction, location, sights and sounds are predicted to have negative impacts on wildlife movement through this already-compromised section of the Along Valley Corridor. No residences of any kind should be approved in this area.

2. Concerns voiced previously by Council have not been resolved, e.g., what is a "golf cabin."

During discussions of the SSR for this project, members of Council voiced a number of concerns with issues that remain imbedded in this proposal. These include sights and sounds likely emanating from the "cabins," confusion regarding ultimate uses of the cabins, appearance, etc. Until these issues are fully resolved and questions adequately answered, cabin construction should not be approved.

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The ASP for Stewart Creek (approved September 21, 2004) describes “small golf cabins” and “small cottage-like golf cabins” with “spatial separation” on site D (Stewart Creek Design Principles, page 7). At the SSR hearing, Council recognized that the proposed structures are anything but “small” and “cottage-like.”

Nothing has changed. In fact, now the proponent is requesting a novel method for calculating building height, obviously so the Stewart Creek can construct even taller structures than would be allowed normally under Town bylaws. Too-tall structures hardly qualify as “small cottage-like golf cabins,” do they?

3. “Footprint” discussion is simplistic and misleading, and does not address sights, sounds, time of day, time of year, or adjacency to the wildlife corridor. These parameters are critical considerations for wildlife presence and movement.

Documents pertaining to the current bylaws make much of the allegedly small physical “footprint” of this proposed development. But, in spite of the many times these issues have been raised previously, Stantec’s BIA, and even Administration’s assessment, essentially are silent on key aspects regarding the placing and use—the “functional footprint”—of the proposed structures.

“Visitor Accommodation units within the Golf and Recreation Area north of the existing clubhouse location is envisioned (sic) to further encourage potential utilization of golf facilities on a year-round basis.” (Stewart Creek ASP 4.4, p. 23) Clearly, Stewart Creek intends to increase human activity in months when historic activity has been low. These are the same months when the golf course originally promised low human activity to make more room for seasonal wildlife uses.

It is likely that human activities will be conducted in and around these “cabins” during evening hours and throughout the year. So wildlife will be subject to new and additional noise and lights. Research in Alberta and elsewhere shows that when humans come in from play, wild animals return to resume normal activities. And when human activity returns, animals move away.

A cluster of party houses and year-round accommodations have no place adjacent to Canmore’s wildlife corridors, particularly at this already-compromised and critical pinch point.

4. No reason to make a bad situation worse. What would “minimized” impacts look like?

As we have noted, this section of the Along Valley Corridor already is compromised. The corridor is too narrow, the sides too steep, and human activities dominate the modified landscape. History shows that wildlife populations usually become extirpated or extinct due to death by a thousand cuts. These unnecessary structures and their likely uses further deteriorate the quality of the wildlife corridor in a location. This is not what Canmore residents and Council intend when we say “we will protect the wildlife corridors.”

If we can’t rectify past mistakes and make this section of the corridor “better,” at least let’s not make it worse.

5. Redefining “building height” to the advantage of the developer, and to the detriment of Town values, is an absurd disservice to the Town’s process.

“Height means with respect to a building, the maximum vertical distance between the grade immediately adjacent to the building and the midpoint between the eaveline and ridge of a sloping roof; ...”

(Sec. 3.31.4.b of Schedule A of proposed Bylaw 2013Z-23)

Should we laugh or cry? The proposed bylaw would replace the common definition of “height” with a novel definition that should be called “a-fantasy-substantially-less-than-actual-height.” A building’s height is the distance to the top of the building, not some contrived calculation that is somewhat less.

It’s a bit like an overweight patient trying to convince his doctor that he weighs 20 kilos less than the scale reads. “Hey, doc. Let’s say I weigh something half-way between what the scale reads and what I should weigh. OK?”

No, not OK. And it’s not just a matter of a meter (or three). This is the sort of incremental nibbling away at guidelines, limits, setbacks and wildlife corridors that makes a mockery of bylaws, public intent and due process. And, in the end, Canmore is tarnished with too-tall buildings, streams are compromised with too-close development, and wildlife corridors without any wildlife. No, not OK.

