



Agenda
Subdivision & Development Appeal Board Hearing
January 5, 2023 at 2:00 p.m.
Hybrid via Zoom & in-person at Town of Canmore Civic Centre

1. Call to Order (Chair)
2. Adoption of Agenda
3. Adoption of Minutes
 - December 5, 2022 SDAB Appeal Hearing
4. Appeal Hearings:
 - 1. PL20220278**
15 Pinewood Crescent
Lot 27, Block 3, Plan 7910758
Detached Dwelling with Accessory Dwelling Unit (ADU)
Preliminary hearing to determine validity of appeal against an approval by the Canmore Development Authority.
 - 2. PL20220182**
500 Bow Valley Trail
Lot 1, Block 7, Plan 0512461
Mixed Use Building containing: 1 unit Wholesale Sales with Warehouse, 21 units of Common Amenity Housing and 3 units of Employee Housing
Appeal against an approval by the Canmore Development Authority.
5. Other Business
 - None
6. Adjournment

TOWN OF CANMORE
MINUTES
Subdivision and Development
Appeal Board Hearing
Electronic via Zoom
December 5, 2022 at 2:00 pm

1. CALL TO ORDER

The Chairperson called the meeting to order at 2:00 p.m.

MEMBERS PRESENT

Public Representatives: Mr. Graham Lock (Chair), Mr. Jim Bell and Mr. Harry Scott
Recording Secretary/Clerk: Janice A. Agrios/Louise Bates

ADMINISTRATION STAFF PRESENT

Lauren Miller, Riley Welden, Claire Ellick and Brian Kinzie

2. ADOPTION OF HEARING MEETING AGENDA

It was moved by Jim Bell that the agenda of December 5, 2022, be adopted as presented.

MOTION CARRIED
UNANIMOUSLY

3. ADOPTION OF MINUTES

Jim Bell advised of three revisions to the Minutes of the July 20, 2022 meeting (as set out in his email, dated December 4, 2022). It was moved by Harry Scott that the Minutes of the July 20, 2022 meeting, be adopted as amended.

MOTION CARRIED
UNANIMOUSLY

4. APPEAL

Appeal against an approval by the Canmore Development Authority of Development Permit PL20220090.

APPELLANT INTRODUCTION AND OPPORTUNITY FOR ANY OBJECTIONS

The Appellants, K. Gordon Schultz and K. Coreen Schultz, on their own behalf and on behalf of Mallard Alley residents:

- Randy and Beth Vandervoort
- Michael Shugarman
- Phillip van der Merwe
- Justin and Janice Barbour
- Drew and Katrina Osborne
- Deanna and Rob Hawley
- Robin and Nicola Gardiner
- William Lawes & Julie Bradner
- Doug Proll and Sylviane Lippert
- Jodi Musgrove
- Janet M. Amy
- David Lefebvre and Nichole Allen

K. Gordon Schultz identified himself to the Board.

The Chairperson asked the Appellants if they had any objections to the Board Members present hearing the appeal. There were no objections.

The Chairperson asked the Appellants if they received a copy of the agenda package that was distributed to the Board and if they have any concerns about any of the information provided. There were no objections.

APPLICANT INTRODUCTION AND OPPORTUNITY FOR ANY OBJECTIONS

The Applicant, Systemic Architecture Inc., representing the Owner, Sunnyland Homes Inc. (Linhai Ma and Linjun Han). The Applicant's legal counsel, Stacy McFarlane, identified herself to the Board.

The Chairperson asked the Applicant if they had any objections to the Board Members present hearing the appeal. There were no objections.

The Chairperson asked the Applicant if they received a copy of the agenda package that was distributed to the Board and if they have any concerns about any of the information provided. There were no objections.

HEARING OUTLINE

The Chairperson outlined the hearing process for all present.

There were no objections from the Appellant, the Applicant or any other parties.

PRESENTATION OF THE STATUTORY REQUIREMENTS OF THE APPEAL

Riley Welden, Town Planner, presented the application, appeal date timelines and requirements.

The Chairperson noted that the statutory requirements of the appeal had been satisfied.

The Board proceeded with the hearing.

PRELIMINARY ISSUE

The Applicant made submissions as to the scope of the appeal. The Appellants made submissions in response. The Board went in-camera to deliberate. The Board advised the parties that it would hear the full appeal on its merits and address the submissions regarding the scope of the appeal in its Reasons for Decision.

ADMINISTRATION'S PRESENTATION OF THE APPLICATION AND DECISION

Riley Welden gave a verbal and visual presentation detailing the application. Riley Welden, Claire Ellick, Town Transportation engineer and Brian Kinzie, Town Community Development engineer, responded to questions from the Board.

APPELLANTS PRESENTATION OF THE APPLICATION AND DECISION

The Appellants provided a verbal and visual presentation to the Board. The Appellants responded to questions from the Board.

LIST OF THOSE SPEAKING IN FAVOUR OF THE APPEAL

- K. Gordon Schultz (Appellant)
- Michael Shugarman
- Phillip van der Merwe
- Drew Osborne
- Robin Gardiner
- Douglas Proll

- William Lawes
- David Lefebvre

CORRESPONDENCE RECEIVED IN FAVOUR OF THE APPEAL

- Drew and Katrina Osborne
- Michael Shugarman and Phillip van der Merwe
- Robin and Nicola Gardiner
- Douglas Proll and Sylviane Lippert
- K. Gordon Schultz (Appellant) and K. Coreen Schultz
- William Lawes and Julie Brander

APPLICANT'S PRESENTATION OF THE APPLICATION AND DECISION

The Applicant's legal counsel, Stacy McFarlane, provided a verbal and visual presentation to the Board. Ms. McFarlane responded to questions from the Board

LIST OF THOSE SPEAKING IN OPPOSITION TO THE APPEAL

- Stacy McFarlane of Borden Ladner Gervais, on behalf of the Applicant
- Chad Russill of Systemic Architecture Inc., on behalf of the Applicant
- Brendan Stevenson of Watt Consulting Group, on behalf of the Applicant

LIST OF CORRESPONDENCE RECEIVED IN OPPOSITION TO THE APPEAL

- Marianne Winz and Xauer Schurtenberger
- Kevin Ma
- Sky McLean
- Mandy Gia

LIST OF THOSE SPEAKING NEITHER IN FAVOUR NOR IN OPPOSITION OF THE APPEAL

None.

LIST OF CORRESPONDENCE RECEIVED NEITHER IN FAVOUR NOR IN OPPOSITION REGARDING THE APPEAL

None.

COMMENTS/CLARIFICATION BY ADMINISTRATION

Riley Welden and Claire Ellick on behalf of Town Administration provided concluding remarks to the Board.

COMMENTS/CLARIFICATION BY THE APPLICANT

Stacy McFarlane provided concluding remarks to the Board.

COMMENTS/CLARIFICATION BY THE APPELLANT

Gordon Schultz provided concluding remarks to the Board.

FAIR HEARING

The Chairperson asked if the Appellants felt that they had received a fair hearing.

The Appellants agreed that they had.

The Chairperson asked if the Applicant felt that they had received a fair hearing.

The Applicant agreed that they had.

The Chairperson announced this portion of the hearing closed and that, in accordance with the provincial legislation, the Board is required to hand down its decision within 15 days from today's date. No decision is binding until the Board issues a written decision.

5. OTHER BUSINESS

None

6. ADJOURNMENT

The Chairperson moved that the public hearing of December 5, 2022, be adjourned at 6:30 p.m.

MOTION CARRIED
UNANIMOUSLY

Graham Lock, Chair

Janice A. Agrios, SDAB Clerk

SDAB Preliminary Hearing

PL20220278

15 Pinewood Crescent

Lot 27, Block 3, Plan 7910758

Detached Dwelling with Accessory Dwelling Unit (ADU)

Preliminary hearing to determine validity of appeal against an approval by the Canmore Development Authority.

Notice of Appeal & written submission from the Appellant: David Clancy

Louise Bates

From: David Clancy (Clancy & Company) <clancy@clancyca.com>
Sent: November 16, 2022 8:20 PM
To: Shared.Planning
Cc: Jerritt Cloney
Subject: Notice of Appeal - your file PL20220278 - 15 Pinewood Cresc
Attachments: 4402_001.pdf

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear SDAB - please find attached my appeal for the above noted variance at 15 Pinewood Cres.

Please call me at 416 817-7485 (cell phone) for the \$250 filing fee.

Also please let me know when the hearing date is set.

Thks

Dave

David Clancy

Clancy CPA & Company
Professional Corporation

NOTE OUR NEW ADDRESS

710 - 110 Sheppard Avenue East
Toronto ON M2N 6Y8

clancy@clancyca.com
416.322.7039 ext 27
fax 416.322.5711

To help expedite processing your application, the submission of this form using the fillable fields is greatly appreciated.

PROPERTY INFORMATION			
Municipal Address 15 Pinewood Cresc		Development Permit/Subdivision Application File Number PL20220278	
APPELLANT INFORMATION			
Name of Appellant David Clancy		Agent Name (If applicable)	
Mailing Address (for notification purposes) [REDACTED]			
City [REDACTED]	Province [REDACTED]	Postal Code [REDACTED]	
Phone Number (Day) 416 322-7039 exr 27		Email [REDACTED]	
<input checked="" type="checkbox"/> The appellant/agent, gives authorization for electronic communication by the Clerk, using the email provided on this Notice of Appeal			

APPEAL AGAINST (Check one box only. For multiple appeals you must submit separate Notice of Appeal forms)

Development Permit	Subdivision Application	Stop Order
<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input checked="" type="checkbox"/> Refusal	<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Stop Order

REASONS FOR APPEAL. Section 678 and 686 of the *Municipal Government Act* requires that the written Notice of Appeal must contain specific reasons for the appeal.

I do hereby appeal the decision of the Subdivision/Development Authority for the following reasons (attach a separate page if required)

SEE ATTACHED PAGES (3) AND APPENDIX'S I TO 6

FOIP Notification: This personal information is being collected under the authority of the Municipal Government Act (MGA) and the Freedom of Information and Protection of Privacy Act (FOIP) and is managed in accordance with the provisions of FOIP. If you have any questions about the collection of your personal information, contact the Municipal Records Officer at municipal.clerk@canmore.ca. Please note, the Municipal Clerk's Office should **only** be contacted regarding FOIP inquiries.

Signature of appellant/agent <i>David Clancy</i>	Date (MM/DD/YYYY) <i>11/16/2022</i>
---	--

FOR OFFICE USE ONLY			
Fee Paid <input type="checkbox"/> Yes <input type="checkbox"/> No	Date appeal received	Final date of appeal	Hearing Date/Time <input type="checkbox"/> 2 P.M. <input type="checkbox"/> Evening

Notice of Permit Decision - 15 Pinewood Crescent, Canmore AB, file reference PL202202778

Dear Subdivision & Development Appeal Board (SDAB)

I am writing as a direct neighbour of 15 Pinewood Crescent (my property 14 Pinewood Crescent). I am appealing the decision that the Canmore planning department has apparently approved.

I oppose their request for variances for building height and gross floor area of 8.19 and 9.5% respectively.

Background

This has been a vacant lot it appears forever. I purchased my property many years ago and has been a rental for my son, who has worked full-time in Canmore for 14 years. I live and work in Toronto, Ontario. I have Western Canada roots on my mother's side and love the area of Canmore where I have been coming to for vacation time since I was a youngster. A couple months ago my son and his room mates awoke to a "clear cutting" of the trees at 15 Pinewood Crescent. When my son inquired "what was going on" and noted without any protection to the trees on the 14 Pinewood property, these "trees might die and fall on our driveway", the response was "too bad we can do what we want".

This attitude is what I am afraid of. Not a good start. Would have been nice if the owner/builder had taken the "normal step" to let us know what was going on before hand.

Overall issues

The proposed building structure dwarfs the property at 14 Pinewood. The result will be a concept of a loss of "openness" that is a direct correlation to the mass, height and bulk of the proposed structure. Additionally a loss of privacy, views from the back existing patio/deck, views of the mountains and sky and evening sunlight.

I also have concern about drainage should 15 Pinewood back fill the property to get additional height. When talking with Jerrit Cloney ("Jerrit"), Planning Technician for Canmore I told my concern and I believe there was not a "site plan" approval to address this issue. My building is older and my concern is about drainage affecting my foundation is a significant concern.

Is the variance minor?

The proposed structure is too large and too high!

Jerrit told me that the proposed height is either 10.3 or 10.4 meters in height whereas the by law calls for a max of 9.5 meters but then allows for an additional .3 meters for an accessory space presumably for a rental unit. The notice at 15 Pinewood notes .62M as the variance, so I guess for this purpose we can assume is 10.12, but is it really?

Jerrit told me that my building is a height of 22 feet. whereas by my calculations (see appendix 1 through 4) is 21 feet. At 10.12 meters this converts to 33.2 feet (10.12 @ conversion of 3.28084 to feet).

Or if actually 10.4 meters as Jerrit noted to me could be 34.1 feet. The proposed structure is somewhere between 51% to 55% higher than my structure, based on a height of 22 feet for my property build.

However, per my calculation at appendix 1 through 4 it appears to be shorter at 21'. I was able to get the building plans from 1980 for my property that Jerrit based his calculations on (from city hall today-November 16th). I measure with a ruler the plan footage for the middle area and prorated for the top portion of the plan that does not have a footage noted. I get 21 feet only. Therefore the proposed structure is likely closer to 58% to 62% higher than my structure based on a height of 21 feet for my property!

This is too significant and a important issue in relation to the community to consider this minor.

The resulting variance on gross floor area is a resulting similar issue.

I do not believe this huge structure is compatible with the already established build form of the street and neighbourhood.

I understand the Canmore planning department likely approved this increase in height and gross floor area due to an "accessory" build presumably used for a rental unit. When I asked Jerrit to show me the plan for this floor space there was originally no separate entrance or kitchen reflected in the original plan. I suspect that this "accessory" build is a red herring to accomplish their goal to build a much higher and larger building than the current by laws allow. I understand Canmore has a shortage of appropriate rental units. I purchased a unit at 180 Kananaski Way, in Canmore with the direct intent to rent to workers in Canmore. My condo in this building has been rented to local working people since I purchased in the early 2000's. This "lack of rental space" need should not be addressed by individuals saying they are incorporating a "rental unit", to allow for variances in the building by-laws when their actions say something clearly different.

Again I understand that the "Municipal Development Plan" likely guides the planners of Canmore, to "that supports ...with a variety of housing opportunities" (see Appendix 5). However, this need for additional rental units should not provide a "loop hole" for allowing variances, that probably would not be allowed, especially when clear that space will not be used as a rental unit, but only allows for a "bigger build" than otherwise would be allowed! This type of precedent setting that will or may already be known amongst builders should not be allowed.

I believe the owner of 15 Pinewood has likely already gone against the Canmore By-law to protect public trees (appendix 6).

My understanding is that the original plans were significantly greater than what the planning department allowed - I do not believe the policy that has developed in many communities in Canada which is "ask for the sun and the moon" and through negotiation agree on a build that is still greater than what the by-laws allow be part of the "game". Canmore has a unique landscape that allows for

many recreational activities and a calming environment. Overbuild projects should not be allowed unless "truly" proven the variances are minor.

Conclusion

I love Canmore and so do many others. 14 Pinewood is not just a financial investment it is a lifestyle investment. I have a storehouse of memories and experiences and think of Canmore as my refuge to come to have many fun experiences with my family and others plus escape the stresses of city life in Toronto, Ontario. The proposed "excessive" planned structure will be a deterrent to me and my family who want to spend time there now.

The proposed structure is excessive, unpleasant and not compatible with the existing homes on the street and area. Therefore, these variance requests do not pass the test of "minor" and thus should not be allowed.

Thank you for considering my objections to your approval.

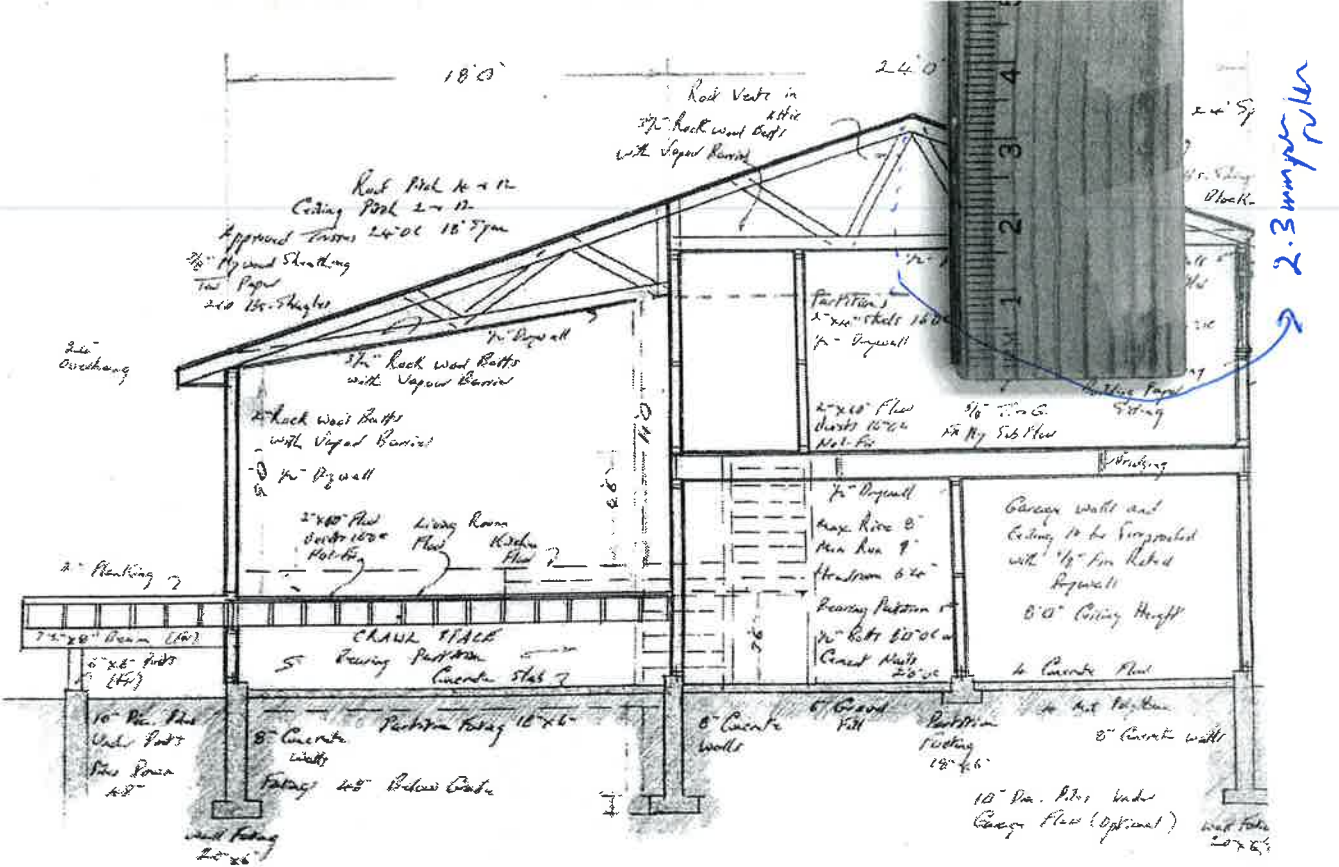
Please let me know when the hearing date will be and if can be done though a "Zoom" type link.

Yours very truly ;



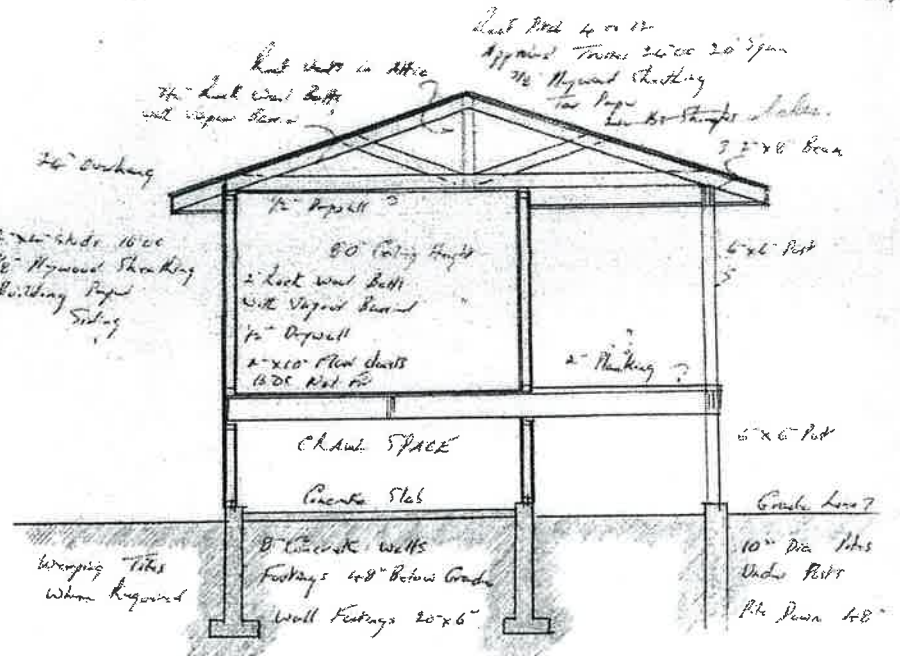
David G. Clancy

cc: Jerrit Cloney by email



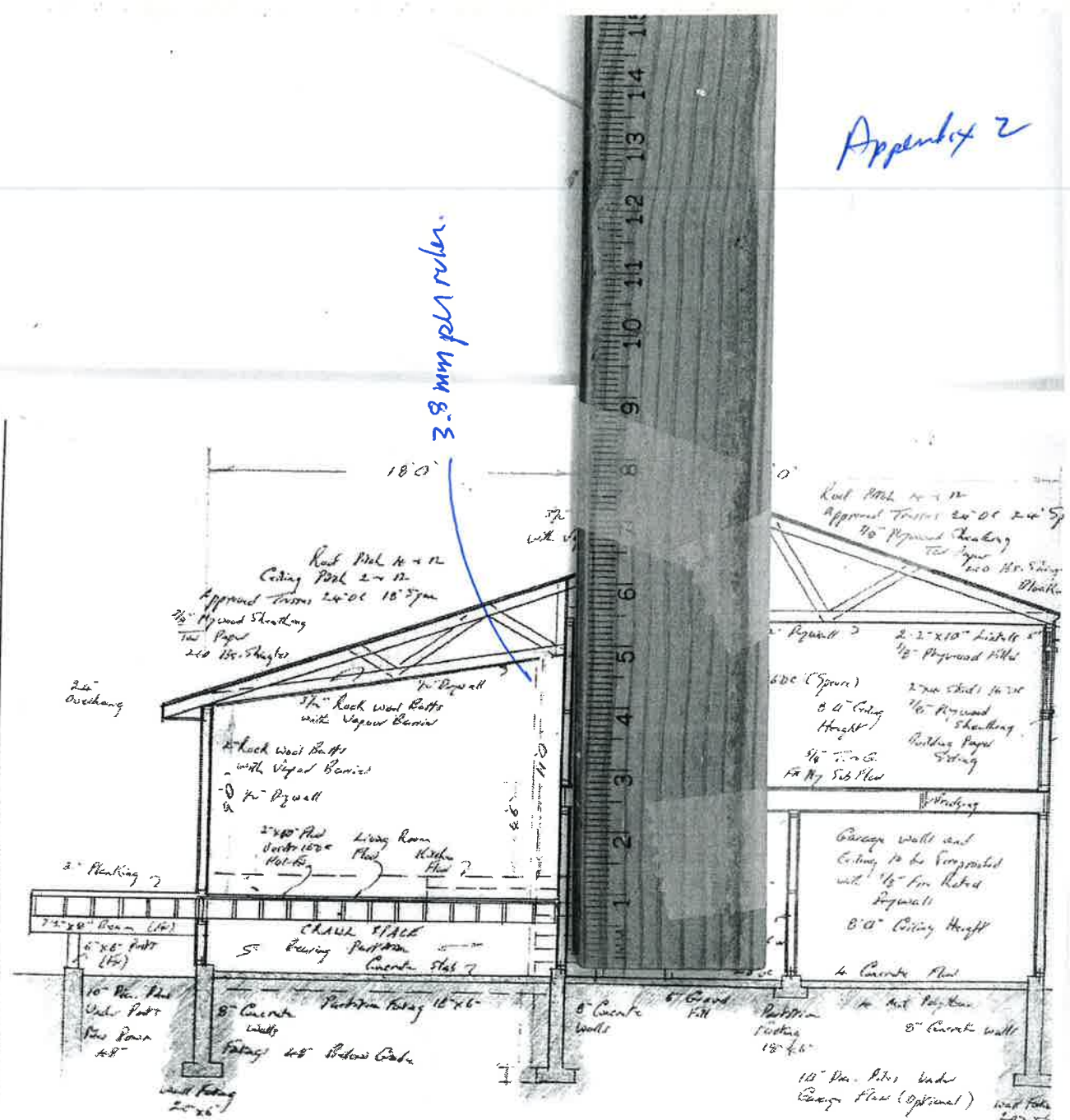
SECTION THROUGH LIVING ROOM
 Scale: 1/4" to 1'

Speakers
 Adj.



SECTION THROUGH KITCHEN
 Scale: 1/4" to 1'

Appendix 1

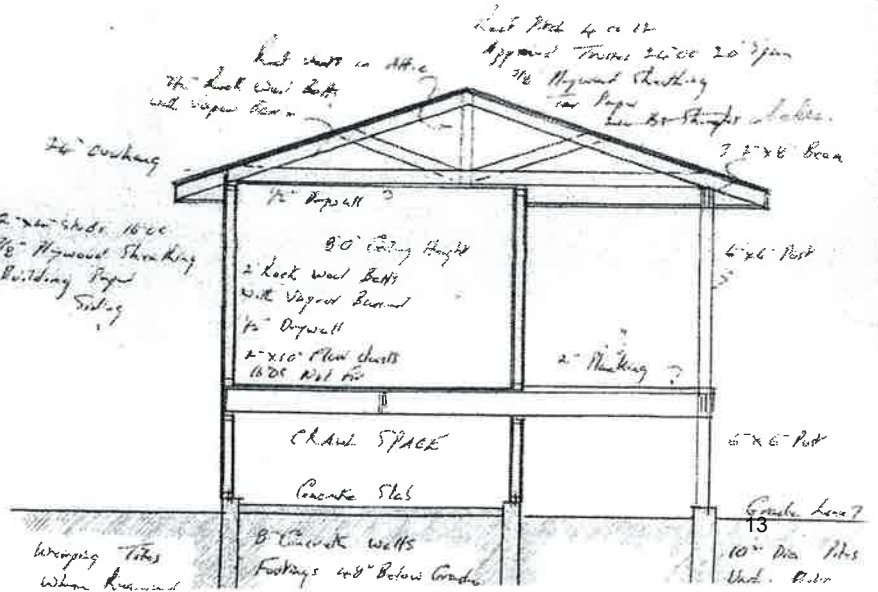


3.8 mm per ruler

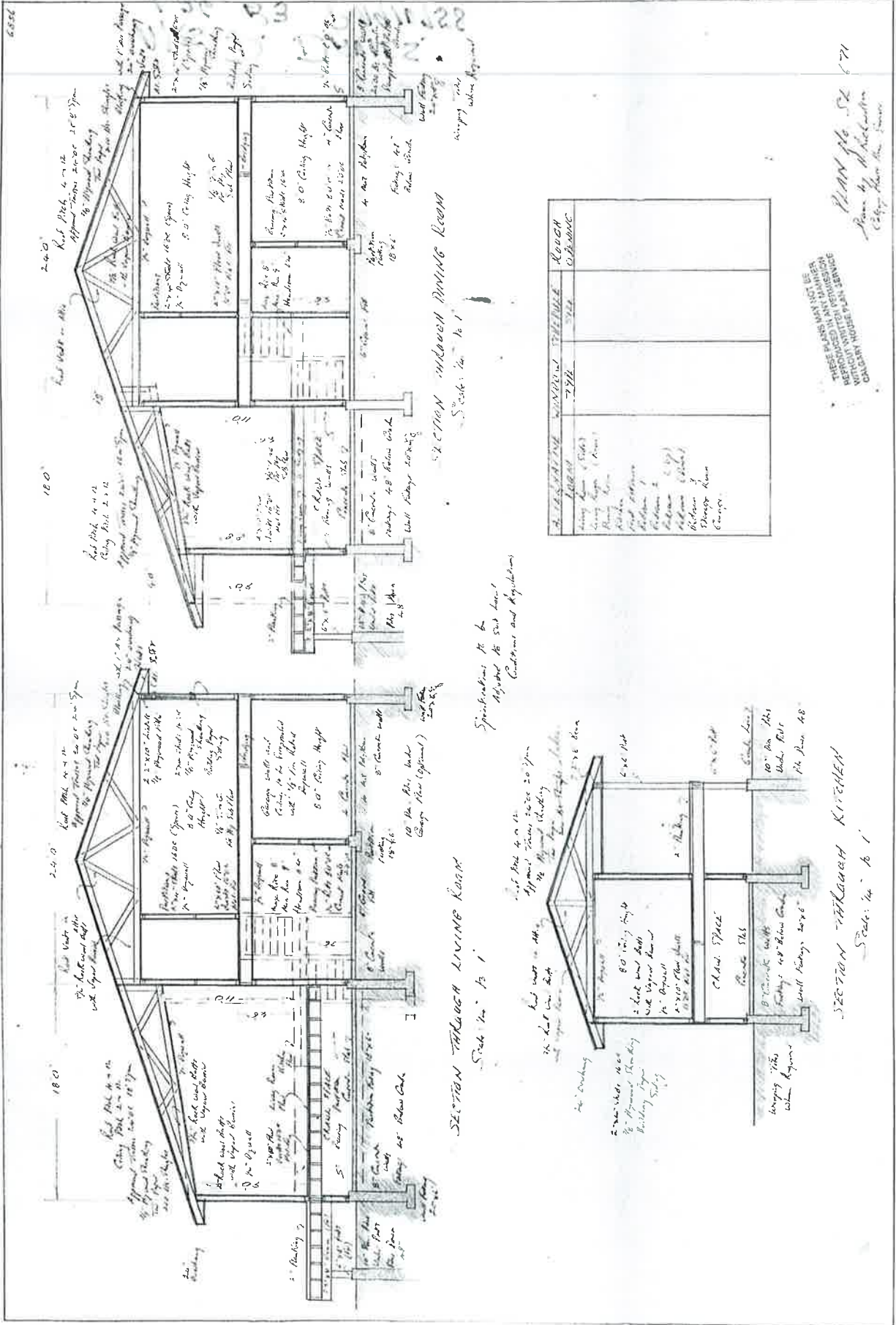
SECTION THROUGH LIVING ROOM

Scale: 1/4" = 1'

Specifica
Adj

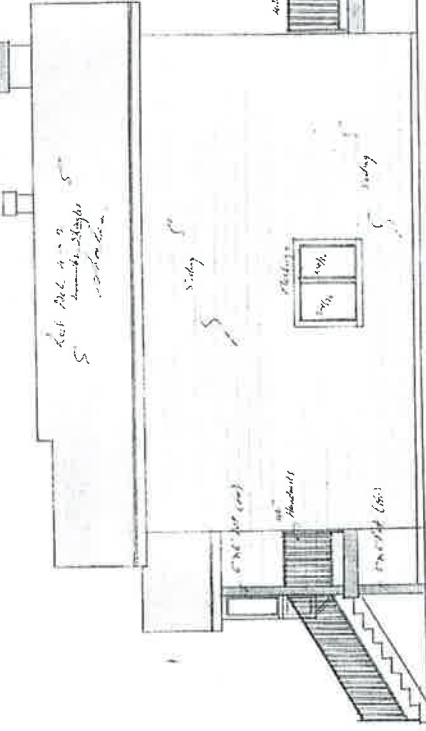


Wrapping Tapes
When Required



6552

Plan 24' Above Ridge

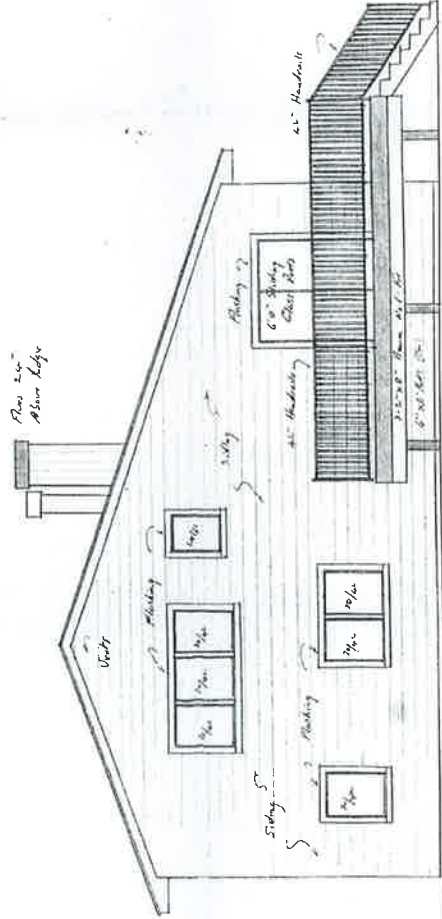


FRONT ELEVATION
Scale: 1/4" = 1'

Exterior Finish Optional
Window Sizes Suggested Only

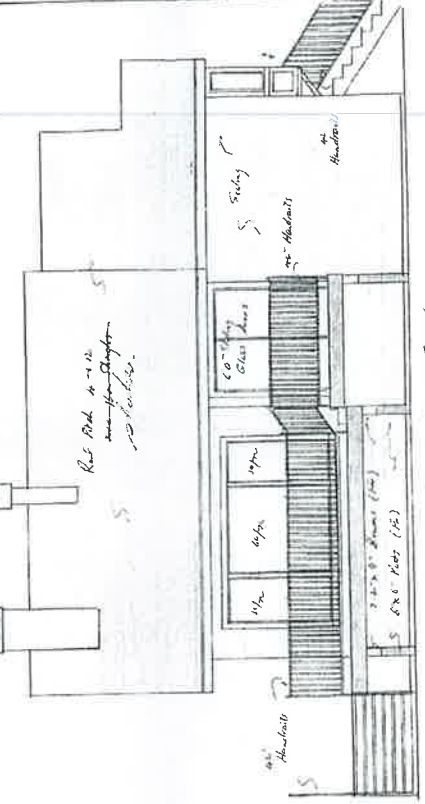
THESE PLANS MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF CALIBARY HOUSE PLAN SERVICE

Plan 24' Above Ridge



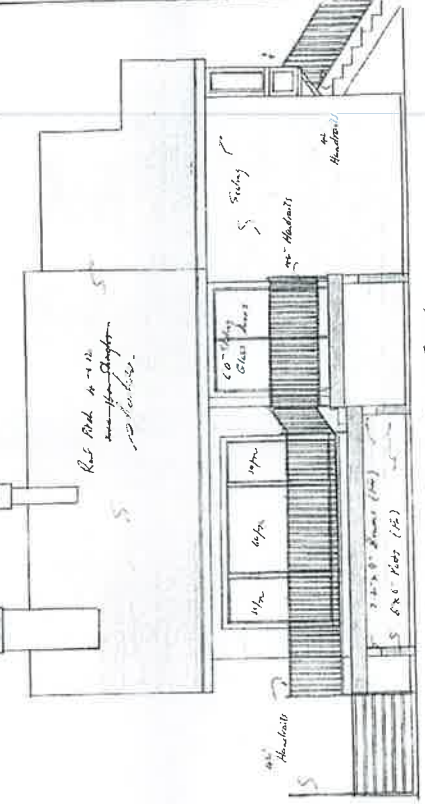
REAR ELEVATION
Scale: 1/4" = 1'

Plan 24' Above Ridge



RIGHT SIDE ELEVATION
Scale: 1/4" = 1'

Plan 24' Above Ridge



LEFT SIDE ELEVATION
Scale: 1/4" = 1'

PLAN No. 52-671
Drawn by H. McLaughlin
Checked by H. McLaughlin

and mining history.

- » An accessible, welcoming and inclusive community that supports its diverse population with a variety of housing opportunities.
- » A place that supports an array of social services, and abundant open space and opportunities for recreation and artistic expression.
- » A community that acknowledges and works within the limits imposed by its geography and ecologic capacity, and that supports a built environment that respects the natural environment.
- » A leader in social, economic and environmental initiatives that work towards ensuring future generations enjoy the same opportunities and quality of life.
- » A community that builds off its economic strengths as an attractive tourist destination and through diversification creates a resilient economy.
- » A community that is continuously evolving and adapting to a changing world while maintaining its distinct identity.

1.3 FOUNDATIONAL VALUES

The community of Canmore aspires to a future that fully expresses our foundational values developed through the *Mining the Future* process, which includes:

<p>SUSTAINABILITY as a community we integrate our social, economic and environmental activities in ways that will enable us to meet the needs to the current generations without compromising the ability of future generations to meet their own needs.</p>	<p>DIVERSITY managing our community in ways that attract, include, retain, and celebrate a wide range of people, perspectives and lifestyles.</p>	<p>CONNECTEDNESS managing our community in ways that foster a shared sense of belonging among all citizens. A sense of belonging allows individuals to take responsibility for themselves while bearing in mind they are part of a larger community.</p>
---	--	---

1.4 GUIDING PRINCIPLES AND STRATEGIES TO ACHIEVE THE VISION

The following guiding principles and strategies are not listed in any order of priority, and each principle or strategy will be considered by the Town in making land use decisions. In making individual decisions, one or more principles or strategies may take higher priority over the others. The cumulative results of these decisions will guide the community towards achieving the vision.

Help me Find...

Home > Services > Planning & Development > Building & Development Permitting > Protecting Canmore's Trees

Protecting Canmore's Trees

Trees on public land have a value to the community. They provide shade and shelter for humans and wildlife, act as important barriers to wind and erosion, increase property value, and improve the aesthetic appeal of a community.

The Town of Canmore has a bylaw to protect trees from removal and damage, in particular during the development phase of private lands. The intent of the bylaw is to protect these trees through a formal process that begins with a conversation with the property owner with emphasis on tree protection. It also recognizes that in some cases it makes sense to remove a tree with means to assess valuation for future replanting.

A Town of Canmore tree is any portion of a tree that has any portion of its trunk on public space. It is important to know where your property lines are, as most properties do not extend to the sidewalk.

Many public trees are lost through the development process where public trees are located adjacent to lands proposed to be developed. Public trees have been removed because of sightlines, site access during construction, or driveway installation.

Each building or development application will now include identifying public trees on the site. A discussion will occur between administration and the developer to determine if the trees can be saved based on some site redesign. If this is not possible, the developer has the opportunity to pay an amount (as valued by an arborist) before the trees can be removed. The funds will be used for future planting or maintenance of trees on public lands. A similar process will be available for residents who wish to remove a dead, unhealthy, or hazardous tree.

The bylaw also includes a requirement to protect public trees during construction. A protective barrier must be constructed around the tree so the tree does not become damaged during construction.

This bylaw will not affect activities like tree thinning for Firesmart or wildlife attractant removal.

There are fines for violations of the bylaw. The updated Master Fee Schedule will outline the amounts.

A copy of the approved bylaw can be found [here \(3.29 MB\)](#).



Services

Building & Development Permitting

Building Permits

Development Permits

Accessory Suites

Bed & Breakfasts

Louise Bates

From: Shared.Planning
Sent: December 9, 2022 4:25 PM
To: David Clancy (Clancy & Company); Shared.Planning
Subject: RE: {Disarmed} RE: Notice of Appeal - your file PL20220278 - 15 Pinewood Cresc

Greetings David,

We can confirm receipt of your payment. Further instructions will be provided to you by the SDAB Clerk, the week of December 19th.

Kind regards,

Planning & Development Department
Town of Canmore

From: David Clancy (Clancy & Company) <clancy@clancyca.com>
Sent: Friday, December 9, 2022 3:30 PM
To: Shared.Planning <Shared.Planning@canmore.ca>
Subject: Re: {Disarmed} RE: Notice of Appeal - your file PL20220278 - 15 Pinewood Cresc

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Louise just called the # and extension at 3:27 your time, to pay the fee - the message was "no one available please leave a message..." - which I did, noting reason for the call and quoted the reference # below.

David Clancy

Clancy CPA & Company
Professional Corporation

NOTE OUR NEW ADDRESS

710 - 110 Sheppard Avenue East
Toronto ON M2N 6Y8

clancy@clancyca.com
416.322.7039 ext 27
fax 416.322.5711

On 12/8/2022 8:06 PM, David Clancy (Clancy & Company) wrote:

Hi Louise - I am a bit confused. Are you saying if I refile everything (or just make the payment by 4 tomorrow) and pay the fee tomorrow then my appeal will be heard?

If that is the case I will do this tomorrow. Please let me know if what I note is your position.

Thks

Dave

David Clancy

Clancy CPA & Company
Professional Corporation

NOTE OUR NEW ADDRESS

710 - 110 Sheppard Avenue East
Toronto ON M2N 6Y8

clancy@clancyca.com
416.322.7039 ext 27
fax 416.322.5711

On 12/8/2022 4:48 PM, Shared.Planning wrote:

Dear David,

As previously indicated, you have not filed a valid appeal within the time limit specified in the Municipal Government Act.

The Subdivision & Development Appeal Board does not have jurisdiction to consider a late appeal and does not have any flexibility to waive the time limit for filing an appeal. However, if, notwithstanding this, you want the Board to address the issue of the late appeal, then you must pay the appeal fee no later than **4 p.m. on December 9, 2022**. If the appeal fee is paid, then a hearing will be scheduled at which time, the Board will address the issue of the late appeal.

The fee payment of \$250.00 can be made using a credit card over the telephone by phoning 403.678.1500 EXT.6 during office hours.

Please have the following reference number to hand: PL20220278.

Thank you.

Kind regards,

Louise



Louise Bates | Clerk - Subdivision & Development Appeal Board
Planning and Development | 902-7 Avenue | T1W.1R4
P: 403.678.8945 | E: sdab@canmore.ca

MailScanner has detected a possible fraud attempt from "can01.safelinks.protection.outlook.com" claiming to be www.canmore.ca/planning

The Town of Canmore is located within Treaty 7 territory, traditional territories and home of the Stoney Nakoda, Blackfoot, and Tsuut'ina Nations, as well as Zone 3 Metis. I am grateful to have the opportunity to live, work, and play in their territory and commit to the work of reconciliation.

From: David Clancy (Clancy & Company) <clancy@clancyca.com>
Sent: November 30, 2022 5:52 PM
To: Shared.Planning <Shared.Planning@canmore.ca>
Cc: Jerritt Cloney <jerritt.cloney@canmore.ca>
Subject: Re: Notice of Appeal - your file PL20220278 - 15 Pinewood Cresc

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Louise:

Okay sorry now I see what you are referring to, have to admit though the document I printed the lettering is so small bit of a challenge to read.

I have checked my emails of Nov 17th and do not see anything, I do recall the Nov 21 email and responded (after pulling out of our security system) with the intent to pay - if you could have noted the urgency (that I would have thought if such a big deal could have been noted) I would have prioritized it more.

I do disagree with the "well outside the 21 day period" - I probably naively thought getting the document in was the important part, the fee a minor issue and seems now like just a "loop hole" to avoid the process and no real basis in law in your Municipal Government Act (today Nov 30th - I disagree that this fee is well out of the Nov 18th apparent deadline for the fee). " Be accompanied" I would suggest is a pretty arbitrary statement, especially given I noted I was going to pay - as I asked someone to call so I could give Visa (and security # on back).

