Following the precedents set through Standard Agreements in the late 1950s, the City continued to place increased demands on the developers throughout the ensuing two decades. Here the major debate was over acreage assessments, although other areas of dispute arose. Elsewhere, the give-and-take dialogue of the founding period continued with no clear loser except the homeowner, who ultimately bore any increased financial burden. The City was responsive to some developer initiatives towards neighbourhood design and innovation. Others it ignored. The most contentious issues concerned Fish Creek and Nose Hill. Both illustrated the prevarication of City leaders, the concerted weight of citizen pressure, and the ambitions of the developers. The creation of two of the finest urban parks in the world had little to do with the developers and the City, but was due more to the efforts of the citizens of Calgary and the provincial government. Especially with Nose Hill, a lack of decisiveness on the part of the City was apparent.

**Developer Agreements**

The standard agreements between the City and the developers became lengthier and more complex. They were also, at times, contentious. Areas of dispute fell into two broad categories. The first was the division of
financial responsibility over “grey areas.” The second concerned acreage assessments. In dealing with these two contentious areas the City seemed determined to come out the winner.

Developers often complained about the approval process. Even recognizing inherent complexities, their frustration is understandable. From the submission of the preliminary sketch plan to the Planning Department, to the more than forty copies of the outline plan for departmental circulation, to the subsequent amendments demanded by them, through to the final legal plan for registration, the developers and their consultants contended with a bureaucratic nightmare. According to the Development Policy Manual prepared in 1973, developers, in addition to submitting subdivision outline plans with detailed engineering drawings for utilities and surface improvements, might also have to include documentation for provincial approval should the proposed subdivision impact on water courses or provincial park land. Since standard development agreements often included special clauses with respect to utilities, roads, boundary conditions, etc., a six-step process involving several City departments was necessary. Further multi-step procedures were required before the agreement was finalized, before permission could be granted to commence stripping and rough grading, before construction of utilities could commence, or before the linens or plans were properly registered. The circularization process was also time-consuming. It was supposed to be completed in three weeks, yet it often took much longer.

Developers were also frustrated over what they thought were unnecessary minor amendments that affected their short construction season. On occasion they claimed they were hassled by City departments. Moving a subdivision from outline plan to construction frequently took over two years. For example, a preliminary schematic plan for a subdivision in Palliser was submitted on June 26, 1962. Two more submissions were required. A tentative plan was circulated on April 13, 1964 but had to be withdrawn and resubmitted twice more. It still had not been finalized by 1966. The dialogue between Carma and the City over the subdivision of MacEwan Glens between 1974 and 1977 was a series of misunderstandings and delays that held up the approval process into 1978. Kelwood’s Bob Kimoff said that his company could build out the entire subdivision of Midnapore in the same time as it took to secure approval. Developers insisted that delays in approvals jeopardized their ability to meet consumer demands and added to housing costs. Carma, for example, complained to the City about last-minute approvals and having to rush construction through the winter months when costs were excessive.
The City claimed that the developers were equally responsible for delays, indicating faulty and incomplete submissions and non-compliance with regulations. In an obvious reference to developer criticism, the following comment reflects the City's version of who was responsible for delaying the subdivision approval process. In noting that a submission from Daon for a development in Whitehorn had been processed by 21 City agencies in two months, Commissioner George Cornish observed that it was “an excellent example of what could be achieved when the developer understood the city's procedures and requirements.”

A major change to the standard development agreement occurred in 1966 following the expiry of the five year arrangement between the City and the Urban Development Institute. After sustained negotiations, the developers agreed to assume added responsibilities regarding maintenance of subdivisions following completion, the responsibility for access roads to subdivisions across undeveloped lands, upgraded specifications, landscaping requirements, and the compulsory installation of weeping tile on storm sewer sites. The City, however, was unsuccessful in relinquishing its responsibilities for utilities and services on the boundaries of subdivisions adjoining vacant land. Under the current arrangement, the City remunerated developers half the cost of supplying utilities and services on these boundaries if the adjacent land in question was developable. When subsequent development took place, the City was reimbursed by the developer involved. However, delay and uncertainty as to when development might occur left the City carrying the expense, often for extended periods. Outside of acreage assessments, the debate over boundary cost sharing was likely the most contentious issue between the City and the developers. Here the City's practice of allowing variants in individual developer agreements created confusion, anger, and a lawsuit by Carma. Eventually the City relieved itself of some of the responsibility for boundary payments through its “Endeavour to Assist” Policy. Under this policy, the developer had to pay the full costs of boundary installations if the development date of the adjacent land was deemed to be indeterminable. In such cases the City would endeavour to assist the original developer to recoup half the costs from whoever developed the land. In this context one wonders about both the developers' and the City's due diligence when it came to recompensing each other. In 1977 the City was horrified to learn that it owed developers $5,680,000 in oversize payments for the decade 1967–1977. In trying to figure out the best way to handle a very delicate situation, one official noted that “we must avoid taking any action that we could subsequently be criticized for or taken
to court for.”12 No information was available on the ultimate resolution of this “embarrassment.”

The debate over boundary cost sharing, the delay in approvals, and the City’s aggressiveness in transferring more responsibilities to developers created tensions. In reference to unnecessary delays and changing rules, Carma complained in November 1965 that “it is most unreasonable to ask the developer to accept newer and more stringent specifications than in the ones involved in the development agreement.”13 Ten days later, U.D.I. Chair V.S.G. Lewis noted bitterly that “there has been a subtle change over the years and one can now get the impression that the private developer should consider himself fortunate if he is allowed to develop.”14 Other issues of concern included the City’s practice of lowering the unit prices for work done by the developers on its behalf until they were below cost, the delay in completing sector plans, additional inspections, extra drawings, and the autonomous attitude of the City’s Development Committee. Most contentious of all was the City’s gilt-edged standards. For example, overly stringent maintenance standards might require a developer to tear up and replace a whole section of sidewalk for a hairline crack. The City also insisted on rigid specifications for weeping tile installations in high ground water development areas. According to one developer the City’s standards were inconsistent with his intensive testing program on changes in seasonal groundwater levels.15 In its brief to the Federal Task Force on Housing and Development in 1968, the U.D.I. reaffirmed these concerns:

There is a growing tendency on the part of the Municipalities to extract ever increasing requirements and more stringent servicing specifications. This is in order for them to attempt to reduce future demands upon their general revenue by requiring Developers to provide services that are even more extensive or of a higher quality than those required in the past. Quite often these requirements are completely out of proportion to the anticipated future savings which will accrue to the Municipality.16

The City did not see it that way. In a brief to the provincial government on housing in 1977, the City contended that in most areas, standards had changed little since 1959, and indicated lanes and thoroughfares as outstanding examples. The City argued that any upgraded specifications were due to a need to minimize maintenance costs. Examples included the change from cast iron to ductile pipe in 1969 and to yellow jacket coating in 1976; weeping tile in highground water subdivisions, and O-ring seals in valves and compression-type fittings. The City indicated its
several concessions with respect to standards, including low rolled curbs, dished pavements, utilities corridors outside street rights of way, elimination of sidewalks on small cul de sacs, and twin servicing Y connections for utilities. It was also pointed out that the developers were reluctant to apply these lower standards in medium and high end subdivisions.

The above notwithstanding, developers argued that their relations with the City were generally positive. The U.D.I. took comfort in the knowledge that no major change would be considered to developer agreements without consultation, while the City was aware that the U.D.I. was generally ready to negotiate. Thus most of their negotiations respecting changes to the standard agreements resulted in some sort of compromise, albeit at times with an accompanying degree of resentment. Here the debate on the responsibility for limited and controlled access roads in the early 1970s was a good case in point. However, their most contentious issue related to acreage assessments. This bitter debate involving philosophy, fairness of scope, and legality maintained itself throughout this entire period and beyond.

Acreage Assessments

Acreage assessments emerged in the late 1950s as a flexible tool to recover the costs of capital infrastructure from which individual subdivisions derived or would derive benefit. They were negotiable and, being based on the nature of the capital expenditures, were applied inconsistently throughout the city. For example, the expenses associated with the construction of the Fish Creek sanitary sewer treatment plant were applied only to those drainage areas affected by it. Acreage assessments were also difficult to compute accurately and posed equitability problems across different drainage areas and pressure zones.

It will be remembered that the principle of acreage assessments had not been accepted by the developers when it was imposed on them in the late 1950s. This attitude was not to change. In 1968 the Chief Engineer, perplexed that every communication from the U.D.I. contained a pre-amble attesting to its disagreement with acreage assessments, assumed that a dark and devious strategy was at work, noting archly that “we can only assume it is being done with some intention in mind.” The U.D.I. believed that developers should be financially responsible only for expenses applicable to their subdivisions, and that any further levies against wider infrastructure represented a double tax on the new homeowner. The developers originally went along with acreage assessments, believing that
they were not necessarily permanent and would not change through time. They were wrong on both counts.

To its credit the City acknowledged that acreage assessments were inequitable and placed an undue burden on homeowners in new subdivisions. Following a strange logic, however, City officials contended that these new homeowners were also enjoying other capital services but had made no contribution to the costs of their installation. They also argued that the money saved through acreage assessments could be deployed in under-funded social programs throughout the city. Fortified by this strained rationalization, City officials embraced acreage assessments as a sure way of compensating for heavy capital expenditures.

The agreed-upon acreage assessment levies in April 1961 varied greatly. A developer in the Highwood-Thorncliffe area paid $287 per acre, whereas one operating in the Haysboro area paid $705. The City's efforts to increase them in 1966 led to a compromise with the U.D.I. While increases were allowed, a maximum levy on any developer was set at $750. This clearly advantaged some developers whose individual levies for the three assessments totalled well over $1,000. This figure was raised to $850 in 1969. By then, however, two factors were converging that put the developers and the City on a collision course.

The chief reason was that acreage assessments were not meeting the needs for which they were designed. They were based on estimated costs at the commencement of development and projected over the several years it took to build out the particular drainage area or pressure zone. There was no provision for financing expenses. When construction costs began rising in the later 1960s, the acreage assessment levies proved woefully inadequate. In 1968 only $609,760 had been collected against $9.037 million in City expenditures on storm sewers. With sanitary sewers the corresponding figures were $747,911 against $2.992 million dollars, and for water $309,177 against $2.263 million. In 1974, even after acreage assessments had been revised upward, the shortfall for storm sewers alone was over $4.5 million.