Consider this – this sort of wiggling isn’t tolerated when the radar police cite a Canmore driver with speeding a couple of kilometers/hour above the posted limit, is it?

6. Golder 2002 and BCEAG 2011 must be applied to the fullest extent.

Stantec cites Golder 2012 but conveniently ignores the recommendations of Golder 2002. Why? Similarly, BCEAG 2011 defines “adjacency” as within 175 metres of the wildlife corridor and recommends best practices to include the buffering guidelines of Golder 2002, but Stewart Creek does otherwise.

These proposed “small cottage-like golf cabins” are within 175 meters of the Along Valley Wildlife Corridor, but Stewart Creek and Stantec completely ignore well-grounded recommendations that have been the foundations of Canmore’s wildlife corridor designs.

BCEAG 2011 and Golder 2002 were designed to prevent the incremental nibbling away of Canmore’s wildlife corridors. Stewart Creek’s flouting of these principles should not be tolerated.

7. The Stantec addendum conveniently hides behind “will be outlined in the Construction Management Plan” and “during the Development Permit stage of the project” instead of clearly stating now what is envisioned for the site.

In response to questions and issues posed by MSES, Stantec punts the answer into the murky future. Stewart Creek know they want buildings—“small cottage-like golf cabins”, that is—taller than Canmore’s bylaws would allow, but they are unable to provide details of what the proposed structures will look like. Nonsense!

If there are gaps and unknowns at this stage, and MSES has identified a number, many critical, they should be answered now, not postponed to a later date when the concrete already has started to set.

We respectfully hope you will reject the “cabin” proposal as presented, secure wildlife corridors with appropriate protection, and ensure wildlife—and the integrity of public process and policy—continue to have

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a place in the Bow Valley. We are confident that this all can be done while promoting sustainable prosperity in our community

Attachment 11 – Suzanne Wilson

November 15, 2013

Subject: Re: SCASP

So as I turn the page of this week's Outlook I see Parks are trying to save Elk stuck in the ice. Why why are we in Canmore proposing to destroy their habitat!

Dear Council,

I am ever shocked and amazed that you could this go through.

We live in one of the most beautiful places on this Earth. Why the HELL do you want to turn it into one big resort?

COUNCILLORS. Your townsfolk has just voted for you. Now it's time to stick your neck out and preserve our beautiful valley. I am sure that many voted for you on your past outspokenness on this issue. Now I am asking you, as my elected officials, to speak out once more. This space should be a green space, not a *****resort. We have enough of that already.

Attachment 12 – Ron Wiebe, Alberta Fish and Wildlife (reprinted with permission)

From: Ron Wiebe

Sent: November-12-13 4:23 PM

To: Sean Kjemhus

Subject: Confirmation of business relationship

Sean, over the last decade since Fish & Wildlife separated from Provincial Parks I was the District Officer in Canmore. During that time support was provided as required mostly relating to public safety on wildlife complaints.

You and your staff have assisted us with significant grizzly and black bear issues on and around the course and are often the first contacts that would provide issues of concern on the matters/concerns that would relate not only to the course but the rest of the community.

Occasional visits to your office by myself or other staff was done and discussions that allowed for some planning and potential opportunities for improvement within the area were touched upon. The most recent discussions were relating to the elk and the numbers within the course and town site areas, and how we can deal with these matters in the future. To this point nothing has been landed upon relating to the town and the elk issues.

On an annual basis Fish & Wildlife Officers have provided Bearsmart Training/Education to your staff. This often involved explaining the protocol for reporting wildlife occurrences and how to act and react when confronting bears as well as an explanation of our gear and what we do on the landscape. Although this is not

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normal protocol for Fish & Wildlife Officers to do around the province it has been beneficial for some of the courses in the area including Stewart Creek Golf Course.