With the result a person who wants to push through a "minor variance" that I do not believe is minor from the neighborhood or my direct point of view, avoids any challenge due to this minor issue on the timing of a payment.

To summarize:

1. Filed on time, before due date of Nov 18;
2. Noted at the time for someone to contact me to pay fee by VISA, did not happen;
3. I receive email on Nov 21, retrieved out of my security system on Nov 22, reminder for me to pay, though email noted no urgency to pay right away as this was late;
4. I responded on Nov 22 and noted I would pay when your offices opened - unfortunately I forgot;
5. I received your email Nov 28th that appeal dropped due to lack of payment.

This all does not make any sense to me and I would suggest an important matter is dropped for this reason is not appropriate.

Dave

David Clancy

Clancy CPA & Company
Professional Corporation

NOTE OUR NEW ADDRESS

710 - 110 Sheppard Avenue East
Toronto ON M2N 6Y8

clancy@clancyca.com
416.322.7039 ext 27
fax 416.322.5711

On 11/30/2022 4:57 PM, Shared.Planning wrote:

Dear David,

Thank you for your email, the contents of which have been noted.

You submitted your Notice of Appeal at 8:20 p.m. on 17th November, 2022. We provided you with instructions on how to pay at 2:38 p.m. on 17th November, 2022. We also followed up with you out of courtesy on 21st November, 2022.

Furthermore, page 2 of the Notice of Appeal Form explicitly states the following:

*"INSTRUCTIONS FOR FILING AN APPEAL
THE NOTICE OF APPEAL FORM MUST:*

- *Be received by the Subdivision and Development Appeal Board (SDAB) within 21 days of the written decision being made and sent out by the Development Authority or the Subdivision Authority as specified in the Municipal Government Act (MGA);*
- *Be accompanied by the \$250.00 filing fee, made payable to "Town of Canmore";*
- *State specific reasons for the appeal; and*
- *Be signed by the appellant, or their acting agent.*

Please note: Appeals must be accompanied by the fee at the time of filing. Contact the Clerk at 403.678.1500 or at sdab@canmore.ca, to arrange payment if filing by email or fax."

The process and timeline for appeals is also outlined on our website [here](#), where it is stated that "Any person initiating an appeal to the SDAB shall pay a fee of \$250 at the time the appeal is submitted".

It is unfortunate that your payment was not received and I do understand your frustration, however since we are well outside the 21-day time period, this appeal is invalid and the matter regarding the appeal is closed.

Kind regards,
Louise

From: David Clancy (Clancy & Company) <clancy@clancyca.com>
Sent: November 29, 2022 4:31 PM
To: Shared.Planning <Shared.Planning@canmore.ca>
Cc: Jerritt Cloney <jerritt.cloney@canmore.ca>
Subject: Re: Notice of Appeal - your file PL20220278 - 15 Pinewood Cresc

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Louise:

1. considering I asked someone to contact me to take VISA card the same day I filed the appeal, that did not happen not sure what I am suppose to do;
2. please show me where says "\$250 fee to be made within the 21 day period" - I do not see that noted anywhere on the form you reference. To then reference Section...that seems a bit much to expect! and
3. None of your previous correspondence stated any urgency on the payment.

Kind regards

Dave

David Clancy

Clancy CPA & Company
Professional Corporation

NOTE OUR NEW ADDRESS

710 - 110 Sheppard Avenue East
Toronto ON M2N 6Y8

clancy@clancyca.com
416.322.7039 ext 27
fax 416.322.5711

On 11/29/2022 5:34 PM, Shared.Planning wrote:

Hello David,

In order for an appeal to be considered complete we require payment of the \$250 fee to be made within the 21 day period, in addition to submission of the completed Notice of Appeal form. This is as per the 'Instructions for filing an appeal' contained on the 2nd page of the Notice of Appeal Application Form.

Since a complete appeal application was not received within the 21 day appeal window as outlined within Section 686(1)(a)(i)(A) of the Municipal Government Act, the Town's position is that this appeal is invalid and cannot be heard by the SDAB.

Kind regards,
Louise

-----Original Message-----

From: David Clancy (Clancy & Company)
<clancy@clancyca.com>

Sent: November 22, 2022 7:26 AM

To: Shared.Planning

<Shared.Planning@canmore.ca>

Cc: Jerritt Cloney

<jerritt.cloney@canmore.ca>

Subject: Re: Notice of Appeal - your file
PL20220278 - 15 Pinewood Cresc

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Louise - just pulled this out of our security system - will call later today during your office hours to make the payment.

Dave

David Clancy

Clancy CPA & Company
Professional Corporation

NOTE OUR NEW ADDRESS

710 - 110 Sheppard Avenue East
Toronto ON M2N 6Y8

clancy@clancyca.com
416.322.7039 ext 27

fax 416.322.5711

On 11/21/2022 10:29 AM, Shared.Planning wrote:

Good morning David,

I hope you had a lovely weekend.

Just following up on the below. Please can you let me know once you have made payment, as we can't schedule an appeal hearing until payment has been received.

Thank you & kind regards,
Louise

Louise Bates | Administrative
Assistant Planning and
Development | 902-7
Avenue | T1W.1R4
<https://can01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.canmore.ca%2Fplanning&data=05%7C01%7Cshared.planning%40canmore.ca%7Cbbefbbcd5dc4209f50208dacc958c74%7C5be4d9ec982245ed96d47d162ffab3bd%7C1%7C0%7C638047239919655782%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ikl1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=S1SmtVRI1mG0rNd03Ayfo49UungbBgw5rh94nFJLsZU%3D&reserved=0>

The Town of Canmore is located within Treaty 7 territory, traditional territories and home of the Stoney Nakoda, Blackfoot, and Tsuut'ina Nations, as well as Zone 3 Metis. I am grateful to have the opportunity to live, work, and play in their territory and commit to the work of reconciliation.

-----Original Message-----
From: Shared.Planning
<Shared.Planning@canmore.ca>
Sent: November 17, 2022 2:38 PM
To: David Clancy (Clancy & Company)
<clancy@clancyca.com>
Cc: Jerritt Cloney
<jerritt.cloney@canmore.ca>
Subject: RE: Notice of Appeal
- your file PL20220278 - 15
Pinewood
Cresc

Hello David,

Your Notice of Appeal has been received.

The fee payment of \$250.00 can be made using a credit card over the telephone by phoning 403.678.1500 EXT.6 during office hours.

Please have the following reference number to hand:
PL20220278

Once the hearing date is scheduled we will let you know.

Kind regards,
Louise

-----Original Message-----
From: David Clancy (Clancy & Company)
<clancy@clancyca.com>
Sent: November 16, 2022 8:20 PM
To: Shared.Planning
<Shared.Planning@canmore.ca>
Cc: Jerritt Cloney
<jerritt.cloney@canmore.ca>
Subject: Notice of Appeal -
your file PL20220278 - 15
Pinewood Cresc

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear SDAB - please find attached my appeal for the

above noted variance at 15
Pinewood Cres.

Please call me at 416 817-
7485 (cell phone) for the
\$250 filing fee.

Also please let me know when
the hearing date is set.

Thks

Dave

David Clancy

Clancy CPA & Company
Professional Corporation

NOTE OUR NEW ADDRESS

710 - 110 Sheppard Avenue
East
Toronto ON M2N 6Y8

clancy@clancyca.com
416.322.7039 ext 27
fax 416.322.5711

--

This message has been scanned for viruses and
dangerous content by [MailScanner](#), and is
believed to be clean.

--

This message has been scanned for viruses and
dangerous content by [MailScanner](#), and is
believed to be clean.

Notice of Preliminary Hearing Circulation Letters for PL20220278

- Applicant Letter
 - Circulation Map

- Appellant Letter
 - Circulation Map

- Adjacent Landowner Letter
 - Context Map

20-Dec-2022

Our Reference: PL20220278

Subdivision and Development Appeal Board Hearing

Dear Sir/Madam

This letter serves as notification that the following property is subject to a preliminary hearing to determine validity of appeal against an approval by the Canmore Development Authority.

The appeal was received after the deadline for filing an appeal. This hearing is solely to determine the preliminary issue of whether the Subdivision and Development Appeal Board has jurisdiction to hear the appeal given that it was received outside the filing deadline. A hearing to deal with the merits of the appeal will be set for a later date only if the Subdivision Development Appeal Board decides that the appeal was filed in time.

Development Permit – Detached Dwelling with Accessory Dwelling Unit (ADU)

Address: 15 Pinewood Crescent
Legal Description: Lot 27, Block 3, Plan 7910758
Appeal Matter: Preliminary hearing to determine validity of appeal against an approval by the Canmore Development Authority.

Please be advised that the Subdivision & Development Appeal Board will hold a preliminary hearing on **January 5, 2023 at 2:00 p.m.** in-person at the Town of Canmore Civic Centre.

As the Applicant, you have the opportunity to make a verbal presentation to the board and/or provide a written submission to the Board. Verbal / written presentations should relate solely to the preliminary issue of the validity of the appeal at this stage.

In-Person: **Date:** January 5, 2023
 Time: 2:00 p.m.
 Location: Council Chambers, Canmore Civic Centre, 902 7th Avenue, Canmore

In-Writing: **Subject:** SDAB Preliminary Hearing – PL20220278
 Deadline: 12:00 noon
 Drop Off: Reception, Canmore Civic Centre, 902 7th Avenue, Canmore
 Email: sdab@canmore.ca

Please note: Any submissions received after the deadline will not be presented to the Board for review until at the hearing. Should a written submission include complex and/or extensive information, the Board may postpone the hearing to fully consider the submission.

Any correspondence/comments provided will be part of the public record and may be released to the public.

Should you have any questions or require further information regarding this matter please contact the SDAB Clerk at 403.678.1500 or at sdab@canmore.ca.

Kind regards,

Louise Bates

Louise Bates
Clerk - Subdivision & Development Appeal Board

CC: Tim Bardsley at Dentons Canada LLP

Attachment: Circulation map

Circulation Map - 15 Pinewood Crescent



20-Dec-2022

Our Reference: PL20220278

Subdivision and Development Appeal Board Hearing

Dear Sir/Madam

This letter serves as notification that the following property is subject to a preliminary hearing to determine validity of appeal against an approval by the Canmore Development Authority.

The appeal was received after the deadline for filing an appeal. This hearing is solely to determine the preliminary issue of whether the Subdivision and Development Appeal Board has jurisdiction to hear the appeal given that it was received outside the filing deadline. A hearing to deal with the merits of the appeal will be set for a later date only if the Subdivision Development Appeal Board decides that the appeal was filed in time.

Development Permit – Detached Dwelling with Accessory Dwelling Unit (ADU)

Address: 15 Pinewood Crescent
Legal Description: Lot 27, Block 3, Plan 7910758
Appeal Matter: Preliminary hearing to determine validity of appeal against an approval by the Canmore Development Authority.

Please be advised that the Subdivision & Development Appeal Board will hold a preliminary hearing on **January 5, 2023 at 2:00 p.m.** in-person at the Town of Canmore Civic Centre.

As the Appellant, you have the opportunity to make a verbal presentation to the board and/or provide a written submission to the Board. Verbal / written presentations should relate solely to the preliminary issue of the validity of the appeal at this stage.

In-Person: **Date:** January 5, 2023
 Time: 2:00 p.m.
 Location: Council Chambers, Canmore Civic Centre, 902 7th Avenue, Canmore

In-Writing: **Subject:** SDAB Preliminary Hearing – PL20220278
 Deadline: 12:00 noon
 Drop Off: Reception, Canmore Civic Centre, 902 7th Avenue, Canmore
 Email: sdab@canmore.ca

Please note: Any submissions received after the deadline will not be presented to the Board for review until at the hearing. Should a written submission include complex and/or extensive information, the Board may postpone the hearing to fully consider the submission.

Any correspondence/comments provided will be part of the public record and may be released to the public.

Should you have any questions or require further information regarding this matter please contact the SDAB Clerk at 403.678.1500 or at sdab@canmore.ca.

Kind regards,

Louise Bates

Louise Bates
Clerk - Subdivision & Development Appeal Board

Attachment: Circulation map

Circulation Map - 15 Pinewood Crescent



20-Dec-2022

Our Reference: PL20220278

Subdivision and Development Appeal Board Hearing

Dear Sir/Madam

This letter serves as notification that the following property is subject to a preliminary hearing to determine validity of appeal against an approval by the Canmore Development Authority.

The appeal was received after the deadline for filing an appeal. This hearing is solely to determine the preliminary issue of whether the Subdivision and Development Appeal Board has jurisdiction to hear the appeal given that it was received outside the filing deadline. A hearing to deal with the merits of the appeal will be set for a later date only if the Subdivision Development Appeal Board decides that the appeal was filed in time.

Development Permit – Detached Dwelling with Accessory Dwelling Unit (ADU)

Address: 15 Pinewood Crescent
Legal Description: Lot 27, Block 3, Plan 7910758
Appeal Matter: Preliminary hearing to determine validity of appeal against an approval by the Canmore Development Authority.

Please be advised that the Subdivision & Development Appeal Board will hold a preliminary hearing on **January 5, 2023 at 2:00 p.m.** in-person at the Town of Canmore Civic Centre.

As an adjacent property owner, or as a potentially affected person, you have the opportunity to attend the preliminary hearing, however you will not be able to make any verbal or written submission at this stage.

In-Person: **Date:** January 5, 2023
 Time: 2:00 p.m.
 Location: Council Chambers, Canmore Civic Centre, 902 7th Avenue, Canmore

The preliminary hearing can also be viewed on our Livestream at <https://canmore.ca/town-hall/boards-committees/subdivision-development-appeal-board/sdab-agendas-board-orders>

Should you have any questions or require further information regarding this matter please contact the SDAB Clerk at 403.678.1500 or at sdab@canmore.ca.

Kind regards,

Louise Bates

Louise Bates
Clerk - Subdivision & Development Appeal Board

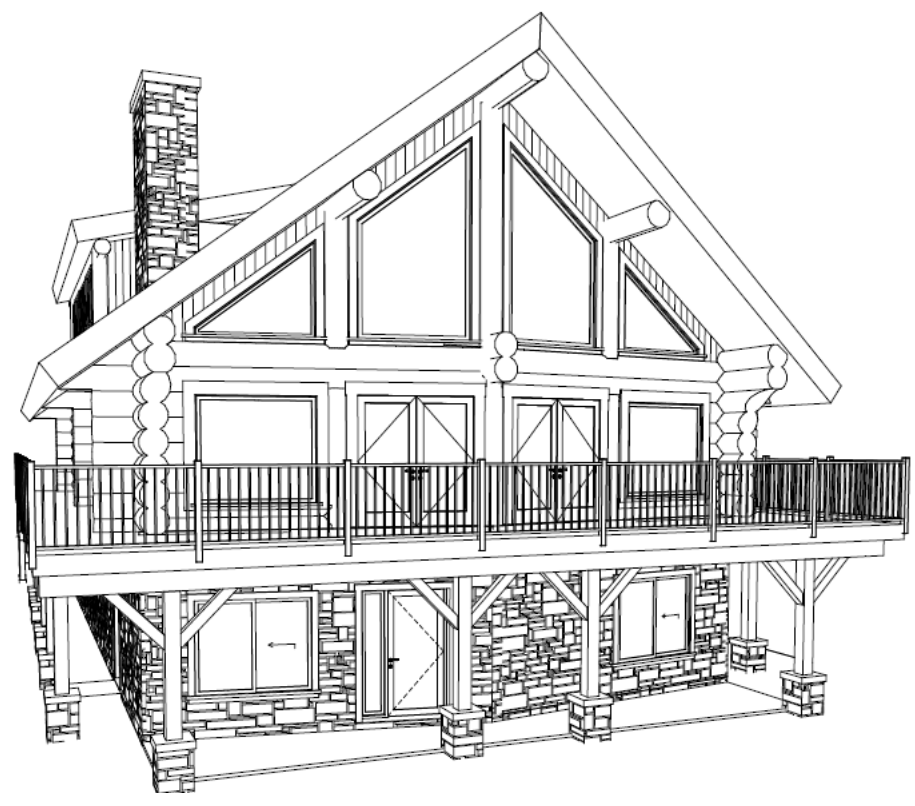
Attachment: Context map

CONTEXT MAP
15 Pinewood Crescent



SUBDIVISION AND DEVELOPMENT APPEAL BOARD

STAFF REPORT



DATE OF HEARING:	January 5, 2023
PROPOSED DEVELOPMENT:	Detached Dwelling with an Accessory Dwelling Unit (Attached)
APPLICATION NUMBER:	PL20220278
LEGAL DESCRIPTION:	LOT 27, BLOCK 3, PLAN 7910758
CIVIC ADDRESS:	15 Pinewood Crescent
CURRENT USE(S):	Undeveloped
APPLICANT:	Donna Harris

EXECUTIVE SUMMARY

A Development Permit has been submitted for a new Single Detached Dwelling with an Attached Accessory Dwelling Unit (ADU) for 15 Pinewood Crescent, with two variances proposed. The Development Authority issued a Notice of Decision for the proposed development, commencing the 21-day appeal period as required by the Municipal Government Act (MGA). Within the 21-day appeal period, the Town received an incomplete appeal application, consisting of only the Notice of Appeal Application Form. Missing from the submission was the fee payment to file the appeal.

As a complete notice of appeal was not received by the Town within the established appeal period, the Development Authority issued the Development Permit. Following the issuance of the Development Permit, payment for the appeal application was received (21 days after the appeal period ended). As a result, this matter is being referred to the Subdivision and Appeal Board (SDAB) by Administration to:

- i) Rule on the validity of the appeal received by the Town, and;
- ii) Determine if an appeal hearing should be heard by the SDAB for PL20220278 on a later date.

BACKGROUND

Municipal Government Act (MGA)

The following sections are of relevance to the preliminary hearing of this appeal:

Section 642(2), of the MGA states when a person applies for a development permit regulated by a land use bylaw the Development Authority may, if the application is complete in accordance with section 683.1, issue a development permit with or without conditions as provided for in the land use bylaw.

Section 685(2) of the MGA states that in addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal the decision in accordance with subsection (2.1).

(2.1) An appeal referred to in subsection (1) or (2) may be made...

(b) in all other cases, to the subdivision and development appeal board.

Section 686(1) of the MGA states that a development appeal is commenced by filing a notice of the appeal, containing the reasons, with the board hearing the appeal

(b) in the case of an appeal made by a person referred to in section 685(2), within 21 days after the date on which the notice of the issuance of the permit was given in accordance with the land use bylaw.

Land Use Bylaw (LUB)

Section 1.10.4.5 the LUB states that when an application for a Development Permit is approved for a Discretionary Use or for a Permitted Use in which a variance has been granted, the Development Authority shall:

- a. Provide a Notice of Decision to the applicant of the approval;
- b. Require the applicant to post the Notice of Decision conspicuously for a period of not less than 21 days on the property for which the application has been made;
- c. Publish a Notice of Decision in a local newspaper;
- d. State the procedure for any appeal and the date the appeal period expires, which shall be 21 days following the Notice of Decision being posted on the property; and
- e. Issue a Development Permit after the appeal period has expired, subject to any additional amendments or information that may be required for submittal and review by the Development Authority.

TIMELINE OF EVENTS

1. **On October 27th, 2022**, the Development Authority emailed the Applicant the Notice of Decision and Schedule A, approving the proposed development with conditions. The applicant provided photographs of the Notice of Decision being posted on the property at 15 Pinewood Crescent on the same day (see Attachment 1 - Notice of Decision Property Posting Confirmation)
2. **On November 16th, 2022**, a completed Notice of Appeal Application Form was received by the SDAB Clerk, absent of any fee payment for the appeal.
3. **On November 17th, 2022**, the SDAB Clerk provided the potential appellant with instructions on how to submit payment to the Town. No response received.
4. **On November 29th, 2022**, the Development Authority issued the Development Permit (See Attachment 2).
5. **On December 9th, 2022**, payment is received from appellant.

PLANNING DEPARTMENT POSITION

The LUB specifies that the 21-day Appeal Period begins "21 days following the Notice of Decision being posted on the property". By this criterion, the appeal period for PL20220278 was from October 27th, 2022 concluded November 17th, 2022. While the notice of appeal form was submitted to the Town on November 16th, 2022 (within the 21-day appeal period), the required fee did not meet the same deadline and was submitted on December 9th, 2022; 21 days after the appeal period ended. As a result, the Town's position is that a complete appeal application, which is to include payment at the time of submission, was not filed in accordance with the requirements of the MGA and as specified in the Town of Canmore Notice of Appeal Application Form (See Attachment 3).

OPTIONS FOR CONSIDERATION

Administration proposes that the SDAB consider the following options:


1. Reject the requested Appeal.
2. Deem the appeal application submission to be valid and hold an appeal hearing (to be scheduled for a later date).
3. Postpone the decision for determining the validity of the Appeal, pending submission of any additional details requested by SDAB.

RECOMMENDATION

Administration recommends that the SDAB **REJECT** the request to hear an appeal for PL20220278 and deem that a valid appeal was not filed in accordance with the requirements of the MGA and Notice of Appeal Application Form requirements.

ATTACHMENTS

1. Notice of Decision Property Posting Confirmation
2. Development Permit Issued to Applicant
3. Town of Canmore Notice of Appeal Application Form



Marcus Henry
Supervisor, Planning and
Development



Jerritt Cloney
Planning Technician

ATTACHMENT I

Pictures received via email Thursday October 27, 2022 at 2:09 PM



Pictures received via email Thursday October 27, 2022 at 2:09 PM





DEVELOPMENT PERMIT

DEVELOPMENT PERMIT No.: PL20220278

APPLICANT NAME: Donna Harris

MUNICIPAL ADDRESS: 15 Pinewood Crescent

LEGAL ADDRESS: Lot: 27 Block: 3 Plan: 7910758

LAND USE DISTRICT: R1 – Residential Detached District

APPROVED USE(S): Detached Dwelling (with an Accessory Dwelling Unit)

DATE OF APPROVAL: October 27, 2022

APPROVED BY: Development Officer

DATE ISSUED: November 29, 2022

Pursuant to Land Use Bylaw 2018-22, Section 1.12.0.1 "Unless otherwise specified in the Development Permit or in the conditions of development approval, if the development authorized by a Development Permit is not commenced and pursued within one (1) year from the effective date of the permit, and completed within two (2) years of the issue, such permit approval ceases and the permit itself is deemed void, expired and without effect, unless an extension to this period has been granted by the Development Authority.

This development permit is issued subject to the conditions stated in the Schedule A, which was sent with the Notice of Decision by the Development Authority dated October 27, 2022.


Signature

Nov 29, 2022
Date

Jerritt Cloney
Development Officer

ATTACHMENT 3



NOTICE OF APPEAL Application Form

To help expedite processing your application, the submission of this form using the fillable fields is greatly appreciated.

PROPERTY INFORMATION			
Municipal Address		Development Permit/Subdivision Application File Number	
APPELLANT INFORMATION			
Name of Appellant		Agent Name (If applicable)	
Mailing Address (for notification purposes)			
City	Province	Postal Code	
Phone Number (Day)		Email	
<input type="checkbox"/> The appellant/agent, gives authorization for electronic communication by the Clerk, using the email provided on this Notice of Appeal			

APPEAL AGAINST (Check one box only. For multiple appeals you must submit separate Notice of Appeal forms)

Development Permit	Subdivision Application	Stop Order
<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Stop Order

REASONS FOR APPEAL Section 678 and 686 of the *Municipal Government Act* requires that the written Notice of Appeal must contain specific reasons for the appeal.

I do hereby appeal the decision of the Subdivision/Development Authority for the following reasons (attach a separate page if required)

FOIP Notification: This personal information is being collected under the authority of the Municipal Government Act (MGA) and the Freedom of Information and Protection of Privacy Act (FOIP) and is managed in accordance with the provisions of FOIP. If you have any questions about the collection of your personal information, contact the Municipal Records Officer at municipal.clerk@canmore.ca. Please note, the Municipal Clerk's Office should **only** be contacted regarding FOIP inquires.

Signature of appellant/agent	Date (MM/DD/YYYY)
------------------------------	-------------------

FOR OFFICE USE ONLY			
Fee Paid <input type="checkbox"/> Yes <input type="checkbox"/> No	Date appeal received	Final date of appeal	Hearing Date/Time <input type="checkbox"/> 2 P.M. <input type="checkbox"/> Evening

INSTRUCTIONS FOR FILING AN APPEAL

THE NOTICE OF APPEAL FORM MUST:

- Be received by the Subdivision and Development Appeal Board (SDAB) within 21 days of the written decision being made and sent out by the Development Authority or the Subdivision Authority as specified in the Municipal Government Act (MGA);
- Be accompanied by the \$250.00 filing fee, made payable to “Town of Canmore”;
- State specific reasons for the appeal; and
- Be signed by the appellant, or their acting agent.

Please note: Appeals must be accompanied by the fee at the time of filing. Contact the Clerk at **403.678.1500** or at sdab@canmore.ca to arrange payment if filing by email or fax.

Filing the Appeal: **In-person or mail:**
Town of Canmore
Subdivision and Development Appeal Board
902 7th Avenue
Canmore AB T1W 3K1

Email:
sdab@canmore.ca

Fax:
403.678.1534

Payment: Appeal fees may be paid by cheque payable to the Town of Canmore upon submission. Payment can also be made in-person by debit, VISA or MasterCard at the Civic Centre located at: 902 7th Avenue, Canmore AB.

Business hours are 8:30 a.m. to 4:30 p.m. Monday to Friday.

Refund: A refund of the appeal fee will only be granted if the appeal is withdrawn prior to the scheduling of the hearing. No refunds can be made once a hearing is held, regardless of the appeal outcome.

For further information regarding appeal deadlines, fee payment options, or the appeal process, please go to our website at www.canmore.ca/sdab

WHAT IS THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)?

The SDAB is a quasi-judicial authority (similar to a judge) that is made of public members who are appointed by Council. The board consists of between five and seven members. Only one member shall be a member of Council.

The SDAB makes decisions on appeals related to Stop Orders and decisions made with respect to development permits and subdivision applications. When considering appeals, the SDAB owes a duty of fairness to participants in the hearing process.

WHO CAN FILE AN APPEAL?

Subdivision appeals:

The applicant (or agent) can file an appeal if their application for subdivision has been:

- Refused;
- Approved with conditions unacceptable to them;
OR
- If a subdivision authority fails or refuses to make a decision within 60 days of application being deemed complete by the file manager.

The decision of a subdivision authority may be appealed by the applicant (or agent), Town Council, provincial government department or a school board.

Development permit appeals:

The applicant (or agent) can file an appeal if their application has been:

- Refused;
- Approved with conditions unacceptable to them;
- Issued a stop order;
OR
- A party will be affected by a new development or new use of a property;
- If the Development Authority fails or refuses to make a decision within 40 days of the application being deemed complete by the file manager.

WHAT IS THE TIME LIMIT FOR FILING AN APPEAL?

The MGA sets out timelines within which appeals to the SDAB must be filed. If an appeal is filed outside of the time required by the MGA, the SDAB does not have jurisdiction to hear the appeal.

Subdivision appeals: Appeals are allowed within 14 days after receipt of the written decision of the Subdivision Authority (SA).

Development permit appeals: MGA s. 686 provides that appeals must be made within 21 days of:

- a) the date of the written decision on the application, or
- b) the date of the deemed refusal.

Stop order appeals: Appeals are allowed within 21 days of the date on which the Stop Order was made.

WHAT IS THE FEE TO FILE AN APPEAL?

The fee to file a Notice of Appeal is \$250 and must be submitted as part of your appeal. Payment can be made by cheque made out to “Town of Canmore”, or can be made in-person by debit, VISA or MasterCard at the Civic Centre located at 902 7th Avenue. Business hours are 8:30 a.m. - 4:30 p.m. Monday to Friday.

HEARING PROCEDURE

Once the Town of Canmore has received the Notice of Appeal and the applicable fees have been processed, a hearing date is set. The SDAB must hold a hearing within 30 calendar days after receipt of a Notice of Appeal.

TIME OF THE HEARING

The Town of Canmore SDAB holds their hearings on weekdays at 2 p.m. Please inform the Clerk upon submission of your appeal, if this timing will absolutely not work for you, in which case an alternative time may be scheduled.

BEFORE THE HEARING

The Clerk is required to give at least 5 days' notice in writing of the hearing to:

- the appellant;
- the development authority whose order, decision or development permit is subject to appeal;
- those owners required to be notified under the Land Use Bylaw; and
- any other person that the SDAB considers to be affected by the appeal and should be notified.

Prior to the hearing, the SDAB must make available for public review, all relevant documents and materials with respect to the appeal, including the application for the development permit, the decision and the notice of appeal, or the stop order.

DURING THE HEARING

At the hearing, the SDAB must hear:

- the appellant or any person acting on behalf of the appellant (agent);
- the Subdivision Authority or the Development Authority (as applicable);
- any other person who was given notice of the hearing, and who wishes to be heard, or a person acting on behalf of that person; and
- any person who claims to be affected by the order, decision or permit and that the SDAB agrees to hear.

The person who files the appeal is expected to give a verbal presentation to the SDAB (a written and/or visual presentation is also permitted). Prior to the hearing, the Clerk will advise of the deadline for any submission to the SDAB.

All documents submitted and presented become public documents.

Some suggestions for preparing your presentation for the SDAB:

- Determine the relevant planning issues associated with the appeal;
- prepare a clear, concise and logical written presentation;
- review the contents of the SDAB hearing package provided by the Clerk; and
- avoid the inclusion of non-relevant issues that are outside the Board's jurisdiction and cannot be considered, such as business competition, comments regarding someone's character, financial impact on the applicant, financial status of the applicant, and whether the development is occupied by renters or owners.

Note that the SDAB is not bound by previous decisions and will not hear arguments about precedent.

AFTER THE HEARING

The SDAB must give its decision in writing together with reasons for the decision within 15 days after concluding the hearing. Appeals of the SDAB decision are to the Court of Appeal and are limited to matters of law or jurisdiction.

POSTPONEMENT OR NOT ATTENDING YOUR HEARING

You may submit a written request to postpone your hearing, including the reasons for the request, either to the Board at the time of the hearing or to the Clerk prior to the hearing. Hearings will only be postponed at the discretion of the Board.

If you are not in attendance when your appeal is called, the SDAB may proceed without you.

WITHDRAWAL OF YOUR APPEAL

Written withdrawal must be submitted to the Clerk as soon as possible to help the Board and municipality use its resources effectively. Note that a refund of the appeal fee shall only be granted if the appeal is withdrawn prior to the scheduling of the hearing.

**Written submissions received in support of the validity of the appeal against
PL20220278**

Please be advised that the following written submission was received from the appellant: David Clancy.

As this is a preliminary hearing to determine the validity of the appeal, there will not be any submissions from the public.

Louise Bates

From: David Clancy (Clancy & Company) <clancy@clancyca.com>
Sent: December 29, 2022 10:54 AM
To: Shared.Planning
Cc: Shared.Planning
Subject: Re: {Disarmed} RE: INFO: SDAB Appeal Hearing - PL20220278 - 15 Pinewood Crescent
Attachments: canmore SDAB - 15 Pinewood.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Louise, hopefully your holidays are going well - attached is my submission to the Board on the validity of the appeal.

Please let me know for the January 5th meeting, if a "in person" opportunity to observe can happen by "Zoom" or some other method.

Thanks

Dave

David Clancy

Clancy CPA & Company
Professional Corporation

NOTE OUR NEW ADDRESS

710 - 110 Sheppard Avenue East
Toronto ON M2N 6Y8

clancy@clancyca.com
416.322.7039 ext 27
fax 416.322.5711

On 12/22/2022 11:11 AM, Shared.Planning wrote:

Hello David,

Apologies, there was an error in the letter attached to my previous email.

The deadline for sending in written submissions is 12 noon on December 29, 2022.

Happy Holidays!

Kind regards,
Louise

From: Shared.Planning <Shared.Planning@canmore.ca>
Sent: December 22, 2022 8:41 AM
To: David Clancy (Clancy & Company) <clancy@clancyca.com>
Subject: INFO: SDAB Appeal Hearing - PL20220278 - 15 Pinewood Crescent

Hello,

Please be advised that a preliminary hearing for 15 Pinewood Crescent will be heard by the SDAB on Thursday, January 5, 2023, at 2:00 p.m. This meeting will be held in-person at the Town of Canmore Civic Centre.

Attached to this email you will find a copy of the following:

1. Applicant Notification Letter
2. Circulation Map showing adjacent landowners that were notified

Kind regards,
Louise



Louise Bates | Clerk - Subdivision & Development Appeal Board
Planning and Development | 902-7 Avenue | T1W.1R4
P: 403.678.1500 | E: sdab@canmore.ca

[MailScanner has detected a possible fraud attempt from "can01.safelinks.protection.outlook.com" claiming to be www.canmore.ca/planning](#)

The Town of Canmore is located within Treaty 7 territory, traditional territories and home of the Stoney Nakoda, Blackfoot, and Tsuut'ina Nations, as well as Zone 3 Metis. I am grateful to have the opportunity to live, work, and play in their territory and commit to the work of reconciliation.

--

This message has been scanned for viruses and dangerous content by [MailScanner](#), and is believed to be clean.

David Clancy
7992 5th Sideroad
Tottenham, Ontario L0G 1W0

Via email sdab@canmore.ca

Dear Subdivision and Development Appeal Board:

Re: SDAB Preliminary Hearing - PL20220278, at 2:00pm January 5, 2023

This correspondence is being prepared to provide a written submission per a email dated December 22, 2022 provided by Louise Bates, with official notice dated December 20, 2022, with details on the SDAB Preliminary Hearing to assess the validity of the appeal and how to provide a written submission. The validity presumably based on the \$250 fee that was late (as the actual appeal documents were on time).

In this regard, please note the following (attached is an email string (Attachment 1) between myself and Louise from November 17th to December 9th, that notes many of the following points, but hopefully in an easier to read format):

1. Email of November 16, 2022 (Attachment 2), from myself, noting that my appeal was sent and **request for someone to call me to pay the \$250 fee**. The reason why I asked for a call was on the application form it states "payment can be made by cheque ...or can be made in-person by debit, VISA, or Mastercard at the Civic Centre located at Business hours... This notes no reference to calling a phone # to pay, thus the reason for my request for someone to call me. Interestingly, if I had mailed a cheque on November 17th, we probably would not be having this issue though, undoubtedly, the cheque would likely not have arrived and been deposited before the actual received date, of my VISA payment at December 9th (that would have been received on Nov 30th if she had not sent the email stating this "appeal invalid", barely outside the 21 day rule));
2. Small clarification - in Louise email of Nov 30th she states "you submitted your Notice of Appeal at **8:20 pm on 17th November 2022**. We provided you instructions **on how to pay at 2:38 November 17th**...Obviously the date of filing was Nov 16th not 17th;
3. The previous email of Nov 21st requesting payment; though my plan was to pay - I retrieved this out of our work security system at 7:26 a.m. the next day (plus the previous notice sent back on Nov 17, as part of this email) and noted back my intent to call back during Canmore office hours. I forgot, but to my defense, the email sent Nov 21st from Louise did not note any urgency. If a sense of urgency was noted I surely would have ensured I called that day to make payment over phone.

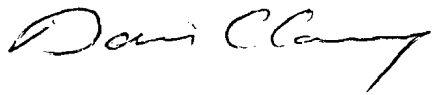
To restate the summary of my November 30, 2022 email (in Attachment 1):

1. Filed on time, before due date of Nov 18;
 2. Noted at the time for someone to contact me to pay fee by VISA, did not happen;
 3. I receive email on Nov 21, retrieved out of my company security system on Nov 22, reminder for me to pay, though email noted no urgency to pay right away as this was late;
 4. I responded on Nov 22 and noted I would pay when your offices opened - unfortunately I forgot;
 5. I received your email Nov 28th that appeal dropped due to lack of payment.
-

To further summarize what I stated in the above email, "this does not make any sense to me and I would suggest an important matter is dropped for this reason (late by a few days on a fee that no urgency was noted in any correspondence) is not appropriate.

Given that the Appeals Board is now hearing an appeal to the validity of my appeal (filed on time) is encouraging to me. Hopefully the Board will see that the late payment was not significantly late and there was no intent to not pay and will thus deem the original appeal to this important matter filed "on time".

Respectfully submitted,

A handwritten signature in black ink that reads "David Clancy". The signature is written in a cursive, flowing style.

David Clancy
Owner - 14 Pinewood Crescent, Canmore

With 2 Attachments

cc: shared.planning@canmore.ca

Subject: Notice of Appeal - your file PL20220278 - 15 Pinewood Cresc
From: "David Clancy (Clancy & Company)" <clancy@clancyca.com>
Date: 11/16/2022, 10:19 PM
To: sdab@canmore.ca
CC: Jerritt Cloney <jerritt.cloney@canmore.ca>

Attachment 2.

Dear SDAB - please find attached my appeal for the above noted variance at 15 Pinewood Cres.

Please call me at 416 817-7485 (cell phone) for the \$250 filing fee.

Also please let me know when the hearing date is set.

Thks

Dave

David Clancy

Clancy CPA & Company
Professional Corporation

NOTE OUR NEW ADDRESS

710 - 110 Sheppard Avenue East
Toronto ON M2N 6Y8

clancy@clancyca.com
416.322.7039 ext 27
fax 416.322.5711

— Attachments: —

4402_001.pdf

751 KB

Attachment 1

Subject: Re: {Disarmed} RE: Notice of Appeal - your file PL20220278 - 15 Pinewood Cresc
From: "David Clancy (Clancy & Company)" <clancy@clancyca.com>
Date: 12/9/2022, 5:29 PM
To: "Shared.Planning" <shared.planning@canmore.ca>

Hi Louise just called the # and extension at 3:27 your time, to pay the fee - the message was "no one available please leave a message..." - which I did, noting reason for the call and quoted the reference # below.

David Clancy

Clancy CPA & Company
Professional Corporation

NOTE OUR NEW ADDRESS

710 - 110 Sheppard Avenue East
Toronto ON M2N 6Y8

clancy@clancyca.com
416.322.7039 ext 27
fax 416.322.5711

On 12/8/2022 8:06 PM, David Clancy (Clancy & Company) wrote:

Hi Louise - I am a bit confused. Are you saying if I refile everything (or just make the payment by 4 tomorrow) and pay the fee tomorrow then my appeal will be heard?

If that is the case I will do this tomorrow. Please let me know if what I note is your position.

Thks

Dave

David Clancy

Clancy CPA & Company
Professional Corporation

NOTE OUR NEW ADDRESS

710 - 110 Sheppard Avenue East
Toronto ON M2N 6Y8

clancy@clancyca.com
416.322.7039 ext 27
fax 416.322.5711

On 12/8/2022 4:48 PM, Shared.Planning wrote:

Dear David,

As previously indicated, you have not filed a valid appeal within the time limit specified in the Municipal Government Act.

The Subdivision & Development Appeal Board does not have jurisdiction to consider a late appeal and does not have any flexibility to waive the time limit for filing an appeal. However, if, notwithstanding this, you want the Board to address the issue of the late appeal, then you must pay the appeal fee no later than **4 p.m. on December 9, 2022**. If the appeal fee is paid, then a hearing will be scheduled at which time, the Board will address the issue of the late appeal.

The fee payment of \$250.00 can be made using a credit card over the telephone by phoning 403.678.1500 EXT.6 during office hours. Please have the following reference number to hand: PL20220278.
Thank you.

Kind regards,
Louise



Louise Bates | Clerk - Subdivision & Development Appeal Board
Planning and Development | 902-7 Avenue | T1W.1R4
P: 403.678.8945 | E: sdab@canmore.ca

MailScanner has detected a possible fraud attempt from "can01.safelinks.protection.outlook.com" claiming to be www.canmore.ca/planning

The Town of Canmore is located within Treaty 7 territory, traditional territories and home of the Stoney Nakoda, Blackfoot, and Tsuut'ina Nations, as well as Zone 3 Metis. I am grateful to have the opportunity to live, work, and play in their territory and commit to the work of reconciliation.

From: David Clancy (Clancy & Company) <clancy@clancyca.com>
Sent: November 30, 2022 5:52 PM
To: Shared.Planning <Shared.Planning@canmore.ca>
Cc: Jerritt Cloney <jerritt.cloney@canmore.ca>
Subject: Re: Notice of Appeal - your file PL20220278 - 15 Pinewood Cresc

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Louise:

Okay sorry now I see what you are referring to, have to admit though the document I printed the lettering is so small bit of a challenge to read.

I have checked my emails of Nov 17th and do not see anything, I do recall the Nov 21 email and responded (after pulling out of our security system) with the intent to pay - if you could have noted the urgency (that I would have thought if such a big deal could have been noted) I would have prioritized it more.

I do disagree with the "well outside the 21 day period" - I probably naively thought getting the document in was the important part, the fee a minor issue and seems now like just a "loop hole" to avoid the process and no real basis in law in your Municipal Government Act (today Nov 30th - I disagree that this fee is well out of the Nov 18th apparent deadline for the fee). "Be accompanied" I would suggest is a pretty arbitrary statement, especially given I noted I was going to pay - as I asked someone to call so I could give Visa (and security # on back).

With the result a person who wants to push through a "minor variance" that I do not believe is minor from the neighborhood or my direct point of view, avoids any challenge due to this minor issue on the timing of a payment.

To summarize:

1. Filed on time, before due date of Nov 18;
2. Noted at the time for someone to contact me to pay fee by VISA, did not happen;
3. I receive email on Nov 21, retrieved out of my security system on Nov 22, reminder for me to pay, though email noted no urgency to pay right away as this was late;
4. I responded on Nov 22 and noted I would pay when your offices opened - unfortunately I forgot;
5. I received your email Nov 28th that appeal dropped due to lack of payment.

This all does not make any sense to me and I would suggest an important matter is dropped for this reason is not appropriate.

Dave

David Clancy

Clancy CPA & Company

Professional Corporation

NOTE OUR NEW ADDRESS

710 - 110 Sheppard Avenue East
Toronto ON M2N 6Y8

clancy@clancyca.com
416.322.7039 ext 27
fax 416.322.5711

On 11/30/2022 4:57 PM, Shared.Planning wrote:

Dear David,

Thank you for your email, the contents of which have been noted.

You submitted your Notice of Appeal at 8:20 p.m. on 17th November, 2022. We provided you with instructions on how to pay at 2:38 p.m. on 17th November, 2022. We also followed up with you out of courtesy on 21st November, 2022.

Furthermore, page 2 of the Notice of Appeal Form explicitly states the following:

"INSTRUCTIONS FOR FILING AN APPEAL

THE NOTICE OF APPEAL FORM MUST:

• Be received by the Subdivision and Development Appeal Board (SDAB) within 21 days of the written decision being made and sent out by the

Development Authority or the Subdivision Authority as specified in the Municipal Government Act (MGA);

• Be accompanied by the \$250.00 filing fee, made payable to "Town of Canmore";

• State specific reasons for the appeal; and

• Be signed by the appellant, or their acting agent.

Please note: Appeals must be accompanied by the fee at the time of filing. Contact the Clerk at 403.678.1500 or at sdab@canmore.ca, to arrange payment if filing by email or fax."

The process and timeline for appeals is also outlined on our website [here](#), where it is stated that "Any person initiating an appeal to the SDAB shall pay a fee of \$250 at the time the appeal is submitted".

It is unfortunate that your payment was not received and I do understand your frustration, however since we are well outside the 21-day time period, this appeal is invalid and the matter regarding the appeal is closed.