The second reason was associated with the change in subdivision density requirements. Since 1966 the City had been working informally on an overall density of 22 persons per acre in new subdivisions, and by 1969, this became official policy through the 1970 General Plan. Since subdivisions hitherto had been designed for lower densities, the implications of the new policy for utilities installations in multi-residential areas meant upgrading at greater expense. Developers fought hard to have acreage assessments based on what was tantamount to single family densities.
By late 1968, the City officials were alarmed. In November the Chief Commissioner noted the critical shortage of capital funds for utilities trunks to serve land development. A couple of weeks later Chief Engineer, C.D. Howarth, in lamenting the low maximum acreage assessment levy, offered the opinion that there was “absolutely no way” that the full costs of utilities and facilities could ever be recovered. Two months later he complained that the increased number of special assessments for sanitary and storm sewer leads were forcing the five year capital budget beyond the City's financial limits. Then, in September 1969, Howarth proposed that the limit on acreage assessments be abolished and new levies set to reflect present costs, especially given the revised density requirements in new subdivisions.

The U.D.I. was appalled by what was obviously the beginning of a shift in civic thinking. Stalling for time, it noted that “any change in the present principle of acreage assessment could be affected by the general plan and will require a significant amount of study.” Any major change, the U.D.I. further argued, would affect “the entire philosophy of land servicing costs.” The City chose to back down in the face of this subtle forewarning. The 1970 Agreement was a typical compromise. The U.D.I. settled for a 10 percent increase in the acreage assessment maximum, bringing it to $935. In return the City secured an agreement to review the whole matter of acreage assessments in 1970. It was the lull before the storm.

Both sides went on the offensive in 1970. The air was cleared in a meeting between the City and U.D.I. in March. The City paved the way for its new strategy by suggesting three alternatives, two of which were more impossible than improbable. The idea of abandoning acreage assessments altogether or having the developer assume all capital costs was music to one and anathema to the other. The third option called for a change in the way acreage assessments were levied. Following considerable discussion, the City came out with its three-pronged solution in January 1971. In response to the newly adopted 22 persons per acre density policy, the City's proposal sought to change the levy from an acreage to a per-dwelling unit basis plus financing costs. A formula to compute the new assessments was also submitted with the aim of recouping the total costs of capital infrastructure over 20 years. The new assessment included a uniform levy to replace the City's share of oversize payments. Under the existing arrangement, if the City deemed that larger pipes were needed than those required for an individual subdivision, it paid the developer for the difference in diameter and recouped it from
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subsequent developers in the area. It was a costly and often frustrating arrangement and delinquencies were too common. The City’s decision to shift this cost to the developer represented a major step.

However, another proposal accompanied this radical suggestion. Given the work that had gone into the preparation of an alternative to the way acreage assessments were computed, a second suggestion seemed self-defeating. Under this alternative, the status quo was maintained. Acreage assessments would be based on present construction costs for each area, doubled to cover financing with an oversize charge of $200 per acre. Possibly the City was not totally convinced that unit assessments furnished the best solution. More likely, however, was a realization that the U.D.I. would recognize the complexities involved in establishing per-unit assessments in areas slated for high density redevelopment. What was obvious, however, was that both alternatives sent a clear message. The developers were going to pay more. Much more.

The U.D.I. had been working on another strategy. Believing that it could cut its costs by challenging the need for acreage assessments on water, the U.D.I. commissioned a study by Economic Consultants, Hu Harries and Associates. Its completion in the fall of 1970 gave the U.D.I. what it wanted. The report echoed the U.D.I.’s central argument that new homeowners were being unfairly penalized. It also argued that the City’s revenues from water services far exceeded expenditures. According to the report, the waterworks’ total operating income of $34.339 million in the 1960s was well over double its capital expenditures. A similar situation existed for storm sewers. Harries concluded that acreage assessments on water penalized new homeowners over $400 on their lot purchases. A vindicated U.D.I. noted in December 1970 that the report substantiated “the Institute’s contention that new development operating under the terms of the present agreement does in fact carry more than its fair share of utilities costs and has actually enhanced the City’s financial position.”

The City Commissioners gave short shrift to the Harries Report primarily on the grounds that profits from waterworks went into general revenue and were therefore tantamount to a mill rate subsidy. They also questioned the report’s figures on the City’s share of oversize payments and doubted whether the costs of tapping into the Bearspaw Dam had even been considered. More significantly, they reaffirmed their desire to replace differing acreage assessments on water based on pressure zones with a uniform rate applicable to all new areas in the City. Bowing to the inevitable, the U.D.I. pressed for a figure of $100 per acre. The City was not impressed.
Instead it adopted a magnanimous stance and indicated that the new uniform levy was designed to recoup only 25 percent of expenditures. This figure, they stressed, was $240 an acre. Reflecting rising costs, it was raised to $275 per acre in 1974, and to $387 in 1975.

It is conjectural who benefited the most in the debate over acreage assessments on water. The U.D.I. believed that of all assessments this was the most unfair. Yet following the uniform assessments, revenues probably dropped. Certainly they did in the first year of operation. Moreover, the fact that the levy was uniform and adjustable on a yearly basis without any upward limit made it fairer for both the City and the developers operating both north and south of the Bow River.

On January 22, 1971, the City presented its two proposals to the U.D.I. for consideration. Both were rejected, as was the provision for an acreage assessment to recover oversize payments. The U.D.I countered with its own proposal that called for no change in oversize arrangements or in the way basic acreage assessments were calculated. To compensate for the new 22 persons per acre density, the U.D.I. wanted a differentiated assessment when development exceeded R2 densities. It also accepted the inclusion of financing charges but offered its own computing formula. At first the City rejected the total U.D.I. package proposal and referred to a uniform acreage assessment of $1,700 an acre that included $200 per acre for oversize and which allowed 50 percent for financing charges. More significantly, so were others at City Hall who thought that the levy would increase lot prices by $285 and prejudice mortgage monies.

A typical compromise was hammered out and presented to City Council. The U.D.I. won two victories. The $1,700 per acre uniform levy across the city was dropped in favour of continuing the present arrangements that imposed differentiated assessments according to area. The City also accepted the U.D.I.’s formula for computing finance charges but secured concessions elsewhere. Upward limits on acreage assessments were removed and a $200 uniform but adjustable levy for oversize was included. Areas where acreage assessments were clearly out of line with present costs would be recalculated, and in instances where development costs were unusually high, special levies would be considered. Moreover, the assessments would be based on the new 22 persons per acre densities. It was a good arrangement for the City. After the first year, revenues from acreage assessments were up 12 percent excluding finance charges.

The City was not done with acreage assessments. In spite of a verbal agreement with the U.D.I. that no new development costs would be
imposed in 1972, the City levied a $200 per acre acreage assessment for expressways and freeways. The assessment was intended to recover about two thirds of the cost of a collector standard road normally assumed by the developer in those locations where expressways and freeways served the same function as a major thoroughfare. However, the fact that the levy did not take into account the substantial land acquisition costs meant that the assessment fell far short of its intent. A year later the City imposed a levy of $175 an acre to provide for recreational facilities in new subdivisions. Though the City Parks and Recreational Department was in agreement, the Commissioners heeded the advice of the Chief Engineer, who felt that in the long run better results would be gained through persuading rather than forcing developers in this direction. The levy was included in the 1973 Developer Agreement but made optional. Some developers paid the acreage assessment. Others preferred to donate the community centres. Over the ensuing years, developer contributions to community centres included Daon/Carma in Pineridge, Daon in Rundle and Temple, Daon/Qualico in Whitehorn, Genstar in Marlborough Park and Abbeydale, Carma in Braeside, and Kelwood in Parkland and Lake Bonavista. In addition, Carma contributed an outdoor pool in Silver Springs. By 1978, despite these contributions, the City was again pressuring the U.D.I. to accept a compulsory acreage assessment against community facilities.

Between 1973 and 1978, the developers faced ongoing efforts by the City to force them to assume added costs. An examination of the Standard Developer Agreement for 1977–78 shows that a developer operating in a new subdivision could expect to pay anywhere up to $1,310 an acre in sanitary sewer acreage assessment, up to $2,983 for storm sewers and a flat $500 per acre for water. In addition he had to remit a flat payment of $384 per acre for oversize recoveries and $410 per acre for expressways and freeways, and $310 an acre for inspection fees. He had to post a performance bond of $400 per lot and pay 1.5 percent a month on overdue accounts. The City’s success in shifting financial responsibility to the developers via acreage assessments and other levies represented its greatest triumph over the developers, albeit at the expense of the new homeowner.

There can be little doubt that the City saw itself as the winner in the acreage assessments debate. As has been noted, the U.D.I. declined to challenge their legality in the early 1960s when there was a good chance of success. It took until 1973 for acreage assessments to achieve legal status through an amendment to the Municipal Government Act. Under this amendment, the City was authorized to pass a bylaw requiring
developers to pay a maximum of $2,000 per acre in acreage assessments, or offsite levies as they were called. However, the City decided not to pass the enabling bylaw and continued the levy in its traditional form. Even when $2,000 per acre was exceeded in some cases, the U.D.I. declined court action. The reason was possibly linked to alternative assessment options defined in the Act, or more likely to the probability that the maximum would then be applied unilaterally instead of being differentiated according to location.

Despite the City’s successes in the acreage assessment debate, the question as to whether the developers bore their fair share of infrastructure costs remains for the most part unanswered. It is unlikely that the City recouped anywhere near the costs of overall infrastructure from the developers through acreage assessments. A compounding factor was the lack of an efficient management information system to oversee what was a difficult and complex process. Acreage assessments were overly subject to negotiations, and were not updated systematically. They were derived from unsophisticated assessment criteria and for a long time were not tied to debt costs. In this context one wonders to what degree the battle over acreage assessments represented a victory for the City.

These mounting levies were part of the debate over rising house prices and who was responsible. As evidenced in a City Council motion and in the words of Rod Sykes, these increasing levies “put the responsibilities for increasing costs on the shoulders of the developers and not the community at large.” Yet, according to U.D.I. Chair, Norman Trouth, the increases simply shifted the financial burden to the new homeowner and represented a trend that “must be terminated.” Although he endorsed Trouth’s argument, the City Engineer justified the City’s position in a blunt but practical assessment. In referring to the growing financial burden on new homeowners, C.D. Howarth observed: “What if this policy is discriminatory against new homeowners? They were aware of the costs at the time they purchased their new home.” So while a winner in the acreage assessment debate might be open to question, there is no doubt as to who was the loser.