There have been some minor changes to the Canmore District within the last while, the least of which has been me taking a promotion to Inspector for the Calgary Unit. While I am still at the same cell phone number I now oversee 9 districts from Oyen to Canmore/Cochrane. I foresee the level of service to Stewart Creek and Canmore being no different than before and we will be maintaining our number of government staff in the area to assist you in the event of public safety issues.

Presently Officer Jason Cadzow is the Acting District Officer. We are currently in the process of hiring district officers for our vacancies across the province. Once this process has been completed the new officer in charge will be operating out of the Cochrane/Canmore office as I have been doing for the past few years.

Thanks for your support and assistance in the past with the government. I appreciated all the times on golf carts and working with bears with you. I look forward to your continued support and discussions with the Government of Alberta regarding needs as they arise.

Attachment 12 – Brenda Davison

Dear Mayor and Council,

Re: Bylaw 2013Z-23 and 2013Z-24

I believe that these bylaws are in direct opposition to the spirit and intent of both the Golder report, and Wildland Conservation Zoning. The main purpose of Golder and WC is to protect and maintain the wildlife in our area and beyond, and I believe that council is responsible, as a matter of principle, to see that this purpose, including spirit and intent, is upheld.

One of the important foundations for functional wildlife corridors laid out in the Golder Report concerns layering of use from least-dense near the wildlife corridors, to most-dense away from them. It is such a clear, simple, and obvious concept, that it would appear to be a no-brainer. Even an elementary student would be able to grasp it. And yet the proponent of this bylaw, has chosen to ignore it. Almost certainly by units per acre or number of people per unit, the proposal is much too dense to be so close to the major wildlife corridors and adjacent to a seasonal one. Voting against such a thing is really your only choice if you value the Golder guidelines.

I would also like to talk to you about the mitigation plan. First, let me make it clear that some things cannot be mitigated. A pinch point in a corridor is one of them. Someone more familiar with the topography will certainly speak to this problem tonight.

However, on a development where mitigation IS possible I am asking council to be more diligent. Be sure that the mitigation is actually a fair trade for a valuable commodity. To see what I mean, pretend that you have been hired by the wildlife as their environmental agent, a Jerry MacGuire of sorts- not as handsome perhaps but so much smarter! How would you, the wildlife environmental agent view the trade on the table tonight- the developer gets to develop 20 units on 4 acres of land and you get hmmm. The mitigation plan for habitat loss says that "landscaping will be completed using non-palatable plant species." Call me naïve

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but I don't see how planting only things he can't eat on the 4 acres will compensate your client for habitat loss. Another bullet in the mitigation plan states, "All staff and visitors will be asked to avoid all areas of the wildlife corridor except areas of the golf course that overlap the wildlife corridor." What... your client's corridor is a golf course full of people! Nothing to eat AND he gets adversely conditioned too. I'll bet a good agent would want the wording a little more explicit than "ask to avoid". It sounds more like "will try" than "will make it happen." And isn't this policy already in place. No gain for your client there. So really the mitigation plan has no net gain and 4 acres lost. Bad deal, Jerry.

A good agent would counter the offer by TSR with his own mitigation plan. Perhaps it would look like this. Be it so resolved that --TSR agrees to cut 40 residential units from their NRCB allotment to mitigate the 20 cabins since the actual human use of the 20 units that they are proposing will be so high and is too close to the corridor. To substantiate our findings, please accept our EIA (Economic Impact Assessment) Using the same standards as the Stantec Biophysical Study, a loss of 40 units out of the NRCB allotment of 3200 is between 0% and 5% or negligible. Thus we can see no reason why TSR will not accept our proposal. However to mitigate their economic loss, we would offer to close the golf course on Saturdays in the summer only. Please note that this offer is only good for 2013. Next year we are considering bringing forward a proposal to remove 20 more units from their allotment and in 2015 we will be proposing the removal of 32 more. Please note that our cumulative effects study is expected to be completed by 2020. We will also provide monitoring at some time in the future.