Kind regards,
Louise

From: David Clancy (Clancy & Company) <clancy@clancyca.com>
Sent: November 29, 2022 4:31 PM
To: Shared.Planning <Shared.Planning@canmore.ca>
Cc: Jerritt Cloney <jerritt.cloney@canmore.ca>
Subject: Re: Notice of Appeal - your file PL20220278 - 15 Pinewood Cresc

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Louise:

1. considering I asked someone to contact me to take VISA card the same day I filed the appeal, that did not happen not sure what I am suppose to do;
2. please show me where says "\$250 fee to be made within the 21 day period" - I do not see that noted anywhere on the form you reference. To then reference Section...that seems a bit much to expect! and
3. None of your previous correspondence stated any urgency on the payment.

Kind regards

Dave

David Clancy

Clancy CPA & Company
Professional Corporation

NOTE OUR NEW ADDRESS

710 - 110 Sheppard Avenue East
Toronto ON M2N 6Y8

clancy@clancyca.com
416.322.7039 ext 27
fax 416.322.5711

On 11/29/2022 5:34 PM, Shared.Planning wrote:

Hello David,

In order for an appeal to be considered complete we require payment of the \$250 fee to be made with
Since a complete appeal application was not received within the 21 day appeal window as outlined wi

Kind regards,
Louise

-----Original Message-----

From: David Clancy (Clancy & Company) <clancy@clancyca.com>
Sent: November 22, 2022 7:26 AM
To: Shared.Planning <Shared.Planning@canmore.ca>
Cc: Jerritt Cloney <jerritt.cloney@canmore.ca>
Subject: Re: Notice of Appeal - your file PL20220278 - 15 Pinewood Cresc

CAUTION: This email originated from outside of the organization. Do not click links or open attachm

Louise - just pulled this out of our security system - will call later today during your office hou
Dave

David Clancy

Clancy CPA & Company
Professional Corporation

NOTE OUR NEW ADDRESS

710 - 110 Sheppard Avenue East
Toronto ON M2N 6Y8

clancy@clancyca.com
416.322.7039 ext 27
fax 416.322.5711

On 11/21/2022 10:29 AM, Shared.Planning wrote:

Good morning David,

I hope you had a lovely weekend.

Just following up on the below. Please can you let me know once you have made payment, as we c

Thank you & kind regards,
Louise

Louise Bates | Administrative Assistant Planning and Development | 902-7
Avenue | T1W.1R4
<https://can01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.canmore.ca%2Fplanning&data=05%7C01%7Cshared.planning%40canmore.ca%7Cbbefffbcd5dc4209f50208dacc958c74%7C5be4d9ec982245ed96d47d162ffab3bd%7C1%7C0%7C638047239919655782%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&data=S1SmtVRI1mG0rNd03Ayfo49UungbBqw5rh94nFJLsZU%3D&reserved=0>

The Town of Canmore is located within Treaty 7 territory, traditional territories and home of

-----Original Message-----

From: Shared.Planning <Shared.Planning@canmore.ca>
Sent: November 17, 2022 2:38 PM
To: David Clancy (Clancy & Company) <clancy@clancyca.com>
Cc: Jerritt Cloney <jerritt.cloney@canmore.ca>
Subject: RE: Notice of Appeal - your file PL20220278 - 15 Pinewood Cresc

Hello David,

Your Notice of Appeal has been received.

The fee payment of \$250.00 can be made using a credit card over the telephone by phoning 403.6

Please have the following reference number to hand: PL20220278

Once the hearing date is scheduled we will let you know.

Kind regards,
Louise

-----Original Message-----

From: David Clancy (Clancy & Company) <clancy@clancyca.com>
Sent: November 16, 2022 8:20 PM
To: Shared.Planning <Shared.Planning@canmore.ca>
Cc: Jerritt Cloney <jerritt.cloney@canmore.ca>
Subject: Notice of Appeal - your file PL20220278 - 15 Pinewood Cresc

CAUTION: This email originated from outside of the organization. Do not click links or open at

Dear SDAB - please find attached my appeal for the above noted variance at 15 Pinewood Cres.

Please call me at 416 817-7485 (cell phone) for the \$250 filing fee.

Also please let me know when the hearing date is set.

Thks

Dave

David Clancy

Clancy CPA & Company
Professional Corporation

NOTE OUR NEW ADDRESS

710 - 110 Sheppard Avenue East
Toronto ON M2N 6Y8

clancy@clancyca.com
416.322.7039 ext 27
fax 416.322.5711

--

This message has been scanned for viruses and
dangerous content by **MailScanner**, and is
believed to be clean.

--
This message has been scanned for viruses and dangerous content by **MailScanner**, and is believed to be clean.

**Written submissions received in non-support of the validity of the appeal
against PL20220278**

Please be advised that the following written submission was received from Timothy Bardsley of Dentons LLP on behalf of the applicants: Donna & Robert Harris.

As this is a preliminary hearing to determine the validity of the appeal, there will not be any submissions from the public.

Louise Bates

From: tim bardsley (Tim) [REDACTED]
Sent: December 29, 2022 10:16 AM
To: Shared.Planning
Cc: Marcus Henry; Tim Bardsley
Subject: PL2022-0278 15 Pinewood Crescent SDAB January 5, 2023 @:00 pm
Attachments: Submission - Harris[16].pdf

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please find attached the written submission of Robert and Donna Harris, the Respondents in this appeal. We are by copy of this email providing this to Town Staff. We do not have an electronic address for the Appellant, who we understand to reside out of Province, so we cannot copy this to him.

Please confirm receipt by return, and please also advise as to when the agenda will be posted on the website.

Thank You

Happy New Year

Timothy Bardsley Dentons LLP Counsel for Robert and Donna Harris, the Respondents in this appeal.

SDAB JANUARY 5, 2023, 2:00 PM JURISDICTIONAL HEARING PL20220278 - 15 PINWOOD CRESCENT

*SUBMISSION ON BEHALF OF DEVELOPMENT PERMIT APPLICANTS AND RESPONDENTS IN THIS APPEAL,
ROBERT AND DONNA HARRIS*

I. OUTLINE

This appeal is restricted to the issue of whether the appeal against the approval of this Development Permit was filed within the statutory period of 21 days from the date of notification of the approval of the within Development Permit, and if not whether the appeal should be allowed to proceed.

It is expected that the facts will show that notice of approval of the Development Permit was given in accordance with the Land Use Bylaw (LUB) through the posting of an approval notice on the development site. This occurred on October 27, 2022. The statutory appeal period expired on November 16, 2022. The notice was not taken down until after the appeal period expired.

We understand that the requirements of the Town of Canmore for filing of a Development Appeal are that a form of appeal must be received by the SDAB office along with the appeal fee within the statutory 21-day period.

The Town of Canmore policies require an appeal fee to be paid with the filing of a form of appeal. The form of appeal is on the SDAB website (copy enclosed). This appears to be the form that the Appellant used in this case. Referring to page 2, it says "THE NOTICE OF APPEAL FORM MUST....be accompanied by the \$250.00 filing fee, made payable to the "Town of Canmore". Under the next area on the form entitled "Please Note", which is in bold typeface, it says "appeals must be accompanied by the fee at the time of filing..." Further under "Payment" (also in bold typeface) it says "Appeal fees may be paid by Cheque....upon submission or in person..."

Our conclusion is that the instructions that a fee must be paid and a form submitted to permit an appeal to be filed, which we understand are also on the SDAB website, are well publicized, readily accessible, and quite clear.

The Respondents have been advised by staff that in this case, a form of appeal was filed with the SDAB office on the 16th of November 2022, but the requisite fee was not paid until December 9, 2022, a date which is 22 days past the appeal period. Therefore, as the hearing notice indicates, the appeal was filed late.

ii. FACTS

This submission was prepared before the Respondents have seen the rationale of the Appellant for the late filing of this appeal. If that rationale raises anything that needs response from the Respondents, this will be given orally at the hearing. Nonetheless there are some factual points that we wish to draw to SDAB's attention.

The Respondents' Development Permit was released by the Town, advising the Respondents that the appeal fee had not been paid. A Building Permit was requested and granted to the Respondents on December 9th. The Respondents were first advised of the payment of the appeal fee by the Town on December 13, 2022. By this time, they had understandably already scheduled trades and committed to the construction process, paid deposits and so forth. This "late appeal" creates significant concerns for the Respondents. In our submission, they are the potentially injured party in this scenario.

Last, while the Respondents have substantial differences with the Appellant's allegations contained in the notice of appeal, they have not commented upon those as this hearing is restricted only to the procedural issue of late filing.

III. ISSUE

Should the appeal be allowed to proceed or should it be dismissed for late filing?

IV. REQUEST

That the appeal be dismissed without a merit hearing because it was filed outside of the statutory period for filing of an appeal to SDAB, and the SDAB cannot lawfully extend that statutory period.

V. ARGUMENT

LAW

In order for the appeal to proceed to a merit hearing, the SDAB would have to accept that it was not filed late, or alternatively decide to vary the date upon which the appeal fee was paid to match the document filing date of November 16th, 2022. ***The law is clear that the SDAB can do neither of these things but must dismiss the appeal as filed late.***

There are two Alberta Court of Appeal cases which support this proposition (these are included with this submission). In addition, the authoritative textbook of Laux, *Planning Law and Practise in Alberta*, page 10-29 says that a failure to file an appeal within the statutory period is "fatal".

COURT OF APPEAL

The first case attached is from 1977, called *Stuart Olsen Construction Ltd. and Edmonton*. In this case, an Appellant relied upon agents to do her appeal filing for her. There was a miscommunication between the agent and the City of Edmonton when the agent went first to file the appeal. This caused the Appellant to ask her agent to again attend and file the appeal. The agent couldn't find parking so went home and reattended the next day and filed it. That was one day after the expiry date for filing of an appeal. However, SDAB decided to vary the timeframe for filing the appeal and allow the appeal to proceed, presumably out of a sense of sympathy for the circumstances and the Appellant. The Court of Appeal reversed

that decision and found that SDAB should not have done so. In making this determination, the Court found that the agent acting for the Appellant;

had reasonably sufficient time to attend to this instruction within the statutory time limit but by an adventitious circumstance ...put off its completion until it was too late.

The Court went on to say that

Let us say that she (the Appellant) was prejudiced in some measure but then it must also be said that the mistake did not frustrate the exercise of her right. The frustration arose from circumstances for which the Board was not responsible, but rather were within the control of the agent...**This cannot be taken as a justification for a decision having the effect of enlarging the statutory time limit on the appeal, even assuming there were power in the Board or in this Court to do so in proper circumstances** (our emphasis).

The second decision is from 2011 and is called *Masellis and Edmonton*. In this case, an appeal was filed after the 14-day time period and dismissed by the SDAB for that reason. The decision was appealed on the basis of when the Appellant had notice of the development permit approval. In dealing with that argument, and finding against the Appellant, the Court never entertained the question that if the appeal was filed outside of the appeal period, it could be validated by varying that timeframe. It was assumed by the Court and the parties that this could not be done. In our view this is a correct application of the law in relation to late filing.

In reaching its conclusion the Court made a number of observations: These references are to paragraphs in the case.

- (i) The Appellants did not lack awareness of their right to appeal.(para. 37)
- (ii) Ignorance of the law does not of itself extend a limitation period (para 38).
- (iii) The 2001 Court of Appeal decision of *Coventry Homes Inc. v. Beaumont (Town of) Subdivision and Development Appeal Board*, states that the MGA attempts to balance the interests of those who want a development to proceed and those who may not. The balance is achieved by recognizing that an opposing party has a limited window within which to contest it. (para. 39)
- (iv) Decisions should not be made that have the effect of injecting uncertainty into the appeal process. (para. 42)

MUNICIPAL GOVERNMENT ACT

The Powers of the SDAB are set out in Section 687(3). 687(3)(a.4)(c) describes the powers of the SDAB on appeal as being, in part “ ... confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own”. These powers do not include an enumerated authority to abridge the time so that an appeal filed outside of the statutory period can be heard. This is very significant, as the statutory time within which to file appeal

is set by the MGA, and for that reason cannot be changed or extended by Council, the Town, the SDAB or a Court.

Submitted on behalf of the Development Permit Applicants and Respondents Robert and Donna Harris

Timothy Bardsley LLB Dentons Canada

SDAB APPEAL FORM



NOTICE OF APPEAL

To help expedite processing your application, the submission of this form using the fillable fields is greatly appreciated.

PROPERTY INFORMATION			
Municipal Address		Development Permit/Subdivision Application File Number	
APPELLANT INFORMATION			
Name of Appellant		Agent Name (If applicable)	
Mailing Address (for notification purposes)			
City	Province	Postal Code	
Phone Number (Day)		Email	
<input type="checkbox"/> The appellant/agent, gives authorization for electronic communication by the Clerk, using the email provided			

APPEAL AGAINST (Check one box only. For multiple appeals you must submit separate Notice of Appeal forms)

Development Permit	Subdivision Application	Stop Order
<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Stop Order

REASONS FOR APPEAL Section 678 and 686 of the *Municipal Government Act* requires that the written Notice of Appeal must contain the following information:

I do hereby appeal the decision of the Subdivision/Development Authority for the following reasons (attach a separate page for each reason):

INSTRUCTIONS FOR FILING AN APPEAL

THE NOTICE OF APPEAL FORM MUST:

- Be received by the Subdivision and Development Appeal Board (SDAB) within 21 days of the written decision being made by the Subdivision and Development Authority or the Subdivision Authority as specified in the Municipal Government Act (MGA);
- Be accompanied by the \$250.00 filing fee, made payable to "Town of Canmore";
- State specific reasons for the appeal; and
- Be signed by the appellant, or their acting agent.

Please note: Appeals must be accompanied by the fee at the time of filing. Contact the Clerk at 403.678.1500 or at sdab@canmore.ca if filing by email or fax.

Filing the Appeal: **In-person or mail:**
Town of Canmore
Subdivision and Development Appeal Board
902 7th Avenue
Canmore AB T1W 3K1

Email:
sdab@canmore.ca

Fax:
403.678.1534

Payment: Appeal fees may be paid by cheque payable to the Town of Canmore upon submission.
Payment can also be made in-person by debit, VISA or MasterCard at the Civic Centre located at:
902 7th Avenue, Canmore AB.

Business hours are 8:30 a.m. to 4:30 p.m. Monday to Friday.

Refund: A refund of the appeal fee will only be granted if the appeal is withdrawn prior to the scheduling of the hearing. A refund will not be made once a hearing is held, regardless of the appeal outcome.

For further information regarding appeal deadlines, fee payment options, or the appeal process, please go to our website at www.canmore.ca.

WHAT IS THE SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB)?

The SDAB is a quasi-judicial authority (similar to a judge) that is made of public members who are appointed by Council. The board consists of five members and seven members. Only one member shall be a member of Council.

The SDAB makes decisions on appeals related to Stop Orders and decisions made with respect to development permits and subdivisions. When considering appeals, the SDAB owes a duty of fairness to participants in the hearing process.

WHO CAN FILE AN APPEAL?

Subdivision appeals:

The applicant (or agent) can file an appeal if their application for subdivision has been:

- Refused;
- Approved with conditions unacceptable to them;
- OR
- If a subdivision authority fails or refuses to make a decision within 60 days of application being deemed complete by the subdivision authority.

The decision of a subdivision authority may be appealed by the applicant (or agent), Town Council, provincial government department or the Minister of Municipal Affairs.

Development permit appeals:

The applicant (or agent) can file an appeal if their application has been:

- Refused;
- Approved with conditions unacceptable to them;
- Issued a stop order;
- OR

BEFORE THE HEARING

The Clerk is required to give at least 5 days' notice in writing of the hearing to:

- the appellant;
- the development authority whose order, decision or development permit is subject to appeal;
- those owners required to be notified under the Land Use Bylaw; and
- any other person that the SDAB considers to be affected by the appeal and should be notified.

Prior to the hearing, the SDAB must make available for public review, all relevant documents and materials with respect to the appeal for the development permit, the decision and the notice of appeal, or the stop order.

DURING THE HEARING

At the hearing, the SDAB must hear:

- the appellant or any person acting on behalf of the appellant (agent);
- the Subdivision Authority or the Development Authority (as applicable);
- any other person who was given notice of the hearing, and who wishes to be heard, or a person acting on behalf of that person;
- any person who claims to be affected by the order, decision or permit and that the SDAB agrees to hear.

The person who files the appeal is expected to give a verbal presentation to the SDAB (a written and/or visual presentation is also acceptable). At the hearing, the Clerk will advise of the deadline for any submission to the SDAB.

All documents submitted and presented become public documents.

Some suggestions for preparing your presentation for the SDAB:

- Determine the relevant planning issues associated with the appeal;
- prepare a clear, concise and logical written presentation;
- review the contents of the SDAB hearing package provided by the Clerk; and
- avoid the inclusion of non-relevant issues that are outside the Board's jurisdiction and cannot be considered, such as business operations, regarding someone's character, financial impact on the applicant, financial status of the applicant, and whether the development is in the best interests of the community or owners.

Note that the SDAB is not bound by previous decisions and will not hear arguments about precedent.

AFTER THE HEARING

The SDAB must give its decision in writing together with reasons for the decision within 15 days after concluding the hearing. Appeals are to the Court of Appeal and are limited to matters of law or jurisdiction.

POSTPONEMENT OR NOT ATTENDING YOUR HEARING

You may submit a written request to postpone your hearing, including the reasons for the request, either to the Board at the time of the hearing or to the Clerk prior to the hearing. Hearings will only be postponed at the discretion of the Board.

If you are not in attendance when your appeal is called, the SDAB may proceed without you.

WITHDRAWAL OF YOUR APPEAL

Written withdrawal must be submitted to the Clerk as soon as possible to help the Board and municipality use its resources effectively. The appeal fee shall only be granted if the appeal is withdrawn prior to the scheduling of the hearing.

COURT OF APPEAL CASES



Stuart Olson Construction Ltd. v. Edmonton (City), 1977 ALTASCAD 129 (CanLII)

Date: 1977-06-24

File number: 11207

Other citations: 3 MPLR 95 — [1977] AJ No 491 (QL) — [1977] CarswellAlta 74 —
3 Alta LR (2d) 239 — 5 AR 44

Citation: Stuart Olson Construction Ltd. v. Edmonton (City), 1977 ALTASCAD 129 (CanLII), <<https://canlii.ca/t/fp3cl>>, retrieved on 2022-12-23

In the Supreme Court of Alberta Appellate Division

Citation: Stuart Olson Construction Ltd. v. Edmonton (City), 1977 AltaSCAD 129

Date: 19770624
Docket: 11207
Registry: Edmonton

Between:

Stuart Olson Construction Ltd.,
Coronet Realty Developments Ltd.,
And Allan S. Olson

Appellants
(Applicants)

- and -

The Council of the City of Edmonton

Respondent

The Court:

The Honourable Mr. Justice McDermid
The Honourable Mr. Justice Clement
The Honourable Mr. Justice Haddad

Reasons for Judgment of The Honourable Mr. Justice Clement
Concurred in by The Honourable Mr. Justice McDermid
And Concurred in by The Honourable Mr. Justice Haddad

COUNSEL:

B. Vogel, Esq., for the appellant
 C.E. Frost, Esq., for the respondent.

REASONS FOR JUDGMENT OF THE HONOURABLE MR. JUSTICE CLEMENT

[1] This appeal is with leave upon a question of jurisdiction relating to a decision of the Development Appeal Board of the City of Edmonton to hear an appeal made to it from a decision by the Development Officer of the City of Edmonton.

[2] The appellants, whom I will for convenience designate Olson Construction, own several lots subject to the operation of Development Control By-law No. 2624. On August 17, 1976 Olson Construction applied for a development permit to construct an 80-unit high-rise condominium apartment on this land. The application was approved by the Development Officer on September 8 as being a permitted use of the lots under the Land Use Classification Guide. On September 9 he mailed notice of his decision by ordinary mail to property owners. The notice included the following:

“Provision is made for a person who claims to be affected by a decision of the Development Officer to appeal to the Development Appeal Board by serving written notice of appeal on the Secretary of the Board within 14 days after the date of this notice

If you wish to appeal the decision of the Development Officer you may do so by completing a form available from the Secretary of the Development Appeal Board, City Hall or alternatively by a submission in writing stating reasons for appeal.

An appeal fee of \$20.00 is also required and must be submitted with the appeal notice. For further information please call 425-2491.”

This reflects provision of section 128 of *The Planning Act*:

“128. (1) An aggrieved person may appeal the decision of a development officer or municipal planning commission made under a development control by-law or a zoning by-law to the development appeal board by serving written notice of appeal on the secretary of the development appeal board within 14 days after notice of the decision is mailed or posted on the site of the proposed development or published in a newspaper circulating in the area.”

[3] Mrs. G. Milne is an aggrieved person within the meaning of section 128 (1). She received a copy of the notice of decision, and served a written notice of appeal on a person who may for the present purposes be taken as Secretary of the Board. However, service of the document was not made until September 24. This is one day beyond the statutory limitation on the time within which an appeal may be taken. The Development Appeal Board heard evidence of the surrounding circumstances and argument on its jurisdiction to entertain the appeal, and in the result decided by a majority that it had jurisdiction to do so. The decision it made after the hearing was adverse to Olson Construction: the appeal was allowed and the development permit was refused. Olson Construction was given leave to appeal on the question whether the Development Appeal Board had jurisdiction to hear an appeal to it by Mrs. Milne when *prima facie* the appeal was out of time.

[4] Mrs. Milne is one of a group of property owners opposed to the development intended by Olson Construction. Mrs. Sheila Rich is one of this group. Apparently at a meeting of the group Mrs. Milne showed them the notice of decision of the Development Officer, then gave it to Mrs. Rich and asked her to go down to City Hall to file an appeal and deposit \$20.00. What happened thereafter is urged as sufficient to give the Development Appeal Board jurisdiction to hear the appeal. I will summarize the evidence in the record.

[5] Mrs. Rich phoned City Hall about the matter and was given Mr. Goodrich to speak to. His title is Vault Clerk and it is said that he was custodian of papers and documents of concern to

the Development Appeal Board. Mrs. Rich told him what was on her mind and described the Olson Construction Project "by address, by lot numbers". Mr. Goodrich said he could not give her any information at the time, but invited her to call back later.

[6] Mrs. Rich attended on him the next day, Thursday September 16. She brought with her the notice of decision which bore the application number of the Olson Construction application for permit, but she was not asked to show it. Mr. Goodrich took her to the office of Mr. Mitchell, the Development Board Officer, to whom he gave a short memorandum in his handwriting on the back of an envelope, setting out "the address, the lot numbers and Olson Construction". While Mrs. Rich waited, Mr. Mitchell went to that part of the offices of the Board where applications and building permits are made and kept, and about a quarter of an hour later he returned and told Mrs. Rich that the development application was cancelled. Mrs. Rich was surprised and asked why. Mr. Mitchell told her that builders do not have to give any reason.

[7] On the following Monday, Mrs. Milne learned from Mrs. Rich what had happened on the preceding Thursday. She was concerned and wanted an official letter from City Hall confirming the cancellation of the development permit: she insisted on Mrs. Rich returning to City Hall. It appears that Mrs. Rich went back to City Hall on September 23 to file an appeal if necessary, but she could find no place to park her car and so left. She returned on September 24 and at the offices of the Development Appeal Board she handed in a form of notice of appeal which is in evidence in the record. It is a printed form and I infer is such as is mentioned in the notice of decision of the Development Officer. It is filled out in typewriting including the application number appearing on the notice of decision, it is dated September 21, 1976, and is signed by Mrs. Milne. It is date stamped September 24 by the City Planning Department. There is no evidence as to how Mrs. Milne obtained this form, how it came to be filled out by typewriting, or when and under what circumstances it passed to Mrs. Rich. I infer that Mrs. Milne armed Mrs. Rich with this document on September 21 in order that, if it turned out that the Olson Construction application had not in fact been cancelled, the notice of appeal would then be served. Had Mrs. Rich accomplished this mission on September 23 instead of returning home because of lack of parking space on the City Hall grounds, the appeal would have been in time.

[8] When she handed in the form of notice of appeal on September 24, Mrs. Rich was informed that the Olson Construction application had not been cancelled, that the time for appeal from the decision of the Development Officer had expired, that the appeal file was closed, and that Olson Construction had been told there was no appeal from the decision.

[9] A mistake had been made on the part of Mr. Goodrich and Mr. Mitchell. There had been an earlier application by another developer for the construction of a building on these same lots. That developer had cancelled his application for a development permit. When Mrs. Rich attended on September 16 it was this earlier application that Mr. Goodrich and Mr. Mitchell looked at and assumed that it was the one that concerned her. It bore a different application number, but neither of them inquired about this. If they had done so, Mrs. Rich had with her the decision of the Development Officer which, as I have noted, bore the number of the current application by Olson Construction and no such mistake would have been made.

[10] Much argument was directed to the question what consequence, if any, should follow the prejudice it is claimed was suffered by Mrs. Milne because her agent Mrs. Rich was misinformed in the manner I have recounted. It is said that the misinformation frustrated the opportunity of Mrs. Milne to appeal -- an opportunity of some value to her as the end result shows. If this were so in reality, difficulty and important considerations would have to be weighed in coming to a conclusion. In a somewhat analogous situation the Ontario Court of Appeal in *Re Loblaw's Ltd. and Ludlow Investments Ltd.* (1975) 1975 CanLII 557 (ON CA), 56 D.L.R. (3d) 329 treated as a denial of natural justice a broken undertaking by a statutory committee by which the time for appealing had expired before the party was informed of the decision of the committee. The court quashed the decision and ordered that "it will be remitted back to the Committee of Adjustment to make a fresh decision, with or without hearing further evidence, as the Committee so decides". This

judgment would require careful consideration if the facts of the present case brought us to the point contended for on behalf of Mrs. Milne. I am of opinion that they do not.

[11] It must be remembered that Mrs. Milne was the intended appellant and that Mrs. Rich was acting as her agent. Mrs. Milne was not satisfied with the information that Mrs. Rich reported had been given by Mr. Mitchell. In good time she sent Mrs. Rich back to City Hall armed with a completed form of notice of appeal to be served on the secretary of the Development Appeal Board if it were not confirmed in writing that the development application of Olson Construction had been cancelled. Mrs. Rich had reasonably sufficient time to attend to this instruction within the statutory time limit, but by an adventitious circumstance she put off its completion until it was too late. The result is unfortunate for Mrs. Milne and the group with which she is associated, but in my opinion it cannot be said on the facts that the mistake made by the Board officials resulted in itself in her being unable to serve her notice of appeal in due time. Let us say that she was prejudiced in some measure: but then it must also be said that the mistake did not frustrate the exercise of her right. The frustration arose from circumstances for which the Board was not responsible, but rather were within the control of the agent of Mrs. Milne. This cannot be taken as justification for a decision having the effect of enlarging the statutory time limit on the appeal, even assuming there were power in the Board or in this Court to do so in proper circumstances.

[12] I am of opinion that the decision of the Development Appeal Board that it had jurisdiction to hear the appeal of Mrs. Milne cannot be rationally supported: *Service Employees' International Union, Local No. 333 v. Nipawin District Staff Nurses Association of Nipawin et al* (1974) 1973 CanLII 191 (SCC), 41 D.L.R. (3rd) 6. The result is that the subsequent decision of the Development Appeal Board by which it reversed the decision of the Development Officer granting a development permit to Olson Construction, must be quashed.

Dated at Edmonton, Alberta, this 24th day of June, 1977.



Masellis v. Edmonton (Subdivision and Development Appeal Board), 2011 ABCA 157 (CanLII)

Date: 2011-05-25

File number: 1103-0086-AC

Other citation: 505 AR 231

Citation: Masellis v. Edmonton (Subdivision and Development Appeal Board), 2011 ABCA 157 (CanLII), <<https://canlii.ca/t/flk2w>>, retrieved on 2022-12-23

Most recent unfavourable mention: Rebecca Bell v Development Authority of the City of Edmonton, 2018 ABESDAB 10070 (CanLII)

In the Court of Appeal of Alberta

Citation: Masellis v. Edmonton (Subdivision and Development Appeal Board), 2011 ABCA 157

Date: 20110525
Docket: 1103-0086-AC
Registry: Edmonton

Between:

**Vincenzo and Deborah Masellis, Joan Groff
 and Celestine Montgomery**

Applicants

- and -

**The Subdivision and Development Appeal Board of
 The City of Edmonton and the City of Edmonton**

Respondents

- and -

Greg Weiss and Charlene Weiss

Respondents
 (By Order)

**Reasons for Decision of
The Honourable Mr. Justice Jack Watson**

Application for Leave to Appeal a Decision
of the Subdivision and Development Appeal Board

**Reasons for Decision of
The Honourable Mr. Justice Jack Watson**

I. Introduction

[1] The applicants seek leave pursuant to s. 688(3) of the *Municipal Government Act* R.S.A. 2000, c. M-26 (“*MGA*”) to appeal a decision of the Subdivision and Development Appeal Board of the City of Edmonton (“SDAB”) issued February 25, 2011 in relation to a proposed single detached house (the “Property”) that is currently in the process of being constructed. By that decision, the SDAB declined to take jurisdiction to hear the applicants’ appeal on the basis that the appeals had not been commenced within the fourteen day appeal period prescribed in s. 686(1) of the *MGA*.

[2] The applicants say that, in so deciding, the SDAB erred in law or jurisdiction in relation to all of the applicants by “finding that living on the same block as the Property was constructive notice of the issuance of a development permit” that started the appeal period running. The applicants also assert that the SDAB erred in law or jurisdiction by failing to start the appeal period from January 13, 2011, when the City acknowledged that the permit given should have required the giving of written notice to the applicants much earlier. The applicants further said that the SDAB mishandled the appeals of Ms. Groff and Ms. Montgomery, by attributing to them the knowledge of Mr. and Mrs. Masellis, and not giving reasons for finding precisely when Ms. Groff and Ms. Montgomery got notice such as to start their appeal clock running. Helpfully, in oral argument, the applicants proposed that a single question could cover the essential points worded as follows:

Did the SDAB err in law and jurisdiction in finding that each of the three appeals before it were filed out of time?

[3] In providing this capsule formulation, the applicants nonetheless contend that all their major complaints go to law and jurisdiction, and thus attract a standard of review of correctness, and support an appeal under s. 688(3) of the *MGA*.

II. Context

[4] The applicants all live near the Property. Mr. and Mrs. Masellis live immediately east of the Property. Ms. Groff lives immediately west of the Property. Ms. Montgomery lives immediately west of Ms. Groff. The applicants also garnered support letters from a representative of the local community league and from other residents in the area.

[5] The Property is located within an RF1 Single Detached Residential Zone. It is regulated by City of Edmonton Zoning Bylaw 12800. The “Mature Neighbourhood Overlay” established under Part 814 of the

[18] The SDAB held a hearing on February 10, 2011. On February 25, 2011, the SDAB issued reasons declining to assume jurisdiction over the appeals on the basis that s. 686(1) of the *MGA* required that appeals had to be filed within 14 days “after the date on which notice of the issuance of the permit was given in accordance with the land use bylaw”. It found the permit was issued as a “Class A” permit on November 25, 2010 and that demolition and construction on the Property had commenced in November, 2010. The SDAB added:

4. Based on the evidence provided by legal counsel for the Respondent, the Appellants all reside on the same block of the proposed development and therefore would have had “Constructive notice” of the issuance of a development permit for the proposed development on or before or after November 25, 2010, the date of the Development Officer’s decision.

5. The Appellant Masellis received verbal notification of the issuance of a development permit for the development on December 2, 2010 when a representative of the City Planning Department spoke to Mrs. Masellis. They had also consulted with the neighbours on the issue.

6. Under Section 685(3) of the Municipal Government Act, any of the appellants could have filed an appeal if they considered the development permit has been issued under a misinterpretation as set out in the Act but failed to do so within the 14-day appeal period.

[19] These conclusions followed from the circumstances as discussed above. The applicants particularly impugn the SDAB reference to the events of the date of December 2, 2010 when Ms. Hickmore spoke to Mrs. Masellis, saying there is no reason to ascribe any knowledge thus given to Mrs. Masellis to the other applicants (although the applicants also contend that all the applicants were misled by the City, including by the information provided to Mrs. Masellis in that conversation on December 2, 2010).

IV. Grounds of Application and Standard of Review

[20] Against this background, the applicants seek leave to appeal, contending that the SDAB erred in its refusal to assume jurisdiction to hear the applicants’ appeal. As set out in their brief, the applicants argue that the SDAB erred in law or jurisdiction on the following grounds:

- a. in finding that living on the same block as the Property was constructive notice of the issuance of a development permit, thereby starting the running of the fourteen day appeal period from the date the permit was issued;
- b. in failing to find that the time for filing an appeal began to run from the date that the City gave notice that a Class B permit had been issued and in failing to find that the applicant Masellis’ appeal was filed on time;
- c. by dismissing the applicant Groff and Montgomery appeals without making any finding as to when these parties had notice of issuance of the permit;
- d. by attributing the knowledge of the applicant Masellis to the applicants Groff and Montgomery; and
- e. by providing inadequate reasons for its decision.

[21] As noted above, the applicants also offered a global question to round these matters up according to their central theme. In essence, the applicants’ position is that s. 686(1)(b) of the *MGA* prescribes that the time

685(3) Despite subsections (1) and (2), no appeal lies in respect of the issuance of a development permit for a permitted use unless the provisions of the land use bylaw were relaxed, varied or misinterpreted.

[34] What the SDAB decided was that the applicants were aware of the construction going on, and of its concerning nature (from their point of view) from whatever date it first occurred for each of them, whether or not it was on, before or after November 25, 2010. Mr. Masellis had provided affidavit evidence suggesting he called the City planning department on October 13, 2010 expressing his concerns. His counsel so informed the SDAB: Reasons, p. 2, Record p. 281. There is therefore nothing mysterious about the observation by the SDAB as to date of awareness of the permit. Nor was it unreasonable to find they would be constructively aware of the existence of a permit from the construction itself on the facts before the SDAB. It is not necessary to speculate about what might be the situation if the circumstances leave doubt about whether a permit existed.

[35] It was also clear from the evidence that, at least by December 10, 2010, all of them had the firm belief that any permit given for the construction was being flagrantly breached to their disadvantage. They were asserting that the construction was contrary to the “top of the ravine bank” setbacks, inconsistent in various ways with the Mature Neighbourhood Overlay, and had a plainly improper foundation arrangement. They were so confident of the “infraction” that their letter mentioned a “stop work order” and the possibility that the foundation must be “relocated or redesigned”. Specifically, the letter asserted that “planning department would not have granted” a permit allowing this or any other variances and should inspect and act. The SDAB decision amounted to a finding that each of the applicants was of the view well prior to 14 days prior to each appeal that the provisions of the Bylaw were being “relaxed, varied or misinterpreted”. All of this was at least unquestionable by December 10, 2010 such as to start the clock running for each one’s appeal by then. It did not matter precisely when each applicant formed any individual opinion.

[36] Essentially, the applicants’ position is that it is unfair to them to attribute to them *de facto* notice of any error in the permit given to Mr. and Mrs. Weiss in light of the circumstances. They characterize the SDAB ruling as being one where their right to apply for leave was “illusory” because it “can be lost before a party knows what the decision is and how he is affected by it”: *Bowen v. Edmonton (City)* (1977), 1977 CanLII 1642 (AB CA), 3 A.R. 63, [1977] A.J. No. 560 (QL) at para. 9. That lack of knowledge is not this situation for any of the applicants.

[37] What, in reality, the applicants lacked was not awareness of the construction going on nor awareness of what they found objectionable about it, nor awareness of their right to object to the City under the Bylaw. What they did not have to hand was an admission that Mr. and Mrs. Weiss needed a variance for their construction permit – such admission emanating either from the City or from Mr. and Mrs. Weiss. The applicants, particularly Mr. and Mrs. Masellis, may have felt disregarded or stonewalled in their search for such evidence. But nonetheless it was not their ability to complain or appeal of which they were left unaware. It was evidence of the default that they evidently felt that they did not yet have. Their counsel argues that, as persons not experienced in this area (although Mr. Arndt was said to be an architect and they were using pretty specific land development language early on), the applicants should not be found to be aware that they could appeal the development under s. 685(3) of the *MGA*. That is an argument of error of law.

[38] As with case law applicable to other forms of limitations where ‘discoverability’ is the issue on which the limitation falls to be decided, it is awareness of an ability to make a claim, i.e. of the nature of the harm done and not awareness of all the evidence that may be available to support that claim which ordinarily starts the clock: see e.g. *Central Trust Co. v. Rafuse*, 1986 CanLII 29 (SCC), [1986] 2 S.C.R. 147, [1986] S.C.J. No. 52 (QL) at p. 244 (S.C.R.), para. 77 (QL). Ignorance of the law does not of itself extend a limitation period: *Cunningham v. Irvine Adams* (2001), 277 A.R. 115, 2001 ABCA 38 at para. 4. Indeed, asserting a

claim is, arguably, a pretty clear indication of the fact of discovery and of discoverability: see: *B. (K.L.) v. British Columbia*, 2003 SCC 51 (CanLII), [2003] 2 S.C.R. 403, 2003 SCC at paras. 55 to 57.

[39] That brings into relevance the decision of this Court in *Coventry Homes*. Although the applicants take the position that it is distinguishable, it applies directly. *Coventry Homes* points out that the *MGA* attempts to balance the competing interests of the builder or developer, whose interest is to proceed with the development once approved, and the parties affected by the development, whose interest may be to contest an approved development. That balance is achieved by recognizing that an “interested party should know of the development yet should have a limited window within which to contest it”: *Coventry Homes* at paras 28- 29. That window of opportunity to challenge, said *Coventry Homes*, starts to run when the affected party has actual or constructive notice of the issuance of the development permit.

[40] The applicants submit that *Coventry Homes* is distinguishable because the land use bylaw in that case did not require the town to give notice of the issuance of a development permit for a permitted use. The applicants say, in part, that since this was a Class “B” situation, the Class “A” Permit was a nullity and therefore nothing lawful was happening until a proper permit was sought with applicable variances revealed, at which point they could appeal.

[41] This contention would not depend on the degree or significance of the permit discrepancy involved, nor on the degree of actual knowledge by the person affected. It would replace the thoughtfully chosen rule in *Coventry Homes* with another one. The new rule would necessarily be that if the permit is invalid, the right to appeal it is forever, even though the permit grantor may be *functus officio*. Appreciating the impracticality of that approach, counsel for the applicants hastened to emphasize that he did not wish to suggest a rule that the time for a neighbour’s right of appeal would not start to run until a proper permit was issued. Counsel therefore proposed to preserve a measure of discipline by submitting that the letter of January 13, 2011, wherein the City admitted error as to the permit, should be characterized as notice under the *MGA* and Bylaw sufficient to start the limitation period. Alternatively he submits that the letter should be treated as, in effect, a new Class “B” permit so as to start the period.

[42] With great respect to the applicants’ very experienced and dutiful counsel, this proposal is not arguable as a substitute for *Coventry Homes*. Forcing builders and developers to abide risk arising from an unforced error by a municipality in issuing a permit would seriously undermine the ability of builders and developers to rely on the authority of a permit. Accepting this as law would unquestionably inject the type of uncertainty into the development process that this Court in *Coventry Homes* expressly rejected at para. 32.

[43] The applicants argue another factor which they say would distinguish *Coventry Homes*. Counsel says that in *Coventry Homes* the objecting neighbour was formerly a member of the SDAB and knew the ropes. I do not find that factor to deflect the *ratio decidendi* of *Coventry Homes* from application here. That *ratio* includes that it is a question of fact whether the notice, either actual or constructive, which would start the fourteen day limit, has happened: see para. 36. So differences from the particular facts of *Coventry Homes* do not change the *ratio decidendi*. As it happens, the level of sophistication reflected in the correspondence of the applicants does not compare unfavourably with this factor in *Coventry Homes*. This is not an arguable point for a panel of this Court.

[44] Moreover, the *ratio decidendi* of *Coventry Homes* implies that the SDAB’s decision on the point would be reviewed for reasonableness, notably as within their expertise. While counsel seemed to hint that an SDAB making a finding of notice that stops an appeal is a matter of law and jurisdiction, while an SDAB making a finding of notice that lets the appeal proceed is a question of fact deserving deference, I do not locate that distinction in *Coventry Homes*. Whether or not such a distinction should fly or not I can safely leave for another day.

[45] The applicants also say that in *Coventry Homes*, the SDAB found as a fact that the construction there was non-compliant. Here the SDAB clearly heard all the evidence relating to this dispute, including the City's admission of erroneous classification of the permit. I do not find it to be an arguable point that this distinction would limit the application of *Coventry Homes* here.

[46] The applicants also press yet another factor which in their view also distinguishes *Coventry Homes*. They submit that Mr. and Mrs. Weiss did not take steps to get their approval to what they ought to have known was a non-compliant construction from the beginning. I do not find this factor to be arguably relevant to the applicants' state of mind. Further, the respondents' counsel disputes this inference and it was not a fact found by the SDAB. Counsel sought to persuade his clients' neighbours, as well as the Court, that Mr. and Mrs. Weiss had no such understanding until near mid-January, 2011 when they approached their neighbours. This recalls the comment made in *Delgamuukw v. British Columbia*, 1997 CanLII 302 (SCC), [1997] 3 S.C.R. 1010, 153 D.L.R. (4th) 193 at para. 186: "Let's face it, we are all here to stay." It would be better for all concerned if the neighbours could get along regardless of the outcome of legal proceedings.

[47] Finally, as noted earlier, the applicants assert that they were stonewalled and misled by the City in connection with the permit. This does not raise an arguable basis to distinguish *Coventry Homes* either. The applicants were not misled in relation to a reason not to proceed under s. 685(3) of the *MGA*. They were not told there was no permit. Moreover, Mr. and Mrs. Masellis believed that they had not been getting enough information from the City so, as the SDAB found, it fell to them to translate their belief of a "misinterpretation" into an appeal.

[48] In order for leave to be granted, the issue for leave would not only have to be an arguable issue of law (which it is not in light of *Coventry Homes*) but a motion would then have to be brought to the Court under Practice Note A.3 to re-consider *Coventry Homes*. The test for reconsideration of a recently decided decision like *Coventry Homes* is strict: see *e.g. R. v. Effert*, 2010 ABCA 144, (2010) 477 A.R. 349 at para. 5. For a decade, the bar of Alberta has relied upon the principle in *Coventry Homes*. There is no "simple, obvious, demonstrable flaw" in *Coventry Homes*.

VI. Conclusion

[49] In the result, none of the individual proposed grounds of appeal, nor the conveniently rolled up version of the question to be stated, rise to the level of a question of law of sufficient importance to go to a panel of the Court. Nor do they have a reasonable chance of success. The application for leave to appeal is dismissed.

Application heard on May 17, 2011

Reasons filed at Edmonton, Alberta
this 25th day of May, 2011

Watson J.A.

Appearances:

SDAB Appeal Hearing

PL20220182

500 Bow Valley Trail

Lot 1, Block 7, Plan 0512461

Mixed Use Building containing: 1 unit Wholesale Sales with Warehouse, 21 units of Common Amenity Housing and 3 units of Employee Housing

Appeal against an approval by the Canmore Development Authority.

Notice of Appeal & written submission from the Appellant: Melissa Yarmoloy

Louise Bates

From: Melissa Yarmoloy [REDACTED]
Sent: December 8, 2022 4:15 PM
To: Shared.Planning
Cc: canmorecamping@gmail.com
Attachments: 2022 appeal 500 BVT.docx; Appeal 500 BVT.pdf

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Louise,

Here is a copy of the submitted appeal. A physical copy was left with Paul at the front desk along with the associated fee,

Please advise if you require any additional information to proceed.

Mel Yarmoloy

To help expedite processing your application, the submission of this form using the fillable fields is greatly appreciated.

