



TOWN OF CANMORE POLICY

EFFECTIVE DATE: April 17, 2007

ADOPTED BY RESOLUTION: # 216 - 2007

POLICY TITLE: Three Sisters Resort Core and Stewart Creek
Commercial Village Municipal Reserves Policy

BACKGROUND

The following Policy refers to the dedication of municipal reserve lands and parcels within parts of the Three Sisters Mountain Village Resort Core and the Stewart Creek commercial village.

Three Sisters Mountain Village (TSMV) has, in recent years, as part of residential subdivisions in reasonable proximity to the Resort Core and the Stewart Creek commercial village, dedicated municipal reserve parcels in amounts exceeding the requirements of the Municipal Government Act and the Municipal Development Plan.

As part of six subdivision in Cairns on the Bow, various phases of Three Sisters Creek and Stewart Creek (outside of the Homesteads and Peaks of Grassi subdivisions), TSMV has dedicated 23.7 hectares of land for municipal reserve parcels, for which they have received credit for slightly over 19.1 hectares (the remainder being lands that were deemed unsuitable for municipal reserve purposes but accepted by the Town from the developer - which amount to slightly over 4.6 hectares). These dedications amount to a 28% dedication of total municipal reserves, and a 22.6% dedication of credited municipal reserves. This is in excess of the 10% requirement of the Municipal Government Act.

TSMV has also invested in excess of \$900,000 on improvements to these municipal reserve parcels. TSMV has constructed improvements to municipal reserve parcels that are not ordinarily seen in many communities.

TSMV has also left undeveloped large open spaces that amount roughly to a further 10 hectares of land. While not altogether suited to development as formal park spaces, these lands have seen improvements installed, including the commuter trail, the riverside trail, Three Sisters Creek bridge, a boat launch facility and rest areas that do provide community recreational opportunities.

In summary, TSMV has provided municipal reserve parcels in excess of what is required by the Municipal Government Act, has left open spaces in addition to municipal reserve parcels and has spent substantial amounts in developing both types of spaces for public use.

Three Sisters Mountain Village intends to develop the Resort Core and the Stewart Creek commercial village, including developing public open spaces that will be available for public

use. The cost of constructing and maintaining these open spaces will be borne by Three Sisters or other developers into the future. Provided that there can be adequate reassurances that the public will have continued access to these open spaces; through methods such as public access easements, the benefit to the Town and the larger community of not dedicating municipal reserves within these areas, is that construction and maintenance costs can be minimized or eliminated, and the public will still be able to access open space and similar facilities.

Given the background of municipal reserve dedications in TSMV, it is reasonable to review the requirements for municipal reserve dedications in the commercial and resort development areas.

POLICY

1. This policy is limited geographically to include only certain areas contained within the boundaries of the Resort Core Area Structure Plan (Bylaw 23-2004) and the Stewart Creek Area Structure Plan (Bylaw 24-2004).
 - (a) Specifically within the Resort Centre ASP (Bylaw 23-2004) the following areas are included within this Policy:
 - (i) Lands within the "GRD" - Golf Resort and Recreation Area Direct Control land use district; and
 - (ii) Lands within the "TS-RC-DC" - Three Sisters Resort Core Direct Control land use district; and
 - (iii) Lands within the "TS-RA1" Three Sisters Resort Accommodation land use district; and
 - (iv) Lands within areas shown as "Open Space" in the Land Use Concept shown in the Resort Centre ASP (Bylaw 23-2004).
 - (b) Specifically within the Stewart Creek ASP (Bylaw 24-2004) the following areas are included within this Policy:
 - (i) Lands within the TS-GD - Three Sisters Gateway Commercial land use district.
 - (i) Lands within areas shown as "Open Space" in the Land Use Concept shown in the Stewart Creek ASP (Bylaw 24-2004).
2. All residential lands within the Stewart Creek Area Structure Plan (Bylaw 24-2004) are specifically excluded from the provisions of this Policy and subdivisions within these areas shall dedicate and provide municipal reserves in accordance with the requirements of the Municipal Government Act, the Municipal Development Plan and any other of the Town's relevant statutory planning documents.
3. The Town of Canmore Subdivision Approval authority may waive the requirements for the dedication of municipal reserves as part of the approval of any subdivision application contained within the lands subject to this policy.