I hope that the silliness of this argument has given you a different perspective. Hope it has made you understand some of the frustration that environmentalists feel. I hope that it has made you wonder about the real meaning of the word ... negligible. I hope it has made you want to know more about cumulative effects. And hope that you will see that no matter how crazy it might have sounded, you are in truth the agents for the wildlife. You make and sign the documents that determine their health and their survival as individuals and perhaps even as a species. And like Jerry MacGuire sometimes a good contract for one player can change the game everywhere. I'd like to think that Canmore could set the standard that shows other communities how to manage wildlife as though it really mattered. As if it was as important as money. Which for my money it is. So hit it out of the park, councillors, hit it out of the park.

Attachment 13 – Canmore Business and Tourism

Subject: Stewart Creek Golf Club Resort Accommodation Land Use Redesignation

Canmore Business & Tourism sees economic value in the Stewart Creek Golf & Country Club Resort Accommodation application for land use redesignation.

While the resort accommodation units would be sold as secondary residences, we are encouraged by the ability for the owners to include the units in the rental pool that will be managed by the Stewart Creek Golf Club. The economic impact on our community is obviously significantly greater for units that are occupied 50-60% of the year by tourists, rather than the average of 41 days per year by semi-permanent residents.

The applicant's Sustainability Screening Report application indicates that the developer intends on using 75% local construction labour for the project. This is estimated at \$5.5 million to local construction trades. We encourage the developer to look for ways to achieve the 75% local trade target.

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The resort accommodations would be taxed as commercial with an estimated value of \$22 million. This would generate an additional \$187,000 for the Town's municipal budget on an annual basis. This has a positive impact on the ability of the municipality to continue to offer a high level of services to our residents and visitors.

Attachment 14 – Alan J. MacFadyen

I offer these comments in a personal capacity as a Canmore resident, not as a member of the BowCORD steering committee.

I offer qualified support for proposed bylaw 2013(Z)-24, regarding WC zoning in the Stewart Creek area.

While supportive, I would note that the area being zoned is smaller than that specified in the Stewart Creek 2004 ASP, and would urge Council to amend the proposed area to the full area set out in the ASP.

I would also suggest that this is an ideal time for Council to affirm that no new development permits will be issued for Stewart Creek until the owner has signed the Conservation Easement to protect the Along and Across Valley Wildlife Corridors that lie within the Stewart Creek golf course and adjacent areas.

Thank you for the opportunity to comment on this proposed bylaw.

Attachment 15 – Tracey Henderson

November 25, 2013

Mayor and Town Councillors

Re: Bylaw 2013(Z)23

Mayor Borrowman and Councillors,

I am writing with my concerns about proposed Bylaw 2013(Z)23. Quite frankly, I don't see why Council should consider passing this bylaw as it has the potential to further erode the integrity and functionality of the adjacent Wildlife corridor.

With all the science that is out there; Golder 2002, the animal tracking data from the last decade etc. etc. I simply can't see how one can justify allowing 20 cabins right beside the corridor. We know the officially designated corridor is not wide enough, and we know that land buffers, conservation easements, and layered land use will be critical to ensuring that unfettered development does not unduly impact the corridor. (Which is why I am in full support of Bylaw 2013(Z) 24). This bylaw however seems to fly in the face of all that we know, and all that we have learned over the last few years....(decades for some of us).

During the recent election campaign, I quite clearly heard a commitment from all of you to ensuring that the TSMV lands would be developed without harming the functionality of the corridor. Bylaw 2013(Z)23 may just be one more "straw", but the load is getting pretty heavy on this wildlife corridor camel's back. In this, your first test as a new council, I urge you to send a strong message to the developer that functional wildlife corridors are important and not to be messed with.

Attachment 16 – Mike McIvor, Bow Valley Naturalists

November 26, 2013

Minutes approved by: _____

Dear Mayor Borrowman and Members of Canmore Town Council,
The Bow Valley Naturalists are writing to express our serious concern about one of the by-laws – Bylaw 2013(Z)23 - that will be the subject of a public hearing on November 26, 2013.