PROPERTY INFORMATION			
Municipal Address 500 Bow Valley Trail		Development Permit/Subdivision Application File Number PL 20220182	
APPELLANT INFORMATION			
Name of Appellant 309061 Alberta Ltd		Agent Name (if applicable)	
Mailing Address (for notification purposes) [REDACTED]			
City [REDACTED]	Province [REDACTED]	Postal Code [REDACTED]	
Phone Number (Day)		Email [REDACTED]	
<input checked="" type="checkbox"/> The appellant/agent, gives authorization for electronic communication by the Clerk, using the email provided on this Notice of Appeal			

APPEAL AGAINST (Check one box only. For multiple appeals you must submit separate Notice of Appeal forms)

Development Permit	Subdivision Application	Stop Order
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Stop Order

REASONS FOR APPEAL Section 678 and 686 of the *Municipal Government Act* requires that the written Notice of Appeal must contain specific reasons for the appeal.

I do hereby appeal the decision of the Subdivision/Development Authority for the following reasons (attach a separate page if required)
The application has requested a number of variances to the land use bylaw, our main concerns are as follows:

1) Definition of common amenity housing not met, Page 339 of the L.U.B. defines common amenity as "a building with separate sleeping facilities and common washing, sanitary and kitchen facilities"

a. Both employee housing and PAH (perpetual affordable housing) have a number of guidelines to ensure that the intended use is protected. Common amenity housing is a relatively new type of allowed dwelling.

b. The design of common washing, sanitary and kitchen facilities distinguishes common amenity vs. a 4 bedroom apartment.

2) Parking Concerns

a. Increasing the maximum dwelling size and effectively increasing the number of bedrooms per unit will put an increased strain on parking.

i. 6. To Section 4.6.4.13 of the Land Use Bylaw 2018-22, to allow for the size of the dwelling units to exceed 75.0m²


b. Parking studies for common amenity to be done a future date. Little room on site to provide additional stalls if required.

c. Concern for a change of use for the main floor commercial, which is providing 4 stalls for 1339.8 m². Where as approximately 26 stalls would be required if used as a Retail Sales space. Section 2.7.1.2 of the L.U.B. states "a change of use application shall not require additional automobile parking stalls, regardless of the purposed use."

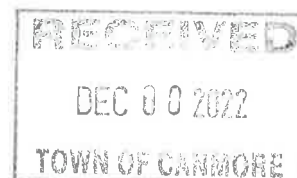
d. The majority of parking is visible from Bow Valley Trail contrary to section 11.4.2.1 of the L.U.B "Vehicle parking shall be located behind buildings, underground or at the interior of the block."

e. Site considerations, no on street parking nearby, surrounded by Bow Valley Trail and the Railway.

FOIP Notification: This personal information is being collected under the authority of the Municipal Government Act (MGA) and the Freedom of Information and Protection of Privacy Act (FOIP) and is managed in accordance with the provisions of FOIP. If you have any questions about the collection of your personal information, contact the Municipal Records Officer at municipal.clerk@canmore.ca. Please note, the Municipal Clerk's Office should **only** be contacted regarding FOIP Inquires.

Signature of appellant/agent 	Date (MM/DD/YYYY) 12/08/2022
---	---------------------------------

FOR OFFICE USE ONLY			
Fee Paid <input type="checkbox"/> Yes <input type="checkbox"/> No	Date appeal received	Final date of appeal	Hearing Date/Time <input type="checkbox"/> 2 P.M. <input type="checkbox"/> Evening



- 3) Architectural standards, a number of variances being sought such as eaves line, dormers, height and step back considerations contribute to this project not meeting the architectural guidelines set forth by the town.
- a. No corner feature, as per standards with a corner lot development 11.5.1.6 of L.U.B. "buildings on corner sites must address all facing streets, adjacent buildings as well as buildings on opposing corners. Buildings should acknowledge this special site condition by creating visual focal points at the corner such as a circular bay window, a large roof dormer, a front entry porch facing the corner or an overall building form that faces the corner rather than one street in particular. Buildings should "turn the corner". (see Fig. 40a-b)
This can further be accomplished by continuing the same exterior materials and colours around the building to all street exposures, repeating window pattern on both sides, or continuing elements such as porches, verandahs, roof overhangs and balconies around the corner"
 - b. Lack of steeply pitched roofs and distinct middle and top as per 11.5.3.5 of the L.U.B. "Building designs which divide the structure into a distinct base, middle and top are required. Steeply pitched roofs with large overhangs, a transparent (windows) middle section, complemented by a strong stone or masonry base reflect traditional mountain design in Canmore"
 - c. Variance on height and lack of stepping back the floors in context to the neighbouring property section 11.5.3.6 of the L.U.B. "Buildings should respond to their context by sensitively addressing the scale and massing of adjacent buildings. This can be achieved by matching existing building heights or by stepping back the upper floors."
 - i. **1. To Section 2.8.6.2 of the Land Use Bylaw 2018-22 to allow for more dormer coverage on the roof with 15% and 20% open areas, as shown on the approved plans instead of 30% as required.**
 - ii. **3. To Section 4.6.3.11 of the Land Use Bylaw 2018-22 to allow for a Maximum Height of 16.6m instead of 16.0m**
 - iii. **4. To Section 4.6.3.11 of the Land Use Bylaw 2018-22, to allow for building to not step back from the front building face for a minimum of 70% elevation**
 - iv. **8. To Section 4.6.9.1c of the Land Use Bylaw 2018-22, to allow for an eaveline height of up to 13.4 meters as shown on the approved plans of 11.0m**
- 4) Less than 10% of trees required are being provided (4 vs 47)
- a. **" 7. To Section 4.6.6.1 of the Land Use Bylaw 2018-22, to allow for a minimum of 4 trees instead of a minimum of 47 trees."**
- 5) Concerns over Railway Proximity Guidelines. When a substantial amount of residential and commercial is being built within 30m of the railway the following applies:
- a. As per 3.10.1 M.D.P. 2016-03 "Development proposals adjacent to the railway should have regard for the guidelines for new development to railway operations"
 - b. 3.10.2 M.D.P. 2016-03 Where Guidelines cannot be met a qualified professional may be engaged by the developer to purpose mitigation measures to reduce the level of risk and nuisance to an acceptable standard.
 - c. 2.4 of 2013-05-29 Guidelines for New Development in Proximity to Railway Operations states "challenges associated with new residential development" "Residential development is particularly challenging in the context of a railway environment. As noted safety, noise and vibration issues become more significant when dealing with residential development."

2 of 3

Additional reasons for Appeal:

-No covenants or restrictions to ensure that units will not be condominiumized and sold to out of town residents

-The proposed development does not provide onsite management to control noise, insufficient parking nor garbage mishaps, leaving adjacent property owners to deal with such issues.

- The intensity of use as proposed will have significant negative impact on the safe and peaceful enjoyment of adjacent owners.

3 of 3

December 8, 2022

Town of Canmore
Subdivision and Development Appeal Board
902 7th Avenue
Canmore, AB
T1W 13K

To Whom It May Concern:

Re: Notice of Appeal – PL20220182

Please find attached our Notice of Appeal relating to the above referenced development proposal.

The appeal is being filed on behalf of 309061 Alberta Ltd which owns property directly across from the proposed development.

As noted on the Notice of Decision issued by the Town of Canmore November 18, 2022, we are filing an appeal of decision within the required 21 days of the Notice of Decision being issued.

Please confirm receipt of the Notice of Appeal has been filed with the Town of Canmore in a timely manner, and the \$250.00 filing fee has been paid in full.

Yours Truly,



M Yarmoloy



Notice of Preliminary Hearing Circulation Letters for PL20220182

- Applicant Letter
 - Circulation Map
 - SDAB Public Procedure

- Appellant Letter
 - Circulation Map
 - SDAB Public Procedure

- Adjacent Landowner Letter
 - Context Map
 - SDAB Public Procedure

20-Dec-2022

Our Reference: PL20220182

Subdivision and Development Appeal Board Hearing

Dear Sir/Madam

This letter serves as notification that the following property is subject to an appeal to be heard by the Subdivision and Development Appeal Board (SDAB). The details are as follows:

Development Permit – Mixed Use Building containing: 1 unit Wholesale Sales with Warehouse, 21 units of Common Amenity Housing and 3 units of Employee Housing

Address: 500 Bow Valley Trail
Legal Description: Lot 1, Block 7, Plan 0512461
Appeal Matter: Appeal against an approval by the Canmore Development Authority

Please be advised that the Subdivision & Development Appeal Board will hear this an appeal on **January 5, 2023 at 2:00 p.m.** in-person at the Town of Canmore Civic Centre. Hearings can also be Livestreamed at <https://canmore.ca/town-hall/boards-committees/subdivision-development-appeal-board/sdab-agendas-board-orders>

As the Applicant, you have the opportunity to make a verbal presentation to the board and/or provide a written submission to the Board.

In-Person: **Date:** January 5, 2023
Time: 2:00 p.m.
Location: Council Chambers, Canmore Civic Centre, 902 7th Avenue, Canmore

In-Writing: **Subject:** SDAB Hearing – PL20220182
Deadline: December 29, 2022 at 12:00 noon
Drop Off: Reception, Canmore Civic Centre, 902 7th Avenue, Canmore
Email: sdab@canmore.ca

Please note: Any submissions received after the deadline will not be presented to the Board for review until at the hearing. Should a written submission include complex and/or extensive information, the Board may postpone the hearing to fully consider the submission.

Any correspondence/comments provided will be part of the public record and may be released to the public.

The appeal file is available for public inspection at the Canmore Civic Centre between the hours of 8:30am to 4:30pm, Monday to Friday (except statutory holidays). The SDAB hearing procedure and circulation map is attached for your reference. Additional information is available upon written request.

Should you have any questions or require further information regarding this matter please contact the SDAB Clerk at 403.678.1500 or at sdab@canmore.ca.

Kind regards,

Louise Bates

Louise Bates
Clerk - Subdivision & Development Appeal Board

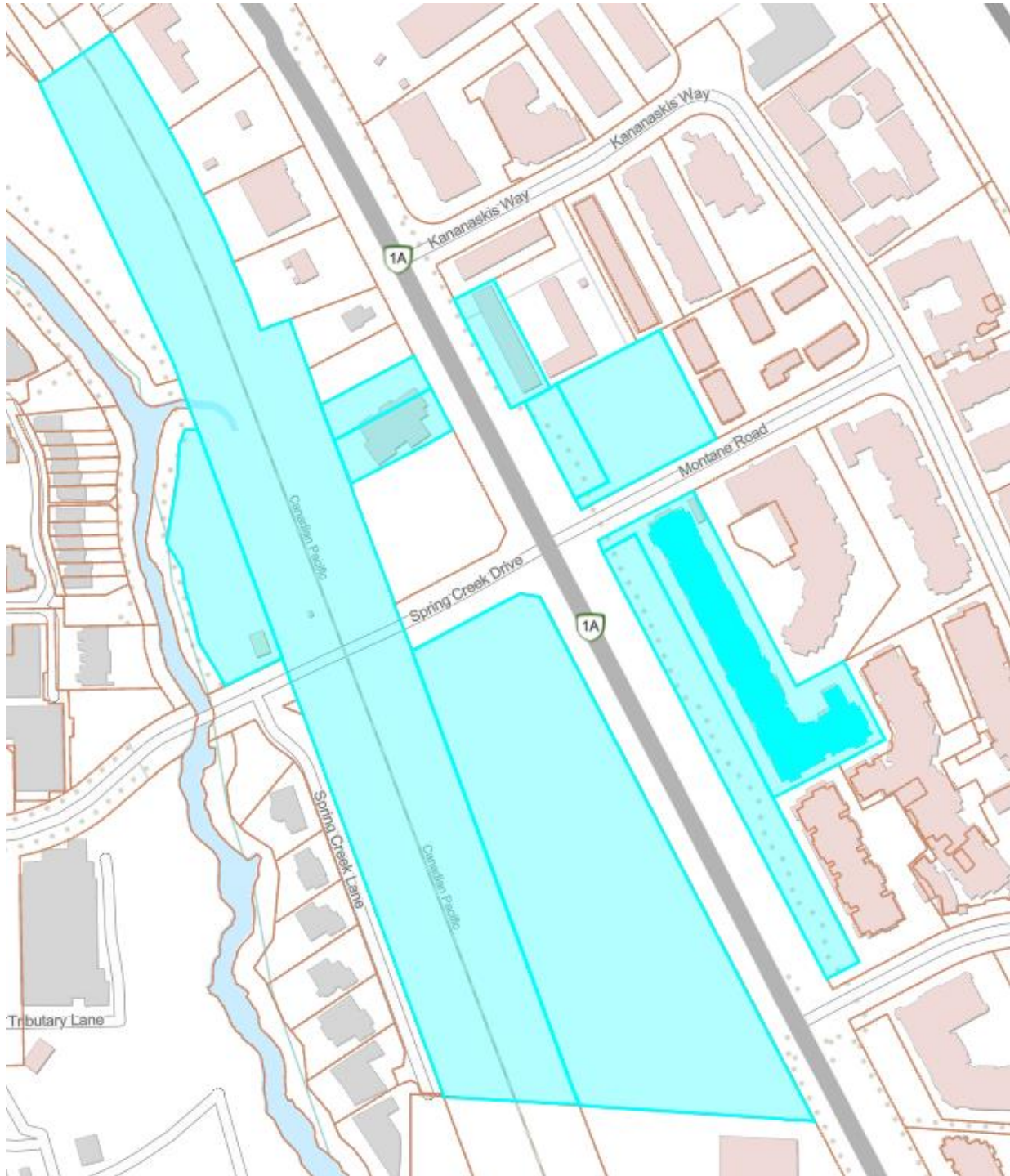
CC: Frank Kernick

Attachment 1: SDAB Hearing procedure

Attachment 2: Circulation map

Circulation Map

500 Bow Valley Trail



PROCEDURE FOR SUBDIVISION & DEVELOPMENT APPEAL BOARD HEARING

PLEASE NOTE: ALL DOCUMENTS PRESENTED AT THIS HEARING ARE PUBLIC DOCUMENTS

1. Chairperson declares the Subdivision & Development Appeal Board Public Hearing to order
2. Introduction of the Board members and Clerk.
3. Motion to adopt the agenda
4. Introduction of Town Administration.
5. Introduction of appeal by Development Officer.
6. Appellant introduction and opportunity for any objections to the Board members.
7. Administration will make a presentation.
8. Then the Appellant or their agent will speak in favour of the appeal.
9. Followed by others speaking in favour of the appeal, and any correspondence in favour of the appeal.
10. Then those speaking in opposition to the appeal, and any correspondence in opposition to the appeal.
11. Lastly, those speaking neither in favour nor in opposition to the appeal, and any related correspondence.
12. At any time, the Board may ask for clarification by any of the persons speaking to the appeal.
13. The Board may then ask for a short recess if necessary.

14. To close, Administration will be asked if they wish to provide any clarification or closing remarks.
15. Followed by any clarification or closing remarks from the Appellant.
16. The Appellant will be asked if they feel they have had a fair hearing.
17. The board would then close the public portion of the hearing (meeting is adjourned), go in camera (private), and review all the information provided. **The Board will then provide a written decision within 15 days following this hearing.**
18. The purpose of the hearing is for the Appellant and affected parties to provide the Board with information to the appeal. **The Board must base its decision on planning merits.** Affected persons will be given an opportunity to speak.
19. Please ensure that all comments are directed to the Board. In addition, all comments be of proper decorum and be succinct; if another person has already made a point, simply state that you agree with the point and continue.
20. If any person presenting is referring to a written document, including a map, photographs or a report, a copy of those documents must be left with the Clerk.

20-Dec-2022

Our Reference: PL20220182

Subdivision and Development Appeal Board Hearing

Dear Sir/Madam

This letter serves as notification that the following property is subject to an appeal to be heard by the Subdivision and Development Appeal Board (SDAB). The details are as follows:

Development Permit – Mixed Use Building containing: 1 unit Wholesale Sales with Warehouse, 21 units of Common Amenity Housing and 3 units of Employee Housing

Address: 500 Bow Valley Trail
Legal Description: Lot 1, Block 7, Plan 0512461
Appeal Matter: Appeal against an approval by the Canmore Development Authority

Please be advised that the Subdivision & Development Appeal Board will hear this an appeal on **January 5, 2023 at 2:00 p.m.** in-person at the Town of Canmore Civic Centre. Hearings can also be Livestreamed at <https://canmore.ca/town-hall/boards-committees/subdivision-development-appeal-board/sdab-agendas-board-orders>

As the Appellant, you have the opportunity to make a verbal presentation to the board and/or provide a written submission to the Board.

In-Person: **Date:** January 5, 2023
 Time: 2:00 p.m.
 Location: Council Chambers, Canmore Civic Centre, 902 7th Avenue, Canmore

In-Writing: **Subject:** SDAB Hearing – PL20220182
 Deadline: December 29, 2022 at 12:00 noon
 Drop Off: Reception, Canmore Civic Centre, 902 7th Avenue, Canmore
 Email: sdab@canmore.ca

Please note: Any submissions received after the deadline will not be presented to the Board for review until at the hearing. Should a written submission include complex and/or extensive information, the Board may postpone the hearing to fully consider the submission.

Any correspondence/comments provided will be part of the public record and may be released to the public.

The appeal file is available for public inspection at the Canmore Civic Centre between the hours of 8:30am to 4:30pm, Monday to Friday (except statutory holidays). The SDAB hearing procedure and circulation map is attached for your reference. Additional information is available upon written request.

Should you have any questions or require further information regarding this matter please contact the SDAB Clerk at 403.678.1500 or at sdab@canmore.ca.

Kind regards,

Louise Bates

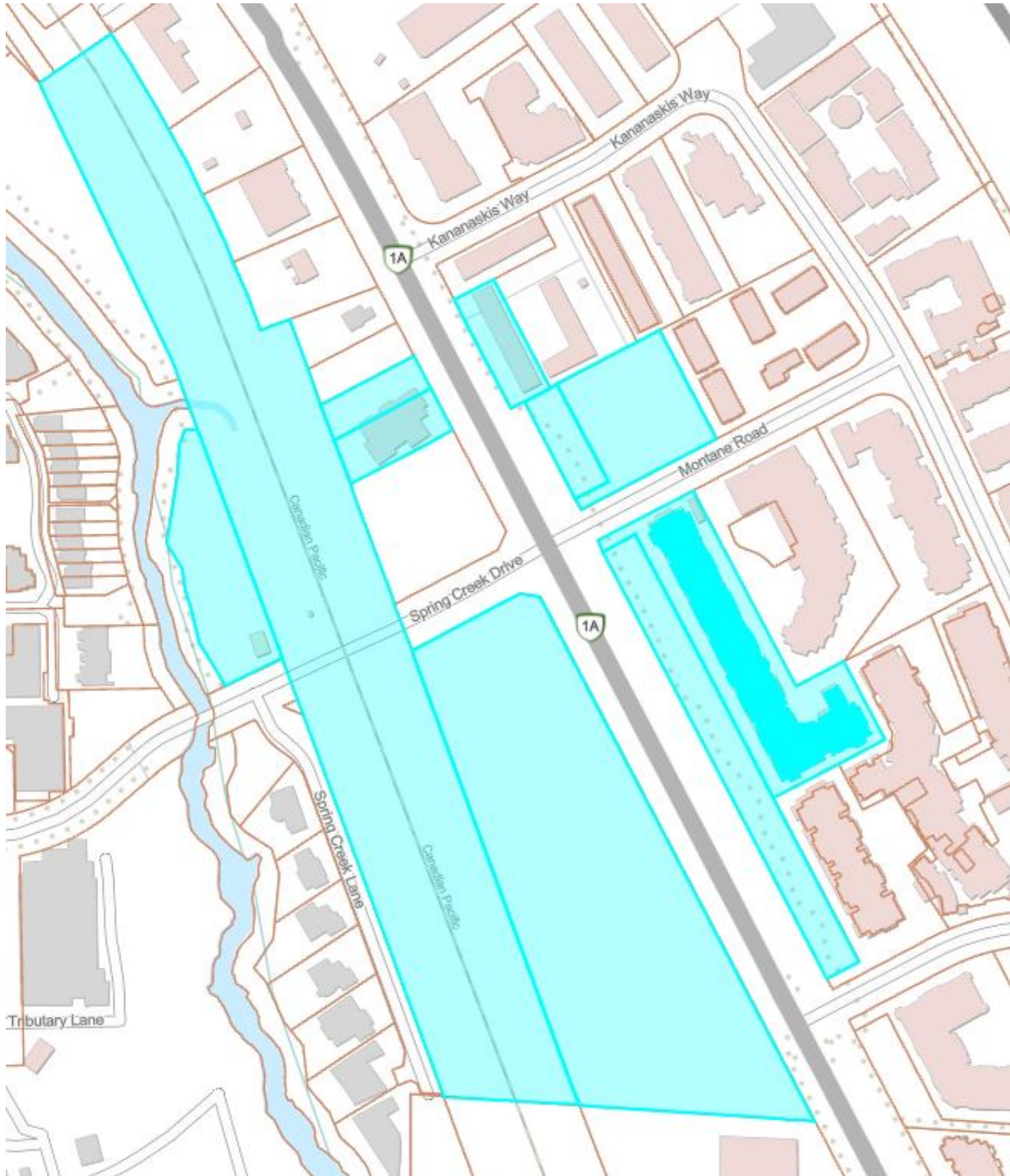
Louise Bates
Clerk - Subdivision & Development Appeal Board

Attachment 1: SDAB Hearing procedure

Attachment 2: Circulation map

Circulation Map

500 Bow Valley Trail



PROCEDURE FOR SUBDIVISION & DEVELOPMENT APPEAL BOARD HEARING

PLEASE NOTE: ALL DOCUMENTS PRESENTED AT THIS HEARING ARE PUBLIC DOCUMENTS

1. Chairperson declares the Subdivision & Development Appeal Board Public Hearing to order
2. Introduction of the Board members and Clerk.
3. Motion to adopt the agenda
4. Introduction of Town Administration.
5. Introduction of appeal by Development Officer.
6. Appellant introduction and opportunity for any objections to the Board members.
7. Administration will make a presentation.
8. Then the Appellant or their agent will speak in favour of the appeal.
9. Followed by others speaking in favour of the appeal, and any correspondence in favour of the appeal.
10. Then those speaking in opposition to the appeal, and any correspondence in opposition to the appeal.
11. Lastly, those speaking neither in favour nor in opposition to the appeal, and any related correspondence.
12. At any time, the Board may ask for clarification by any of the persons speaking to the appeal.
13. The Board may then ask for a short recess if necessary.

14. To close, Administration will be asked if they wish to provide any clarification or closing remarks.
15. Followed by any clarification or closing remarks from the Appellant.
16. The Appellant will be asked if they feel they have had a fair hearing.
17. The board would then close the public portion of the hearing (meeting is adjourned), go in camera (private), and review all the information provided. **The Board will then provide a written decision within 15 days following this hearing.**
18. The purpose of the hearing is for the Appellant and affected parties to provide the Board with information to the appeal. **The Board must base its decision on planning merits.** Affected persons will be given an opportunity to speak.
19. Please ensure that all comments are directed to the Board. In addition, all comments be of proper decorum and be succinct; if another person has already made a point, simply state that you agree with the point and continue.
20. If any person presenting is referring to a written document, including a map, photographs or a report, a copy of those documents must be left with the Clerk.

20-Dec-2022

Our Reference: PL20220182

Subdivision and Development Appeal Board Hearing

Dear Sir/Madam

This letter serves as notification that the following property is subject to an appeal to be heard by the Subdivision and Development Appeal Board (SDAB). The details are as follows:

Development Permit – Mixed Use Building containing: 1 unit Wholesale Sales with Warehouse, 21 units of Common Amenity Housing and 3 units of Employee Housing

Address: 500 Bow Valley Trail
Legal Description: Lot 1, Block 7, Plan 0512461
Appeal Matter: Appeal against an approval by the Canmore Development Authority

Please be advised that the Subdivision & Development Appeal Board will hear this an appeal on **January 5, 2023 at 2:00 p.m.** in-person at the Town of Canmore Civic Centre. Hearings can also be Livestreamed at <https://canmore.ca/town-hall/boards-committees/subdivision-development-appeal-board/sdab-agendas-board-orders>

As an adjacent property owner, or as a potentially affected person, you have the opportunity to present in-person and/or provide a written submission to the Board.

In-Person: **Date:** January 5, 2023
Time: 2:00 p.m.
Location: Council Chambers, Canmore Civic Centre, 902 7th Avenue, Canmore

In-Writing: **Subject:** SDAB Hearing – PL20220182
Deadline: December 29, 2022 at 12:00 noon
Drop Off: Reception, Canmore Civic Centre, 902 7th Avenue, Canmore
Email: sdab@canmore.ca

Please note: Any submissions received after the deadline will not be presented to the Board for review until at the hearing. Should a written submission include complex and/or extensive information, the Board may postpone the hearing to fully consider the submission.

Any correspondence/comments provided will be part of the public record and may be released to the public.

The appeal file is available for public inspection at the Canmore Civic Centre between the hours of 8:30am to 4:30pm, Monday to Friday (except statutory holidays). The SDAB hearing procedure and circulation map is attached for your reference. Additional information is available upon written request.

Should you have any questions or require further information regarding this matter please contact the SDAB Clerk at 403.678.1500 or at sdab@canmore.ca.

Kind regards,

Louise Bates

Louise Bates
Clerk - Subdivision & Development Appeal Board

Attachment 1: SDAB Hearing procedure.

Attachment 2: Context map.

Context Map – 500 Bow Valley Trail



PROCEDURE FOR SUBDIVISION & DEVELOPMENT APPEAL BOARD HEARING

PLEASE NOTE: ALL DOCUMENTS PRESENTED AT THIS HEARING ARE PUBLIC DOCUMENTS

1. Chairperson declares the Subdivision & Development Appeal Board Public Hearing to order
2. Introduction of the Board members and Clerk.
3. Motion to adopt the agenda
4. Introduction of Town Administration.
5. Introduction of appeal by Development Officer.
6. Appellant introduction and opportunity for any objections to the Board members.
7. Administration will make a presentation.
8. Then the Appellant or their agent will speak in favour of the appeal.
9. Followed by others speaking in favour of the appeal, and any correspondence in favour of the appeal.
10. Then those speaking in opposition to the appeal, and any correspondence in opposition to the appeal.
11. Lastly, those speaking neither in favour nor in opposition to the appeal, and any related correspondence.
12. At any time, the Board may ask for clarification by any of the persons speaking to the appeal.
13. The Board may then ask for a short recess if necessary.

14. To close, Administration will be asked if they wish to provide any clarification or closing remarks.
15. Followed by any clarification or closing remarks from the Appellant.
16. The Appellant will be asked if they feel they have had a fair hearing.
17. The board would then close the public portion of the hearing (meeting is adjourned), go in camera (private), and review all the information provided. **The Board will then provide a written decision within 15 days following this hearing.**
18. The purpose of the hearing is for the Appellant and affected parties to provide the Board with information to the appeal. **The Board must base its decision on planning merits.** Affected persons will be given an opportunity to speak.
19. Please ensure that all comments are directed to the Board. In addition, all comments be of proper decorum and be succinct; if another person has already made a point, simply state that you agree with the point and continue.
20. If any person presenting is referring to a written document, including a map, photographs or a report, a copy of those documents must be left with the Clerk.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD

STAFF REPORT



DATE OF HEARING:

JANUARY 5, 2023

PROPOSED DEVELOPMENT:

MIXED-USE BUILDING:

- 1 UNIT WHOLESALE SALES WITH WAREHOUSE
- 21 UNITS OF COMMON AMENITY HOUSING (76 BEDROOMS)
- 3 UNITS OF EMPLOYEE HOUSING (1 BEDROOM)

APPLICATION NUMBER:

PL20220182

LEGAL DESCRIPTION:

PLAN 0512461, BLOCK 7 LOT 1

CIVIC ADDRESS:

500 BOW VALLEY TRAIL

CURRENT USE(S):

VACANT LAND

APPLICANT:

SPRING CREEK MOUNTAIN VILLAGE

EXECUTIVE SUMMARY

The proposed development is a new mixed-use four storey building located at 500 Bow Valley Trail. On the main floor, the building contains one unit of Wholesale Sales (intended to be a furniture store) with Warehouse. The remaining three storeys contain 21 units of Common Amenity Housing and 3 units of Employee Housing for a total of 79 bedrooms. The property is designated Bow Valley Trail General Commercial District (BVT-G) and governed by the Bow Valley Trail Area Redevelopment Plan. All uses proposed are listed as discretionary. The application required eight variances to Land Use Bylaw 2018-22. Administration approved the development permit application with conditions.

BACKGROUND

Municipal Development Plan (MDP)

The Town of Canmore MDP provides relevant policy direction regarding Affordable Housing Goals and Policies (Section 5.3.2 and 5.3.4) which state the following:

5.3.2 Development or conversion of upper floors of mixed-use or commercial buildings or main floor spaces that do not function well for commercial frontage into housing for employees and live-work spaces may be allowed. Variances to land use bylaw regulations, such as parking, may be approved to facilitate such development.

5.3.4 Private initiatives to create additional seasonal and permanent employee housing opportunities should be supported by the Town.

The proposed development aligns with these MDP goals and policy direction.

Bow Valley Trail Area Redevelopment Plan and Land Use Bylaw Amendments

In 2022, to ensure the development concept had statutory support prior to proceeding with a development permit (DP) application, the applicant amended the Bow Valley Trail Area Redevelopment Plan (ARP) and the Land Use Bylaw (LUB) and was adopted by Council on May 4, 2022.

Key ARP amendments included:

- Adding Common Amenity Housing and Employee Housing as examples of appropriate uses within the General BVT Precinct; and
- Adding policy allowing for retail floor area bonuses in exchange for the provision of Employee Housing, Common Amenity Housing or Vital Housing.

Key LUB amendments included:

- Adding Wholesale Sales as a use to the district and refining its definition in the definition section of the LUB;
- Allowing Wholesale Sales when part of a mixed-use development that includes Perpetually Affordable Housing, Employee Housing, or Common Amenity Housing at a ratio of 1 Bedroom per 20 m² of Wholesale Sales area, rounded up to the nearest full bedroom, with a maximum allowable Gross Floor Area (GFA) for Wholesale Sales to be 950 m²;
- Allowing for the maximum GFA of a Warehouse development to increase up to 250 m² where the Warehouse is accessory to a Wholesale Sales development, and the development includes Perpetually Affordable Housing, Employee Housing, or Common Amenity Housing at a ratio of 1 Bedroom per 10 m² of Warehouse area;
- Increasing the eaveline height from 9m to 11m if architectural criteria are met; and
- Allowing for relaxations to amenity space design.

EXISTING SITE

The site fronts onto Bow Valley Trail to the east as well as Spring Creek Drive to the south and is currently vacant. Adjacent uses include:

- A professional building on the adjacent parcel to the north;
- Visitor accommodation to the north-east (Skyline Peaks);

- Municipal-owned land (pathways and drainage lot) to the east;
- Vacant land within the same zoning district to the south; and
- Railway to the west

Please refer to Attachment I for site context images.

BYLAW CONFORMANCE DISCUSSION

The subject site is located within the BVT-G District, the purpose of which is:

“to form the core of Canmore’s Visitor Accommodation outside the resorts and provide a variety of commercial uses including visitor-oriented services and activities, and small retail outlets that serve both residents and visitors”.

Wholesale Sales, Warehouse, Employee Housing and Common Amenity Housing are all discretionary uses in this district. The Wholesale Sales and Warehouse unit is intended to be occupied by Castle Mountain Furnishings. This general retail use aligns with the purpose of the district and its larger size is supported through the amendment adopted in the ARP.

The 21 units of Common Amenity Housing and 3 units of Employee Housing are intended to be occupied by staff of Spring Creek Mountain Village businesses (construction staff, hotel staff, and restaurant staff). The Common Amenity Housing units vary from 2-4 bedrooms, with each containing one private bathroom per bedroom and a shared kitchen/living space. There are 79 total bedrooms proposed. The Use-Specific Regulations section of the LUB and the BVT-G District do not contain any special design requirements or special conditions of approval for these two uses.

As previously outlined, provisions of Common Amenity Housing, Employee Housing, or Vital Housing is required in order to include Wholesale Sales as a use in a development or to exceed the limits on floor area size for a warehouse. The development aligns with these sections of the LUB and is required to provide a minimum of 64 bedrooms. As mentioned, 79 bedrooms are proposed.

The applicant has provided a total of 35 vehicle parking stalls, 64 long-term bicycle stalls, and 36 short-term bicycle parking stalls for the development in compliance with the requirements of the LUB. As per Section 2.7.7 of the LUB, the automobile and bicycle parking requirements for the Common Amenity Housing were determined through the completion of a Parking Study. The Parking Study provided by the applicant’s engineering professional determined that the provision of 30 automobile stalls, 50 long-term bicycle stalls, and 22 short-term bicycle stalls would be sufficient for the development. The study was received and accepted by the Town’s Transportation Engineer (See Attachment 4).

The application requires eight variances to the LUB, including to site landscaping, maximum front yard setback, allowable wall materials, maximum size of dwelling units, building height, eaveline height, dormer coverage, and building step back requirements.

I. SITE LANDSCAPING

Section 4.6.6.1 of the LUB states the following:

“4.6.6.1 A minimum of 25% of the site shall be landscaped in accordance with Section 11: Community and Architectural Design Standards.”

The development complies with the landscaping area requirements (25.9%). However, Section 11 (11.4.3.6) requires that one tree per 20m² of landscaped area be provided (Resulting in 47 trees). The applicant has provided four trees requiring a variance to the requirement. The site is heavily constrained by a large URW that wraps around three yards of the site, and, in conjunction with the LUB’s required 1.5m firesmart setback (from the building), little of the site remains available for tree placement (refer to Figure 1).

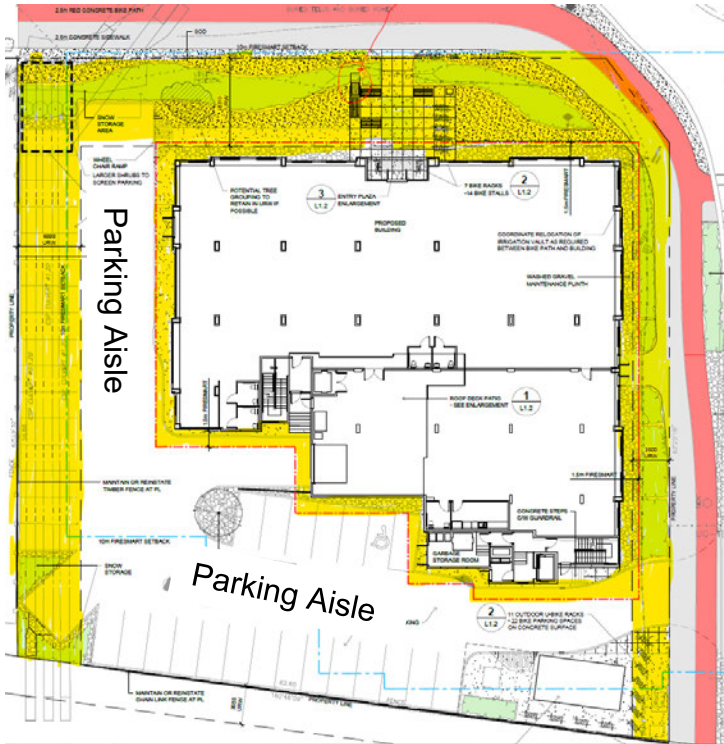


Figure I – URW and Firesmart areas (Highlighted in Yellow)

It should be noted, that there is no space in the adjacent road right of way for additional trees, as a multi-modal pathway will be constructed in the future.

PLANNING DEPARTMENT POSITION

Administration is satisfied that the Landscaping Plan was designed to ensure a high-quality landscaping arrangement and even in the absence of trees, will positively contribute to the landscaping fabric along Bow Valley Trail (See Attachment 4). Examples of how this will be achieved are:

- The front yard includes a substantial area of sod and shrubs (180 shrubs on the site when 47 are required); and
- A plaza area is proposed which includes benches for seating, decorative surface materials, and bicycle parking

2. MAXIMUM FRONT YARD SETBACK

Section 4.6.3.6a of the LUB states the following:

“The minimum front yard setback shall be as follows:

- a. Fronting on to Bow Valley Trail: to be characterized by a street-oriented building design located no more than 2.0m from the property line.”

The building is placed at 9.62m from the front property line, requiring a variance to the requirement. The previously mentioned URW, runs along the front yard, adjacent to the front property line, and is 8.31m in width.

The applicant is not able to occupy this space with their development, as it would prevent access to the URW. The building has been set back further than the width of the URW (9.62m from the front property line) to allow for a buffer area for any future maintenance required to the utilities.

PLANNING DEPARTMENT POSITION

Administration is satisfied that the proposed variance did not impact the adjacent parcels or streetscape. Given the various building form outcomes allowed under the Land Use Bylaw, the position of the building from the front property

line is not deemed to impact the adjacent properties in terms of views, access to light, or privacy. Furthermore, and as already discussed in this report, the applicant has proposed a quality landscaping plan for the front yard. The plaza included in this plan will sufficiently help to activate the street edge in place of the building.

3. BUILDING MATERIALS

Section 4.6.3.14 of the LUB states the following:

“Developments shall conform to Section 11: Community Architectural and Urban Design Standards and the regulations of this section. Where there is a conflict between Section 11 and this section, this section shall prevail.”

Section 11.5.7.1 of the LUB states the following:

“The following is a list of acceptable and unacceptable roofing materials and wall finishes that contribute to the architectural character of Canmore.

Unacceptable Wall Finishes: a. Metals”

The development proposes the use of a metal, corten steel, around the entrance to the Wholesale Sales unit with the purpose to make the entrance and the use more distinct.



Corten steel is a steel alloy that has a rust-like appearance and is typically used in modern architectural forms.

PLANNING DEPARTMENT POSITION

Administration is satisfied that the limited application of the material and its integration with natural timber would not impact the rocky mountain aesthetic along Bow Valley Trail, and that given its reputation as a high-quality, would enhance the architectural appearance of the entrance.

4. SIZE OF DWELLING UNITS

Section 4.6.4.13 of the LUB states the following:

“4.6.4.13 The maximum size of a Tourist Home or other Dwelling Unit shall be 75.0 m².”

Common Amenity Housing and Employee Housing are technically considered Dwelling Units. The unit sizes in the proposed development are as follows:

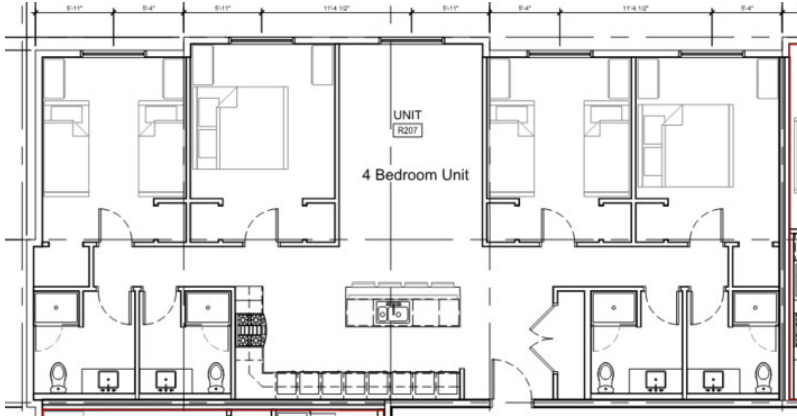
16 x 4 bedroom (with four bathrooms): 136.7 m²

2 x 3 Bedroom (with three bathrooms): 109.8 m²

3 x 2 bedroom (with two bathrooms): 80.9 m²

3 x 1 Bedroom (with one bathroom): 61.3 m²

An example of the typical 4-bedroom layout is as follows:



The applicant has provided mostly four-bedroom units, as they believe this is the most efficient way to achieve a high yield of bedrooms in the development.

There is no requirement in the BVT-G District with regards to unit sizes for Employee Housing or Common Amenity Housing.

PLANNING DEPARTMENT POSITION

During the ARP and LUB amendments process, Council expressed concerns about the standard of living for the units, and desired to see units and their bedrooms of adequate size to offer a reasonable standard of living. It was communicated by Administration that this aspect of the development would be evaluated through both Common Amenity Housing and Employee Housing being listed as discretionary uses. Regulation 4.6.4.13 of the LUB was not identified by the applicant’s planning consultant during this process as applicable to these uses, which was an oversight, as the concepts shared clearly exceeded this maximum and applying this maximum would not translate well to the intent and design requirements for Common Amenity Housing.

As the 4-bedroom units are as spacious as other unit types, it was determined that the applicant’s preference for a higher allocation of 4-bedrooms was supportable given its higher yield of bedrooms. Given the proposed mix, size, and design of the units addressed the concerns expressed by Council to ensure a reasonable standard of living Administration is satisfied with what has been proposed .

5. BUILDING HEIGHT

Section 4.6.3.11 of the LUB states the following:

“The maximum building height is 16.0 m.”

Section 4.6.9.1 of the LUB states the following:

“Notwithstanding the variance regulations set out in 1.14, the following variances may also be considered within this District:

- a. Where the Development Authority is satisfied that the architectural integrity of a building would be enhanced, variances may be granted to allow 20% of the building to exceed the maximum height by up to 20%. No height variances shall be granted beyond the 20% relaxation.”

The regulation allows for 20% of the roof to exceed up to 20% of the maximum 16m building height (up to 19.2m). The building has 15% of its roof area within this area up to 16.65m (see roof analysis and elevations in Attachment 4).

PLANNING DEPARTMENT POSITION

The proposed roof is considered to be fully pitched (i.e. “a working roof”) and not cut off and flat in the central portions as seen in other developments in Canmore (i.e. Super 8, Canadian Tire, etc.). A “working roof” is visually superior to a cut-off roof, as it appears natural, and the mass of the building is perceived as lower. This roof form is highly encouraged in the Architectural and Urban Design Section in the LUB (Section 11.5.4) and is therefore supported by Administration.

6. EAVELINE HEIGHT

Section 4.6.3.12 of the LUB states the following:

“The maximum eaveline height is 7.0 m.”