Aspects of City-Developer Dialogue

Most of the dialogue between the developers and the City was routine in nature. Differences usually arose at the Outline Plan stage. Post-circularization discussions also put individual developers in a compliance situation. On the other hand, in the case of wider issues involving more
than one developer, the City was often prepared to give ground. The developers evinced an interest in experimentation and change while the City was more passive. Some innovative proposals were accepted and incorporated into practice. Others were rejected or failed to proceed. Given the planning powers of the City and the ongoing participation of developers in joint discussions on development matters, it is surprising that the City seemed generally prepared to abrogate leadership to them in areas of subdivision design and improvement.

On the whole it is difficult to argue convincingly that developers exerted undue sway over City Hall. The developers submitted their Outline Plans for subdivision to the Calgary Planning Commission (C.P.C.), the approval authority under the Subdivision and Transfer Regulations. Comprised of senior City officials including the Chief Engineer, the Director of Planning, the Commissioner of Public Works and Utilities, and various other department heads, the C.P.C. was not an easy body to impress or influence. It had no trouble whatsoever rejecting plans. Referring to substandard street widths, unsuitable commercial locations, and deficient reserve allocations, the C.P.C dismissed what it termed was a very shoddy application for a subdivision in Greenview in 1964.49 A plan for Albert Park was turned down because of non-conformity to the area sector plan.50 In spite of its accompanying master plan, Carma's original application for Huntington Hills was rejected in 1967 on the grounds that it did not provide sufficient community reserve, and that the proposed grades were too steep for utilities.51 When Kelwood went ahead on its Lake Bonavista project in 1968 before final approval had been secured, a stop work order was issued against the corporation.52 A year later the C.P.C. refused Kelwood the "go ahead" in Lake Bonavista Phase III because its plan showed a deficient street layout that was "chopped up in an unimaginative fashion."53 In 1972, BACM's plan for a 40-acre subdivision in Cedarbrae was rejected because of inadequate reserve provisions.54

There were other examples. One concerned underground electric installations in the early 1960s. Both the City and the developers wanted them primarily for aesthetic reasons. Previously the City had been responsible for providing electric power to subdivisions, with the developer playing no part beyond connecting the various houses to the City supply. Because of additional insulation requirements, costs for underground installations were about double those of the conventional overhead lines. Wanting to maintain their current position, the developers believed that the City should carry out all installations and recoup the costs through the standard rate structure. The City refused and made the developers
pay two thirds of the total cost of installation on a frontage foot basis. In 1971, in response to delinquencies of more than $100,000, the City clamped down on developers by making them pay interest on payments overdue after 30 days. Then in 1975, despite professional support in the form of a commissioned brief, BACM was unsuccessful in pressuring the City to allow development west of Macleod Trail in the Midnapore area.

Finally, the most persuasive evidence that developers collectively were hardly exerting excessive influence over the City is contained in the U.D.I.'s submission to the provincial government in 1977 regarding developer agreements. The brief argued that municipalities had gone beyond the limits of existing legislation, and called for remedial legislation imposing minimal standards in standard development agreements. The U.D.I. referred specifically to increasing servicing standards and costs, the results of which had led to a 100 percent increase in the price of lots since 1973. The U.D.I. was also highly critical of City policies which forced them to sell land needed for expressways, freeways, interchanges, and parks at prices fixed at the time the outline plan was submitted rather than market price at the time of sale. The same criticism was levelled at policies which obliged the City to recompense developers for over-dedication of roads and reserves again at the lower prices prevailing at the time the outline plan was submitted.

The City clashed with developers over other more minor issues. Most concerned those that angered communities and which disregarded instructions from the C.P.C. These included non-compliance with maintenance commitments, the failure to remove loam from newly constructed residential areas, stripping areas prior to approval, and building houses without any commitment respecting sidewalks. The infractions were frequent enough in 1968 for the Chief Engineer to note that the City was “losing control” and for the City Solicitor to consider legal proceedings. Apparently Carma was the main culprit. According to an official in the Subdivision Development Office, nine out of the ten complaints that crossed his desk concerned Carma.

Yet despite its vigilance over subdivision submissions, the City was prepared to give the developers their due in other areas. The City reluctantly accepted the developers’ argument that the requisite 60-foot-wide green strip at the top of escarpments constituted developable land and therefore should be included in the 10 percent community reserve. The developers’ case that their payments to the City in lieu of community reserves should be based on market values at the time of subdivision was also accepted. Over the Chief Engineer’s objections in 1971 Carma and
Jager were allowed to build to capacity in Huntington Hills despite the fact that water capability from the Bearspaw Dam would not be available until 1973–74. The City was generous to Kelwood in Midnapore. First it helped the company secure provincial approval which allowed storm water discharge into Fish Creek in spite of contrary advice from the Parks and Recreation Department and the Fish Creek Park Management Committee. Then Kelwood was permitted to build beyond agreed-upon capacity of 4,500 even though the requisite upgrading to Macleod Trail had not been done. Informal dialogue was common. In 1974 the City and Kelwood discussed the feasibility of the corporation bearing the up-front costs of utilities installations to serve the Midnapore subdivision. The City gave Melcor a break respecting its responsibilities for John Laurie Boulevard during the construction of a subdivision in Ranchlands.

City Responses to Developer Initiative

This period saw the developers offer several initiatives. While they were designed to increase sales, they also promised to either reduce costs or provide some amenity for subdivision improvement. Typical was Nu-West–Devon Estates Limited in Lynwood. In referring to “extensive market and consumer research to determine the level of homeowner satisfaction with the environment created in a range of subdivisions,” the developers went on to indicate their innovative street layout as well as “lots of atypical proportions.”

The most outstanding visually belonged to Kelwood, or to be more accurate, Ellis Keith, who in 1967 was inspired to enhance the value of his lots in Bonavista through the creation of two artificial lakes. The first, Lake Bonavista, cost $1.8 million, and required the removal of 250,000 cubic yards of earth from 50 acres to create what was essentially a large neighbourhood private lake. The water was pumped from Fish Creek at a rate of 110–150 gallons a minute under a provincial water licence with any overflow being returned to the creek. With its mirrored surface and 65-foot hill with waterfall, Lake Bonavista was a prototype not only for Calgary but the rest of the country. The smaller and private Lake Bonaventure followed to the south, and in the late 1970s Kelwood continued its tradition by building lakes in Midnapore and Sundance south of Fish Creek. Ellis Keith’s success in enhancing suburban life through a different outdoor experience defined by the artificial lake was continued in Calgary by developers in other parts of the city, a process
enabled by later arrangements whereby the water was taken from the City’s water supply.

The neighbourhood lakes were mutually beneficial. The City profited from higher property tax revenues, especially from the owners of the impressive houses that backed onto the lakes. According to the Planning Department in 1976, the lakes contributed to a sense of community while providing an amenity that was scarce in Calgary. It was also argued that the lakes contributed to energy savings since they kept residents from driving their cars to other recreational facilities. In referring to its plans for lower-priced homes in Midnapore, Kelwood contended that provision for a lake “is very necessary of marketing in light of the new housing types to be provided under the 22 persons per acre development density requirement.” Stipulations in the agreement with the City bound the company with respect to water quality and quantity, seepage, easements, and indemnification. In return for their annual levies, residents in the subdivision enjoyed year-round recreational benefits and ultimately assumed ownership of the lake. Furthermore, Lakes Bonavista and Bonaventure defined a band of recreational space that stretched almost from Anderson Road in the north to Fish Creek in the south. Kelwood enjoyed increased profits from lot sales. It also reached favourable agreements with the City respecting acreage assessments and community reserve requirements. In Lake Bonavista, for example, acreage assessments were deferred while reserve requirements were calculated over the gross area of the entire subdivision with credits being applied to the top of the Fish Creek escarpment.

The lakes development also demonstrated the often difficult and sensitive three-way dialogue between the City, the developers, and the public. As Lakes Bonavista and Bonaventure took form, four issues arose. The first two involved public use of the two lakes. The third was the conditions of transfer of Lake Bonavista to the community. The fourth concerned the provision of a community centre. The way in which the City administration chose to handle all four is illuminative and provides a good example of civic attitudes towards the public and private domain. In the first, the City brokered a mutually accepted deal between Kelwood and the Bonavista community which linked usage of Lake Bonavista to specific physical boundaries. The second issue concerned whether Lake Bonaventure should be a private lake as envisaged by Kelwood and the 150 property owners that bordered it. Here the City backed private enterprise and the rights of property. The Planning Commission averred that
“the exclusive use of the lake by those that pay for its construction and operation is not a principle to which the City should object.” On the question of conditions of transfer of the lake to the community, the City also tried to remove itself. The Commissioners noted that “it is our view that this is a matter between the home vendor (Keith) and the home purchaser.” The only gesture towards settling the issue lay in offering to act as mediator, but only if both parties requested it in writing. The fourth issue was different again. Here the community and Kelwood differed over the site for a community centre. Kelwood had offered a site near Macleod Trail at “a reasonable price.” The community wanted one closer to the lake. Again the City tried to broker a deal by suggesting to Kelwood that if it acceded to the community’s wishes, there would be no levy on homeowners until Kelwood had sold all its lots, and that no construction would take place until written permission had been secured from surrounding homeowners. The offer was flatly rejected by Kelwood. In a strong letter to the City, manager Bob Kimoff pointed out that Kelwood had more than fulfilled its obligations respecting reserve requirements and that the facility in the desired location ran counter to sound planning principles. Kimoff went on to castigate the City for its unwarranted interference: “Council should not attempt to force requirements which are obviously judgmental decisions affecting the normal course of managing a company’s business particularly where such decisions can very seriously affect successful merchandising of a company’s product.”