We are a volunteer organization of approximately 160 people who live in the upper Bow Valley, primarily in Canmore and Banff. We have actively pursued our interests in natural history and conservation since our formation in 1967. In 1992, we were a funded intervener at the original Natural Resources Conservation Board public hearings on Three Sisters Resorts and we have followed and participated in many of the related issues since then. Our comments will be brief and general. Perhaps our overriding concern has to do with the fact there obviously is a strong desire on the part of decision-makers to reach some sort of conclusion after all the years of back and forth with the questions of development and proper protection for wildlife, including viable wildlife corridors. While we can understand this desire we worry that quick fixes may be sought to speed the process to its end without adequate – and required – safeguards for wildlife.

We believe Bylaw 2013(Z)24 can be supported to ensure the alignment of the 35-metre buffer as a minimum. But Bylaw 2013(Z)23 definitely should not be approved. The proposal is that these cabins would be constructed immediately adjacent to the wildlife corridor without any provision for the required buffer. Not only should Town Council reject this out of hand for its failure to comply with well established criteria for protection it should insist that a Conservation Easement Agreement be finalized that complies with all relevant decisions and policies already in place. It is essential to provide appropriate protection on a permanent basis, not just for the Stewart Creek section but the entire wildlife corridor along the valley. This task should be completed before any further development proposals are even considered.

Members of the Bow Valley Naturalists, not unlike many other people in this area, are frustrated this overall process has dragged on for so long. Perhaps those with development ambitions count on an element of weariness amongst the public to lessen the degree of opposition to their schemes. By treating those developers with kid gloves, Town Council plays right into their hands.

It is important for us to remind members of Council that Canmore residents are far from the only people in this valley who are very concerned about the final outcome of the seemingly endless Three Sisters processes. Those who live in Banff and others who live to the east of Canmore are well aware that the wildlife they care about must have the ability to move freely throughout the valley.

We strongly encourage Canmore Town Council to put its foot down and insist on a full resolution of all issues related to wildlife movement and protection prior to any further consideration of proposals for development at Three Sisters. We can assure you of our full support for such an approach.

Attachment 17 – Heather McFadyen

Minutes approved by: _____

I offer these comments in a personal capacity as a Canmore resident, not as a member of the BowCORD steering committee.

I urge Council to reject proposed bylaw 2103(Z)-23, as it is presently written, on the grounds that the proposed cabin location fails to meet the required setback from the Three Sisters Along Valley wildlife corridor, or amend it to meet minimal adjacency requirements which protect the corridor.

My comments are in two parts, the first on why I believe the bylaw should not be approved as it stands and the second with several additional background comments.

REASONS FOR REJECTING THE BYLAW

Canmore's MDP includes a provision that BCEAG guidelines are part of Town policy. BCEAG specifies that there should be a 175 metre setback from environmentally sensitive areas, including wildlife corridors.

The 2004 Stewart Creek ASP requires application of Golder 2002 as a minimum. (I would note that the wording in the ASP is clear: it does not say that 'development is to be considered in light of relevant documents including Golder 2002'; it does not say that 'development must be compared to Golder 2002 requirements'; it quite clearly states that **Golder 2002 shall be applied as a minimum.**) The Golder land use requirements are, in effect, a series of required setback provisions, from the boundary of the wildlife corridor, for different types of development. Multi-unit developments such as the 20-cabin Stewart Creek proposal are to be allowed only well back from the corridor, below a number of other uses such as a corridor buffer, golf course, trail, large acre lots etc. Furthermore, as Golder has been implemented in the Resort Area ASP, there is a setback of over 300 metres from the wildlife corridor before a building of any sort is allowed.

Finally, the Town's draft CSP of 2009 provides clear evidence that setback provisions are widely accepted as a key part of Town policy. The CSP was drafted with extensive public input and included a requirement for a 250 metre setback of development from environmentally sensitive areas. While the CSP has not been passed, so is not binding town policy, it is indicative of the values of Canmore citizens and therefore is relevant in assessing the desirability of a development proposal which is discretionary under its ASP.

Conclusion: The Stewart Creek cabin proposal is closer to the wildlife corridor than the MDP (BCEAG as policy), the ASP or the draft CSP would allow and should therefore be turned down, unless amended to meet these policies.