Section 4.6.9.1 of the LUB states the following:

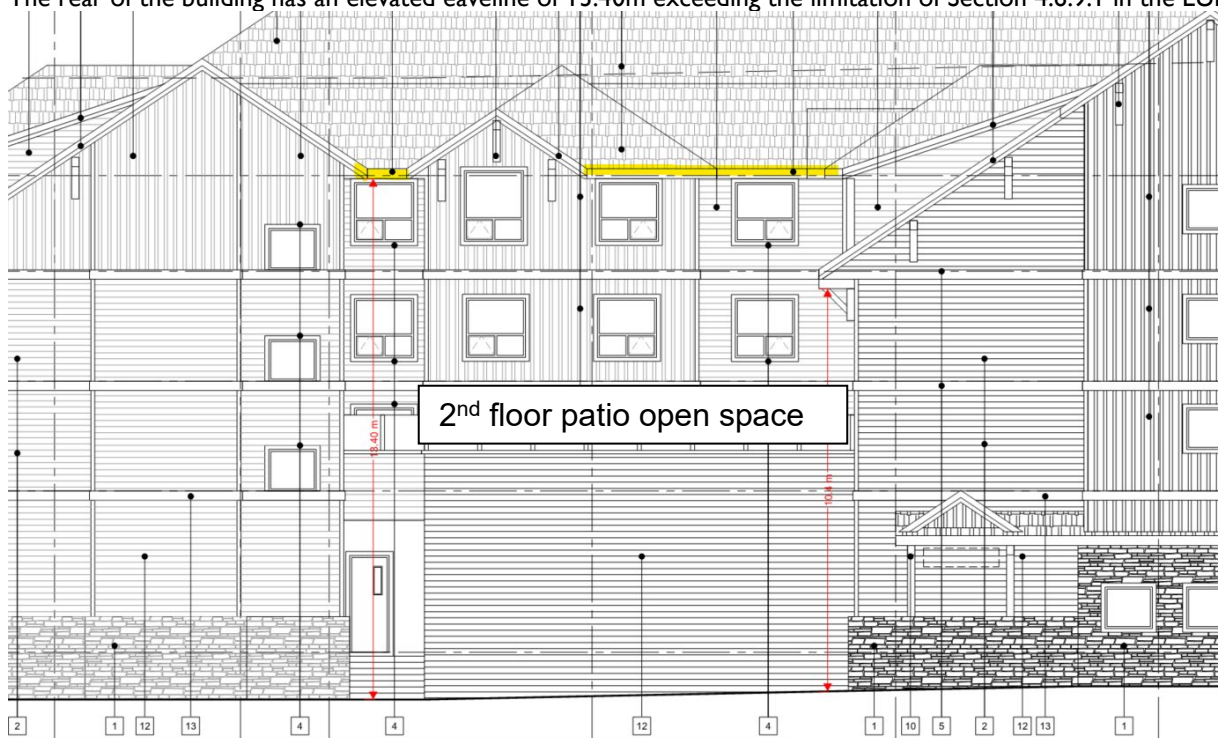
“Notwithstanding the variance regulations set out in 1.14, the following variances may also be considered within this District:

c. The required eave line height of a proposed mixed-use development which includes Perpetually Affordable Housing, Employee Housing, or Common Amenity Housing above the main floor, may be raised to 11.0 m where:

- i. the development includes a full storey dedicated to Perpetually Affordable Housing, Employee Housing, or Common Amenity Housing above the main floor,
- ii. where the Development Authority is satisfied that the intent of the “Massing and Scale Guidelines” in Section 11: Community Architectural and Urban Design Standards are met, and
- iii. where the Development Authority is satisfied that there is no impact on access to light for neighbouring properties, the protection of views from neighbouring properties and the privacy for neighbouring properties.”

The eaveline ranges from 9.4m to 10.4m around the front and sides of the building.

The rear of the building has an elevated eaveline of 13.40m exceeding the limitation of Section 4.6.9.1 in the LUB.



PLANNING DEPARTMENT POSITION

The Development Authority was satisfied that the proposed development met the requirements for an eaveline height of up to 11.0m, as the development:

- Included a full storey dedicated to Common Amenity Housing;

- The development met the massing requirements in Section 11, as it included both vertical and horizontal articulation (rear), a distinct base, middle, and top, and, appropriate details around the windows, doors and the base of the eaves; and
- Has no impact on access to light for neighbouring properties, the protection of views from neighbouring properties and the privacy for neighbouring properties. The nearest development is the professional building adjacent to the site to the north. The BVT-G District has a minimum side yard setback of 3.0m (Section 4.6.3.9). The proposed development is located 14.71m from the side property line. The additional 11m is believed to be more than adequate in compensating for the additional eave height with respect to views, light, and privacy. The vacant parcel to the south, aside from being vacant, is approximately 28.4m from the south façade of the proposed development to the property line of the vacant site. An eave variation at this distance is thought to have no meaningful effect on the property with respect to views and privacy. The vacant site to the south is closer to the south so the proposed development has no shadowing implications on the site.

The eaveline height of 13.40m at the rear of the building is perceived to have no material impact on any of the adjacent properties, as it was internal to the outdoor common amenity space located on the second floor and not visible. As such Administration is satisfied that the variance met the criteria outlined in the district, had minimal impacts on the streetscape, and helped to offer a public benefit.

7. FAÇADE STEP BACK

Section 4.6.3.13 of the LUB states the following:

“Floor area above the eaveline shall be incorporated into the roof structure and step back from the front building face for a minimum of 70% of the elevation.”

The floor area above the eaveline (see building section in Attachment 4) does not step back in the front and therefore requires a variance to this requirement.

PLANNING DEPARTMENT POSITION

The objective of the regulation to step back the upper mass of the building along the frontage to open views and reduce shadowing along Bow Valley Trail was addressed and exceeded because of the placement of the building being an additional 7.62m from the front property line. Furthermore, the applicant indicated that to meaningfully step back the floor area, the number of bedrooms on the top floor would need to be reduced. Therefore, non-compliance offers a public benefit as well. Administration is satisfied that the variance proposed has minimal impacts on the streetscape and offered a public benefit.

8. DORMER VARIANCE

Section 2.8.6.2 of the LUB states the following:

“2.8.6.2 Dormers may affect the perceived height and pitch of a roof. Dormers shall be compatible in size, scale, and placement with the rest of the building and shall ensure that:

- a. The main roof peak is directly connected with the eaveline to allow light penetration (into required yards and reduce overall building mass) for a minimum of 30% of the linear distance of the building wall.”

The proposed development includes dormer coverage on the roof with 15% (East facing Bow Valley Trail) and 20% (South facing Spring Creek Drive) open areas, requiring a variance.



East Facing Façade



South Facing Façade

PLANNING DEPARTMENT POSITION

Similar to the variance to stepping back the façade, the additional 7.62m from the front property line offset any added dormer mass and offers a more open experience for pedestrians than if the building complied with the maximum 2m front building setback and the minimum 30% dormer free roof area. Furthermore, the applicant indicated that the dormers facilitate bedrooms, so non-compliance resulted in more bedrooms in the project which is viewed as a public benefit. As result, Administration is satisfied that the variance had minimal impact on adjacent properties and offered a public benefit.

OPTIONS FOR CONSIDERATION

Section 687(3)(c) and (d) of the MGA provide that, in making a decision on a development appeal, the board may:

- confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own.

Administration proposes that the SDAB consider the following options:

1. Approve the application subject to the conditions in Schedule A.
2. Approve the application subject to the conditions in Schedule A and any other conditions.
3. Refuse the application, specifying reason(s) for refusal.
4. Postpone the application, pending submission of any additional details requested by SDAB.

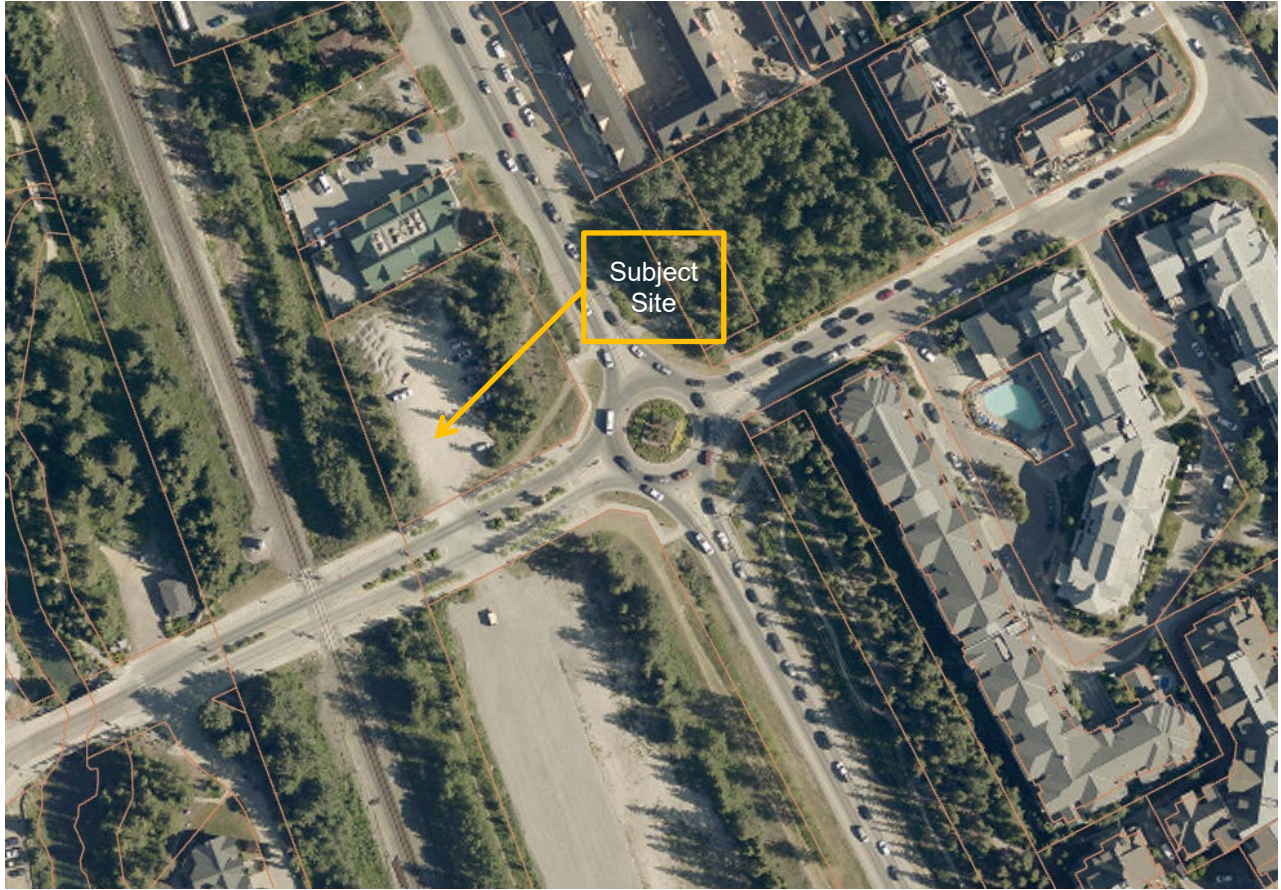
ATTACHMENTS:

1. Site Context
2. Zoning Map
3. Bylaw Conformance Review
4. Submitted Plans
5. Schedule A – Proposed Conditions of Approval

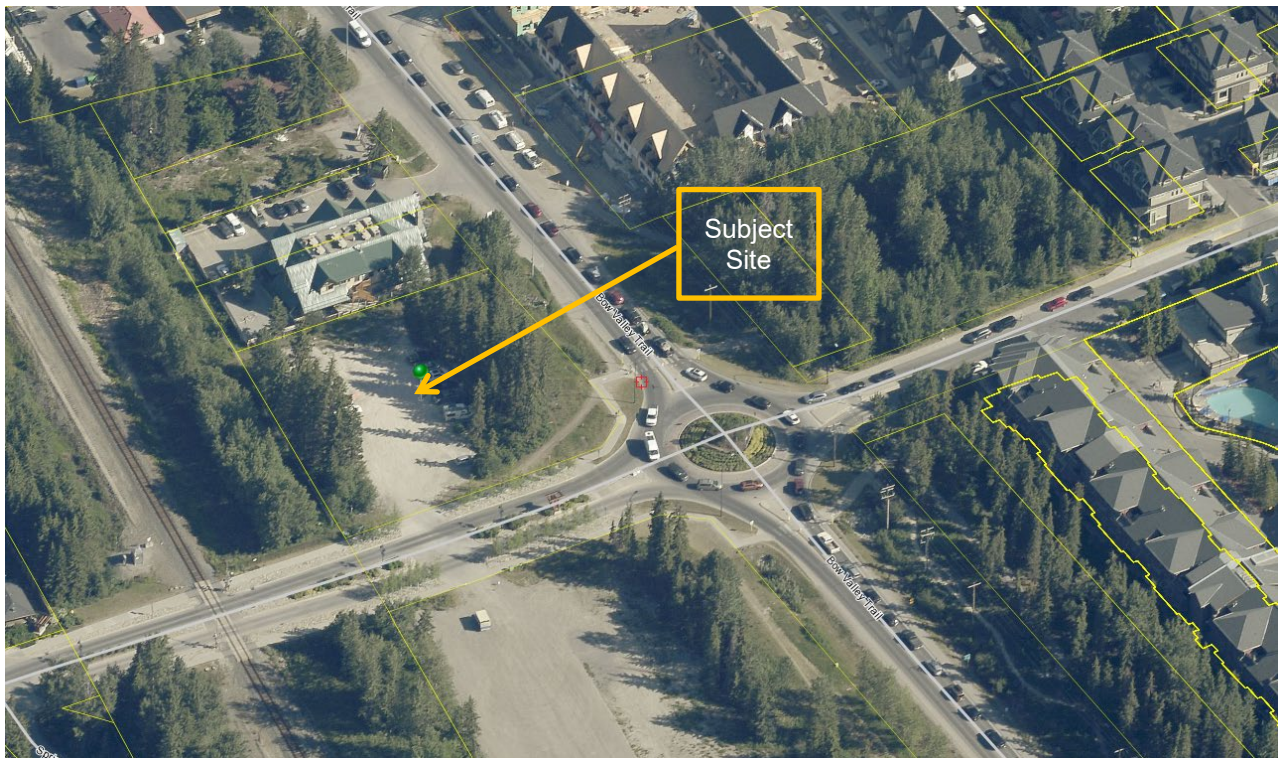
Marcus Henry
Supervisor of Planning and Development

Nathan Grivell
Development Planner

ATTACHMENT I – SITE CONTEXT



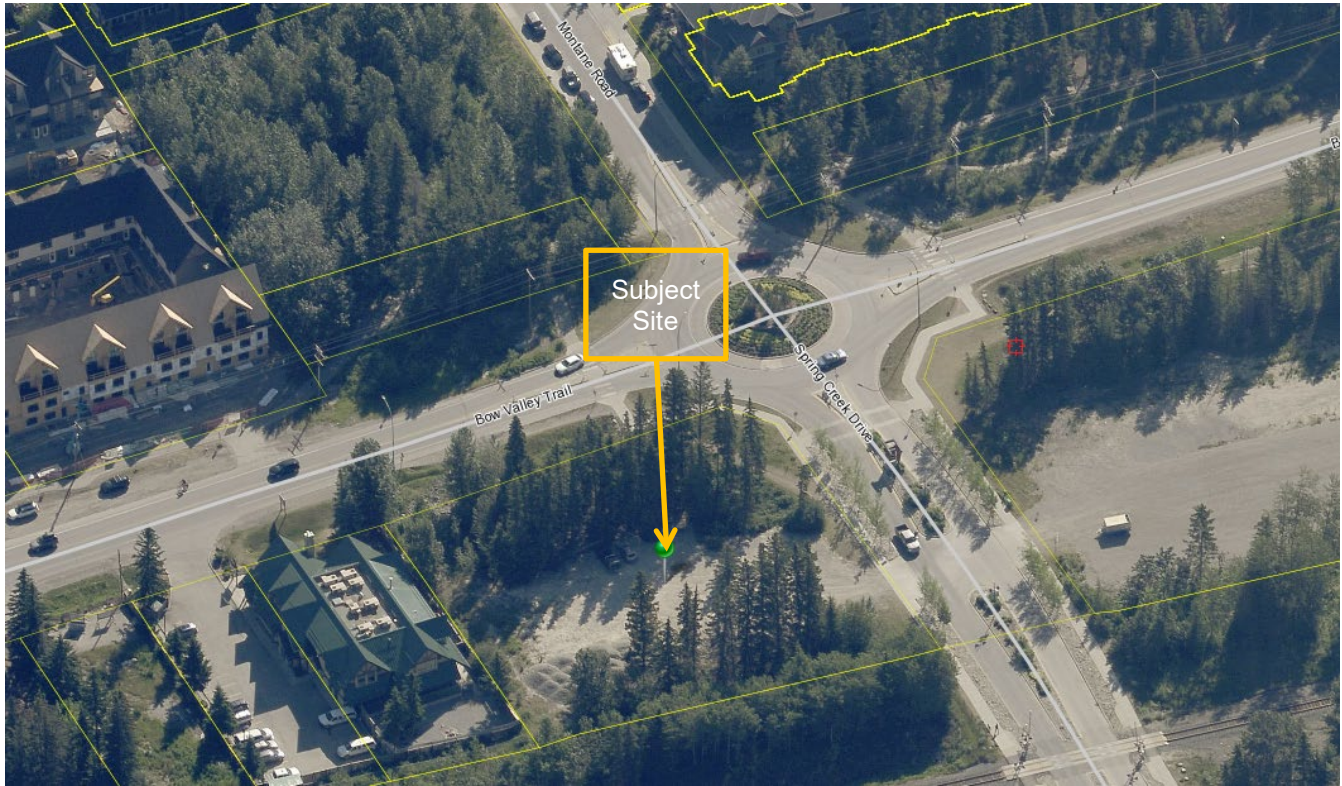
Aerial Photo of subject site and surrounding area



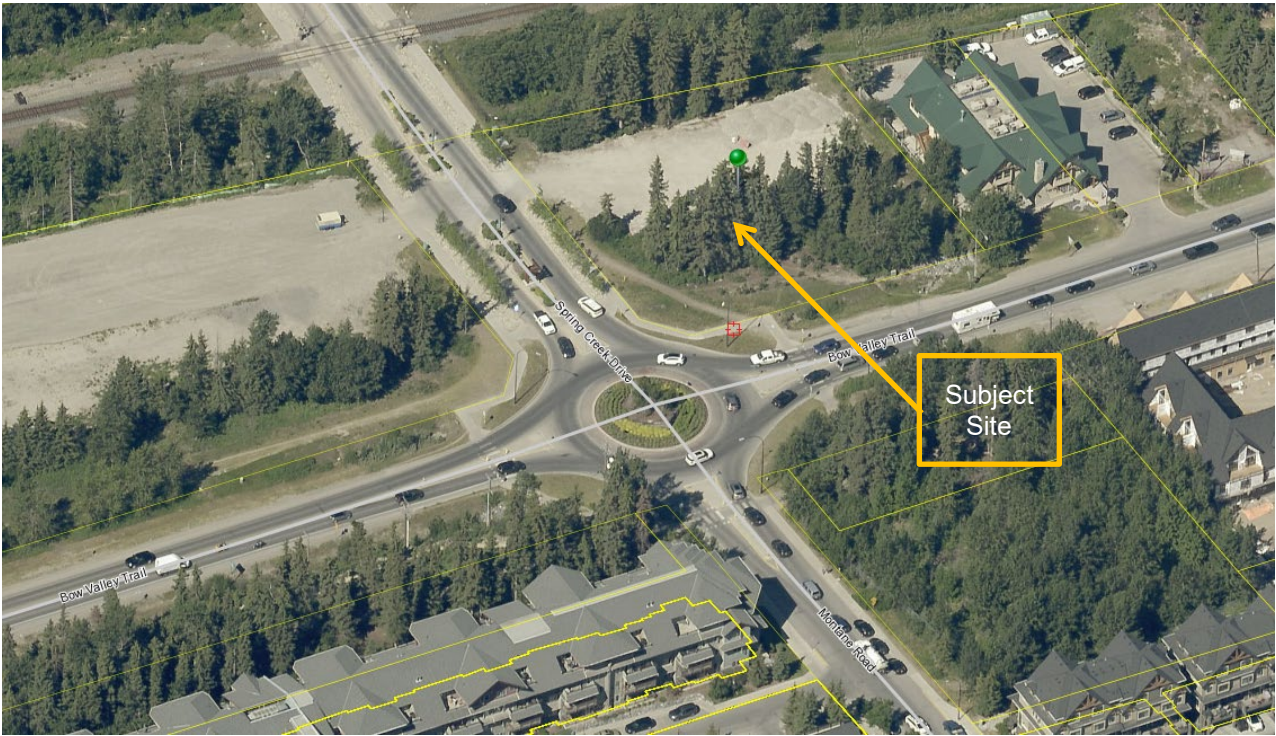
Aerial Photo of subject site and surrounding area looking north



Aerial Photo of subject site and surrounding area looking south



Aerial Photo of subject site and surrounding area looking east



Aerial Photo of subject site and surrounding area looking west



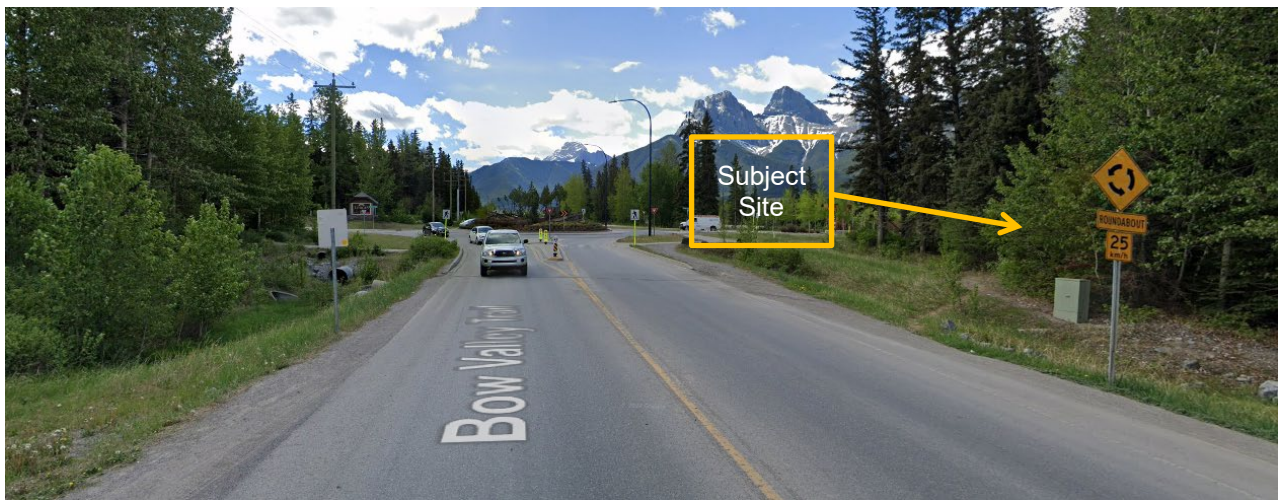
Street view looking north from Bow Valley Trail



Street view looking West along Spring Creek Drive



Street view looking East along Spring Creek Drive



Street view looking south along Bow Valley Trail

ATTACHMENT 2 – ZONING MAP



BVT-G – Bow Valley Trail General Commercial District

EHD – Employee Housing District

PD – Public Use District

RI – Residential Detached District

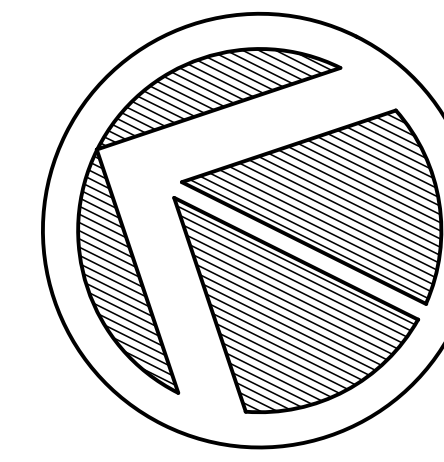
ATTACHMENT 3 - BYLAW CONFORMANCE REVIEW

REQUIREMENT	BYLAW 2018-22	PROPOSED	VARIANCE
MIN FLOOR AREA RATIO (FAR)	1.5	1.42	-
BUILDING SITE COVERAGE	55%	37.6%	-
FRONT YARD SETBACK	MAX 2M	9.62M	YES
SIDE YARD SETBACK (2 ND FRONTAGE)	3M	4.40M	-
SIDE YARD SETBACK (WEST)	3M	14.71M	-
REAR YARD SETBACK	6M	12.79M	-
MAX BUILDING HEIGHT	16M AND 19.2M FOR 20% OF ROOF AREA	16.65M (AS MEASURED FROM THE MAIN FLOOR AS PER 4.6.5.5) VARIANCE IS 15.4% OF ROOF AREA	YES
MAX BUILDING EAVELINE HIEGHT	7M/9M/11M	13.4M	YES
DOES LANDSCAPING COMPLY WITH FIRESMART?	1.5M	1.5M	-
LANDSCAPING Coverage (%)	25%	25.9%	-
Shrubs To Be Provided		180	-
Trees To Be Provided	47	4	YES
PARKING Automobile	TOTAL MIN. 30 / MAX. 40 STALLS COMMERCIAL 0-10 STALLS RESIDENTIAL (VIA PARKING STUDY) 30 STALLS	TOTAL 35 STALLS COMMERCIAL = 5 STALLS RESIDENTIAL =30 STALLS	-
Bicycle – Long Term	TOTAL 64 COMMERCIAL 14 RESIDENTIAL 50 (VIA PARKING STUDY)	TOTAL 64	-

Bicycle – Short Term	TOTAL 36 COMMERCIAL 14 RESIDENTIAL 22 (VIA PARKING STUDY)	TOTAL 36	-
-----------------------------	--	----------	---

ATTACHMENT 4 - SUBMITTED PLANS

BOW VALLEY TRAIL



PROJECT DESCRIPTION

The Project is a 4 Storey Commercial development consisting of Wholesale Sales and Warehouse Use with 21 Commercial Units (76 Bedrooms) and 21 Residential Units.
 Lot Description: L1, Block 7, Plan 051 2461
 Municipal Address: 500 Bow Valley Trail
 Zoning: BVT-G
 Building Uses: Wholesale Sales Warehouse Use 20m² / CAH Bedroom 10m² / CAH Bedroom above 250m² allowed
 Commercial Units: 21 Units (76 Bedrooms) 21 Residential Units

BUILDING CALCULATIONS:

Site Area: 3,755.7m²
 Building Footprint: 1,403.9m²
 Building Areas:
 Overall Area: 5,333.3m² (57,407 ft²)
 Basement: 260.8m² (2,808 ft²)
 Main Floor: 1,394.8m² (15,013 ft²)
 Second Floor: 1,245.0m² (13,401 ft²)
 Third Floor: 1,245.0m² (13,401 ft²)
 Fourth Floor: 1,187.7m² (12,784 ft²)
 Site Coverage: 37.4% Max: 55%
 FAR: 1.42 Max: 1.5
 Setbacks:
 Front: 2.0m 20m Building Frontal Setback at Min. Setback
 Side: 1.0m
 Rear: 6.0m
 CP Rail: 15.0m

URW 0512461 & 051 2461 and the Building has been set back 1.0m from the URW. The 0.5m setback and the 1.0m setback is shown in the URW.
 Building Height: 16.0m Max. All height variance 20m or more at height 20m or more, at discretion of Development Authority.
 Eave Height: 7.0m Max. All height variance 11.0m or more building dates a full story CAH, at discretion of Development Authority.

PARKING CALCULATIONS:

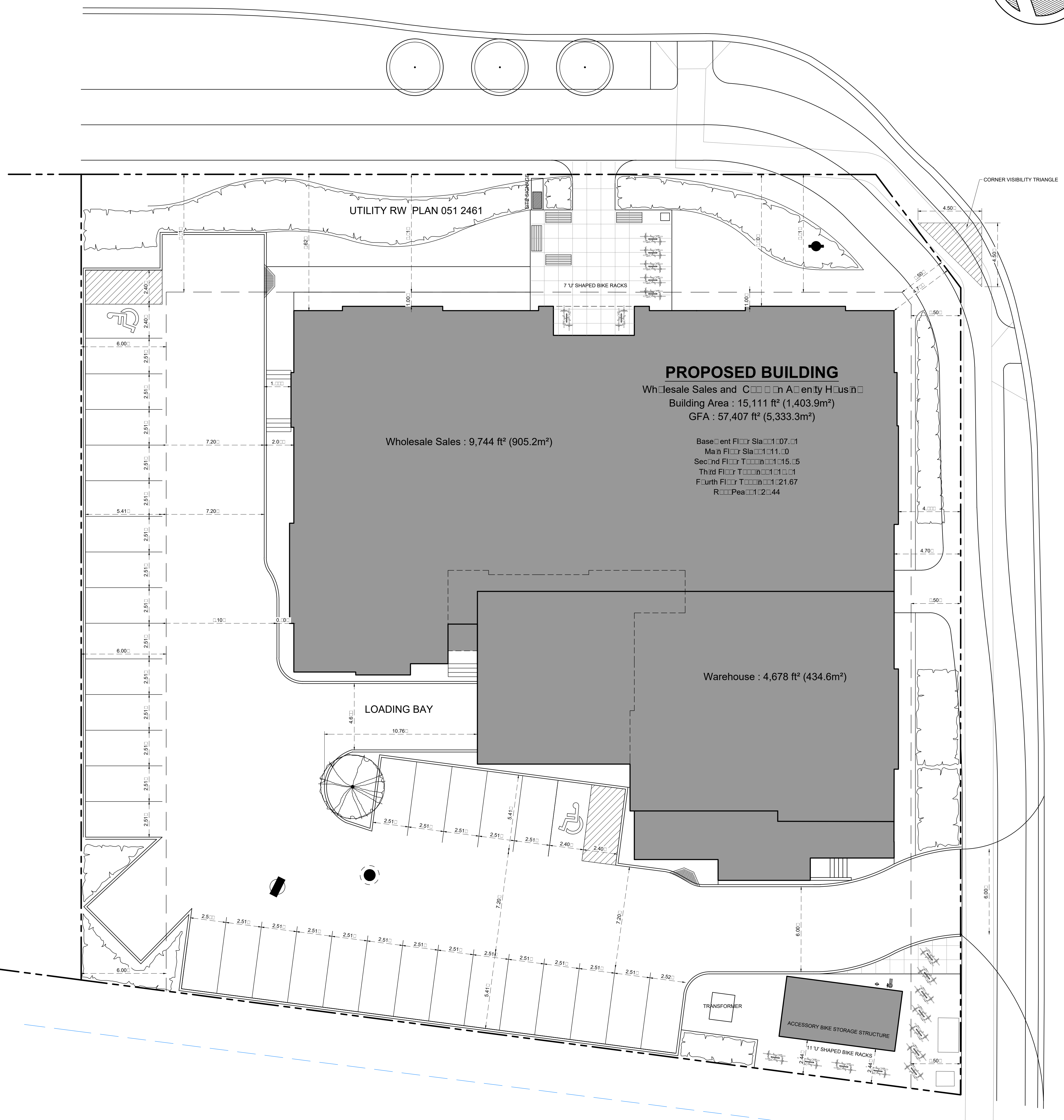
Non-Residential Parking Classes:
 Wholesale Store Class C
 Warehouse Class C
 Automobile: 5 Provided 0 Required 10 Max.
 Bicycle: 2 Provided (14 on term 14 short term) 2 Required
 Residential Parking:
 Commercial Units: Parking determined through Parking Study
 Automobile: 10 Provided
 Bicycle: 72 Provided (50 on term 22 short term)

DESCRIPTION	DATE
PROJECT START	2022.01.15
PRE-DP SUBMISSION	2022.02.01
DP REVIEW	2022.05.10
DP REVIEW	2022.06.04
DP REVIEW	2022.06.11
DP SUBMISSION	2022.06.21
DP RE-SUBMISSION	2022.07.22
DP RE-SUBMISSION	2022.07.22
DP RE-SUBMISSION	2022.11.07

CONSULTANTS

MTECH
 DESIGNS
 204 Bow Valley Drive, Suite 100, Calgary, Alberta T2C 0G6
 P: 403.243.1515
 mtechdesigns.ca

KEY PLAN



PROPOSED BUILDING
 Wholesale Sales and Commercial Residential
 Building Area : 15,111 ft² (1,403.9m²)
 GFA : 57,407 ft² (5,333.3m²)

Wholesale Sales : 9,744 ft² (905.2m²)
 Basement Floor Slab: 07.1
 Main Floor Slab: 11.0
 Second Floor Slab: 15.5
 Third Floor Slab: 15.5
 Fourth Floor Slab: 21.67
 Riser Peak: 2.44

Warehouse : 4,678 ft² (434.6m²)

LOADING BAY

SPRING CREEK DRIVE

1 SITE PLAN
 DP/11/22

This plan is based on the information provided and is not to be used for any other purpose without the consent of the Architect. It is not to be used for any other purpose without the consent of the Architect.

CLIENT
 Spring Creek Mountain Village
 1 Spring Creek Gate
 Calgary, AB
 T1W 0A7

PROJECT
 SCMV Station House
 500 Bow Valley Trail
 Calgary, AB

DRAWING
SITE PLAN

BUILDING PERMIT
 DEVELOPMENT PERMIT

FILE: 22.001 DRAWN BY: MAF
 DATE: 2022.11.07 SCALE: AS INDICATED
 DRAWING NUMBER

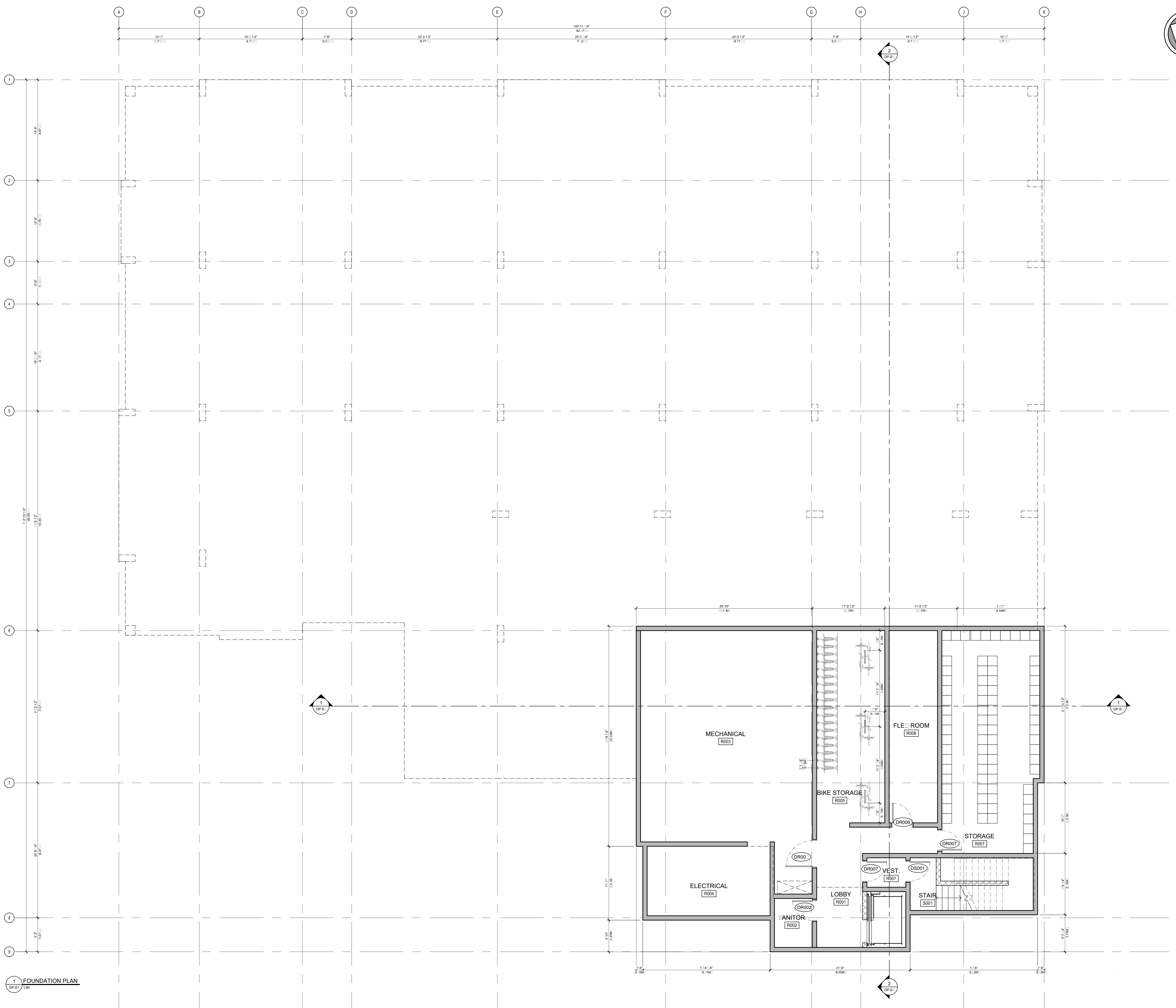
DP 01

DESCRIPTION	DATE
PROJECT START	2022.01.15
PRE-DP SUBMISSION	2022.02.01
DP REVIEW	2022.05.10
DP REVIEW	2022.06.04
DP REVIEW	2022.06.10
DP SUBMISSION	2022.06.21
DP RE-SUBMISSION	2022.07.22
DP RE-SUBMISSION	2022.07.20
DP RE-SUBMISSION	2022.11.07

CONSULTANTS

MTECH DESIGNS
 2244 Bowden Close SW, Calgary, Alberta, T2B 0W6
 P: 403.242.0015
 mtechdesigns.ca

KEY PLAN



1 FOUNDATION PLAN
 DP 01 / 104

This work is based on the information provided and is not to be used for any other project without the written consent of the Architect.

CLIENT
 Strathmore Cree Mountain Village
 1 Strathmore Cree Gate
 Calgary, AB
 T1W 0A7

PROJECT
 SCMV Strathmore House
 500 Bow Valley Trail
 Calgary, AB

DRAWING
FOUNDATION PLAN

BUILDING PERMIT
 DEVELOPMENT PERMIT
 FILE NO. 22.001 DRAWN BY MAF
 DATE 2022.11.07 SCALE AS INDICATED
 DRAWING NUMBER

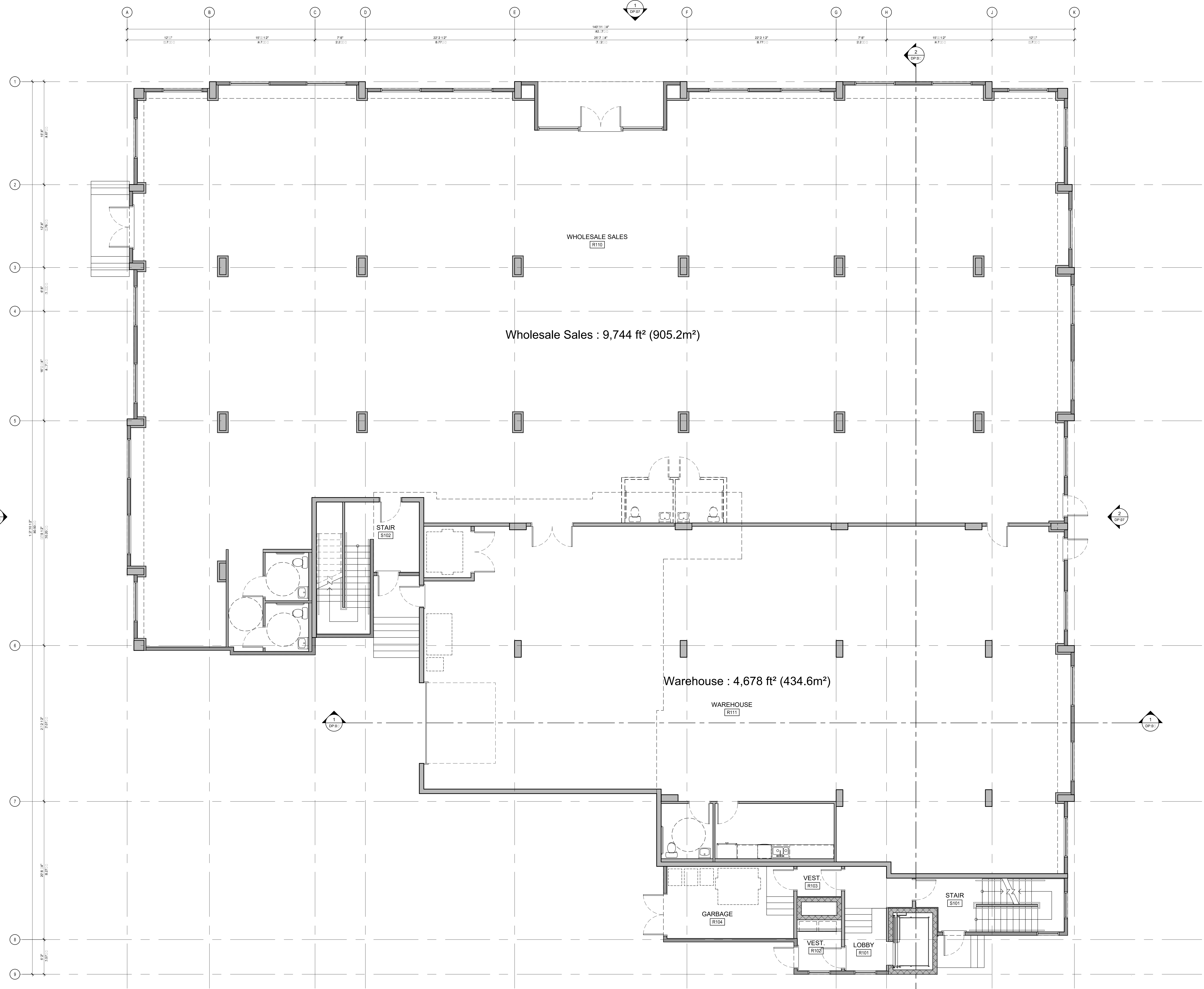
DP 01

DESCRIPTION	DATE
PROJECT START	2022.01.15
PRE-DP SUBMISSION	2022.02.01
DP REVIEW	2022.05.10
DP REVIEW	2022.06.04
DP REVIEW	2022.06.10
DP SUBMISSION	2022.06.21
DP RE-SUBMISSION	2022.07.22
DP RE-SUBMISSION	2022.10.01
DP RE-SUBMISSION	2022.11.07

CONSULTANTS

MTECH
 DESIGNS
 204 Bowden Close SW, Airdrie, Alberta, T4B 0W6
 P: 403.242.0015 F: 403.242.0015
 mtechdesigns.ca

KEY PLAN



This work is based on the information provided and is not to be used for any other purpose without the written consent of the Architect.
 It is to be used only for the project for which it was prepared and is not to be used for any other project.
 © 2022 David Watkin Architect