The perceived limits of public responsibility are discernible in the above examples. Deals were brokered on accepted notions about community demarcation through the roles of major thoroughfares, and the belief that community and recreational facilities should be centralized. On the other hand, the right of private enterprise to profit by improving subdivisions was equally accepted. Though many might wonder why a private lake was sanctioned in the first place, the decision to support the rights of property in Lake Bonaventure was prudent legally. The City’s stance on the transfer is more difficult to understand. The City’s preference for a “hands off” policy was based on the fact that the issue essentially involved a private contract. Interestingly, the extent to which it was a public issue, in that it involved precedent and service provisions, was not recognized at the time.

Provision for golf courses was a second major amenity pursued by the developers and approved by the City. The golf courses in Willow Park, Maple Ridge, and Varsity Acres owed their existence to Kelwood and Carma. All three, however, represented positive contributions to
community life, although the developers bargained for concessions in two of them.

Maple Ridge was the simplest. Here Kelwood simply donated 80 acres to the City for a 9-hole golf course. Under an agreement signed in January 1966 the City transferred 80 acres to the City on the condition that construction begin by June 1967 and be completed by the fall of 1968. Furthermore, the course was not to be considered part of the Maple Ridge subdivision for acreage assessment purposes. Again, this was a good deal for both the developer and the City. The latter received free land for a municipal golf course (currently a very respectable 18-hole public course), while Kelwood easily recouped the value of its donated land in the prices of lots that backed onto the course.

In Willow Park the situation was different. In response to lagging lot sales in his Willow Park subdivision, Ellis Keith applied to the City in 1964 to build a private golf course on 136 acres. Between 1964 and 1968, after an expenditure of $608,000, the result was a fine golf course within an upscale neighbourhood. It was also a good investment in that it stimulated lot sales and ultimately returned its cost and more to the developer. However, the feasibility of operating and maintaining the course was not appealing to Kelwood, who sold it in 1972 to a group of private investors for $653,000. Controversy erupted. Local members felt they should have had first right of purchase. They brought the City into the dispute by claiming that they could and would thwart the Planning Department’s timetable by holding up the North Bonavista Design Brief. Fortunately for the City, an Alberta Securities Commission ruling invalidated the original purchase on the grounds that the buyers anticipated a profit in what was essentially a non-profit domain. The end result was the purchase of the course by the members for $800,000, of which Keith donated $100,000. The controversy over the Willow Park golf course showed the dangers of developer involvement in amenity provision.

As with the lakes, Kelwood pressed for consideration for both community reserve requirements and acreage assessments in the Willow Park golf course. The developer secured concessions in both areas. Noting that the corporation had over-dedicated for reserves in neighbouring Acadia, the City waived its right to take 10 percent out of the golf course in community reserve. The acreage assessment negotiations were more difficult. According to the City, Kelwood was obliged to pay an acreage assessment of $65,475 for sanitary and storm sewers on the golf course. Kelwood protested both, arguing that an acreage assessment on storm sewers was completely unnecessary and that it needed to be drastically
reduced for sanitary sewers. The City countered by pointing out that in
effect the golf course was an after-thought by Keith and that the original
acreage assessments had been established based on the entire drainage
area, which also included the land occupied by the golf course. Following
sustained discussions, during which the developer stressed the financial
advantages of the golf course to civic revenues, the City agreed to negoti-
ate the possibility of allowing open storm sewers through the golf course
and reduce the acreage assessment from $36,000 to $22,000.

In 1972 the City adopted an important modification into house
placement on lot frontages. Under Bylaw 8600, the Zero Lot Line concept
was incorporated into Calgary's new Zoning Bylaw. The Zero Lot Line
promoted a more efficient and compact use of space. Under Zero Lot Line
application, houses were built right up to their boundaries on one side
and the former side yard space transferred to the other side. The resulting
intrusions onto the neighbouring properties were facilitated through
successive easements. One advantage was a wider side yard on one side.
Another was vehicular access to the back of properties in laneless subdivi-
sions. While the acceptance of this new concept reflected the current
trend towards a more efficient use of space, its implementation had
nothing to do with City planning priorities but rather was due to a devel-
oper initiative two years previously. In September 1970, Bob Kimoff of
Kelwood submitted the concept to the Calgary Planning Commission.
In requesting permission to go ahead with a Zero Lot Line experiment
on five lots in Lake Bonavista, Kimoff referred to its marked popularity
in California, its advantages to the homeowner, and its applicability in
areas with no back lanes. The C.P.C. was impressed and after securing
a favourable legal opinion approved the Zero Lot Line on an experimental
basis over a two year period. During this time both Kelwood and Nu-
West built Zero Lot Line houses in the new subdivision of Dover Meadows.
The incorporation of the Zero Lot Line option in R1 and R2 districts in
1972 led to its continued application. It also demonstrated a too-infrequent
willingness on the part of the City to experiment with new ideas.

Carma's experimental proposal for its subdivision in Varsity Acres south
was an example of lost opportunity. In early 1967, after paying $7,000 an
acre for the subdivision, Carma submitted a plan based on the Town Centre
concept, one that called for a variegated system of walkways that allowed
unobstructed pedestrian access to a central shopping centre. The pathway
system was designed to be the integral component. For example, the
houses were planned to face the pathways rather than the open street.
The plan called for a population of 7,000 and was based on mixed densities.
Single family residences would accommodate 2,500 people while the rest would be housed in town houses and a high rise apartment on the south side abutting a major thoroughfare. The City, it seemed, tried to find ways to scuttle the idea. It worried about traffic circulation and access to the shopping centre.\(^8^9\) It was feared, for example, that people would drive rather than walk to the shopping centre because their purchases would be too heavy to carry. By May it was obvious that the plan was not going to move ahead. The Town Centre concept was not welcomed. From the City’s viewpoint there were too many mitigating factors, including maintenance issues, narrow rights of way, and the problems of road interchanges.\(^9^0\) Carma reacted pragmatically, and began agitating for a regional shopping centre instead. The eventual presence of Market Mall was the more successful outcome of that labour. As for Varsity Acres south, it was developed in a more traditional manner, although the presence of sidewalks on only one side of some streets and tree-covered walkways instead of back lanes give an indication of what might have been.

On other occasions the City’s response to developer initiative seemed inexplicable. A good example concerned Quality Construction (Qualico) in Queensland Downs. In March 1972, the company offered to build a recreational complex there.\(^9^1\) The four year project when completed would feature a swimming pool, indoor skating rink, tennis, badminton and squash courts, and craft room. Quality offered to fund two thirds of the cost if the City would contribute one third and maintain the facility. The offer of the facility, however, was rejected by the City Commissioners on the grounds that its location and timing conflicted with long-range plans for recreation complexes. The case was closed when Commissioner Denis Cole suggested that the company fund the entire cost and apply for a refund when the facility was warranted.\(^9^2\) Certainly there might well have been other avenues open to discussion that would have beneficially addressed the intent of Quality’s offer.

The most sensitive negotiations between the City and the developers concerned the futures of the Fish Creek area and Nose Hill. However, the resolutions of both issues had more to do with other agents. In the Fish Creek issue the City for various reasons was unable to translate its preference into policy. Essentially the City wanted to preserve the area from the start but could not seem to find the resolve to do so. With Nose Hill, the developer interest was more widespread and intensive. Unlike the case with Fish Creek, the City had no preconceived notion of the area’s best future. The result was prevarication, disagreement, and very little leadership.
Part Two: 1963–1978

Fish Creek

Fish Creek is Calgary's third main watercourse. It meanders east-west for six miles on the city's southern reaches before emptying into the Bow River a little south of the present-day suburb of Deer Run. Its passage through an expansive glacial-melt valley at times a half-mile wide is defined by steep escarpments, ravines and terraces of varying width, and towards the east by stretches of relatively flat or slightly undulating land. With its rich diversity of habitats, including grasslands, wetlands, spruce forests, and riparian woodlands, the area is home to many species of birds and animals and aquatic life as well as an abundant variety of wildflowers and plant life.

People had always been attracted to this beautiful valley, as the presence of eighty archaeological sites attests. The modern era changed nothing. By 1960 the entire area around Fish Creek was in private hands. Thirty-nine different parcels were owned by farmers and ranchers whose properties backed on to the creek, and by city dwellers who had acquired land for recreational purposes. As the 1960s progressed, the area inevitably attracted the developers. To the east of Macleod Trail, Kelwood had options on the Burns ranch lands. Wesco Property Developments Ltd. secured parcels as well. The most visible, however, was Art Sullivan, who acquired extensive tracts to the west of Macleod Trail on both sides of the creek.

The main obstacle to development in Fish Creek was its propensity to flood. Though infrequent, these spring floods were sufficient to dissuade settlement in the valley, and to cause the City to identify it with park usage. The City obliquely recognized this in the General Plan of 1963 when it referred to potential for a natural regional park. The first attempt to gather information for policy-making purposes came a year later through a Planning Department study. “The Fish Creek Flood Plain Report” gave some definition to the flood plain through reference to flood incidences over a 45 year time period, but made no clear recommendation. It did, however, accord some priority for future policy by suggesting that the area might be best designated as park, and that development should be restricted in the flood plain. Thus when the developers became interested in subdividing the valley for development purposes in the mid-1960s, the City had a good idea of what it wanted to do but no long-range policy to support it.

In 1964, Art Sullivan began developing the subdivision of Canyon Meadows as a country residential district, though well up on the terrace overlooking the creek. Then in May 1966 he applied to develop the area...
closer to the creek, with the southernmost limits extending well onto the flood plain. The Calgary Planning Commission turned him down, arguing that there should be “no development of any kind below the forty-five year flood line for the time being.” With Sullivan testing the waters and showing no signs of going away, the City requested the Planning Department to undertake a study “to establish the principle of reservation of the Fish Creek Valley land for the needs of Calgary’s future generations” and “to initiate the necessary steps to provide the proper conditions for its timely purchase or philanthropic donation.” The report presented to the Commissioners in October 1966 recognized the area’s unlimited potential for recreational development. In noting that “private developers are anxious to develop this valley for private use” and that any encouragement would mean the loss of the park, the report recommended that top priority be given to a land acquisition program. The authors of the report, inadvertently perhaps, weakened its impact. While recommending the immediate purchase of land for between $1,300 and $7,900 an acre, the report noted that the park’s development was a decade or more away. The report concluded with an unusually definitive statement. “The essential question is not whether we can afford Fish Creek but whether we can afford not to have it.”
In that outright purchase had become an option, the City now faced a dilemma. Certainly there were many like the Local Council of Women and the Federation of Calgary Communities who believed that a park should be secured at the City’s expense. Other groups were not so sure. The Anderson Road District Association, whose membership owned land adjacent to Fish Creek, protested, arguing that the idea of a park transcended need and would lead to property devaluation. This group was supported by another local body, the Canyon Meadows Residential Association. Not surprisingly, Council prevaricated. On February 13, 1967, it tabled the proposal to create a regional recreational park but agreed to initiate a discussion with landowners respecting purchase. On June 16, Council received very sobering news from the Superintendent of the Land Department. After noting that Sullivan was on a buying spree in Fish Creek, R.O. Leitch affirmed that it was going to be “a very costly process for the City to acquire the flood plain area for park purposes.”