TWO ADDITIONAL MATTERS

Small is no excuse

The developer's proposal, the BIA and even the Third Party review all seem to be based on the premise that a development this close to an environmentally sensitive area (wildlife corridors) is acceptable so long as it is small enough that there are likely to be minimal adverse environmental effects. This argument is wrong for three connected reasons: it effectively undercuts a municipal policy of setbacks; it sets an undesired precedent; and it imposes unequal and unfair burdens on other development proposals.

-There are two quite different approaches in land use planning to providing protection for environmentally sensitive areas. The first is to have clearly defined setbacks before any development is

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allowed. The second is to specify that any development must demonstrate that it has no significant environmental impacts before it is approved. The former approach is normally preferred (sometimes combined with a requirement for an EIS) because it offers more secure protection for environmentally sensitive areas. (A danger with approach two, especially given the inevitable uncertainties about environmental impacts, is that a 'Peter's Principle' will result where developments continue to be approved until **after** the environment is already compromised.) Under the setback approach, the question arises of whether any exceptions should be allowed. Many environmentalists would say the answer must be 'no' since a setback is a setback. Others might argue that in exceptional circumstances, where a project offers unusually significant net social gains, the setback requirement might be waived. However, that a project is small compared to the surrounding natural environment and therefore has a negligible environmental impact, is not sufficient reason to waive the setback requirement; to do so would be to frustrate the whole purpose of the setback approach and clandestinely replace it with the second approach.

-Approving a small project, with no exceptional net social benefits, despite violation of setback requirements, sets a dangerous precedent. Why would permission be denied to any other small project with low environmental impact in any part of Town with setback provisions?

-Once a small project is allowed in violation of setback provisions, a second proposal is likely, but it will have to demonstrate not just that it in isolation would have negligible environmental effects but that it in combination with the first does so; a third project would have to bear responsibility for the cumulative environmental effects of all three projects. This gives an unfair advantage to the first project; it could imply that a truly exceptional project down the road is refused because a number of ordinary small projects happened to come before it; it would encourage developers to make development proposals in environmentally sensitive areas so that they can be considered first.

In conclusion, no one is arguing that the proposed golf cabins provide exceptional economic or social benefits to the Town of Canmore. The fact that the footprint of the development is small relative to the natural area and that environmental effects are likely to be minor is **not** a reason to waive the setback requirements.

Taking Golder 2002 seriously

The Golder process is well understood. The NRCB in its 1992 Decision, and as it has since confirmed, directed that definition of the Three Sisters wildlife corridors should be based upon the most up-to-date scientific evidence. It is known that the primary wildlife corridor established in the 1990s fails to meet known standards of width, slope and cover. Golder 2002, for the Resort Area, argued that the corridor there could be made functional through a definite sequence of municipally zoned land uses that progressed from less intensive uses adjacent to the corridor to more intensive uses at a significant remove. The Stewart Creek ASP require that development here is to be assessed as to whether they met Golder 2002 **as a minimum**. The last requirement was appropriate because in the Stewart Creek area (unlike the Resort Area) the golf course lies partly within the wildlife corridor and hence provides less low-intensity use and seasonal buffering than does the golf course in the Resort Area.

The Golder 2002 land use sequencing functions like a series of required setbacks from the corridor for different kinds of development. Nowhere in Golder 2002 is it suggested that a pocket of golf cabins might be placed in the golf course because they have a small footprint and are likely to have a negligible impact on

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wildlife. Nowhere in Golder is it suggested that a group of tourist homes might be placed in amongst the 2-4 acre residential homes, even if the tourist homes take up a small part of the total acreage of large lots and are likely to have minimal environmental effects.

The conclusion seems clear.

The Stewart Creek ASP makes clear that the application of Golder is required; there is no way under Golder that a development like the proposed Stewart Creek golf cabins would be allowed this close to the wildlife corridor; therefore, the proposal should be turned down, or amended to meet Golder 2002 as a minimum.