CLIENT
 Siron Cree Mountain Village
 1 Siron Cree Gate
 Canmore, AB
 T1W 0A7

PROJECT
 SCMV Station House
 500 Bow Valley Trail
 Canmore, AB

DRAWING
MAIN FLOOR PLAN

BUILDING PERMIT
 DEVELOPMENT PERMIT
 FILE 22.001 DRAWN BY MAF
 DATE 2022.11.07 SCALE AS INDICATED
 DRAWING NUMBER

DP 02

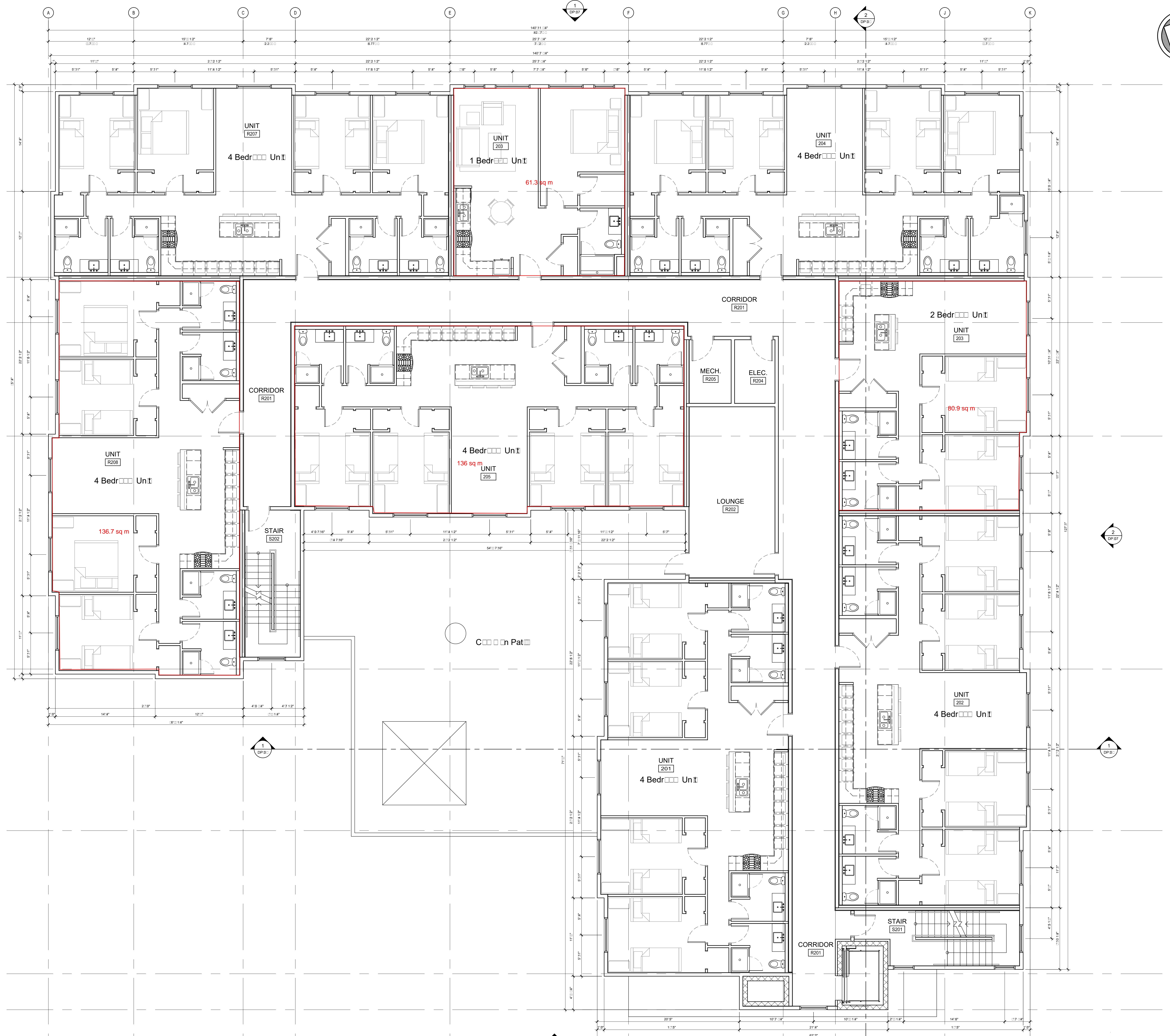
1 MAIN FLOOR PLAN
 DP 02 1/84

DESCRIPTION	DATE
PROJECT START	2022.01.15
PRE-DP SUBMISSION	2022.02.01
DP REVIEW	2022.05.11
DP REVIEW	2022.06.04
DP REVIEW	2022.06.11
DP RE SUBMISSION	2022.07.22
DP RE SUBMISSION	2022.10.01
DP RE SUBMISSION	2022.11.07

CONSULTANTS

MTECH
 DESIGNS
 204 Bayview Close SW Albany, WA 6170
 P: 08 9442 0515
 mtechdesigns.com.au

KEY PLAN

1 SECOND FLOOR PLAN
 DP: 114

CLIENT
 Strath Creek Mountain Village
 1 Strath Creek Gate
 Canberra, AB
 T1W 0A7

PROJECT
 SCMV Strath Mountain
 500 Bay Valley Trail
 Canberra, AB

DRAWING
SECOND FLOOR PLAN

BUILDING PERMIT
 DEVELOPMENT PERMIT
 FILE 22001 DRAWN BY MAF
 DATE 2022.11.07 SCALE AS INDICATED
 DRAWING NUMBER

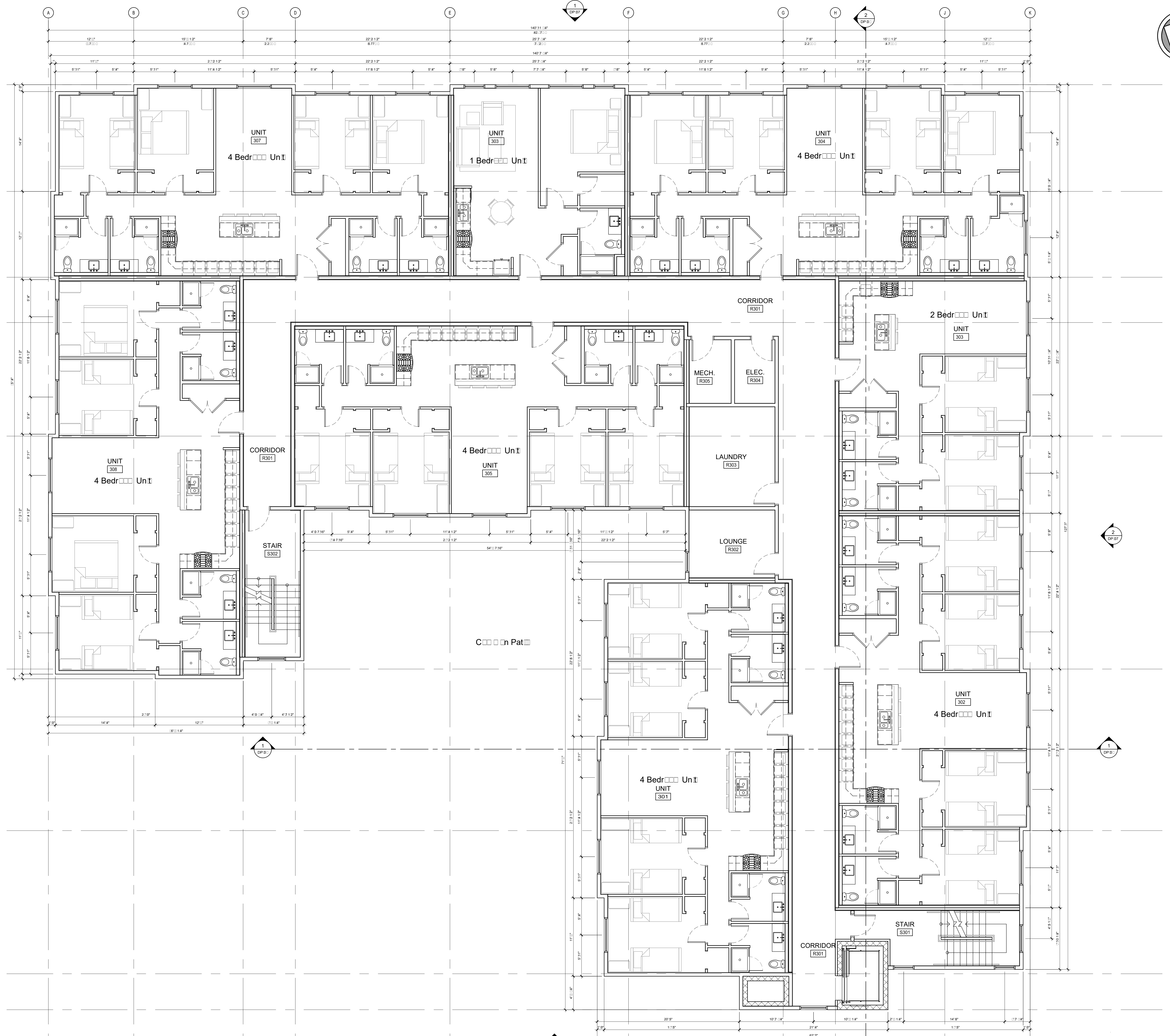
DP 0

DESCRIPTION	DATE
PROJ. START	2022.01.15
PRE-DP SUBMISSION	2022.02.01
DP REVIEW	2022.05.10
DP REVIEW	2022.06.04
DP REVIEW	2022.06.10
DP SUBMISSION	2022.06.21
DP RE-SUBMISSION	2022.07.22
DP RE-SUBMISSION	2022.08.10
DP RE-SUBMISSION	2022.11.07

CONSULTANTS

MTECH
 DESIGNS
 2344 Bowden Close SW, Aurora, Ontario, L4B 0W6
 P: 416.241.0515
 mtechdesigns.ca

KEY PLAN



1 SECOND FLOOR PLAN
 DP: 114

This plan is based on the information provided and is not to be used for construction without the approval of the Architect. The Architect is not responsible for any errors or omissions in this plan. The Architect is not responsible for any errors or omissions in this plan.

CLIENT
 Strath Creeks Mountain Village
 1 Strath Creeks Gate
 Canmore, AB
 T1W 0A7

PROJECT
 SCMV Strath Mountain
 500 Bow Valley Trail
 Canmore, AB

THIRD FLOOR PLAN

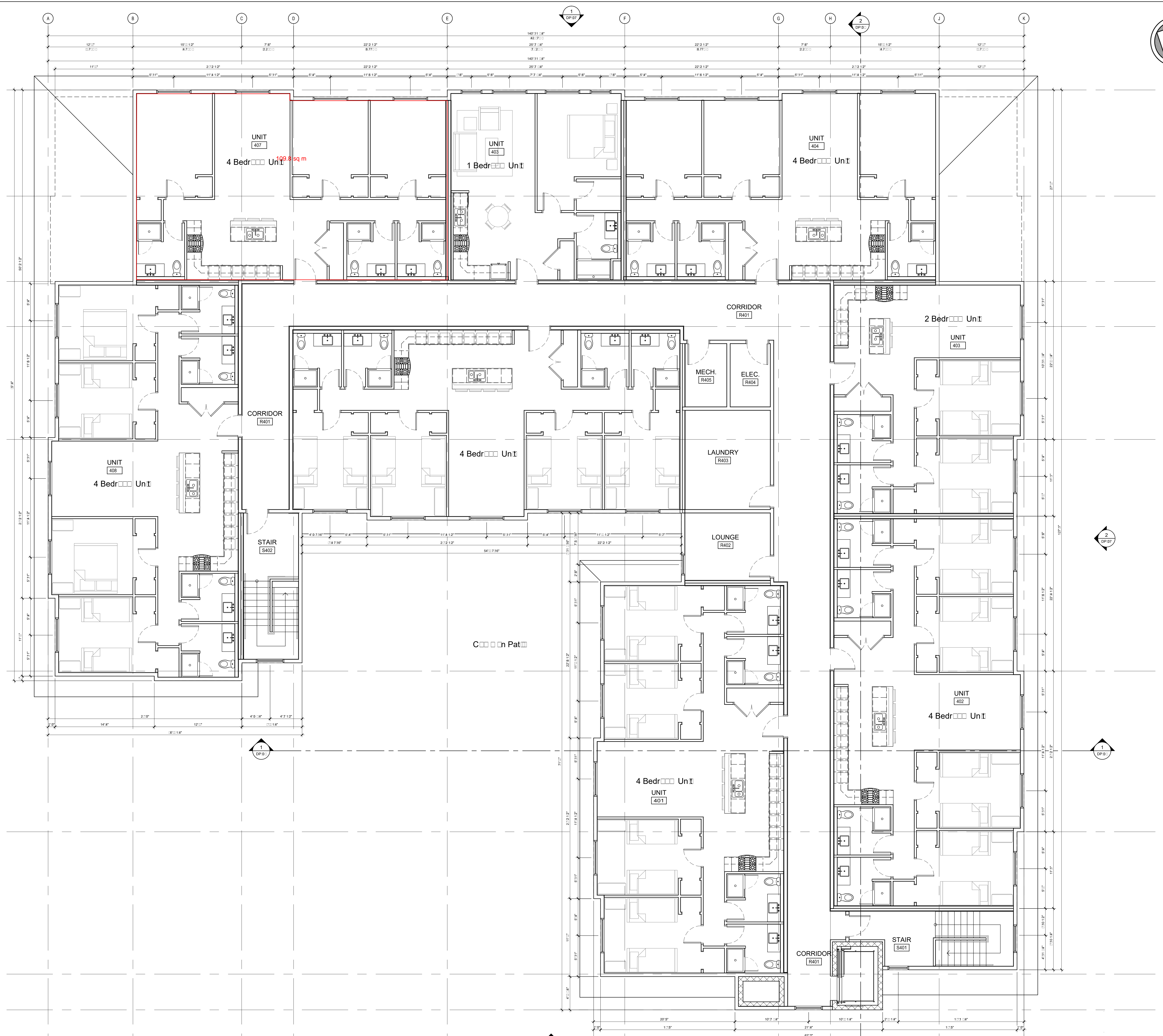
BUILDING PERMIT
 DEVELOPMENT PERMIT
 FILE: 22.001 DRAWN BY: MAF
 DATE: 2022.11.07 SCALE: AS INDICATED
 DRAWING NUMBER

DP 04

DESCRIPTION	DATE
PROJ. START	2022.01.15
PRE-DP SUBMISSION	2022.02.01
DP REVIEW	2022.05.10
DP REVIEW	2022.06.04
DP REVIEW	2022.06.10
DP SUBMISSION	2022.06.21
DP RE-SUBMISSION	2022.07.22
DP RE-SUBMISSION	2022.08.00
DP RE-SUBMISSION	2022.11.07

CONSULTANTS

MTECH
 DESIGNS
 2344 Bayview Ave. Suite 100, North York, ON M2N 6L1
 P: 416.491.1115
 mtechdesigns.ca



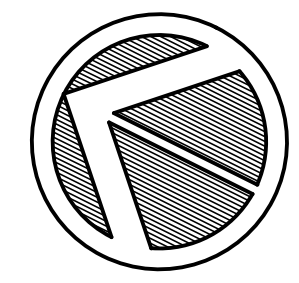
1 SECOND FLOOR PLAN
 DP: 114

CLIENT
 Stron Creemountain Village
 1 Stron Creemountain
 Canora, AB
 T1W 0A7

PROJECT
 SCMV Stron Mountain
 500 Bay Valley Trail
 Canora, AB

DRAWING
FOURTH FLOOR PLAN

BUILDING PERMIT
 DEVELOPMENT PERMIT
 FILE: 22.001 DRAWN BY: MAF
 DATE: 2022.11.07 SCALE: AS INDICATED
 DRAWING NUMBER: DP-05

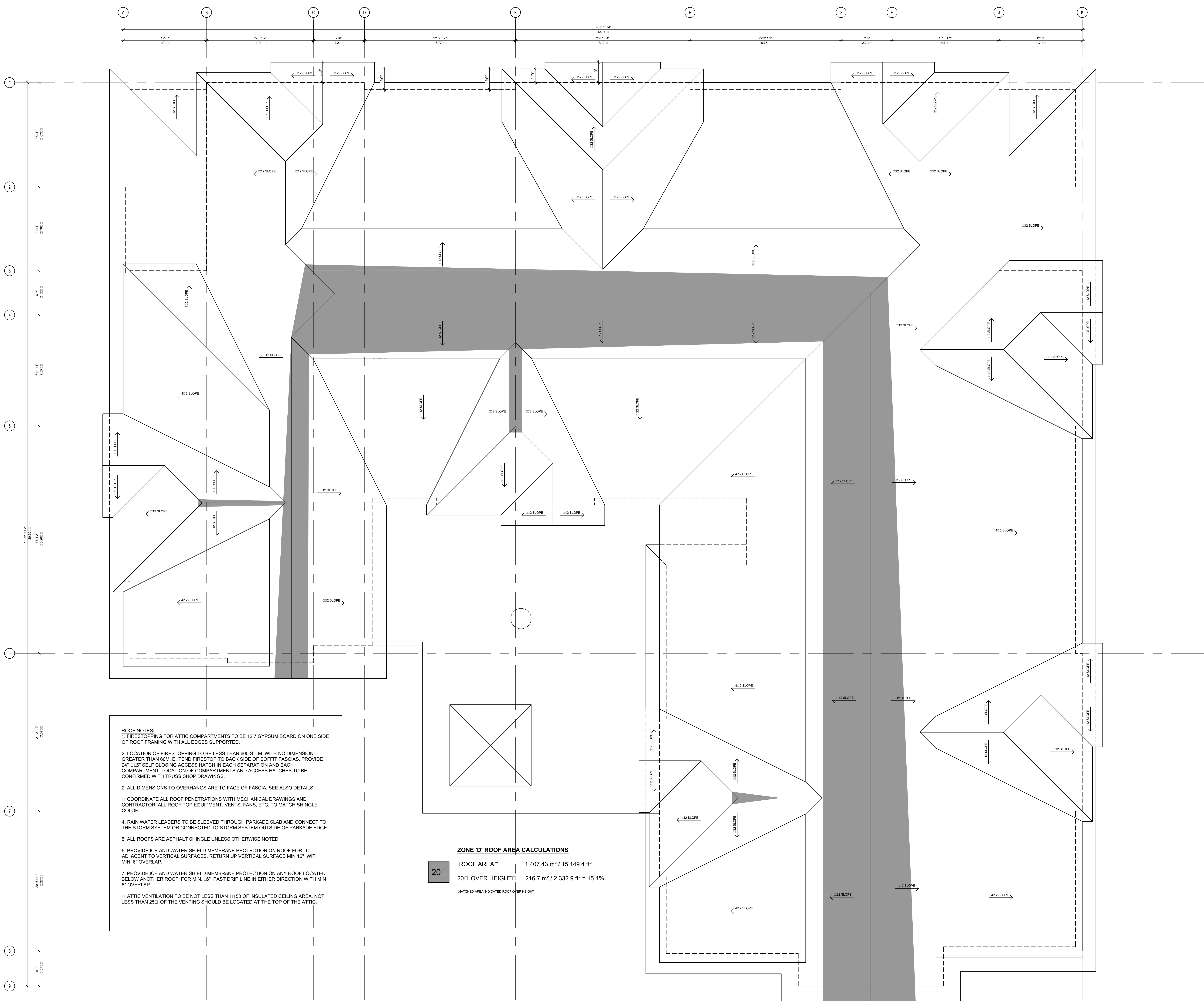
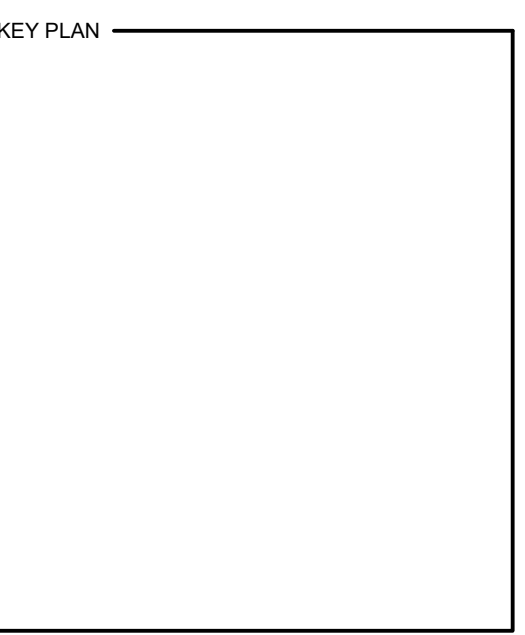


DESCRIPTION	DATE
PROJECT START	2022.01.15
PRELIM SUBMISSION	2022.02.01
DP REVIEW	2022.05.11
DP REVIEW	2022.06.04
DP REVIEW	2022.06.11
DP SUBMISSION	2022.06.21
DP RE-SUBMISSION	2022.07.22
DP RE-SUBMISSION	2022.07.22
DP RE-SUBMISSION	2022.11.07

CONSULTANTS

MTECH
DESIGNS

2244 Bowden Circle SW, Calgary, Alberta, T2B 0W6
 P: 403.241.1115
 mtechdesigns.ca



ROOF NOTES:

- FIRESTOPPING FOR ATTIC COMPARTMENTS TO BE 12.7 GYPSUM BOARD ON ONE SIDE OF ROOF FRAMING WITH ALL EDGES SUPPORTED.
- LOCATION OF FIRESTOPPING TO BE LESS THAN 600 S.M. WITH NO DIMENSION GREATER THAN 60M. EXTEND FIRESTOP TO BACK SIDE OF SOFFIT FASCIAS. PROVIDE 24" x 6" SELF CLOSING ACCESS HATCH IN EACH SEPARATION AND EACH COMPARTMENT. LOCATION OF COMPARTMENTS AND ACCESS HATCHES TO BE CONFIRMED WITH TRUSS SHOP DRAWINGS.
- ALL DIMENSIONS TO OVERHANGS ARE TO FACE OF FASCIA. SEE ALSO DETAILS
- COORDINATE ALL ROOF PENETRATIONS WITH MECHANICAL DRAWINGS AND CONTRACTOR. ALL ROOF TOP EQUIPMENT, VENTS, FANS, ETC. TO MATCH SHINGLE COLOR.
- RAIN WATER LEADERS TO BE SLEEVED THROUGH PARKADE SLAB AND CONNECT TO THE STORM SYSTEM OR CONNECTED TO STORM SYSTEM OUTSIDE OF PARKADE EDGE.
- ALL ROOFS ARE ASPHALT SHINGLE UNLESS OTHERWISE NOTED
- PROVIDE ICE AND WATER SHIELD MEMBRANE PROTECTION ON ROOF FOR .6" ADJACENT TO VERTICAL SURFACES. RETURN UP VERTICAL SURFACE MIN 16" WITH MIN. 6" OVERLAP.
- PROVIDE ICE AND WATER SHIELD MEMBRANE PROTECTION ON ANY ROOF LOCATED BELOW ANOTHER ROOF FOR MIN. .6" PAST DRIP LINE IN EITHER DIRECTION WITH MIN 6" OVERLAP.
- ATTIC VENTILATION TO BE NOT LESS THAN 1:50 OF INSULATED CEILING AREA. NOT LESS THAN 25% OF THE VENTING SHOULD BE LOCATED AT THE TOP OF THE ATTIC.

ZONE 'D' ROOF AREA CALCULATIONS

20 ROOF AREA: 1,407.43 m² / 15,149.4 ft²

20 OVER HEIGHT: 216.7 m² / 2,332.9 ft² = 15.4%

HATCHED AREA INDICATED ROOF OVER HEIGHT

This drawing is based on the information provided and is not to be used for construction without the approval of the architect. The architect is not responsible for any errors or omissions in this drawing.

CLIENT
 Strath Cree Mountain Village
 1 Strath Cree Gate
 Canmore, AB
 T1W 0A7

PROJECT
 SCMV Strath Cree Hill
 500 B Valley Trail
 Canmore, AB

DRAWING
ROOF PLAN

BUILDING PERMIT
 DEVELOPMENT PERMIT

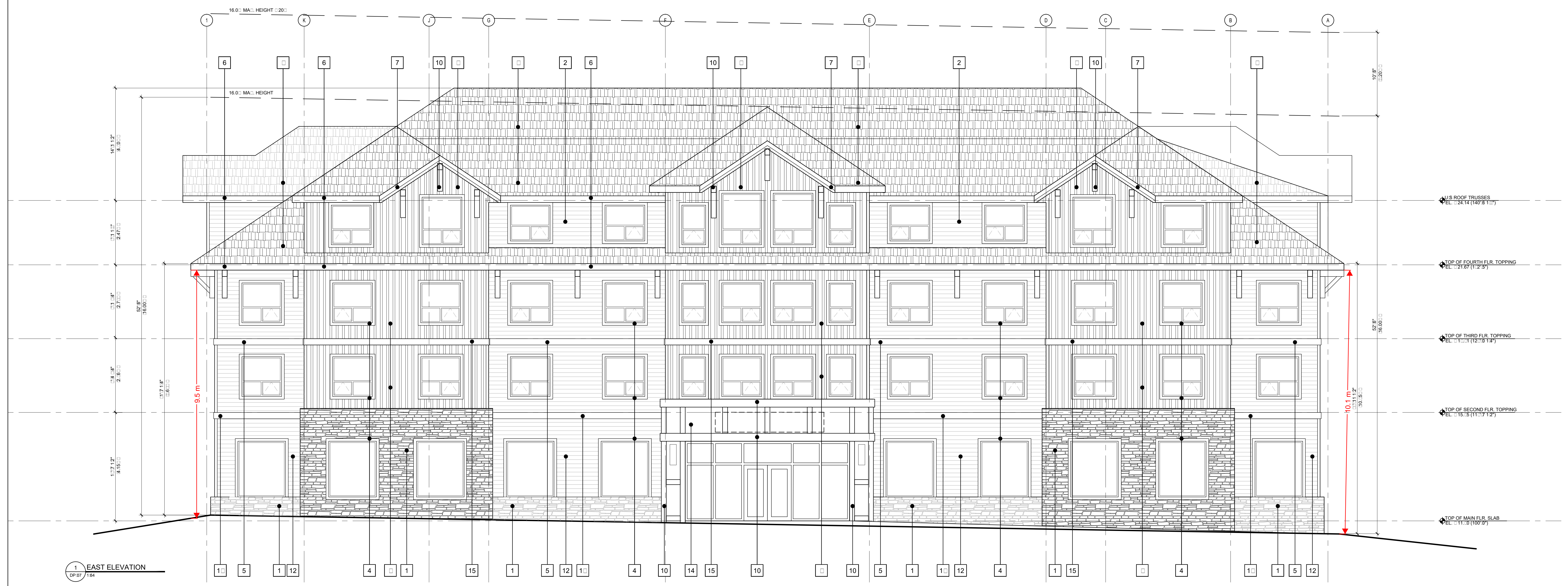
FILE: 22.001 DRAWN BY: MAF
 DATE: 2022.11.07 SCALE: AS INDICATED
 DRAWING NUMBER: **DP 06**

DESCRIPTION	DATE
PROJECT START	2022.01.15
PRE-DP SUBMISSION	2022.02.01
DP REVIEW	2022.05.10
DP REVIEW	2022.06.04
DP REVIEW	2022.06.10
DP SUBMISSION	2022.06.21
DP RE-SUBMISSION	2022.07.22
DP RE-SUBMISSION	2022.08.01
DP RE-SUBMISSION	2022.11.07

CONSULTANTS

MTECH
 DESIGNS
 2344 Bayview Ave. Suite 100
 Willowdale, Ontario M2H 1B9
 P: 416.491.1515
 mtechdesigns.ca

KEY PLAN



Exterior Material Schedule:

- 1 ARCHITECTURAL STONE VENEER (PANGAEA STONE (GRINGO FIELDSTONE))
- 2 HORIZONTAL ALLURA SIDING (CHAPEL)
- 3 VERTICAL ALLURA BOARD (BATEN (LINEN))
- 4 5/8" x 14" HARDIE TRIM (IRON GREY)
- 5 5/8" x 10" ALLURA TRIM (CHAPEL)
- 6 SINGLE HARDIE FASCIA (IRON GREY)
- 7 DOUBLE HARDIE FASCIA (IRON GREY)
- 8 ALLURA CORNER TRIM (MATCH WALL COLOUR REFER TO DETAIL)
- 9 ASPHALT SHINGLES (CHARCOAL)
- 10 TIMBER ELEMENTS (NATURAL)
- 11 CONCRETE CAP (BLACK)
- 12 HORIZONTAL HARDIE SIDING (IRON GREY)
- 13 5/8" x 10" HARDIE TRIM (IRON GREY)
- 14 CORTEN METAL PANEL (NATURAL RUST)
- 15 5/8" x 10" ALLURA TRIM (LINEN)

Exterior Material Notes:

- ALL MATERIAL TRANSITIONS TO TAKE PLACE ON INSIDE CORNERS.
- PROVIDE FINISHED METAL FLASHING OVER ALL HORIZONTAL MATERIAL TRANSITIONS.
- ALL EXTERIOR COVERS AND VENTS TO BE PAINTED TO MATCH THE ADJACENT EXTERIOR MATERIAL COLOURS.
- ALL BUILDING RETURNS ON DOORMEN OR WALLS THAT ARE WITHIN 4" OF THE NEAREST ANGLE TO BE STUCCO.

This work is based on the information provided and is not to be used for any other project without the consent of the Architect.

CLIENT
 SCMV Creemount Villa
 15771 Cree Gate
 Canora, ON
 T1W 0A7

PROJECT
 SCMV Station House
 500 Bay Valley Trail
 Canora, ON

DRAWING
ELEVATIONS

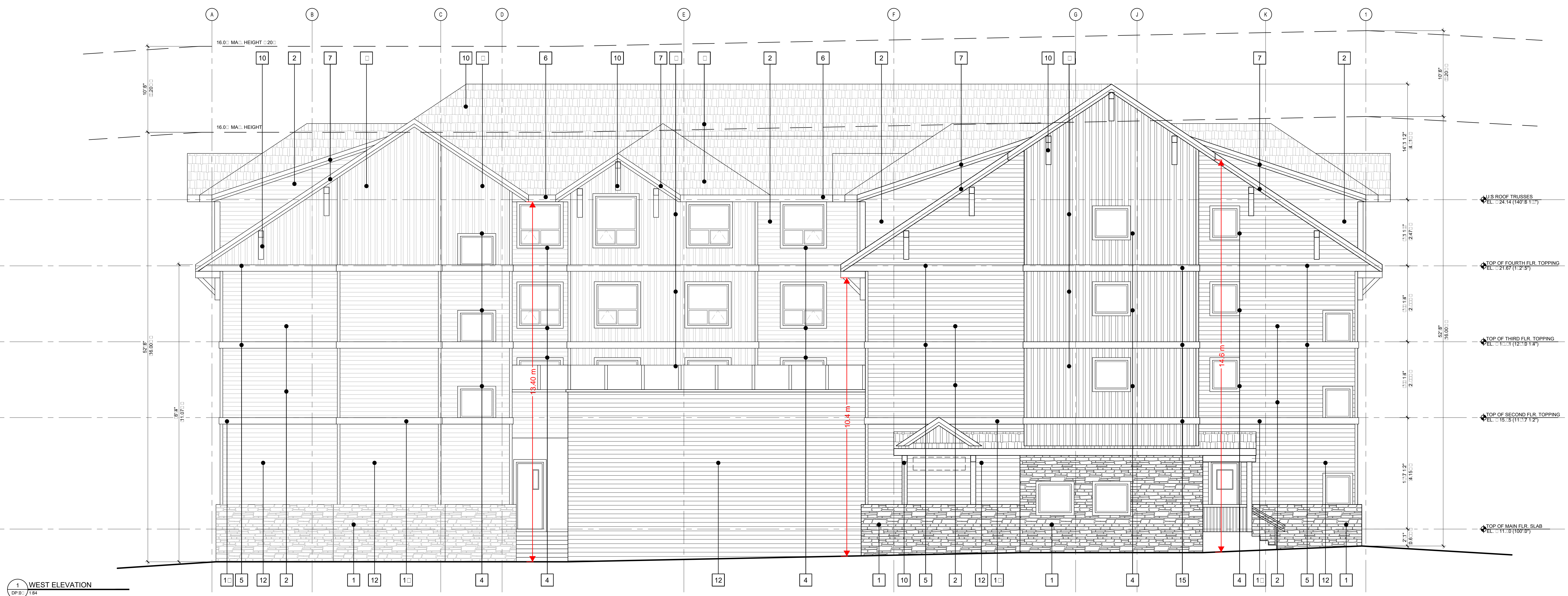
BUILDING PERMIT
 DEVELOPMENT PERMIT
 FILE: 22-001 DRAWN BY: MAF
 DATE: 2022.11.07 SCALE: AS INDICATED
 DRAWING NUMBER: **DP-07**

DESCRIPTION	DATE
PROJECT START	2022.01.15
PRE-DP SUBMISSION	2022.02.01
DP REVIEW	2022.05.11
DP REVIEW	2022.06.04
DP REVIEW	2022.06.11
DP SUBMISSION	2022.06.21
DP RE-SUBMISSION	2022.07.22
DP RE-SUBMISSION	2022.11.01
DP RE-SUBMISSION	2022.11.07

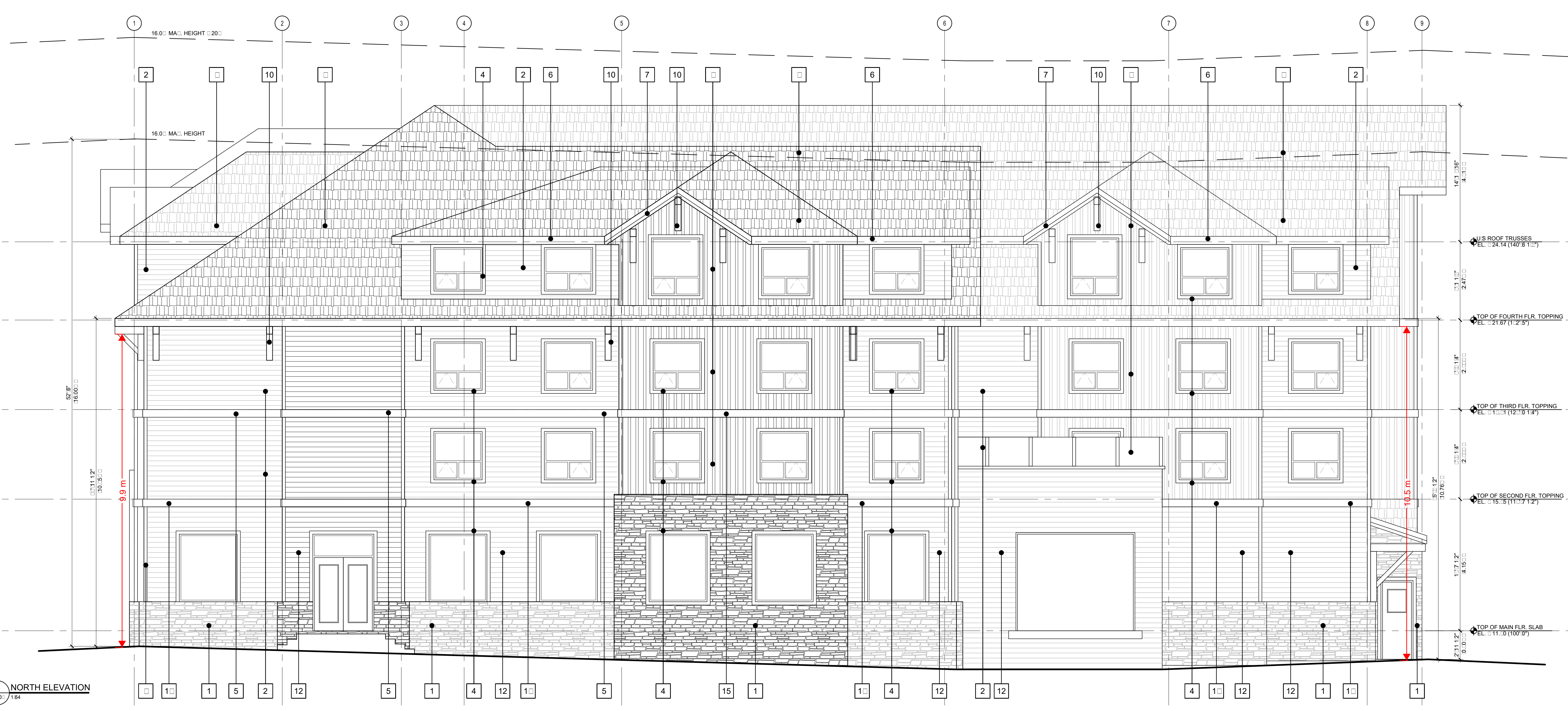
CONSULTANTS

MTECH DESIGNS
 2244 Bayview Circle SW, Suite 100, Richmond, BC V6V 1G9
 P: 604.271.1111 | F: 604.271.1112
 mtechdesigns.ca

KEY PLAN



1 WEST ELEVATION
 DP: 1/24



2 NORTH ELEVATION
 DP: 1/24

Exterior Material Schedule:

- 1 ARCHITECTURAL STONE VENEER (PANGAEA STONE (GRIGIO FIELDSTONE)
- 2 HORIZONTAL ALLURA SIDING (SHAPE)
- 3 VERTICAL ALLURA BOARD (BATEN (LINEN)
- 4 5/8" x 4" HARDIE TRIM (IRON GREY)
- 5 5/8" x 10" ALLURA TRIM (SHAPE)
- 6 SINGLE HARDIE FASCIA (IRON GREY)
- 7 DOUBLE HARDIE FASCIA (IRON GREY)
- 8 ALLURA CORNER TRIM (MATCH WALL COLOUR REFER TO DETAIL)
- 9 ASPHALT SHINGLES (CHARCOAL)
- 10 TIMBER ELEMENTS (NATURAL)
- 11 CONCRETE CAP (BLACK)
- 12 HORIZONTAL HARDIE SIDING (IRON GREY)
- 13 5/8" x 10" HARDIE TRIM (IRON GREY)
- 14 CORTEN METAL PANEL (NATURAL RUST)
- 15 5/8" x 10" ALLURA TRIM (LINEN)

Exterior Material Notes:

1. ALL MATERIAL TRANSITIONS TO TAKE PLACE ON INSIDE CORNERS.
2. PROVIDE FINISHED METAL FLASHING OVER ALL HORIZONTAL MATERIAL TRANSITIONS.
3. ALL EXTERIOR COVERS AND VENTS TO BE PAINTED TO MATCH THE ADJACENT EXTERIOR MATERIAL COLOUR.
4. ALL BUILDING RETURNS ON DOORMEN OR WALLS THAT ARE WITHIN 4" OF THE NEAREST UNIT ARE TO BE STUCCO.

This work is based on the information provided and is not to be used for any other project without the consent of the Architect. The Architect is not responsible for any errors or omissions in this drawing.

CLIENT
 Strathcona Creekside Mountain Village
 15771 Creekside Gate
 Canmore, AB
 T1W 0A7

PROJECT
 SCMV Station House
 500 Bay Valley Trail
 Canmore, AB

DRAWING
ELEVATIONS

BUILDING PERMIT
 DEVELOPMENT PERMIT
 FILE NO. 22.001 DRAWN BY MAF
 DATE 2022.11.07 SCALE AS INDICATED
 DRAWING NUMBER

DP 0

DESCRIPTION	DATE
PROJECT START	2022.01.15
PRE-DP SUBMISSION	2022.02.01
DP REVIEW	2022.05.10
DP REVIEW	2022.06.04
DP SUBMISSION	2022.06.10
DP RE-SUBMISSION	2022.07.22
DP RE-SUBMISSION	2022.10.00
DP RE-SUBMISSION	2022.11.07

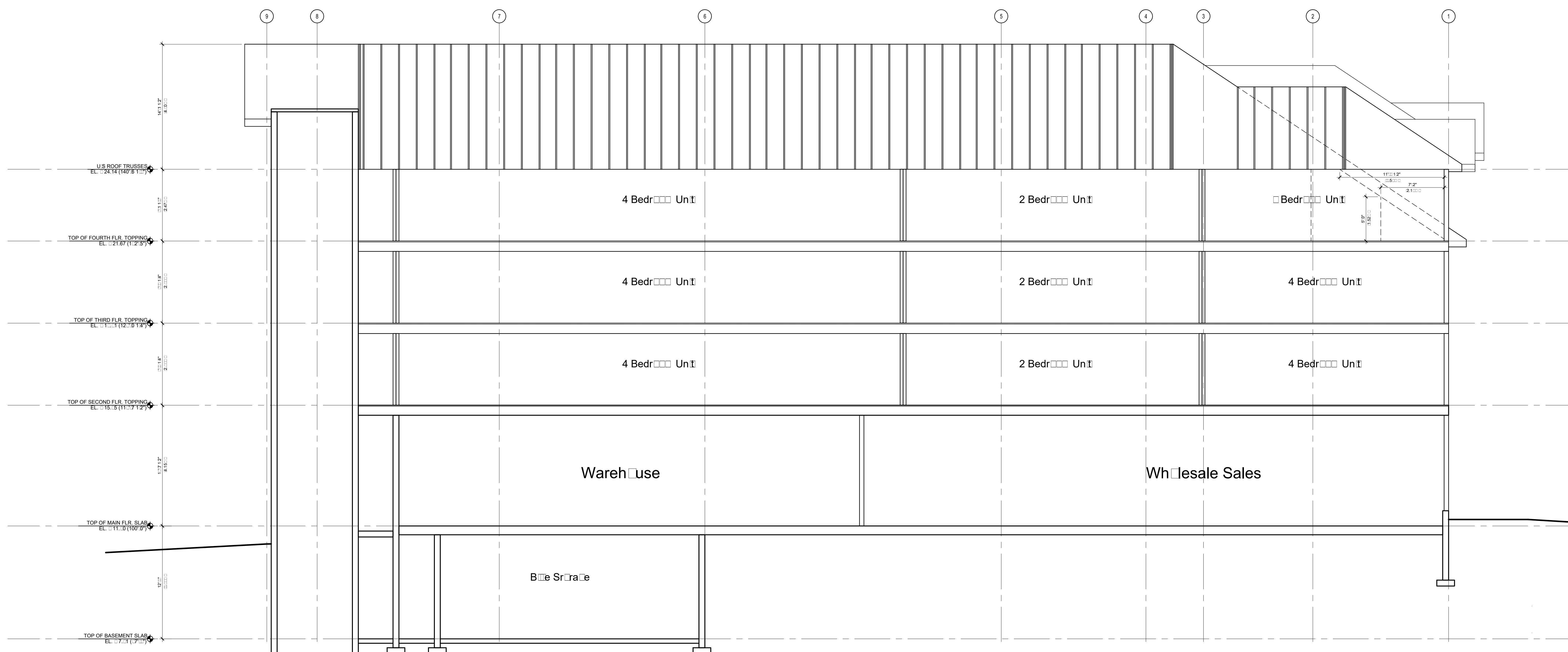
CONSULTANTS

MTECH
 DESIGNS
 2244 Bowden Close SW, Suite 100, Calgary, Alberta T2C 5G6
 P: 403.241.0015
 mtechdesigns.ca

KEY PLAN



1 BUILDING SECTION
 DP: 1/24



2 BUILDING SECTION
 DP: 1/24

This drawing is based on the information provided and is not to be used for any other purpose without the written consent of the Architect.

CLIENT
 Strathmore Creekside Mountain Village
 1 Strathmore Creekside Gate
 Calgary, AB
 T1W 0A7

PROJECT
 SCMV Strathmore House
 500 Bow Valley Trail
 Calgary, AB

DRAWING
BUILDING SECTIONS

BUILDING PERMIT _____
 DEVELOPMENT PERMIT _____

FILE _____ DRAWN BY _____
 22.001 MAF

DATE 2022.11.07 SCALE AS INDICATED
 DRAWING NUMBER

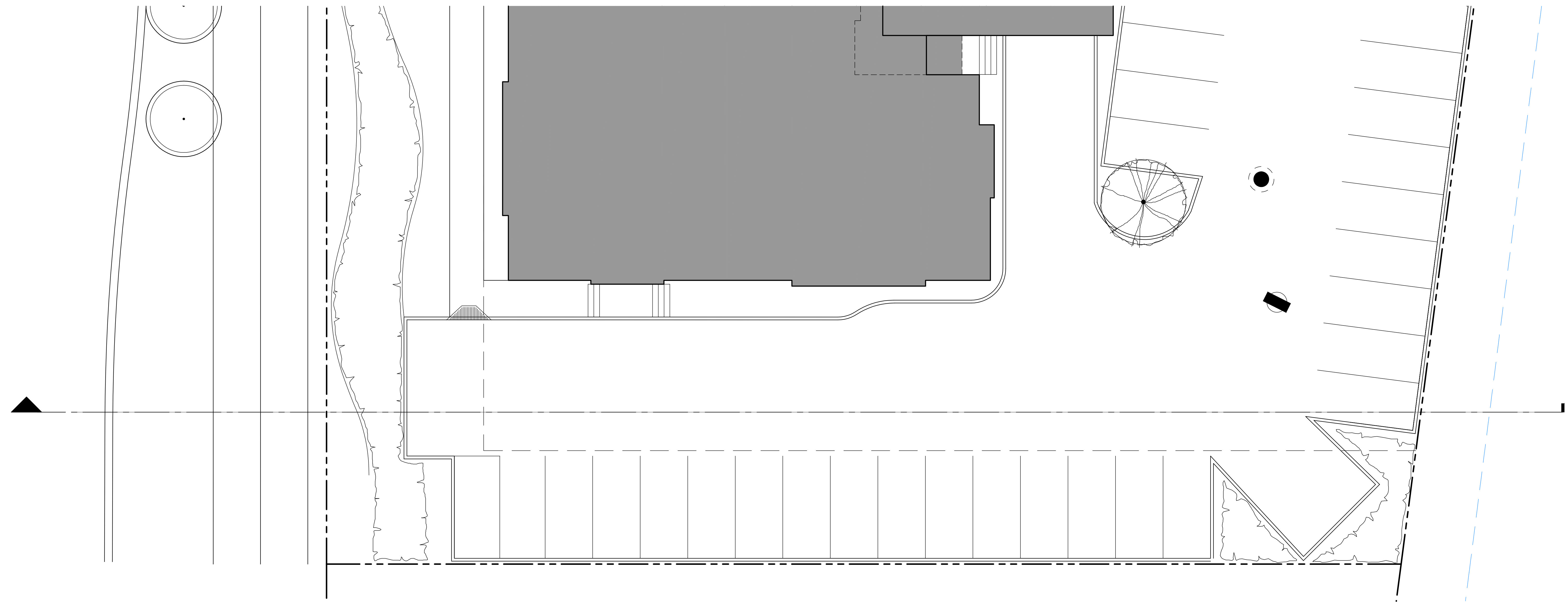
DP 0

DESCRIPTION	DATE
PROJECT START	2022.01.15
PRE-DP SUBMISSION	2022.02.01
DP REVIEW	2022.05.10
DP REVIEW	2022.06.04
DP REVIEW	2022.06.10
DP SUBMISSION	2022.06.21
DP RE-SUBMISSION	2022.07.22
DP RE-SUBMISSION	2022.10.00
DP RE-SUBMISSION	2022.11.07

CONSULTANTS

MTECH
 DESIGNS
 2044 Bowden Close SW, Calgary, Alberta, T2B 0W6
 P: 403.241.0115
 mtechdesigns.ca

KEY PLAN



This work is based on the information provided and is not to be used for any other purpose without the consent of the Architect. The Architect is not responsible for any errors or omissions on the part of the client or other consultants.