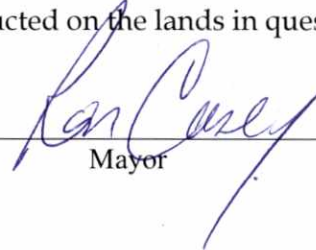
4. The Subdivision Approval Authority may waive the municipal reserve requirements either in part or in total, at its discretion, including waiving in part or in whole any deferral of municipal reserves to other lands owned by Three Sisters Mountain Village.
5. The Subdivision Approval Authority may authorize the discharge of Deferred Reserve Caveats registered on Three Sisters Mountain Village lands in exchange for the provision of private open spaces provided in lieu of the dedication of municipal reserves.
6. At the time of considering a subdivision application, Three Sisters Mountain Village or the developer (whichever is applicable), shall present an open space plan indicating what private open spaces are to be provided in lieu of the dedication of municipal reserves. Such open space plans may indicate such items as:
 - Private parks and soft landscaped areas;
 - Hard landscaped areas;
 - Plazas and pedestrian areas;
 - Well designed pedestrian streets;
 - Indoor recreational facilities; and
 - Other such facilities agreeable to Three Sisters Mountain Village or the applicable developer (where relevant), and the Town.
7. Where such private open spaces or facilities are indicated in a plan submitted as part of a subdivision application, Three Sisters Mountain Village or the developer (where applicable) shall provide such reassurances to the Town (including written agreements) as are required to ensure that Three Sisters Mountain Village or the developer (where applicable) shall be responsible for the ongoing maintenance of the private open spaces or facilities.
8. Where such private open spaces or facilities are indicated in a plan submitted as part of a subdivision application, Three Sisters Mountain Village or the developer (where applicable) shall provide such reassurances to the Town (including written agreements) as are required to ensure that there will be continued and unrestricted public access to these open spaces and facilities.
9. Where such private open spaces or facilities are indicated in a plan submitted as part of a subdivision application, and fees are to be charged for access to any of the private open spaces and facilities, Three Sisters Mountain Village or the developer (where applicable) shall provide such reassurances to the Town (including written agreements) as are required to ensure that fees do not unduly prohibit public use of the private open spaces or facilities.
10. The Subdivision Approval Authority also may accept the transfer to the Town or dedication of open space lands outside of the Resort Core or the Stewart Creek commercial village by Three Sisters Mountain Village, in lieu of the dedication of municipal reserves as part of the approval of any subdivision application contained within the lands subject to this policy. Where such transfers or dedications are proposed by Three Sisters Mountain Village, the amount to be credited against the municipal

reserve requirements shall be negotiated between the Town and Three Sisters Mountain Village prior to the approval of the subdivision, and should be based on criteria including:

- The area of the parcel or lands in question;
- The ability to which the lands in question can be utilized by the public for active or passive recreational purposes;
- The linear length of any trails already constructed within the lands in question;
- Improvements that have been constructed on the lands in question.



Chief Administrative Officer



Mayor

TOWN OF CANMORE

WHERE THERE IS ANY CONFLICT BETWEEN THE POLICIES ADOPTED BY THE TOWN OF CANMORE AND THE POLICIES SET FORTH IN A COLLECTIVE AGREEMENT ADOPTED BY CUPE LOCAL #37, OR POLICIES SET FORTH IN A STATUTE OF THE PROVINCIAL OR FEDERAL GOVERNMENT, THE COLLECTIVE AGREEMENT OR THE PROVINCIAL OR FEDERAL STATUTE SHALL SUPERCEDE SUCH OTHER POLICIES.

T.M. Registered Trade Mark