Ironically, Sullivan’s next action helped the City’s cause. Instead of continuing to concentrate on the upper reaches, he pressed for development closer to the creek and within the flood plain. In January 1967, he announced a five year program for the development of 775 acres in Fish Creek. In February he applied to develop 122.6 acres near the creek, with houses interspersed by green spaces which the City should buy beyond the 10 percent reserve dedication. Five months later Sullivan approached the City with a proposal to develop 450 acres in country residential lots some backing onto the creek on both sides. Arguing that he had title to the creek bed, Sullivan offered the City the alternative at buying him out at $2,500 an acre. The City disdained the purchase, tabled the proposal, and successfully challenged Sullivan’s claim to creek bed ownership. By concentrating his attention on an area clearly in the flood plain, Sullivan had inadvertently guaranteed rejection while buying the City some time.

In the second half of 1967, the City considered its options. There can be little doubt that official thinking favoured a park. The issue was how to secure it and restrain development at the same time. Three options were available. The first and most effective was outright purchase. It was also the first rejected. The cost had both practical and political implications. Also, a tentative request to the Province for financial assistance had borne no fruit. The second option was to refuse all development applications under Section 16a of the Planning Act, which stipulated that applications for subdivision could be refused if the projected land use
was deemed unsuitable. However, it was felt that appeals under this clause had a good chance of success with the Provincial Planning Board. The third and most favoured option was to invoke Sections 15 and 24(3) of the Subdivision and Transfer Regulations. These regulations prohibited subdivisions on land susceptible to flooding, or in those areas where topographic and drainage factors were such that the land would be better utilized as community reserve or for park purposes. This meant financial compensation in the long run, but if the land was considered undevelopable, the costs to the City would be less.106

Between 1968 and 1969 the City rejected a series of applications from Sullivan by using Sections 15 and 24(3) of the Subdivision and Transfer Regulation. It was just a matter of time, however, before the developers began questioning the application of these regulations to the entire valley. By 1969 they were arguing that most of the valley was not in a 1 in 45 year flood zone and that development should be allowed on higher land. They had a point. Earlier assessments had suggested that possibly a quarter of the valley might be subject to floods once every 45 to 100 years. It was this area that became the focus of attention. Pro-development proponents argued that land in Fish Creek could be developed to good densities in the 45-100 year zone by using density transfer. Under density transfer, land in the 1 in 45 year zone would be left untouched and density transferred to the higher 45-100 year zone at 22 persons an acre. This higher density on smaller and scattered subdivisions throughout the valley would justify utilities services, provide an upscale living environment, and preserve the lower flood plain for park. The problem was that this perceived developable flood zone had never been professionally assessed.

It was to this measure that City Council turned its attention in early 1970. On January 26, Council determined that the Once-in-45-year flood plain should be clearly defined in which there would be no construction, but that a 45-to-100-year flood plain should also be established where development might proceed conditional to buyer knowledge of the potential risks. Commissioners were also asked to report on the feasibility of using density transfer.107 The pro-park Administration hedged for a year, possibly because the issue was moot as long as there was no clear delineation of the flood plain. During this time the City received its commissioned Master Plan for recreational areas prepared by University of Calgary Geography professor Louis Hamill.108 In the comprehensive 600-page report Hamill noted how developers were pushing for areas within the
city for country living and cited Fish Creek as an example. He also advocated the expenditure of $18 million to buy a further 2,000 acres for parks, including 800 in Fish Creek by 1975.

The impetus for the requisite flood plain study picked up in early 1971 after a developer tested the waters with a bold plan. In February 1971 Wesco Property Developments Limited submitted a proposal to develop flood plain lands under its control east of Macleod Trail. Arguing that virtually the entire valley was in the 1 in 45 year flood zone, the company dismissed density transfer as a viable option. Instead it offered a solution to deepen and widen the creek and use the overburden to raise the surrounding area. According to Wesco President, Norman Trouth:

Specifically this would be done by way of deepening and widening the creek and by providing a sloped grass terrace in which overflow water could and would drain as and when necessary. The effect of this design would be to provide a reasonable size creek bed with a park strip on both sides which strip would flood only occasionally. Our consultants, your engineers and the Provincial authorities all appear to agree that the adoption of our approach would permit the development of substantially the whole of the valley to the east of Macleod Trail and at the same time honour your policy to keep development out of the 1 to 45 year flood plain.¹⁰⁹

The Planning Department was horrified. City Planner Mike Rogers observed with clear disdain that the proposal meant the loss of mature tree growth as well as the defacement of the creek in one of its most scenic locations. In obvious reference to mounting citizen concern, Rogers was adamant that a full public hearing be held pending any final decision.¹¹⁰ Not surprisingly, the Wesco proposal advanced no further.¹¹¹

However, it is likely that the implications of the 1971 Wesco initiative spurred the City into action, since what was being proposed essentially redefined the issue of land use in the entire Fish Creek valley. On March 22, 1971 City Council adopted a recommendation from the Operations and Development Committee to secure professional advice on the feasibility of permitting development in the valley outside the flood plain.¹¹² To this end, Commissioners were asked to pursue measures by which Fish Creek could be included in the ongoing flood study of the Bow River by Montreal Engineering Limited, being funded on a 50/50 cost-sharing arrangement between the City and the Province. The study began in the fall of 1971 with the Province picking up half the cost of over $300,000. Both the pro-park and pro-development forces waited on the study with some apprehension.
Path in Fish Creek Park

The City had noted its concern and its preference in July 1971 when it asked the Province to buy Fish Creek for park purposes. Its request for a provincial park in Fish Creek and for one in Edmonton was predicated on need based on urban population densities and lack of access to regional recreational facilities. Its hopes, however, were dashed by the reply from Donovan Ross, Minister of Lands and Forests. Ross felt that Calgarians had ready access to several provincial recreation facilities within easy driving distance. His closing statement that he would require a detailed submission before he could even comment was tantamount to a flat dismissal.

The City received the results of the Fish Creek Flood study from Montreal Engineering in June 1972. The authors were impressed with the area and clearly thought that development was inadvisable. The study, however, was based on feasibility from an engineering standpoint. In this respect the news was disconcerting. The study found that 395 acres, or 26 percent of the valley floor, were outside the flood zone and capable of risk-free development. More significantly, the report also concluded that another 579 acres could be developed pending precautions and some restrictions in building design.
The report did not sit well with Administration. Though Chief Commissioner Denis Cole was not convinced that “the maximum amount of development in flood risk areas was the proper position for government to take in areas where there is no development at all,” he was well aware of its implications. So was Commissioner George Cornish when he referred a month later to the pressure being applied by developers to see the report. Mindful of other emerging activity beyond the confines of City Hall, the Commissioners decided not to tell developers that possibly 65 percent of the valley floor was eligible for development. Instead they waited.

The emerging activity was twofold. The first was a significant change in the provincial government’s park policy. The appointment of Allan Warrack as Minister of Lands and Forests in Peter Lougheed’s first Cabinet on September 10, 1971 signalled a major shift in direction. Warrack’s belief that the present park system was inadequate, that more funding was needed, and that Albertans in metropolitan centres, especially seniors and the disadvantaged, lacked opportunities to visit provincial parks were some of the factors that led to a new Provincial Park Act in 1974. From the outset Warrack was sympathetic to the idea of a provincial park in Calgary at Fish Creek. An official in the City of Calgary Planning Department noted in the summer of 1972 that Warrack had acted early in gathering information on land acquisition costs in Fish Creek. In fact, by the time the Province was ready to announce its decision to reserve the area for provincial park purposes in early 1973 it had quietly acquired 1,250 acres. In August 1972 Calgary MLA and ex-alderman Roy Farran was confident enough to tell City Commissioners that there was a better than a 50/50 chance that the Province would buy Fish Creek. Farran’s crucial support had resulted in legislature approval in the spring for a policy to establish provincial parks in urban areas. City officials were further encouraged in a meeting with the Province in September where they were told that the acquisition of the Fish Creek valley was now under active consideration. A week later Denis Cole expressed his confidence that the Province was ready to move on land acquisition in Fish Creek.

Significant pressure to preserve Fish Creek came from another direction when Calgary citizens mobilized to oppose any policy of development in the area. The coalescence of a well-organized and committed grassroots movement in the summer of 1972 presented an emerging dimension to local politics in Calgary. In June 1972, a small band of disgusted citizens led by Southwood resident Rosa Gorrill formed the Fish Creek
Centennial Park Committee to marshal and then coordinate the efforts of local and other groups in a campaign to preserve Fish Creek. Ultimately consisting of 14 south Calgary community associations and other organizations, including the Local Council of Women, the Calgary Field Naturalists Society, the Calgary Equestrian Society, and representatives from the National and Provincial Parks Association of Canada and the University of Calgary Faculty of Environmental Design, the Fish Creek Centennial Association embarked on a multi-pronged strategy that included a persistent barrage of pointed questions to the City, a strong lobby at the local and provincial levels, favourable press coverage, and intensive research geared towards the preparation of a brief to the provincial government. The association’s momentum picked up in the fall of 1972, gaining the unanimous support of the Federation of Calgary Communities and the personal support of at least three aldermen and two MLAs. The association’s comprehensive brief, “Fish Creek Valley, A Natural Park,” was endorsed by City Council and forwarded to Edmonton in the New Year. There can be no doubt that the public pressure to preserve the area for park purposes weighed heavily on a City Council that needed some solid gesture of support and a little push to do the right thing. It also dovetailed nicely with the incipient provincial move in the same direction.