CLIENT
 Strath Cree Mountain Village
 1 Strath Cree Gate
 Calgary, AB
 T1W 0A7

PROJECT
 SCMV Station House
 500 Bow Valley Trail
 Calgary, AB

DRAWING
SITE SECTION

BUILDING PERMIT _____
 DEVELOPMENT PERMIT _____

FILE 22.001 DRAWN BY MAF
 DATE 2022.11.07 SCALE AS INDICATED
 DRAWING NUMBER **DP 10**

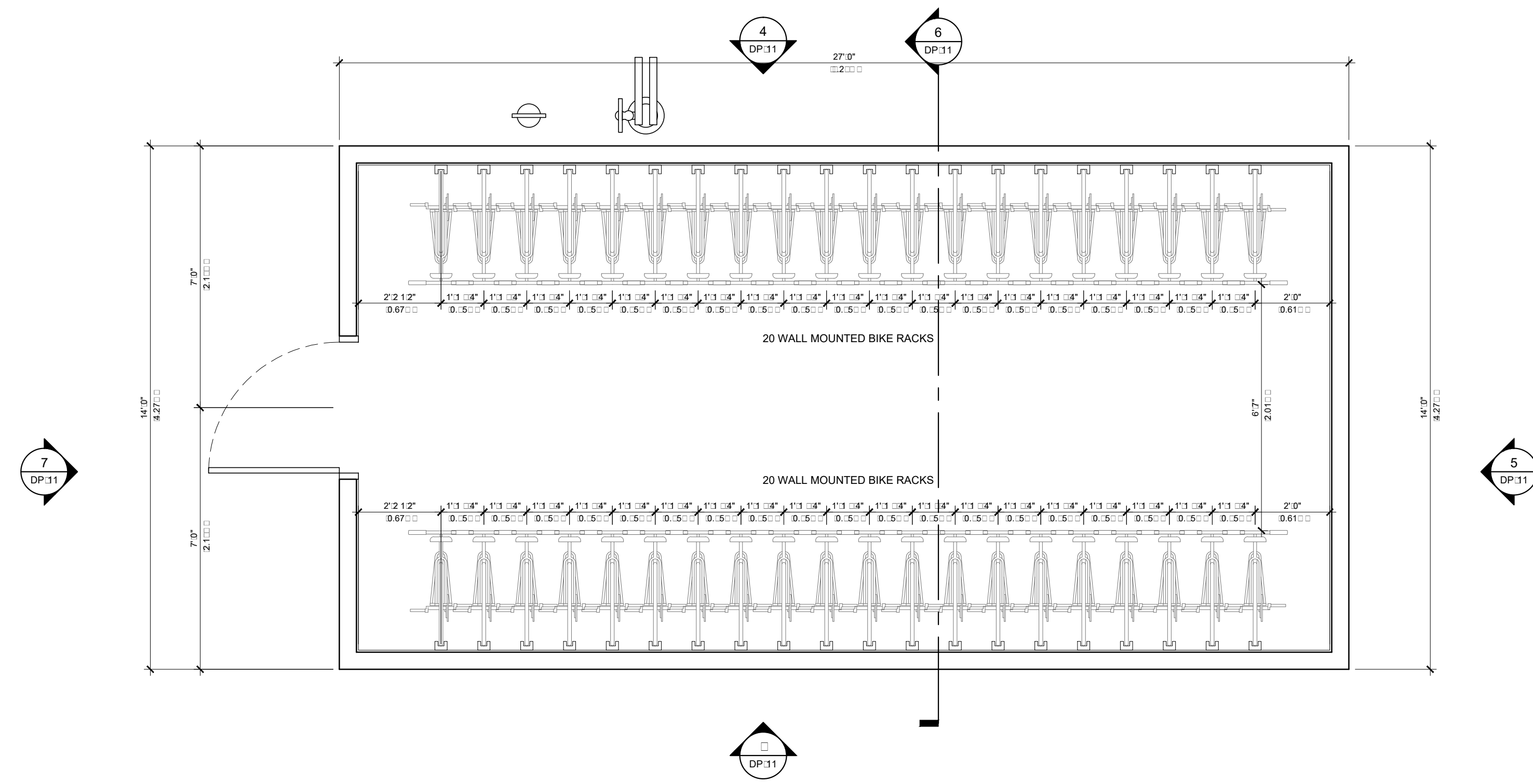
1 SITE SECTION
 DP-10 1/8" = 1'-0"

DESCRIPTION	DATE
PROJECT START	2022.01.15
PRE-DP SUBMISSION	2022.02.01
DP REVIEW	2022.05.10
DP REVIEW	2022.06.04
DP REVIEW	2022.06.10
DP SUBMISSION	2022.06.21
DP RE-SUBMISSION	2022.07.22
DP RE-SUBMISSION	2022.07.22
DP RE-SUBMISSION	2022.11.07

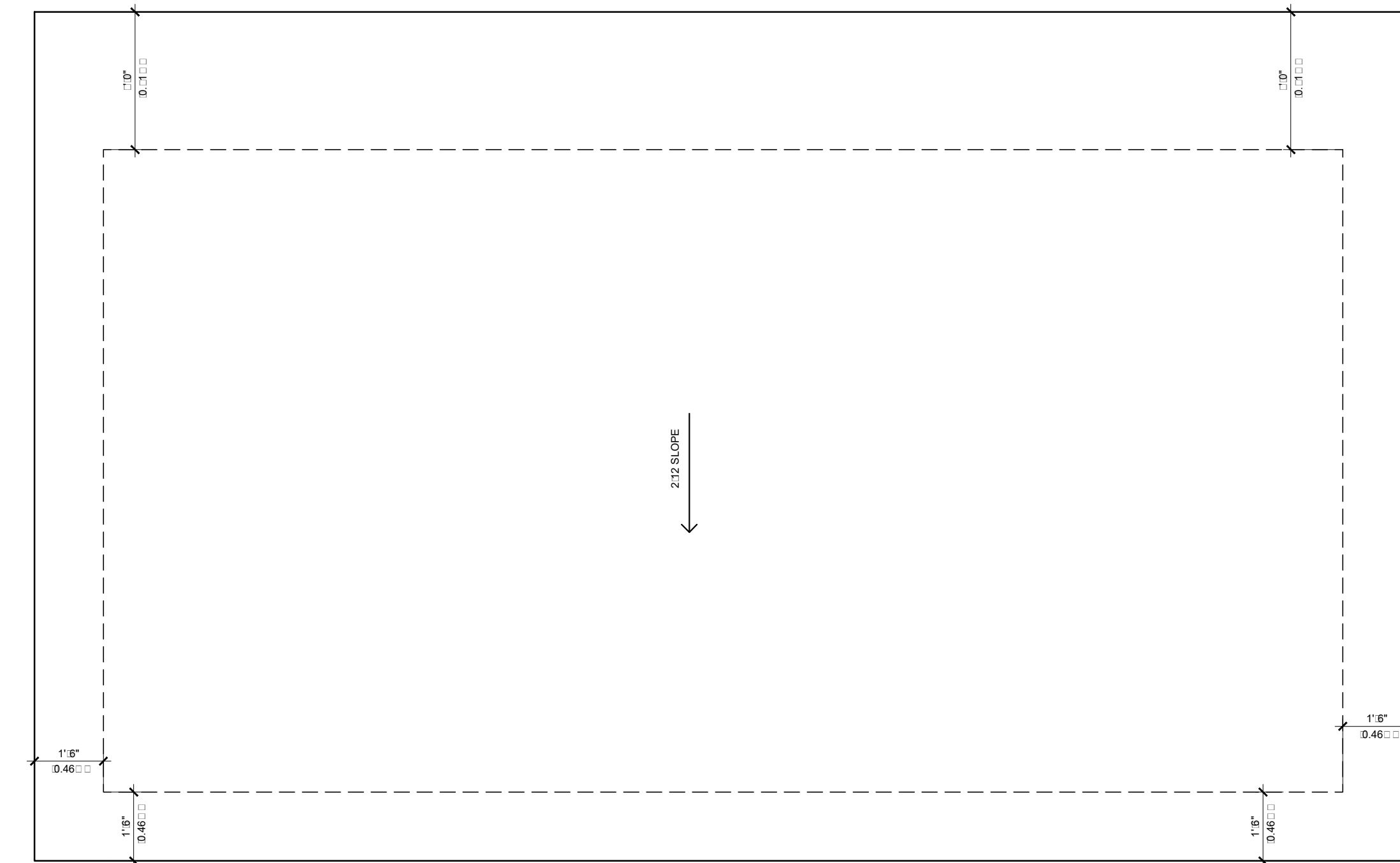
CONSULTANTS

MTECH
DESIGNS
2044 Bayview Circle SW, Aurora, Ontario, L4B 0W6
P: 416.441.1115
mtechdesigns.ca

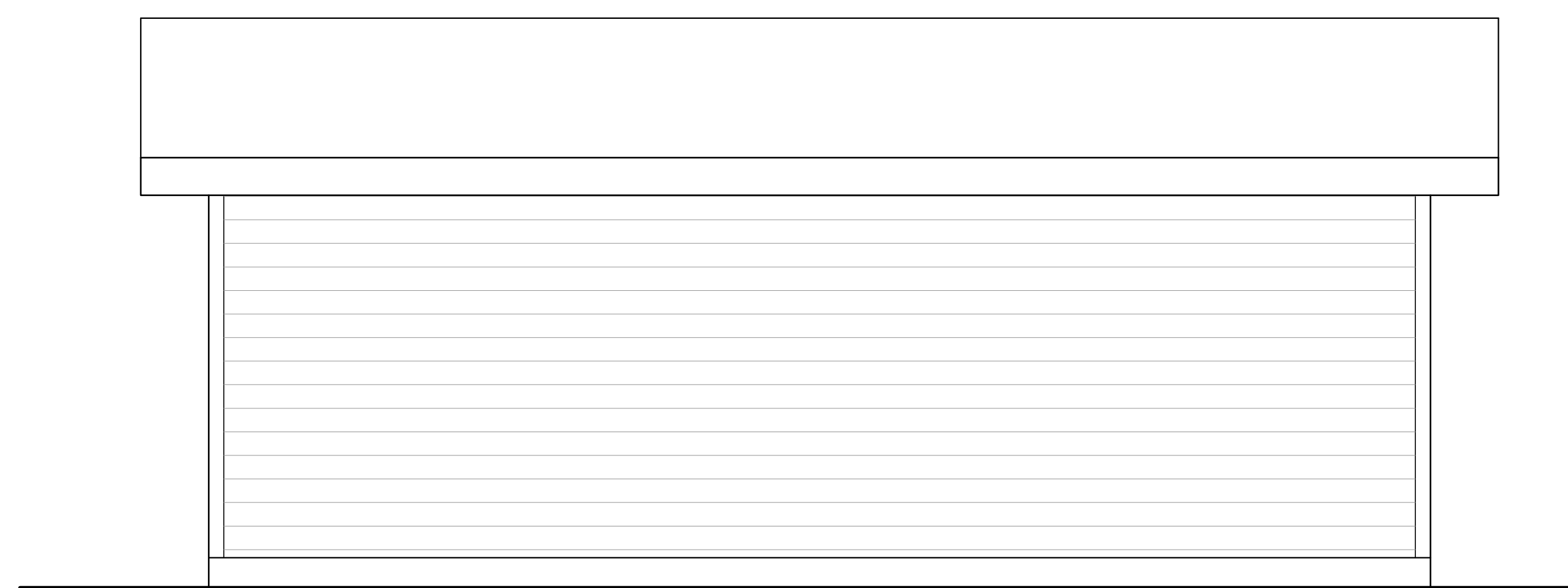
KEY PLAN



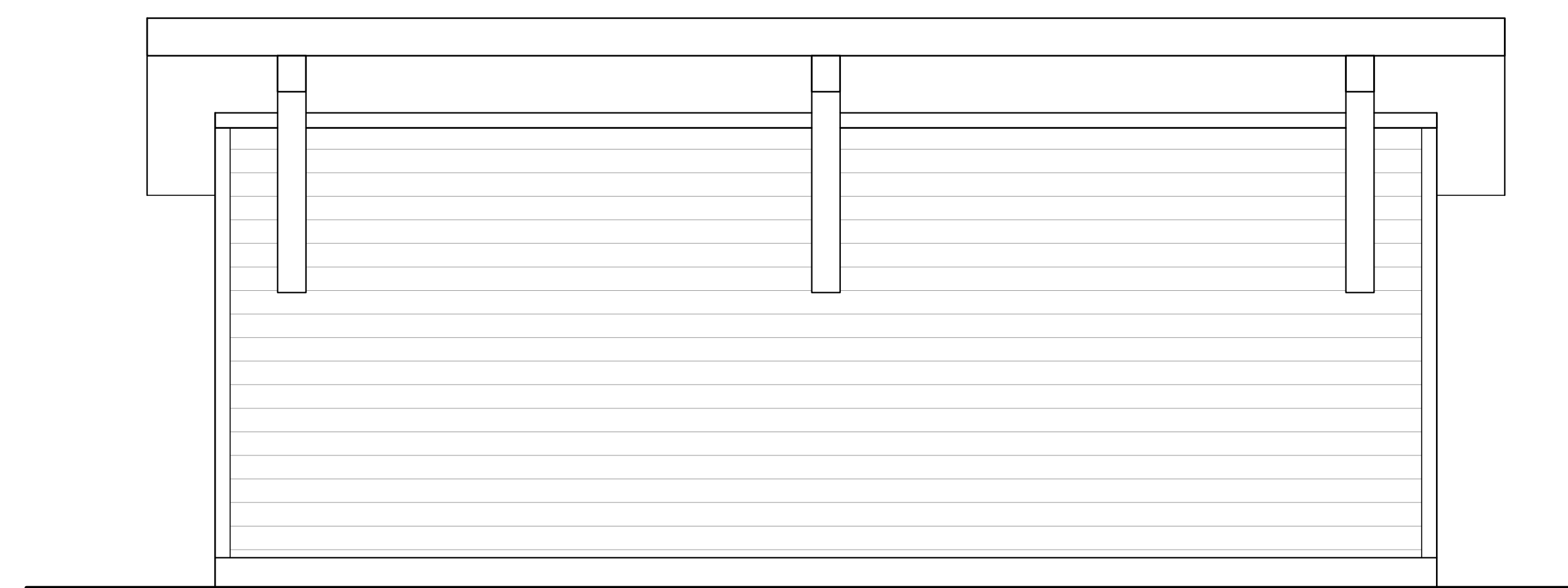
1 ACCESSORY BIKE STORAGE - PLAN
DP-11 1/8" = 1'-0"



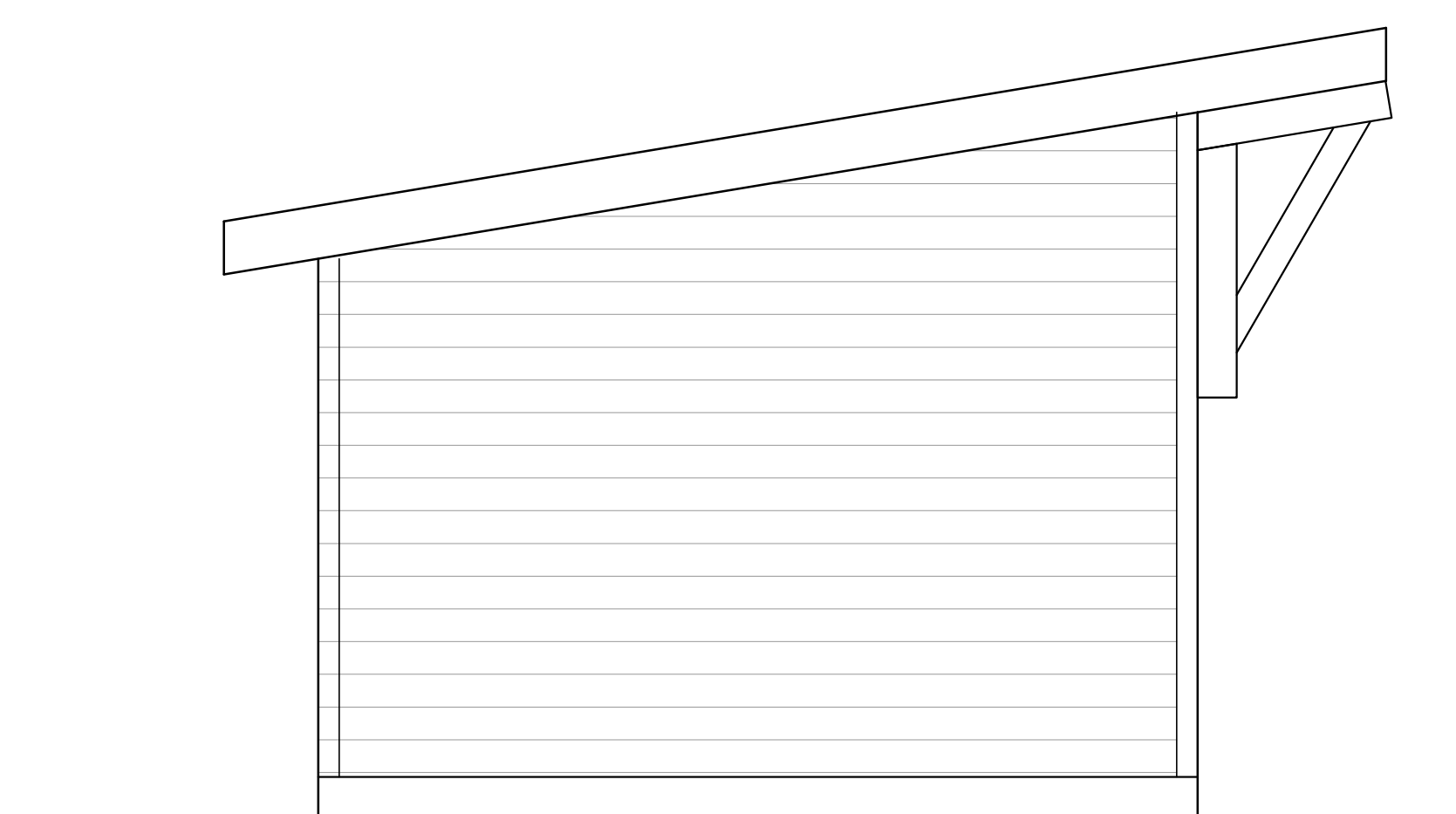
2 ACCESSORY BIKE STORAGE - ROOF PLAN
DP-11 1/8" = 1'-0"



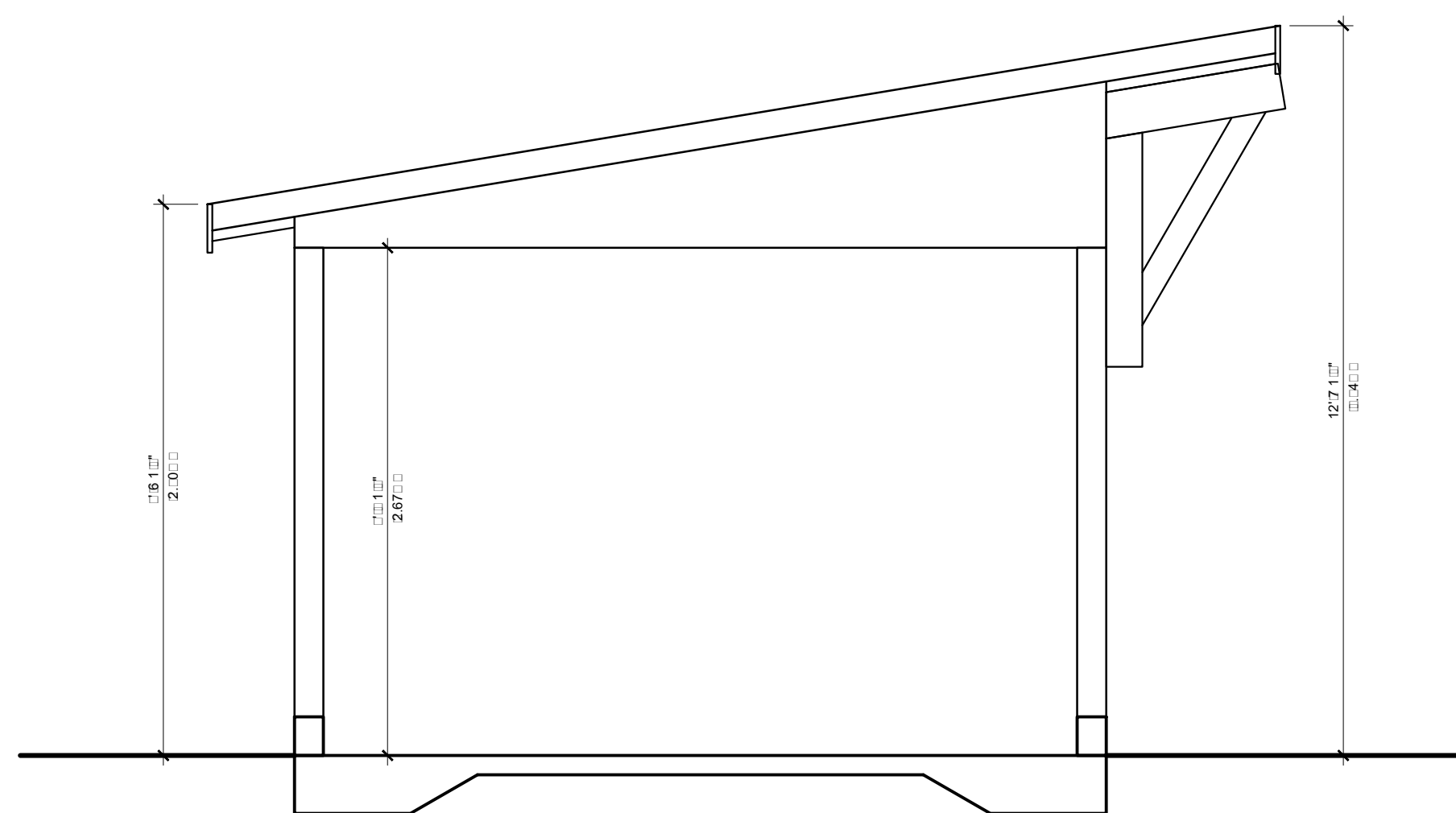
3 ACCESSORY BIKE STORAGE - WEST ELEVATION
DP-11 1/8" = 1'-0"



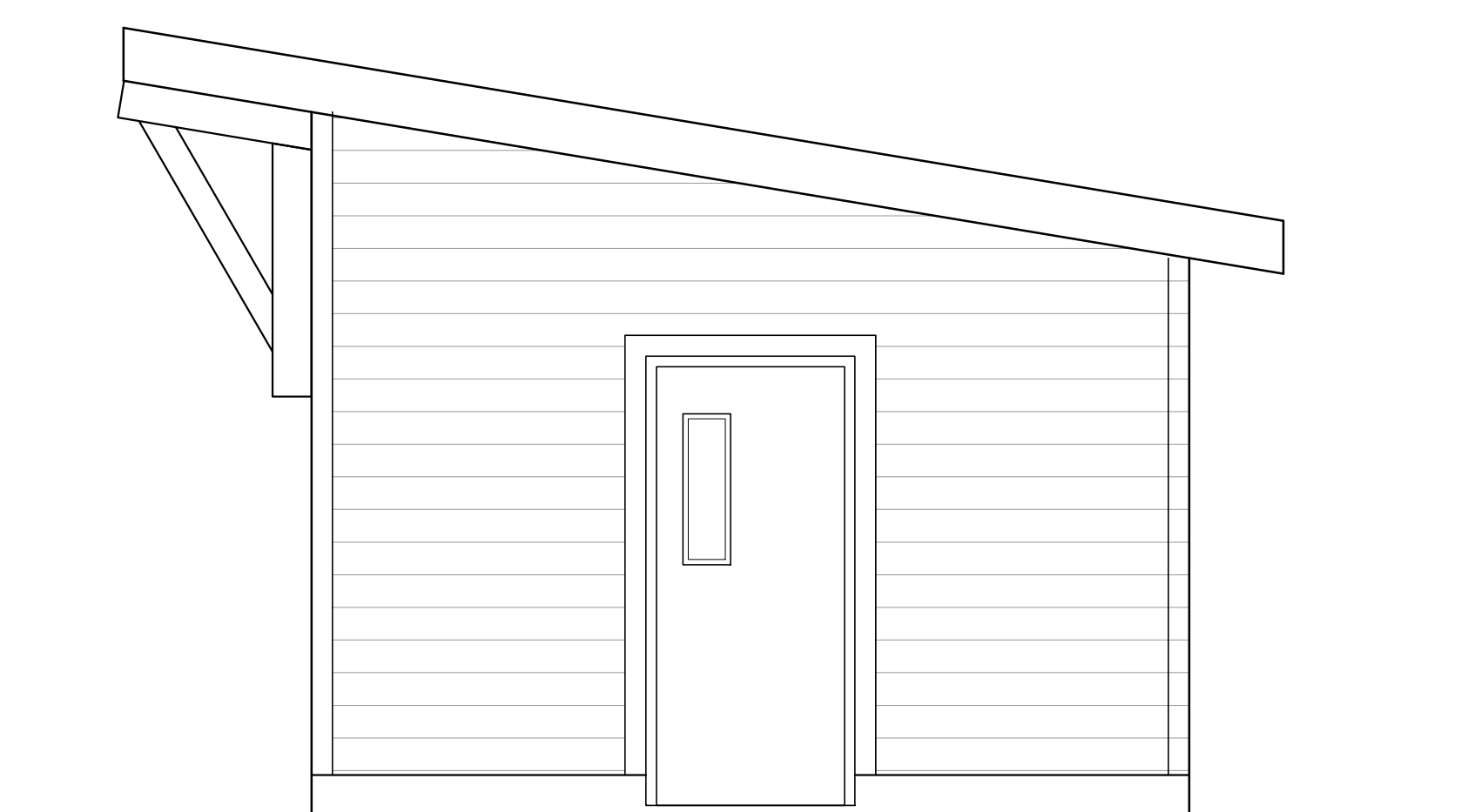
4 ACCESSORY BIKE STORAGE - EAST ELEVATION
DP-11 1/8" = 1'-0"



5 ACCESSORY BIKE STORAGE - SOUTH ELEVATION
DP-11 1/8" = 1'-0"



6 ACCESSORY BIKE STORAGE - SECTION
DP-11 1/8" = 1'-0"



7 ACCESSORY BIKE STORAGE - NORTH ELEVATION
DP-11 1/8" = 1'-0"

This work is based on the information provided and is not to be used for any other purpose without the consent of the Architect.
© 2022 David Watkin Architect

CLIENT
Scribble Creek Mountain Village
1 Scribble Creek Gate
Canmore, AB
T1W 0A7

PROJECT
SCMV Station House
500 Bay Valley Trail
Canmore, AB

DRAWING
ACCESSORY BIKE STORAGE

BUILDING PERMIT

DEVELOPMENT PERMIT

FILE 22.001 DRAWN BY MAF
DATE 2022.11.07 SCALE AS INDICATED
DRAWING NUMBER **DP-11**

CANMORE, ALBERTA

PLOT PLAN FOR DEVELOPMENT PERMIT AFFECTING

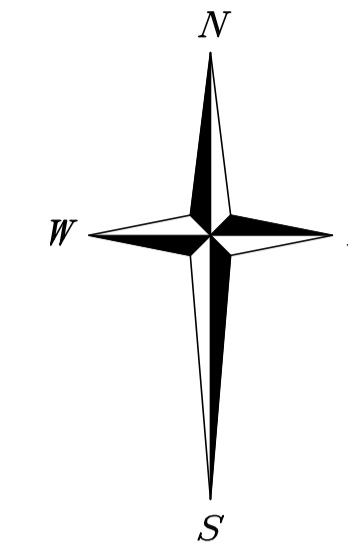
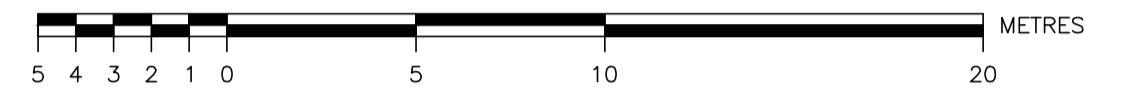
LOT 1, BLOCK 7, PLAN 051 2461

500 BOW VALLEY TRAIL, CANMORE

PREPARED FOR:

SPRING CREEK MTN. VILLAGE

SCALE = 1:200



NOTES:

- DISTANCES AND ELEVATIONS ARE IN METRES.
- ELEVATIONS ARE GEODETIC AND DERIVED FROM AN NRCAN PRECISE POINT POSITIONING SOLUTION, GEOID HT2, GEODETIC DATUM CGVD28.
- LAND USE CLASSIFICATION OF PROPERTY IS: BVT-G
- AREA OF PARCEL SHOWN BOUNDED THUS: _____ AND CONTAINS 3757.2 m².
- PLAN INFORMATION IS BASED ON A FIELD SURVEY COMPLETED ON JANUARY 10, 2022.
- AREA OF BUILDING:
 - MAIN FLOOR = 1399.4 m² (LOT COVERAGE = 37.2%)
 - CANTILEVERED = 11.7 m² (LOT COVERAGE = 0.3%)
- AREA OF BIKE STORAGE BUILDING = 35.1 m² (LOT COVERAGE = 0.9%)
- REGISTERED INTERESTS (EXCLUDING ENCUMBRANCES):
 - 051 242 582 UR/W (Plan 0512462)

LEGEND:

- DESIGN GRADES 9.73
- EXISTING GRADES 8.88
- EXISTING GRADE (INTERPOLATED) 9.65
- BURIED POWER
- BURIED GAS
- BURIED TELUS
- WATERMAIN (COPIED FROM TOWN RECORDS)
- CORRUGATED STEEL PIPE CSP
- DIAMETER Ø
- MANHOLE ●
- STREET LIGHT ☼

CERTIFIED CORRECT THIS 29TH DAY OF SEPTEMBER, 2022.

Warren Lippitt
WARREN LIPPITT, A.L.S.

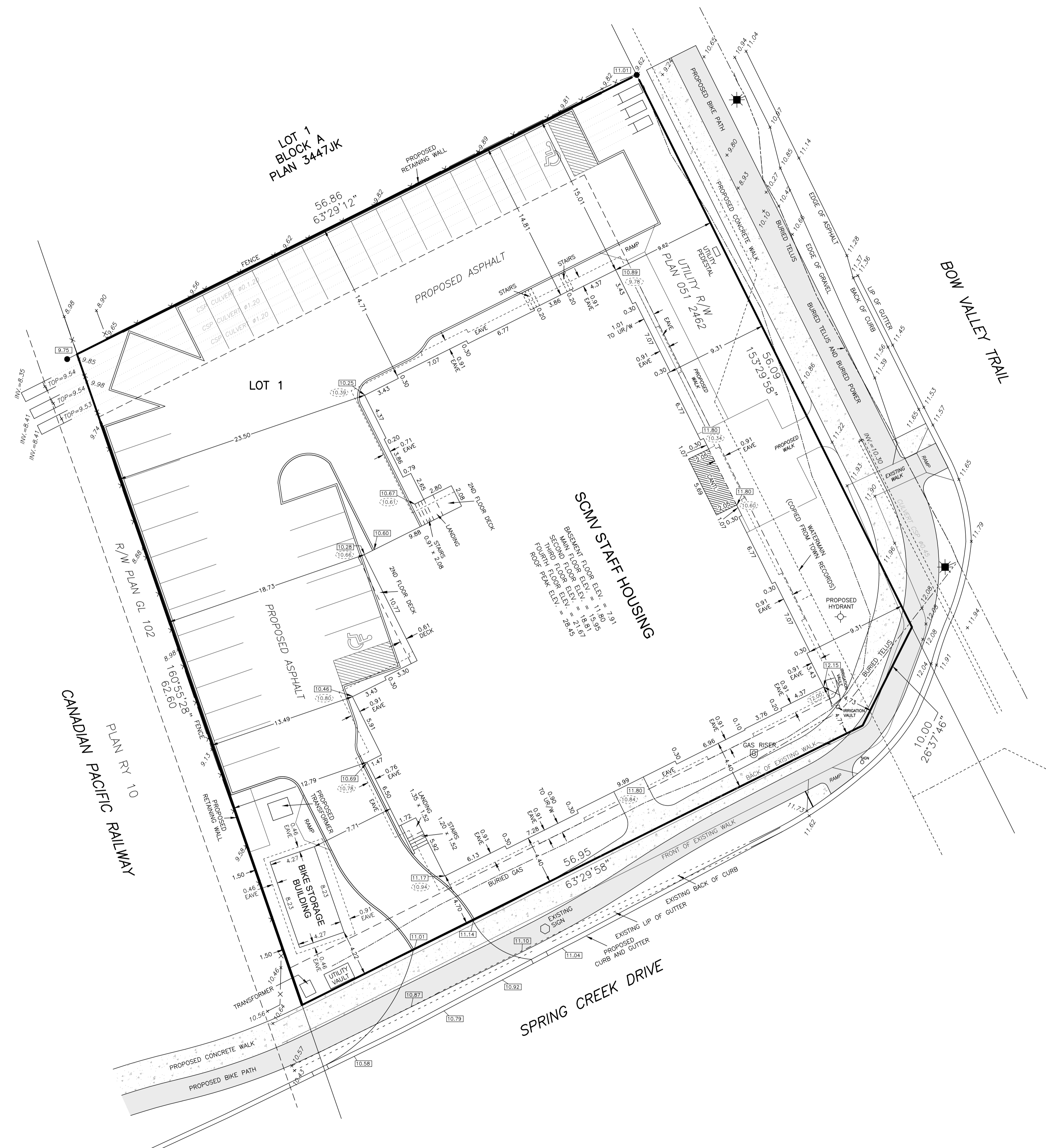


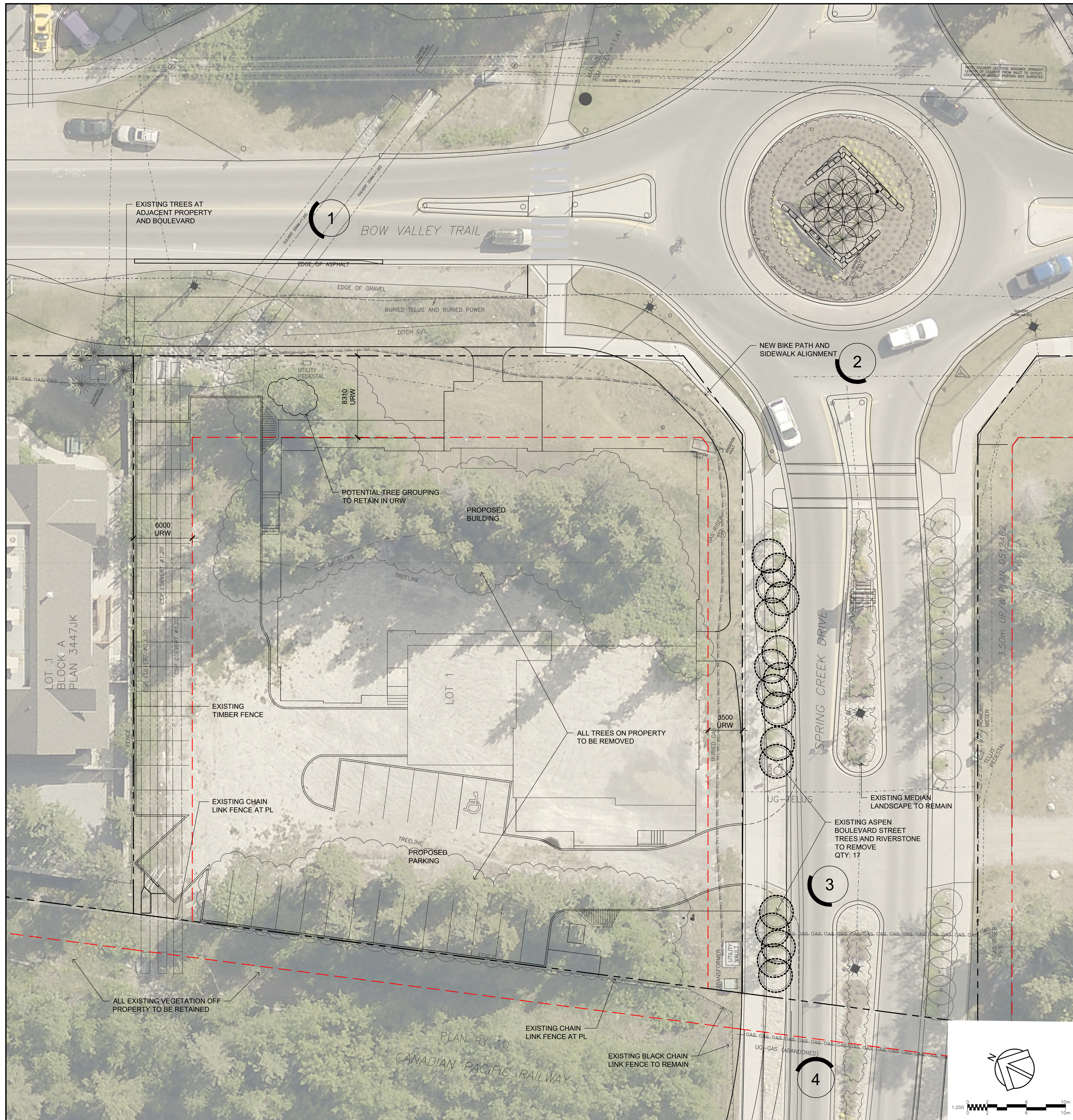
NOTE: SEE SITE GRADING PLAN (SHEET 2531-11524-C-100) BY MCELHANNY FOR DETAILED GRADING.
SEE LANDSCAPE PLANS FROM IBI GROUP FOR PROPOSED LANDSCAPING.

LIMITING ELEVATIONS
TOWN TO DETERMINE H_{max} FOR MULTIFAMILY DEVELOPMENTS PER SECTION 2.8.5 OF LAND USE BYLAW.
1:100 YEAR GROUND WATER ELEVATION - TO BE DETERMINED BY ENGINEERING INVESTIGATION.

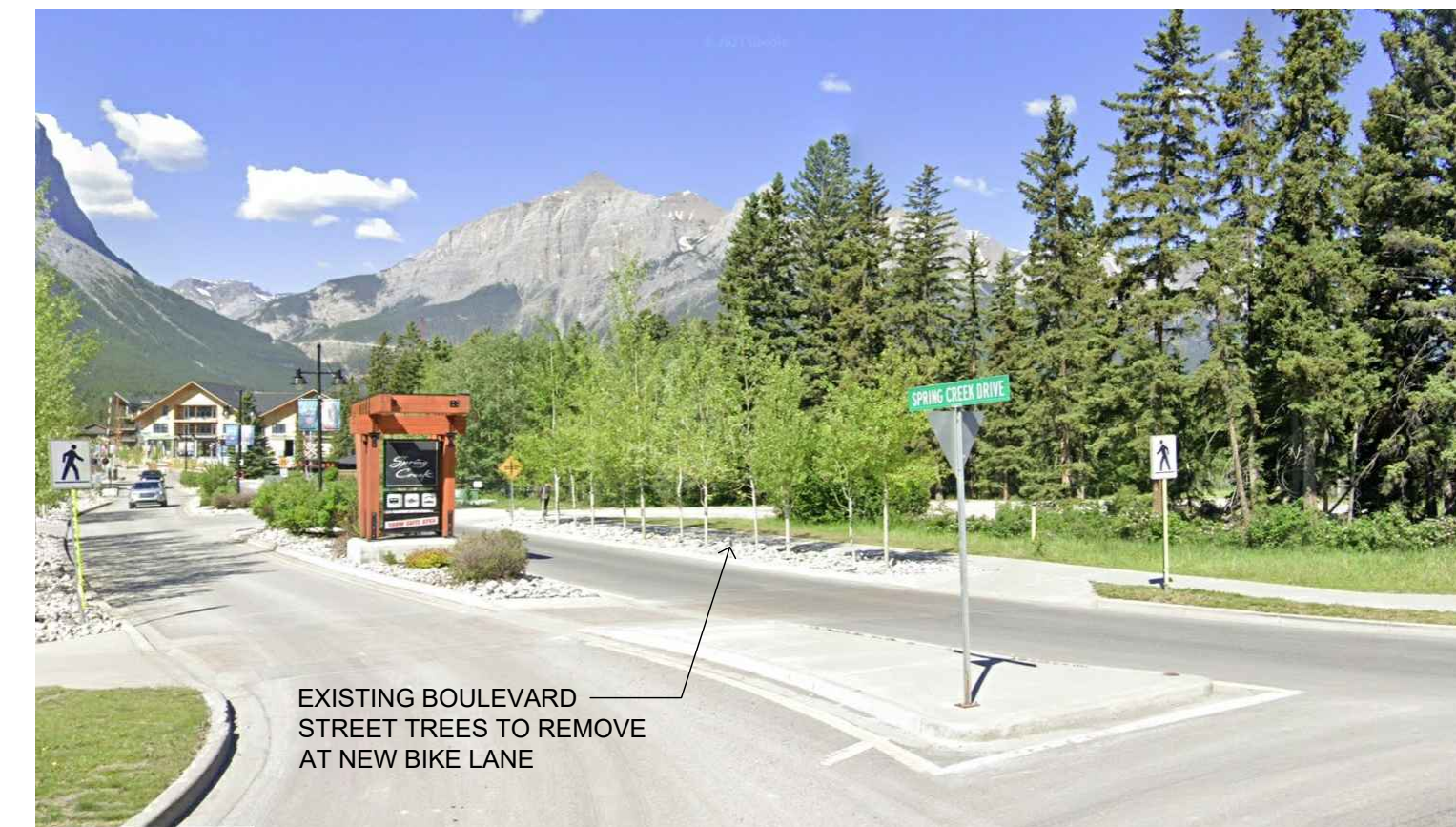
THIS DRAWING AND DESIGN IS THE PROPERTY OF MCELHANNY CONSULTING SERVICES LTD. (MCELHANNY) AND SHALL NOT BE USED, REUSED OR REPRODUCED WITHOUT THE CONSENT OF MCELHANNY.
MCELHANNY WILL NOT BE HELD RESPONSIBLE FOR THE IMPROPER OR UNAUTHORIZED USE OF THIS DRAWING AND DESIGN.
THIS DRAWING AND DESIGN HAS BEEN PREPARED FOR THE CLIENT IDENTIFIED, TO MEET THE STANDARDS AND REQUIREMENTS OF THE APPLICABLE PUBLIC AGENCIES AT THE TIME OF PREPARATION.
MCELHANNY, ITS EMPLOYEES, SUBCONSULTANTS AND AGENTS WILL NOT BE LIABLE FOR ANY LOSSES OR OTHER CONSEQUENCES RESULTING FROM THE USE OR RELIANCE UPON, OR ANY CHANGES MADE TO, THIS DRAWING, BY ANY THIRD PARTY, INCLUDING CONTRACTORS, SUPPLIERS, CONSULTANTS AND STAKEHOLDERS, OR THEIR EMPLOYEES OR AGENTS, WITHOUT MCELHANNY'S PRIOR WRITTEN CONSENT.
INFORMATION ON EXISTING UNDERGROUND FACILITIES MAY NOT BE COMPLETE OR ACCURATE. MCELHANNY, ITS EMPLOYEES AND DIRECTORS ARE NOT RESPONSIBLE NOR LIABLE FOR THE LOCATION OF ANY UNDERGROUND CONDUITS, PIPES, CABLES OR OTHER FACILITIES WHETHER SHOWN OR OMITTED FROM THIS PLAN. PRIOR TO CONSTRUCTION CONTRACTOR SHALL EXPOSE LOCATIONS OF ALL EXISTING FACILITIES BY HAND DIGGING OR HYDROVAC AND ADVISE THE ENGINEER OF POTENTIAL CONFLICTS.