The developers did not help their cause. Already under critical public scrutiny in the wake of rising land prices, they inadvertently positioned themselves as the enemies of environmental sensitivity in Fish Creek. In August 1971, prominent city resident and former judge Harold Riley claimed that Fish Creek was suffering because of water diversion by Kelwood to its subdivision in Lake Bonavista. Referring to the creek as “once a beauty spot [but now] just a gravel pit,” Riley questioned the merits of trying to make Fish Creek a park “in its present degraded condition.” Greater public opprobrium resulted a year later when Wesco Property Developments Limited, without authorization or a development permit, dumped overburden from its grading operations on the escarpment onto the valley slopes and floor. According to Parks Superintendent Harry Boothman, “the actions of the developer resulted in these slopes being covered in sub-soils in depths ranging from three to four feet. It is my opinion that very little of the original ground cover can be salvaged.” The Planning Department felt that the damage would “have a lasting effect on the ecology of the valley.” Arguably, perhaps since Wesco was made to remove the dumped dirt and restore the slopes, the political damage might have outweighed the ecological in the long run.
While the City was still considering its options in the light of the Fish Creek Flood Study, the Province stepped in. On February 19, 1973, Premier Peter Lougheed announced the creation of a 2,800-acre provincial park in Fish Creek at an estimated cost of around $15 million. The entire valley was designated as the Fish Creek Restricted Development Area by a subsequent Order in Council which prohibited all operations that disturbed the surface area. Two and a half years later, on June 19, 1975, following further land purchase and consolidation, the first stage of Fish Creek Provincial Park was opened.

The developers' response to the provincial acquisition was mixed. Kelwood took the pragmatic approach. “In a spirit of co-operation and as a good corporate citizen,” it sold its 440 acres in the valley to the Province at cost plus interest. However, it is also possible that the corporation secured a verbal assurance from the Province that should annexation ever become necessary, its holdings farther south just beyond the city limits would receive some consideration. Wesco, it appeared, tried to compensate for its dumping infraction by donating land to the City in return for density transfer at the top of the hill. It proved to be a good
deal for the City, since when it later needed an equivalent amount of provincial land for interchange purposes elsewhere, it simply gave the Province the donated land. As for Art Sullivan, he held out for the best possible price for his land and was still in not-so-amicable negotiations with the Province when the Park was officially opened in 1975.136

It is illuminative to conjecture what might have happened in Fish Creek had it not been for public pressure and the actions of the provincial government. The public participation dimension is interesting not just for the fact that it was so concentrated and organized but that it focused on the preservation of open urban space rather than on other negative aspects being challenged by the urban renewal movement. In this sense it complemented the ongoing public dialogue to preserve Nose Hill and Calgary's riverbanks.137 Yet for all their efforts, one wonders how much these dedicated citizens would have achieved had not the Conservatives replaced the Social Credit government on August 31, 1971. The impact of changing provincial policy is hard to overestimate, especially given Donovan Ross's bleak attitude only weeks before Allan Warrack replaced him as Minister of Lands and Forests.

The City's stance on Fish Creek Park raises some questions. Evidence suggests hesitancy and uncertainty based on two primary reasons. The most logical approach was to buy the land outright for park purposes. Indeed, the General Plan of 1970 suggested that the City might acquire 793 acres of flood plain for park purposes. Expense was definitely a factor. In fact one opinion held that if the City accepted Art Sullivan's asking price of $2,500 an acre in 1967, it might constitute a breach of fiduciary duty on the part of City Council.138 But the argument given for not pursuing this route on a long-range, more gradual basis is revealing, especially in the light of subsequent developments on Nose Hill. According to Commissioner Ivor Strong in 1967, the City's lack of ability to conclude the land purchases quickly would unfairly penalize developers.139 Another reason given by one alderman made more political sense at least. In a letter to a concerned activist, Alderman Adrian Berry expressed his agreement with the need for a park in Fish Creek but stressed financial limitations in the light of overall City priorities.140 The point is, the idea of buying the entire Fish Creek area was never a consideration.

The second course of action was to freeze the whole area entirely under a blanket ruling and subsequently acquire the land over time at reduced prices subject to negotiation. The argument that the City dared not use provisions in the Planning Act to do this for fear of successful appeals is open to question. The City argued that Section 16(a) was too loose.
Regardless of this untested belief, it seems that Section 16(b), with its reference to subdivisions needing compliance with proposed or existing general plans, gave the City more than adequate security against appeals. Also, under Section 21 the City could have circumvented the appeal route by asking the Provincial Planning Board for a waiver against applying the Subdivision and Transfer Regulations altogether. Chances were the City could have convinced the Board that subdividing land in Fish Creek was, according to the Planning Act, “impracticable and undesirable ... because of circumstances peculiar to the proposed subdivision.”

The prevarication and reluctance on the part of the City to pursue available measures to secure Fish Creek for park purposes and the change in policy after 1970 respecting development in the 45-100 year flood zone would appear to indicate a typical compromise in the making. In that context, it is interesting that the much-maligned Wesco received the go-ahead to continue its subdivision above the creek because the Calgary Planning Commission disagreed with both the Planning and Parks and Recreation Departments and considered that the damage from dumping over the escarpment was not as serious as first thought. Without the intervention of the Province and in spite of the strenuous efforts by the Fish Creek Centennial Association, there was a good possibility that subdivision would have occurred on the higher benches of Fish Creek. Whether due to a lack of daring, resolve, or even commitment to the whole valley, the City ultimately played a minor role in the preservation of one of Calgary’s “natural treasures.”

Nose Hill

The dispute over Nose Hill showed the developers and the City in a different context than in Fish Creek. This time a determination on the part of the developers to use the hill for residential purposes was met with City co-operation subject to certain conditions. Again the crucial turning point came in the form of citizen outrage. Of all issues, the debate over Nose Hill provides the clearest example of how local government responded to developer pressure from one side and the force of its citizenry on the other. Though a resolution of sorts was manifest by 1973, it was subject to compromises. It also provided a further rationale for outward expansion.

The Nose Hill issue was far more complex and contentious than that in Fish Creek for several reasons. Unlike Fish Creek, the General Plan of 1963 had set Nose Hill aside for development between 1971 and 1980.
Second, it was a more definable area. Fish Creek’s visible environmental assets reinforced its value as a recreational area to be best preserved in its natural state. It was also a long lateral flood plain where development was limited by utilities constraints, and was more oriented towards country-style residences. Nose Hill, on the other hand, was a compact grassland area. From a popular standpoint, it was recognized for its views and outdoor recreational potential rather than for its aesthetic or ecological value.\textsuperscript{142} Therefore, initially at least, its preservation as a pristine natural environment was not as widely appreciated as in Fish Creek. Thus, development on its lower slopes and on the undulating plateau that formed its crest was an expected outcome. With its magnificent views in all directions and steep slopes that enhanced a natural rural-type setting, Nose Hill was a developer’s dream come true.

It will be remembered that developers had been interested in Nose Hill in the 1950s but had been prevented by federal regulations specifying clear flight zones in the proximity of the airport. A subsequent freeze was ordered on any development on the hill, a situation which effectively dissuaded developers in the first half of the decade.

By 1966 the arrival of the jet age had rendered the existing airport and terminal obsolete, and plans were put in place for a new facility farther north. Though the current development freeze was to remain in place until 1969, it was clear that Nose Hill would not be affected by the new flight paths.\textsuperscript{143} Carma was the first to move. In April 1967 it discussed its five year construction plan with the City, one which included development on the Nose Hill plateau. In July 1968, the corporation submitted a Conceptual Plan for the development of 953 acres on the plateau of Nose Hill.\textsuperscript{144} The “Top o’ the Hill” plan envisaged a mixed residential area with low density development on the plateau itself. In addition to a 15-acre commercial site, schools, churches, and a community centre, a scenic drive was to extend around the brow of the hill. Grades exceeding 15 percent were to be left as park. Then in 1969 United Management, the owner of Nose Hill lands to the west of Carma’s, began preparing plans for “a delightful living environment” that embodied a terraced multi-family complex and two shopping centres on the gentler slopes.\textsuperscript{145}

There can be no doubt that senior City management anticipated residential development on Nose Hill. First and foremost, it had the approval of the Central Mortgage and Housing Corporation. In August 1968, Walter de Silva, architect and planner for the corporation, called Carma’s plan “a very exciting and viable proposition” and “a fresh collaborative effort between the City Planning Department … and a large developer.” He
reaffirmed the C.M.H.C. position by adding that “there is no question
that the time is right to develop this and it makes economic sense.”146 A
year later City Planner Mike Rogers told Commissioner George Hamilton
that certain areas of Nose Hill comprised “prime residential land” that
needed to be developed.147
The City’s rationale for wanting development aside from the tax wind-
fall was also linked to a desire to acquire land on the hill for a regional
park. A regional park in the north had been on the discussion board for
some time, and as early as 1967 the Parks and Recreation Department
had isolated Nose Hill as a prime location.148 The City perceived that the
hill was large enough to facilitate both a regional park and residential
development. It was reasoned that if development was permitted on
the plateau and lower slopes, the developers could be forced to cede the
remaining slopes in return for density transfer to the residential areas.
It was sound reasoning, that the two main developers accepted. In return
for releasing 1,400 acres for residential development the City would
receive around 1,000 acres of natural parkland at no cost. Had events
unfolded as Carma and United Management hoped, and as M.V. Facey the
City’s Principal Design Planner predicted, development on Nose Hill
would have begun in 1970.149
A combination of several factors put the City in a delaying mode. First,
the Engineering Department was convinced that due to transportation
and utilities constraints, residential development on the hill was at least
three years away.150 The Chief Engineer argued that since no population
projections had been established for Nose Hill, it was impossible to
provide for utilities sizing or for the carrying capacities of arterial roads.
Moreover, the final alignments for crucial transportation corridors like
Shaganappi Trail, 14th Street, and 64th Avenue had still not been agreed
upon. Another source of contention concerned the eligibility of certain
slopes for density transfer and the per acre figure at which such density
would be granted. Finally, the discussions were taking place at the same
time the Planning Department was restructuring its sector plans for the
whole city. Like many others in new areas, the Nose Hill Sector Plan was
in a state of limbo, and this meant that no development could proceed
until specifications for land use and transportation patterns for the entire
area were established.
As the above obstacles persisted throughout 1970, the developers
became increasingly anxious and fearful. In fact one developer was pre-
pared to give up his holdings on Nose Hill on a 3.5 acre-to-1 basis for
City-owned land in adjacent West Thorncliffe.151 In response to this pressure
the Planning Department approached the Planning Commission on November 4, 1970 with a proposal for development on Nose Hill. The proposal advocated development on the lower slopes and the plateau and offered a number of options based on projected populations ranging from 25,000 to 43,000. The Planning Commission was interested but tabled the proposal pending an Engineer’s report on the utilities and transportation costs.\textsuperscript{152}

The Planning Department resubmitted its proposal on March 31, 1971 with the requisite figures. According to the chief engineer it could cost over $6 million to furnish the Top o’ the Hill development with utilities and transportation up to 1975 for either 20,000 or 35,000 people.\textsuperscript{153} What was of great interest to the Planning Commission was that the City’s share of the $6 million plus amounted to only $320,000. Thus, though the proposal was again tabled pending additional information on the acreage involved and density, it was clear that development on Nose Hill was not only likely but imminent. One has only to note the Planning Commission’s decision at the same meeting to reject an option to reserve the entire area for recreational use. Such a course of action, it was reasoned, was “unrealistic.”

The potential for houses on Nose Hill seemed more than likely on April 7 when the Planning Commission approved the development of 255 acres on the lower slopes at 18 persons per acre. With another 11 persons per acre being granted against 150 acres of adjoining steep slopes, a total population of 6,240 was envisaged. A population of 20,000 was approved for the top of the hill to be developed at a density of 11 per acre, but no specifics for density transfer were given.\textsuperscript{154} The Planning Department was authorized to prepare a sector plan for the area and to investigate the feasibility of implementing the development proposal as recommended. The developers saw this decision as vindication and the “green light” they had long awaited. Two weeks after the Planning Commission’s decision, Carma advertised its intention to provide a 337-acre park which by encircling its subdivision would not only add visible integrity to the area’s natural beauty but also ensure “a major green area for all Calgarians to enjoy.”\textsuperscript{155} By late July the corporation was begging for permission to commence grading operations. As a hedge, Carma later secured the annexation of its land holdings (MacEwan Glens) on the northern reaches of the hill. In November 1971 Western Realty Projects prepared an outline plan for the subdivision of Leaside located on the lower slopes. The plan called for mixed development of low density, medium rise apartments and town housing. Enthusiastic spokesman
Norman Trouth was of the opinion that “this unique piece of land and the development proposal therefore is and will be a continuing economic and aesthetic asset to the City of Calgary.”

Two factors intervened to save Nose Hill from the bulldozers. The first was the mounting citizen pressure on a level the City had never before witnessed. Since the fall of 1970 a steady stream of letters had been piling up at City Hall from residents who wanted Nose Hill to remain a recreational area. Momentum picked up after the April 7 decision. Letters continued to pour in lambasting developers and censuring the City for its indifference. In a biting editorial *The Albertan* argued that residential development on Nose Hill would “constitute a crime against the community,” and called on the citizens of Calgary to see it as “a test of our readiness to give things of the spirit their weight.” The barrage of protest was maintained into the fall, and though no authorization for development had been issued, it was becoming increasingly clear that if and when it did, City Hall would have a fight on its hands.

The second factor concerned the City’s predisposition to rethink its priorities. In sanctioning development on Nose Hill no one at City Hall had apparently given much thought to the guidelines established by the recently adopted General Plan, which specified that urban growth must be closely related to environmental and economic considerations. Arguing that development of Nose Hill as recommended had not taken into consideration priority claims by other developable areas in the city, and furthermore involved capital infrastructure that anticipated subsequent but as yet unplanned development beyond Nose Hill to the north, the Technical Co-ordinating Committee and the Planning Department, on April 6, 1972, proposed a moratorium on development of the upper slopes and plateau pending a study of the full economic implications. However, it also gave the go-ahead to develop Leaside on the lower slopes.

Carma was incensed. In a letter to the City, president Joe Combe expressed his frustration: “Since early 1968 significant time and energy have been expended … with the feeling on our part that final negotiations for development were never too far away.” Combe went on to plead for permission to begin on the grounds that land on Nose Hill was highly desirable compared to elsewhere in the city. Ten days later Carma’s consultants protested to the City about the sudden change in policy, arguing that the corporation desperately needed the land and that previous discussions had never included Nose Hill as part of a larger integrated area. Carma was supported by other landholders who asked that development on the hill be approved as soon as possible.
It was to no avail. On May 31, 1972, following a six-hour debate, the Calgary Planning Commission recommended “after long and careful review” that Nose Hill and the land beyond to the north remain an area of policy review and that development not be permitted until the full economic implications were known. This recommendation was to go before City Council at a public hearing on July 3.

Both sides in the debate went on the attack. The Calgary Field Naturalists Society argued for Nose Hill’s unique flora and fauna and stressed that merely retaining the undevelopable slopes for park purposes “would not ensure the survival of this unique area.” More significantly, surrounding communities became involved. Following a meeting on June 20, some nine communities bordering Nose Hill established a committee to prepare a brief for submission to Council. Under the guidance and assistance from the Faculty of Environmental Design at the University of Calgary and supported by the Federation of Calgary Communities, the brief advocating the protection of Nose Hill from development was completed in time for the July 3 hearings.

Carma pressed its case in a press release on June 8. The corporation noted the availability of utilities and that no major upgrading was necessary for development on Nose Hill at a density of 11 persons per acre. In referring to the unsatisfied demand for housing, reduced buyer choice and “arbitrary interference in the mechanics of the free market,” Carma argued that the decision to freeze development on Nose Hill “was not in the public’s best interests.” A week later Carma ran an advertisement in the *North Hill News*. Entitled “How to build a neighbourhood for 2,000 families without anyone noticing,” the advertisement stressed Carma’s long history of involvement in the area, one which had proceeded according to sound planning principles. An insert at the bottom of the advertisement encouraged readers to submit their opinions as to whether they wanted residential development to go ahead “so that all Calgarians can have access to and enjoy this attractive natural area.” In a letter to the *Herald*, Joe Combe praised his company’s “$75 million labour intensive project,” and re-emphasized the fact that no houses would be visible on the hill.

The public hearing on July 3 was a lengthy and rancorous affair. City Council heard 21 briefs. Carma, another developer, and the North Calgary Businessmen’s Association argued for development, while seven community associations and the Calgary Field Naturalists Society pleaded for park preservation. The most persuasive, however, was the brief presented by two professors from the Faculty of Environmental Design on
behalf of ten community associations. The North Calgary Communities Brief on Nose Hill Land Use advocated boundary conditions above and below the escarpment “so that no development will interfere with the recreational use and view of Nose Hill’s natural features.” The brief further called for community involvement in the preparation of the stalled sector plan for Nose Hill. It was enough to convince City Council, which on an 11-to-2 vote passed a motion

to adopt the North Calgary Communities Brief on Nose Hill as a guideline for the protection and use of Nose Hill, and the Planning Department in conjunction with university personnel prepare a sector plan for a public hearing within a year and that the development in Dalhousie 6, Leaside and West Thorncliffe be deferred and that consideration be given to acquiring a major portion of the hill for recreation purposes.168

Preparation of the sector plan for Nose Hill was described by one community spokesman as “a unique opportunity to participate in the planning process.”169 It was if anything an understatement, for the work done by the north Calgary community associations and their supporters in the fall of 1972 and winter of 1972–73 marked the first time that Calgary citizens were actively involved in determining the future of their communities. Or, as another supporter sardonically noted, “the first time in

View of Nose Hill
Chapter 6: City-Developer Relations 1964–1978

Calgary that citizens have actually been encouraged to make their position known before the bull dozers start carving up the land. The work itself was facilitated by a special council chosen from the community associations supported by a small executive committee. Crucial links included liaison with the Planning Department and the Faculty of Environmental Design, which handled the technical details. A questionnaire was sent out to 20,000 homes and displays mounted in shopping malls. The growing momentum for a sector plan that protected Nose Hill was evidenced through the several submissions to the Council and in the support of traditional allies like the Local Council of Women, the Calgary Field Naturalists Society, and the National and Provincial Parks Association of...
Canada, as well as other groups like the University Women’s Club and the United Church Women of Rosedale. Two groups prepared independent studies that supported the park concept. In November 1972 the Calgary Field Naturalists Society released its year-long study of natural areas including Nose Hill, and three months later, in January 1973, students in the Faculty of Environmental Design produced their “Nose Hill: A Resource Study.”

Carma tried to bolster support by commissioning a private consulting firm, Socio Systems Ltd., to undertake a public opinion survey. Five communities were chosen: Three were affected by the issue and two were in the city’s southwest. One hundred households in each were surveyed with an average response rate of around 75 percent. Carma tried to show the results in a positive light. While admitting that the survey showed that more people were against than for development, even in the two most removed communities, Carma advertised the fact that when asked to decide between a City expenditure of $12 million for a park or allowing Carma to develop, most people favoured the latter. However, one could dispute the validity of this result given the “loaded” nature of the question and the fact that the slight majority for development was supplied by the two southwest communities. The developer on the lower slopes took another approach, arguing that the halls of academia were being given too much credibility in the preparation of the sector plan. According to the lawyer for the Leaside development, “faculty members are without practical experience and their recommendations may have some theoretical merit but may lack it from a practical point of view.” The Urban Development Institute pointed out that preservation of Nose Hill for park purposes would mean that Calgary would have almost double the amount of park land per head of U.S. cities.

Despite differences within the community council respecting the size and type of park, the battle for Nose Hill was won on April 16, 1973 when City Council, in a public hearing, voted to reserve 4,100 acres for park purposes between John Laurie Boulevard on the south and 80th Avenue North, and between the Sarcee Trail on the west and 14th Street on the east. Council also instructed the Land Department to “proceed with land purchases on an opportunity basis.” While the decision itself was not unexpected, the specification of 4,100 acres came as a surprise to some. The original, but far from unanimous, recommendation from the North Calgary Communities Special Council was for 2,600 acres. The decision to reserve 4,100 acres was doubtless the result of last-minute lobbying on the part of disaffected groups within
the Council. Furthermore, the nature of the park had not been decided. The Parks and Recreation Department, for example, wanted a developed rather than a natural park.

It was not to be a complete victory, however. In January 1976, City Council voted to remove 1,600 acres from the park’s west end between Sarcee and Shaganappi Trails. Cost implications were given as the reason. To The Albertan, the original 4,100 acres was “probably financially unrealistic while as early as January 1975 the Herald referred to aldermen “shrink[ing] before the cost.” Interestingly, most of the severed land belonged to Carma, the company most affected by the decision to turn Nose Hill into a park.

The developers’ response to this loss was typical. They accepted it without protest, having doubtless realized that their cause had been dealt a mighty blow in the Council decision of July 3, 1972. For example, a week before the April 16 public hearing, United Management took the high moral ground and notified the Mayor and Council that recognizing that it may be in the best interests of the people of Calgary and future generations to so restrict development, United Management Limited, as a good corporate citizen, is giving serious consideration to the withdrawal of the application to develop Leaside and to abandon its intentions to ultimately develop the escarpment and the plateau.

Instead, developers sought to compensate by other means. Carma argued successfully that since it had been the most penalized by the land freeze on Nose Hill, it should be compensated by annexation of lands under its control to the northwest. Together with Western Realty, another loser on Nose Hill, Carma simply moved north beyond the hill and began petitioning for annexation there. In the short term, however, the developers pinned all their efforts on securing adequate financial compensation for the loss of their lands. It proved to be as big an issue as the battle for the park itself.

The difference in opinion between the developers and the City on the value of potentially developable land in the event of its being frozen or designated to non-developed uses was virtually irreconcilable in the absence of any accepted formula for arbitration. According to Carma, its lands on the hill were worth $10,000 an acre, and at one point the developer felt that even if they were designated for park purposes they still might be worth more than adjacent City lands in West Thorncliffe. Another landowner wanted over $12,000 an acre. The City, on the other hand, appraised Carma lands at $8,000 an acre but only $1,200 an acre
when frozen.\textsuperscript{184} The City bargained for a median price of $3,000 an acre but eventually settled for $5,000.\textsuperscript{185} One could argue that the developers had gained a measure of victory when the City paid $39,000 for Nu-West’s 7.8 acres.\textsuperscript{186} However, these costs had to be assessed against the need to procure land as quickly as possible in an era of escalating prices. Even frozen land, in all fairness, had to be assessed in terms of the going rate for its developable equivalent. For example, by 1980 the steep undevelopable slopes were assessed at $1,200 an acre.\textsuperscript{187} However, despite the developers’ insistence that they were disadvantaged both practically in terms of land inventory, and financially with respect to loss of developable land, evidence suggests that Carma at least was determined to turn a lost opportunity to advantage. In July 1973, just two months after the decision to freeze land on Nose Hill, Carma availed itself of a long-held option and took title to two sections of land right in the middle of the hill.\textsuperscript{188} The reasons for this strange, even bizarre action were revealed seven months later when Carma laid an offer on the table. In view of straitened City finances and the refusal of the provincial government to assist in purchasing Nose Hill lands, it was a daring, even brilliant strategy by a corporation never known for its lack of gall.

On February 27, 1974, Carma presented the City with a two-pronged offer.\textsuperscript{189} The first involved a clean swap of 560 acres on Nose Hill for equivalent City-owned land in the adjacent West Thorncliffe subdivision. Carma even offered to lend the City $250,000 interest-free to develop the Nose Hill lands for park purposes. However, the bold assumptions implicit in this first prong of the offer were more than matched by the second. Here, Carma offered to sell its remaining 1,570 acres to the City for $15.7 million, or $10,000 an acre. It appears, however, that this high price was designed to make a second suggestion, and doubtless Carma’s real intent, more palatable. In this alternative, Carma asked the City to include the corporation’s lands in standard developer agreements in the northwest and north up to 1981 in return for the gradual annual release of Nose Hill lands to the City free of charge. The implications were immense in that Carma’s holdings would be given priority in subsequent developable areas both within and outside the City in return for the gradual transfer of Nose Hill lands.

The City blanched over handing Carma a monopoly of land development in the north and northwest for the next decade, and thus gave short shrift to the graduated exchange offer. Carma did acquire West Thorncliffe, though not via a clean swap. In June 1974, the City exchanged 180 acres in West Thorncliffe for 1,052 acres of Carma lands in Nose Hill plus
$1.3 million. It was a good deal for both, though it is arguable who came out the better. The City assumed ownership of 1,052 acres of prime Nose Hill lands for around $1,500 an acre.\textsuperscript{190} On the other hand, Carma stood to reap handsome dividends. According to \textit{The Albertan} the land was worth $2 million and would gross Carma between $5 and $7 million.\textsuperscript{191}

The purchase of Nose Hill dragged on. By 1980 the City had acquired only 1,297 acres. The official declaration of Nose Hill as one of Canada's largest urban parks had to wait until June 1992. Ralph Klein, Alberta's Minister of the Environment, was on hand, and his comment that "the only people weeping today are the developers" was testament to a long battle, a combination of City prevarication and resoluteness, and a triumph for and by the citizens of Calgary.\textsuperscript{192}

\textbf{Discussion}

There can be no doubt that City Administration favoured residential development on the plateau and lower levels of Nose Hill on the grounds that it enabled a regional park on the slopes at no cost. The value of the entire area as an ecological preserve was never a factor. The City Parks and Recreation Department, for example, saw it as primarily as a park in the traditional sense, or as one Parks spokesman said, "This kind of money can't be justified on just preservation principles."\textsuperscript{193} The area's survival in its pristine state was due entirely to the sensitivity of City Council to community outrage and the willingness of affected citizens to take concerted action on their own behalf.

The Fish Creek experience also had an impact on Nose Hill. The provincial government assumed responsibility for Fish Creek only a few weeks before Council endorsed the 4,100-acre park concept. It is more than likely that with the removal of Fish Creek and its financial burden, the City was much more inclined to consider a northern regional park at some cost. More significantly, the precedent set in Fish Creek demonstrated provincial willingness to use its powers to restrict development of certain lands pending public purchase, and in so doing gave sanction for similar municipal action. The freezing of land on Nose Hill was therefore justified by precedent.

The developers had always assumed that development was going to go ahead on Nose Hill. The fact that the land in question was under a freeze by the national Department of Transport had not dissuaded them. Carma had been involved since 1960 and United Management acquired land there in 1965. Carma held much of its land under option. Yet when the
developers lost Nose Hill they demanded special consideration, one even
taking out an option to purchase on the hill. In this context questions
arise as to the legitimacy of their claims for higher financial compensa-
tion. Furthermore, civic attitudes towards Carma provide an excellent
example of what can only be seen as over-compensation. As argued above,
it is debatable who profited more in the land exchange between the City
and Carma. Yet the City went further. The subsequent annexation to the
northwest was sought solely to compensate Carma for lands lost on Nose
Hill. Finally, while the reasons for removing 1,500 acres from the park
in 1976 were linked to cost, the fact remains that much of the severed
land belonged to Carma. The present suburb of Edgemont is a standing
testimony to Nose Hill Park’s loss, to Carma’s gain, and to a vision of
what the rest of Nose Hill might have looked like had the developers had
their way.

The Fish Creek and Nose Hill experiences reflected the resilience of
developers. To be sure, they saw the two areas in terms of prime develop-
able land and fought hard to secure the right to develop them. Yet when
they were denied, they simply shifted their interests, bypassed the two
parks, acquired land beyond, and rationalized their lost opportunities by
pursuing annexation more forcibly. In this sense the City’s acquisition of
two magnificent urban parks furthered the process of outward growth.

Conclusion

This period saw the formalization of the relations between the City and
the developers. Agreements became longer, more complex, and increas-
ingly differentiated according to specific requirements. The City’s policy
of imposing heavier financial burdens on the developers whenever pos-
sible was continued and widened. Although resisted and to a degree ame-
liorated by the developers, the end of this period saw no change in the
City’s desire to push its intent as far as it dared.

The City retained a cautious attitude towards developer suggestions
for subdivision innovation. Golf course and lake creation were readily
accepted. Others that involved subdivision experimentation or enhance-
ment were not. Doubtless part of the reason lay in an awareness by the City
that intent was often not translated into commensurate practice and that
developers tended to neglect some of the financial implications and prac-
tical limitations of their suggestions. Nevertheless it seems that the City
might have paid more attention by initiating more dialogue and evincing
a readiness to be more experimental.
The issue over the two parks reflected a lack of will on the one hand and a lack of policy on the other. From the outset the City wanted to preserve Fish Creek for park purposes. It simply did not have the will to enter into purchase, nor, it appears, did it have the savvy to request the Province to freeze the land in the first place. In fact, had not the Province bailed the City out in early 1973, the developers’ clamorous efforts probably would have paid off.

On the other hand, there can be no doubt that the City wanted residential development on Nose Hill. Its failure to produce a sector plan before 1970 that stipulated both park and residential use on the hill put it in a stalling mode and allowed citizen outrage to emerge and then mobilize. The absence of a sector plan meant a lack of certainty about utilities sizings, road alignments, and specifics regarding development to the north beyond Nose Hill. In effect the City was virtually unable to respond effectively to the developers’ requests. Arguably, it was almost a relief to both Council and Administration when the north hill communities virtually made up their minds for them.

Finally, the issue of the parks is informative with respect to the developers themselves. On the one hand it shows their high interest in developments that blended town and country. Though they saw them primarily in terms of low density they were also quick to realize that creek or view lands contained much undevelopable acreage and therefore lent themselves to density transfer and to different types of residential development, including low cost. Carma’s changing concepts for its Top o’ the Hill subdivision stands as a case in point. The role of the developers as risk takers deserves some comment. Art Sullivan, Kelwood, and Wesco gambled in Fish Creek, knowing from the start that the area had been favoured for park purposes. Carma’s action in exercising a purchase option on land in Nose Hill that had already been reserved shows another form of risk taking, the gamble here lying in a profitable deal with the City. Kelwood was forced to sell at cost plus interest. Art Sullivan held out, hoping against hope for a better financial settlement; Nu-West and United Management cut their losses while Carma struck a deal. Risk-reward was part of the developers’ business. It seems likely, however, that in the case of the two parks the rewards, though nowhere near as high as anticipated, did outweigh the risks.