McElhannay
Land Surveys (Alta.) Ltd.
203 - 502 BOW VALLEY TRAIL, CANMORE, ALBERTA T1W 1N9
PH (403) 678-6363; FAX (855) 407-3895
FILE: 22-008 22-008DP2.DWG
DRAWN BY: C.T.B. PLOTTED: SEP/29/2022





1 BOW VALLEY TRAIL LOOKING NORTH
L0.1



2 SPRING CREEK DRIVE LOOKING WEST
L0.1



3 SPRING CREEK DRIVE LOOKING WEST
L0.1



4 SPRING CREEK DRIVE LOOKING EAST
L0.1

CLIENT
SPRING CREEK MOUNTAIN VILLAGE

1 SPRING CREEK GATE CANMORE, AB T1W0A7

COPYRIGHT
This drawing has been prepared solely for the intended use, and any reproduction or distribution for any purpose other than authorized by IBI Group is forbidden. Written dimensions shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job, and IBI Group shall be informed of any variations from the dimensions and conditions shown on the drawing. Shop drawings shall be submitted to IBI Group for general confirmation before proceeding with fabrication.

IBI Group Professional Services (Canada) Inc.
is a member of the IBI Group of companies.

ISSUES		
No.	DESCRIPTION	DATE
A	ISSUED FOR DP	2022-06-21
B	ISSUED FOR DP	2022-07-18
C	REVISED & REISSUED	2022-09-30
D	REVISED & REISSUED	2022-11-08

REVISIONS		
No.	DESCRIPTION	DATE

CONSULTANTS

SEAL

PRIME CONSULTANT
IBI GROUP
3rd Floor - 227 11 Avenue SW
Calgary AB T2R 1R9 Canada
Tel: 403 270 5600 Fax: 403 270 5610
ibigroup.com

PROJECT
SCMV STAFF HOUSING
LOT 1 BLK 7 PLAN 051 2461
500 BOW VALLEY TRAIL
CANMORE, AB

PROJECT NO:
139672

DRAWN BY:
IBI

PROJECT MGR:
BB

CHECKED BY:
IBI

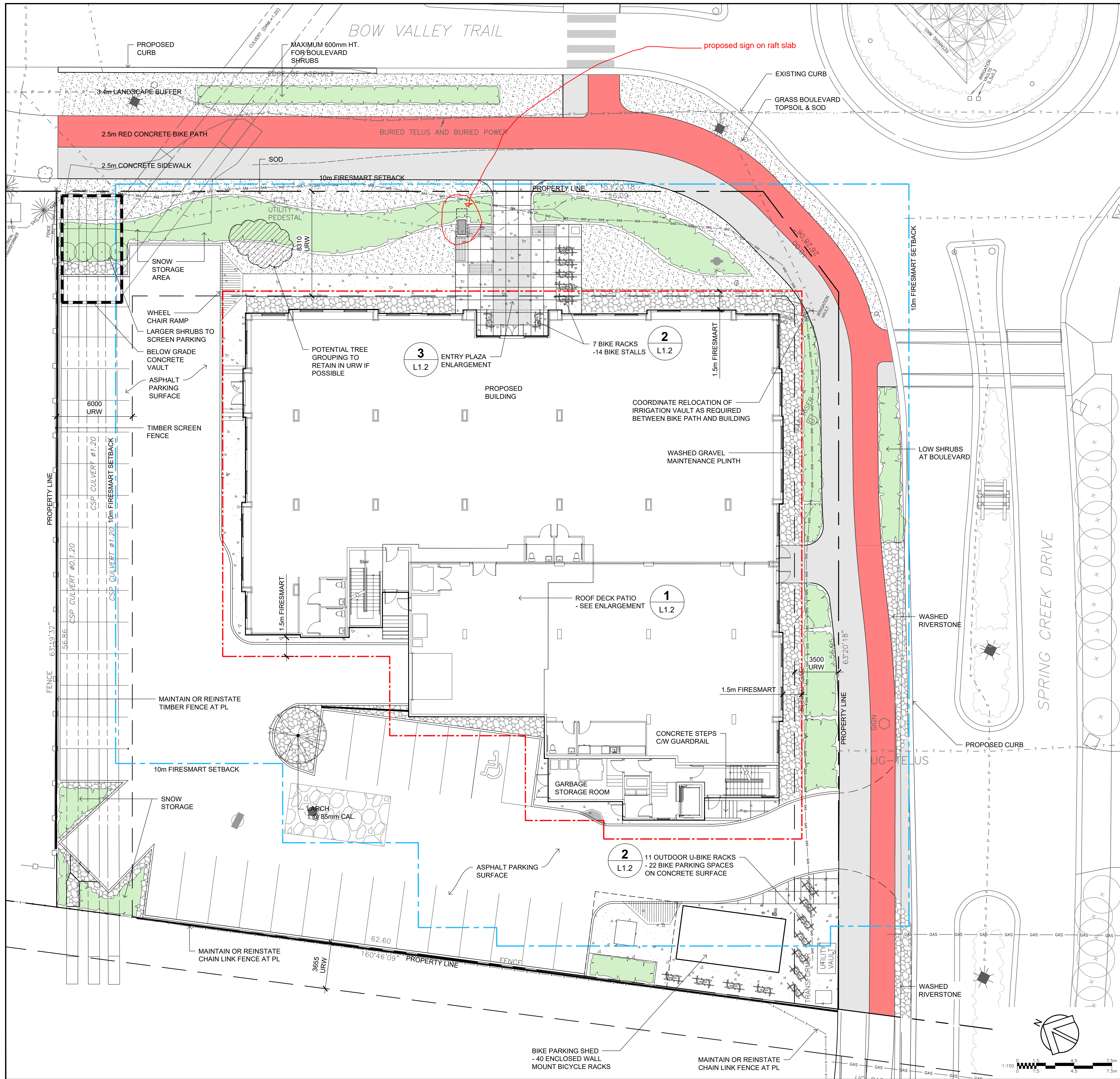
APPROVED BY:
IBI

SHEET TITLE
EXISTING SITE

SHEET NUMBER
L0.1

ISSUE
C

File Location: \\113872_SC-CV17_Shift7.0_Production\7.03_Design\05_Landscape\138672_Existing Site.dwg
Last Saved: September 30, 2022, by Maria DiGiulio
Plotted: Tuesday, November 8, 2022 2:33:11 PM by Maria DiGiulio



LEGEND & NOTES

PROPERTY LINE

RETAIN PORTION OF EXISTING TREE GROUPINGS

CONCRETE SIDEWALK WITH SAWCUT JOINTING PATTERN, NON-SLIP, REGULAR GREY

CONCRETE SIDEWALK WITH SAWCUT JOINTING PATTERN, NON-SLIP, CHARCOAL GREY COLOUR

RED CONCRETE BIKE PATH - SEE CIVIL DRAWINGS

CONCRETE SIDEWALK - SEE CIVIL DRAWINGS

WASHED GRAVEL 100mm DEPTH OVER BLACK FILTER FABRIC

GRASS AREA - TOPSOIL & SOD

EXTERIOR BICYCLE U-RACK QTY: 15 (30 BICYCLE PARKING SPACES)

AREA CALCULATIONS

SITE AREA	3,755.7 m ²
BUILDING FOOTPRINT	38.5% 1,446.0 m ²
VEHICULAR ROAD AND PARKING	36.0% 1,351.5 m ²
LANDSCAPE AREA REQUIRED	25.0% 938.9 m²
SOFT LANDSCAPE AREA AT GRADE	13.2% 497.2 m ²
HARD LANDSCAPE AREA AT GRADE	12.7% 461.0 m ²
TOTAL AT GRADE LANDSCAPE AREA INCLUDING PATIOS, WALKWAYS AND BICYCLE PARKING	25.9% 958.2 m ²
ADDITIONAL HARD SURFACE LANDSCAPE AREA AT SECOND LEVEL	174.0 m ²

PLANT MATERIAL REQUIREMENTS

TOTAL TREES REQUIRED	
1 TREE PER 20m ² LANDSCAPE AREA (938.9÷20)	47 TREES
TOTAL SHRUBS REQUIRED	
1 SHRUB PER 20m ² LANDSCAPE AREA (938.9÷20)	47 SHRUBS
PROPOSED TREES	4 TREES
ADDITIONAL 12m ² OF EXISTING TREES TO BE RETAINED DEPENDING ON FINAL GRADING REQUIREMENTS AND URW RESTRICTIONS	
PROPOSED SHRUBS	180 SHRUBS

NOTE: OF THE TOTAL AT GRADE LANDSCAPE AREA 665m² IS URW WHICH IS 66% OF THE AT GRADE LANDSCAPE AREA.

SHRUB AND GROUND COVER PLANTING AND MULCH.

STONE MULCH OR NO MULCH AT PLANTING BEDS WITHIN FIRESMART SETBACK

SHRUB COUNT = 230

MINIMUM 600mm HEIGHT OR SPREAD, 5 GAL CONTAINER: QTY= 115
MINIMUM 300mm HEIGHT OR SPREAD, 2 GAL CONTAINER: QTY= 115

POTENTILLA (VAR SPECIES)	POTENTILLA FRUTICOSA
PRICKLY ROSE	ROSA ACICULARIS
SPIREA (VARIOUS SPECIES)	SPIRAEA

DECIDUOUS TREES QTY = 4

1 @ 85mm CAL.	WESTERN LARCH
3 @ 50mm CAL.	PRINCESS KAY PLUM

(NON-FRUITING TREE VARIETY AS APPROVED BY TOWN OF CANMORE. PARKS)

- ALL PLANT MATERIAL SPECIES PLANTED ON PUBLIC PROPERTY AND AT ROAD RW TO BE SPECIES ON EDGC PLANT LIST
- ALL PLANT MATERIAL IS OF A SPECIES CAPABLE OF HEALTHY GROWTH IN CANMORE AND SHALL CONFORM TO THE STANDARDS OF THE CANADIAN NURSERY TRADES ASSOCIATION FOR NURSERY STOCK
- ALL AREAS MAINTAINED WITH AN AUTOMATIC IRRIGATION SYSTEM
- ALL LANDSCAPE CONSTRUCTION AS PER TOWN OF CANMORE 2020 ENGINEERING DESIGN AND CONSTRUCTION GUIDELINES, LANDSCAPE DESIGN GUIDELINES.

- 1.5m FIRESMART SETBACK FROM PROPOSED BUILDING**
- AS PER FIRESMART STANDARDS NO PLANTING WITHIN 1.5m BUILDING SETBACK.
- 10m FIRESMART SETBACK FROM PROPOSED BUILDING**
- ALL PROPOSED PLANT MATERIAL BETWEEN 1.5m AND 10.0m FROM BUILDING WILL BE NON-CONIFEROUS PLANT MATERIAL, WITH NO MULCH OR WITH A STONE MULCH.

CLIENT
SPRING CREEK MOUNTAIN VILLAGE

1 SPRING CREEK GATE CANMORE, AB T1W0A7

COPYRIGHT
This drawing has been prepared solely for the intended use, thus any reproduction or distribution for any purpose other than authorized by IBI Group is forbidden. Written dimensions shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job, and IBI Group shall be informed of any variations from the dimensions and conditions shown on the drawing. Shop drawings shall be submitted to IBI Group for general concurrence before proceeding with fabrication.

IBI Group Professional Services (Canada) Inc.
is a member of the IBI Group of companies.

ISSUES		
No.	DESCRIPTION	DATE
A	ISSUED FOR DP	2022-06-21
B	ISSUED FOR DP	2022-07-18
C	REVISED & REISSUED	2022-09-30
D	REVISED & REISSUED	2022-11-08

REVISIONS		
No.	DESCRIPTION	DATE

CONSULTANTS

SEAL

PRIME CONSULTANT
IBI GROUP
3rd Floor - 227 11 Avenue SW
Calgary AB T2R 1R9 Canada
tel: 403 270 5600 fax: 403 270 5610
ibigroup.com

PROJECT
SCMV STAFF HOUSING
LOT 1 BLK 7 PLAN 051 2461
500 BOW VALLEY TRAIL
CANMORE, AB

PROJECT NO:
139672

DRAWN BY: IBI	CHECKED BY: IBI
PROJECT MGR: BB	APPROVED BY: IBI

SHEET TITLE
LANDSCAPE PLAN

SHEET NUMBER L1.1	ISSUE C
-----------------------------	-------------------

CLIENT
SPRING CREEK MOUNTAIN VILLAGE

1 SPRING CREEK
 GATE CANMORE, AB T1W0A7

COPYRIGHT
 This drawing has been prepared solely for the intended use. Any reproduction or distribution for any purpose other than authorized by IBI Group is forbidden. Written dimensions shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job, and IBI Group shall be informed of any variations from the dimensions and conditions shown on the drawing. Shop drawings shall be submitted to IBI Group for general concurrence before proceeding with fabrication.

IBI Group Professional Services (Canada) Inc.
 is a member of the IBI Group of companies

ISSUES

No.	DESCRIPTION	DATE
A	ISSUED FOR DP	2022-06-21
B	ISSUED FOR DP	2022-07-18
C	REVISED & REISSUED	2022-09-30
D	REVISED & REISSUED	2022-11-08

REVISIONS

No.	DESCRIPTION	DATE

CONSULTANTS

SEAL

PRIME CONSULTANT

IBI GROUP
 3rd Floor - 227 11 Avenue SW
 Calgary AB T2R 1R9 Canada
 Tel: 403 270 5600 Fax: 403 270 5610
 ibigroup.com

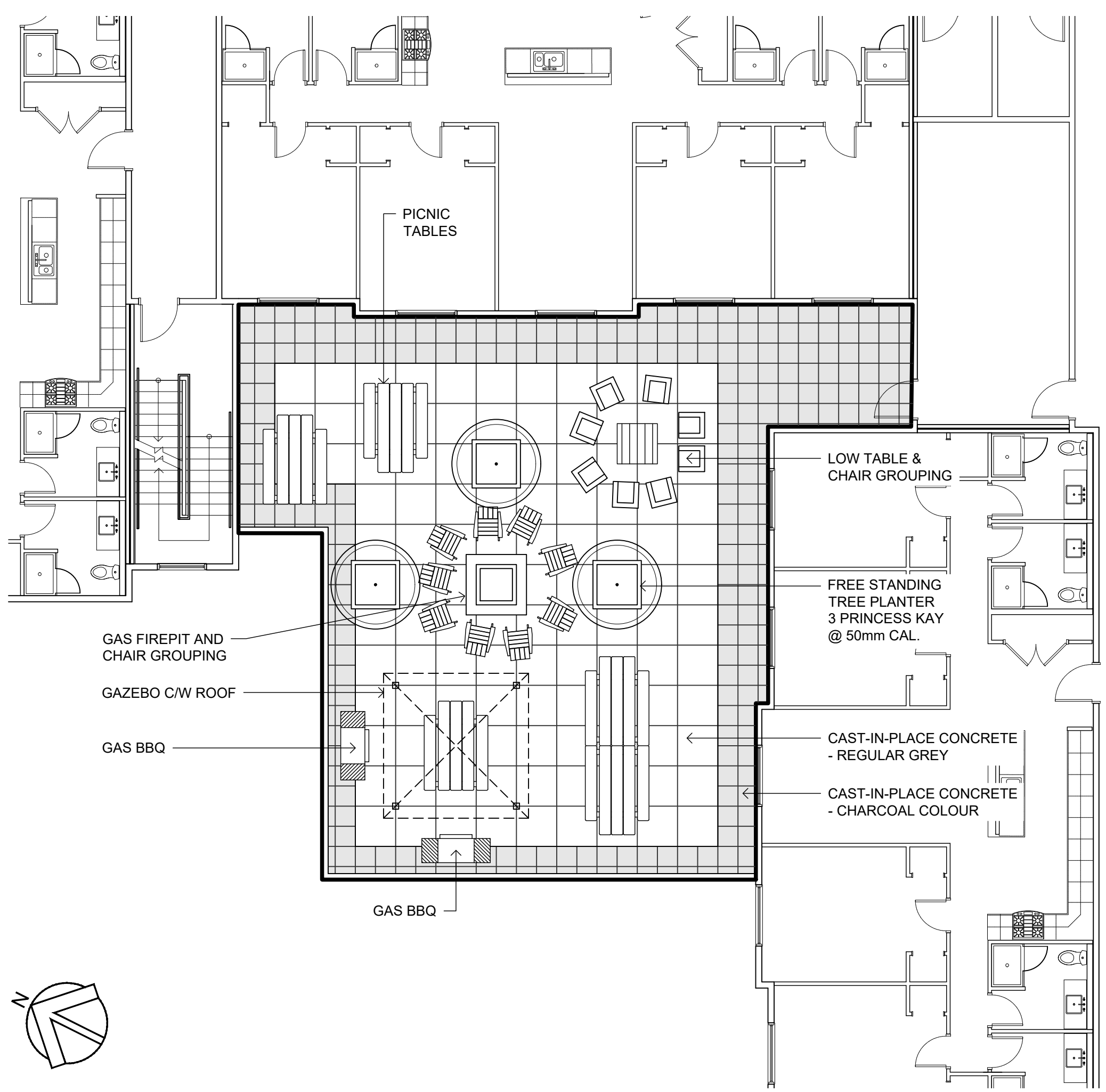
PROJECT
SCMV STAFF HOUSING
 LOT 1 BLK 7 PLAN 051 2461
 500 BOW VALLEY TRAIL
 CANMORE, AB

PROJECT NO:
 139672

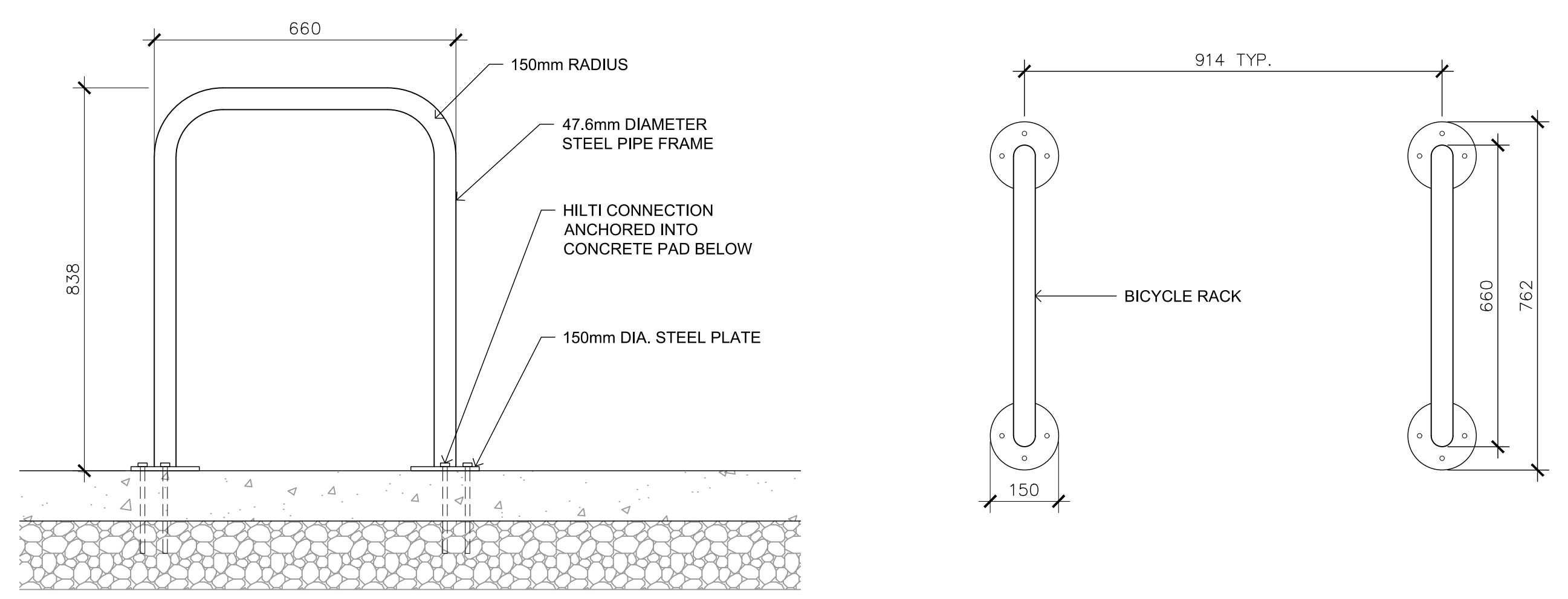
DRAWN BY: MD	CHECKED BY: BB
PROJECT MGR: BB	APPROVED BY: BB

SHEET TITLE
PATIO ENLARGEMENT & DETAILS

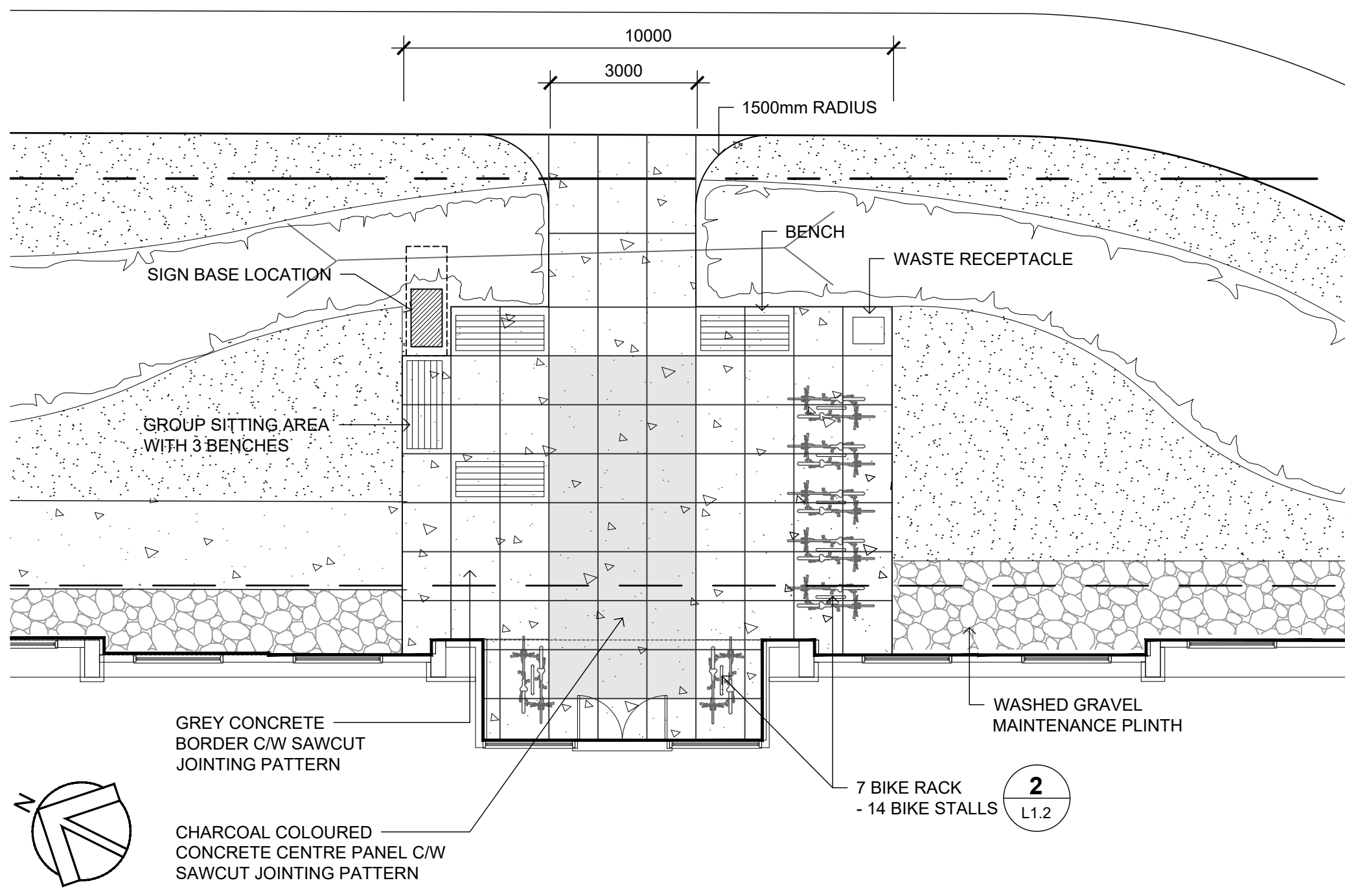
SHEET NUMBER	ISSUE
L1.2	C



1 SECOND LEVEL PATIO ENLARGEMENT
 L1.2 SCALE 1:100



2 U-BIKE RACK
 L1.2



3 ENTRY PLAZA ENLARGEMENT
 L1.2 SCALE 1:100

File Location: J:\139672_SC-BVT_Shift7_0_Production\7_03_Design\05_Landscape\139672_Landscape Plan.dwg Last Saved: November 8, 2022, by Maria DiGiacomo Plotter: Tuesday, November 8, 2022 2:34:20 PM by Maria DiGiacomo

TECHNICAL MEMO

To Frank Kernick, President Spring Creek Mountain Village	From Chun Man, P.Eng. Calgary - Transportation
Re Spring Creek Mountain Village – Parking Review	Date November 16, 2022

1. Background

This parking review was completed in support of the common amenity housing development proposed at 500 Bow Valley Trail in Canmore, Alberta, to illustrate the expected unique parking demands based on experience from other resort communities within the Bow Valley Region.

The proposed common amenity housing development includes 24 units (79 bedrooms) distributed over three levels. The street level of the development will include warehousing and wholesaling operations with just over 1,300 sqm dedicated to these non-residential uses.

2. Bylaw and Parking Study Review

The Town of Canmore Land Use Bylaw provides guidance related to parking minimums and maximums, having adopted some of the findings from a parking study completed in 2018. This study explored traditional parking stall allocation practices to determine whether these practices should continue, while considering the modern understanding of parking related to land, environmental, and maintenance impacts (among many others).

The 2018 Parking Study¹ found that:

- Parked vehicles at businesses only exceeded the 85% threshold of parking spaces provided during 21% of the business operating hours.
 - e.g.: 90 minutes out of an eight-hour day

¹ Town of Canmore – Integrated Parking Management Plan

- Parking space provided is significantly under-utilized when considering all business operating hours.

The Land Use Bylaw provides general regulation in Section 2.7 (Parking and Loading Requirements) for the uses proposed for the development at 500 Bow Valley Trail.

Wholesale and warehousing operations do not have a specified parking minimum requirement and are restricted to a maximum of 10 stalls regardless of size of the operations.

While there are no specific uses that align with common amenity housing in the Land Use Bylaw, similar uses were considered. Parking rates for similar uses from the Town of Canmore Land Use Bylaw are summarized in Table 1.

Table 1: Car Parking Rate per Land Use Bylaw (Number of Stalls)

Use	Visitor	Min. Parking	Max. Parking
Warehousing/Wholesale	N/A	-	10
Apartment Building (per unit)	0.15	1	3

The Land Use Bylaw also provides guidance for bike parking requirements as illustrated Table 2.

Table 2: Bike Parking Rate per Land Use Bylaw (Number of Stalls)

Use	Short Term	Long Term
Warehousing/Wholesale (per 100 sqm)	1	1
Apartment Building (per unit)	0.25	1.5



3. Proposed Development Parking

3.1. CAR PARKING DEMAND

Based on the Land Use Bylaw, the total minimum number of parking stalls required for the proposed development is 34. It was assumed that 6 car stalls would be provided for the non-residential warehousing and wholesale uses considering the expected parking turnover for a retail/commercial business of the proposed nature. Table 3 provides a summary of the parking demand without considering staff behaviours and travel patterns (based only on the Land Use Bylaw).

Table 3: Car Parking Demand per Land Use Bylaw

Ref.	Use	Quantities	Min. Parking Rate	Estimated Demand
1	Warehousing/Wholesale	1.4 ksm	-	6
2	Apartment Building (per unit)	24 units	1	24
2a	Visitor Stalls	24 units	0.15	4
Total Parking Demand (1+2+2a)				34

Note: ksm – thousand square metres

A recent parking needs survey conducted by Spring Creek Mountain Village received responses from 50% of staff members. It was assumed that those who did not respond will not require on-site parking, travel to work by other means, or have other car arrangements during the working hours. Of those who responded, **approximately 30% of the staff drive to work**, with the remaining 70% arriving to work by active modes (walking or cycling).

A similar parking trend was recorded at Banff Caribou Properties. Management/operators observed about 10% of staff occupying the parking stalls provided over the working season (parking demand/requirement of stalls was equal to 10% of the number of staff members).

Spring Creek Mountain Village is planning to have **80 full time staff members over a 12-month period**. During the **peak season, it is estimated that a total of 158 staff members could be housed** (up to 78 additional staff) to support the periods of highest tourist demand. However, the likelihood of reaching up to 158 staff members is low and represents **a rare event/conservative estimate**.

Assuming the parking behavior trends for hospitality staff remain similar to the recent observations made in Canmore and Banff, the parking demand for amenity housing is expected to fall within the ranges summarized in Table 4.



Table 4: Estimated Car Parking Demand Based on Site Observations

Time Period	Staff	Min. Parking ²	Max. Parking ³
Residential – Shoulder Season Demand	80	4	12
Residential – Peak Season Demand	158	8	<u>24</u>
Non-Residential Demand ⁴	-	5	<u>5</u>
TOTAL MINIMUM EXPECTED DEMAND			9⁵
TOTAL MAXIMUM EXPECTED DEMAND			<u>29</u>

The expected vehicle parking demand is between 9 to 29 stalls. The minimum scenario reflects the combination of minimum parking for residential shoulder season demand and minimum parking for non-residential demand. The maximum scenario reflects the combination of maximum parking for residential peak season demand and maximum parking for non-residential demand.

The proposed 35 car parking stalls are expected to support the parking demands for the common amenity housing, and warehouse operations during the shoulder and peak season. This is based on understanding of the shoulder demand being between 4 stalls to 12 stalls, and an increased demand expected during the peak season of between 8 stalls and 24 stalls. It is assumed that the warehouse parking demand will remain consistent through out the year. As such, the proposed design is expected to provide additional capacity throughout the season.

As previously stated, the peak season staff numbers represent a worse case scenario as forecasted by Spring Creek operators. The proposed development plan provides 35 parking stalls, including 30 stalls available for common amenity residents and five stalls dedicated to the wholesale and warehousing business during operational hours. These non-residential parking stalls can be utilized by resident staff and visitors outside of the wholesale and warehousing business hours, as required.

Previously approved developments⁶ of similar land use in Canmore indicate car parking rates that range from 0.175 to 0.4 stalls per bedroom. Based on the proposed 79 bedrooms at 500 Bow Valley Trail, these rates result in a parking requirement of between 14 and 32 car parking stalls, which further validates the adequacy of the proposed 35 parking stalls.

² $80 \times 0.50 \times 0.10 = 4$ – 10% Banff Operations

³ $158 \times 0.50 \times 0.30 = 23.7$ – 30% Canmore Response

⁴ Assumed 50% of max LUB Rate.

⁵ Min: $4+5=9$; Max: $24+5=29$

⁶ Peaks of Canmore



3.2. BIKE PARKING DEMAND

Bike parking for the proposed development based on the Land Use Bylaw is summarized in Table 5. Malcom Hotels and Spring Creek Vacations are also planning to provide staff with community bikes to decrease vehicle demand when travelling within the development or to other destinations within the Bow Valley.

Table 5: Bike Parking Demand Per Land Use Bylaw

Ref.	Use	Quantities	Short Term Rate	Long Term Rate	Estimated Demand ⁷
1	Warehousing/Wholesale	1.4 ksm	10 ⁸	10	28
2	Apartment Building (per unit)	24 units	0.25	1.5	42
Estimated Bike Parking Demand					68

Note: ksm– thousand square metres

When considering the staff travel behaviors recorded from the survey, it is expected that 70% will choose to walk or bike to work. The survey indicated that 5% of staff have biked to work in the past. To encourage bike usage amongst staff members, Spring Creek will provide 10 community bikes (bike shares) for employees to encourage reduced car travel within the Town and Bow Valley Region.

Considering the shoulder and peak season staff count variations, the analysis assumed that **50% of the remaining staff** (those who did not respond to the survey) would travel by bike, **a 10X increase from the survey results**. Table 6 summarizes the expected bike parking demand of the remaining staff. The analysis suggests that during peak demand, an estimated 81 bike stalls are required to support the development during the peak season.

Table 6: Estimated Development Bike Parking Demand

Ref.	Time Period	Staff	Bike Parking Stall Demand ⁹
1	Shoulder Season Demand	80	28
2	Peak Season Demand	158	55
2a	Non-Residential Demand¹⁰	-	28
Total Parking Demand (2+2a)			81

Table 7 summarize the provided short-term and long-term bike parking. For the common amenity housing, the development proposes 72 stalls which is much greater than what is required per land use bylaw. For the non-residential use, 28 stalls will be provided for the warehousing use, meeting the requirements as recommended by the land use bylaw.

⁷ $24 \times (0.25 + 1.5) = 42$

⁸ LUB states 1 bike stall per 100m² – table scaled to 1000m²

⁹ $80 \times 0.7 \times 0.5 = 28$

¹⁰ From Warehousing/Wholesale LUB Rate (Section: 2.7.6.2)



It is expected there may be sharing of bike parking capacity if certain uses experiences different utilization throughout the day. However, given the proposed development is provided 47% more bike stall, we do not expect any storage issues at the time of writing.

Table 7: Bike Stalls Provided

Ref.	Use	Quantities	Short Term Supply	Long Term Supply	Total Supply
1	Warehousing/Wholesale	1.4 ksm	14	14	28
2	Apartment Building (per unit)	24 units	22	50	72
Total Bike Parking Supply for Development					100

4. Conclusion

Spring Creek Mountain Village is proposing to provide 35 car parking stalls to accommodate the amenity housing and warehouse/wholesale operations. Based on previously approved developments with similar land uses in Canmore, the estimated parking requirements for the proposed development are between 14 and 32 car parking stalls.

The proposed short term and long-term bike parking for the development exceeds the needs based on the requirements as indicated in the Land Use Bylaw. During the peak period, an estimated 81 bike stalls are required to support the development. The proposed development plan includes 100 bike stalls as summarized in Table 7.

The car parking proposed for the development is expected to meet/exceed the demands as surveyed by Spring Creek and when compared against other similar uses in the Town. The development also includes a generous proposed supply of bike parking for the residential and non-residential uses and is expected to meet the needs of the development.

Should you have any questions or require any further information, please do not hesitate to contact the undersigned.

Prepared by:



Chun Man, P.Eng.
 Transportation Project Manager
cman@mcelhanney.com

Reviewed by:



Laurel Flanagan, P.Eng., RSP1
 Transportation Engineer
lflanagan@mcelhanney.com

https://mcel-my.sharepoint.com/personal/cman_mcelhanney_com/Documents/Canmore/Gaven/Staff Housing/2022-09-23-SCMV Staff Accommodation Parking.docx



This report has been prepared by McElhanney Ltd. at the request of Spring Creek Mountain Village. The information and data contained herein represent McElhanney's best professional judgment in light of the knowledge and information available to McElhanney at the time of preparation. Except as required by law, this memo and the information and data contained herein are to be treated as confidential and may be used and relied upon only by the client, its officers, and employees.

McElhanney Ltd. denies any liability whatsoever to other parties who may obtain access to this memo for any injury, loss or damage suffered by such parties arising from their use of, or reliance upon, this document or any of its contents without the express written consent of McElhanney and the owner or its agents.



ATTACHMENT 5 – SCHEDULE A – CONDITIONS OF APPROVAL

DEVELOPMENT PERMIT No.: PL20220182

LAND USE DISTRICT: BVT-G

APPROVED USE(S): WHOLESALE SALES WITH WAREHOUSE 21 UNITS
OF COMMON AMENITY HOUSING (76 BEDROOMS)
3 UNITS OF EMPLOYEE HOUSING

APPROVED VARIANCE(S): MAXIMUM DORMER COVERAGE,
MAXIMUM FRONT YARD SETBACK,
MAXIMUM BUILDING AND EAVELINE HEIGHT,
MINIMUM BUILDING STEP BACK,
PERMITTED BUILDING MATERIAL TYPES,
MAXIMUM DWELLING UNIT SIZE, AND MINIMUM
NUMBER OF TREES.

MUNICIPAL ADDRESS: 500 BOW VALLEY TRAIL

LEGAL ADDRESS: PLAN 0512461, BLOCK 7 LOT 1

APPROVED VARIANCES

1. To Section 2.8.6.2 of Land Use Bylaw 2018-22, to allow for more dormer coverage on the roof with 15% and 20% open areas, as shown on the approved plans, instead of 30% as required.
2. To Section 4.6.3.6a of Land Use Bylaw 2018-22, to allow for the building to be 9.62m from the front property line, instead of the maximum 2.0m allowed.
3. To Section 4.6.3.11 of Land Use Bylaw 2018-22, to allow for a maximum building height of 16.65m instead of 16.0m.
4. To Section 4.6.3.13 of Land Use Bylaw 2018-22, to allow for building to not step back from the front building face for a minimum of 70% of the elevation.
5. To Section 4.6.3.14 of Land Use Bylaw 2018-22, to allow for steel as a material as shown on the approved plans.
6. To Section 4.6.4.13 of Land Use Bylaw 2018-22, to allow for the size of the dwelling units to exceed 75.0m².
7. To Section 4.6.6.1 of Land Use Bylaw 2018-22, to allow for a minimum of 4 trees instead of a minimum of 47.
8. To Section 4.6.9.1c of Land Use Bylaw 2018-22, to allow for an eaveline height of up to 13.4m, as shown on the approved plans, instead of 11.0m.

STANDARD CONDITIONS:

1. Prior to the release of the Development Permit, the applicant shall enter into a Development Agreement with the Town of Canmore to do the following:
 - a. construct or pay for the construction of the municipal improvements, infrastructure and services required by the development, which may include but shall not be limited to:
 - Transportation;
 - Water;
 - Sanitary;
 - Storm; and
 - Fire
 - b. pay the off-site levies imposed by the Off-Site Levy Bylaw; and
 - c. provide security in accordance with the Engineering Design and Construction Guidelines (EDCG) to ensure the terms of the Development Agreement are carried out.
2. All construction associated with the approval of this Development Permit shall comply with the regulations of the Land Use Bylaw (LUB) 2018-22, unless otherwise stated under the approved variances section of this document.
3. All construction associated with the approval of this Development Permit shall comply with the Town of Canmore Engineering requirements as outlined in the Engineering Design and Construction Guidelines (EDCG).
4. All construction associated with the approval of this Development Permit shall comply with the Tree Protection Bylaw and ensure all tree protection measure are appropriately put in place prior to the development of the site, where determined necessary by the Town of Canmore Parks Department.
5. All construction, landscaping and exterior finishing materials are to be as shown on the approved plans and other supporting material submitted with the application.
6. Any trees, shrubs or other plant material installed as part of the landscaping plan which may die or are blown over, shall be replaced on an ongoing basis, prior to receipt by the developer of a Development Completion Certificate.
7. Any roof top mechanical apparatus, including chimneys and vents, shall be screened to the satisfaction of the Development Authority.
8. Access to the site for emergency vehicles shall be to the satisfaction of the Manager of Emergency Services.
9. All signs shall require a separate development permit.
10. **No occupancy** shall be permitted until an Occupancy Certificate has been issued by the Town of Canmore.

SPECIFIC CONDITIONS:

1. The applicant shall provide security to the Town of Canmore to ensure the completion of the project, in the form of cash or an irrevocable Letter of Credit. The amount should be equal to or no less than 1.25 (125%) of the estimated project costs for the project for landscaping and all hard surfacing, paving; and, site servicing; both to the satisfaction of the Town. The Letter of Credit shall be supplied at the time of the signing of the Development Agreement, and shall be in a format acceptable to the Town of Canmore.
2. The Developer shall pay off site levies according to the approved bylaw adopted by Council at the time of the signing of the Development Agreement. The Development Agreement shall specify the manner of the payment of these monies and all other relevant fees and contributions as determined by approved Town of Canmore policy(ies).
3. The Developer shall follow their approved Construction Management Plan. The construction management plan submitted shall be followed through all stages of construction. If any problems arise where the Town Bylaws are being violated, a Stop Work Order will be delivered without warning and all construction shall cease until all problems have been rectified to the satisfaction of the Town of Canmore.
4. The Developer is required to provide **35** vehicle parking stalls, **64** long-term bicycle parking stalls, **36** short-term bicycle parking stalls, and, **1** loading bay, all designed and located as shown in the approved plans, and calculated as:

Automobile Parking Calculations

Commercial Requirements

Minimum of 0 and maximum of 10 stalls per unit = minimum of 0 stalls and maximum of 20 stalls

Provided: 5 vehicle parking Stalls

Residential Requirements

See Parking Study

Recommended/Provided: 26 vehicle parking stalls and 4 visitor parking stalls

Total Provided: 35 vehicle parking stalls

Bicycle Parking Calculations

Commercial Requirements

Short-term Bicycle Parking = $1339.80\text{m}^2/100\text{m}^2 = 13.4 = 14$ stalls required Long-term Bicycle Parking = $1339.80\text{m}^2/100\text{m}^2 = 13.4 = 14$ stalls required Provided: 14 short term and 14 long term

Residential Requirements

Short-term and Long-term Bicycle Parking required: See parking study. Recommended/Provided: 50 Long-term and 22 short-term

5. All on-site parking stalls, and loading spaces shall be graded and paved to dispose of drainage to the satisfaction of the Municipal Engineer.
6. The applicant shall obtain a Built Green (GOLD) for this development.
7. The applicant shall use geo-exchange for this development to the satisfaction of the Town.
8. Commitments expressed in the Developer's Sustainability Screening Report become conditions of approval upon the signing of this Schedule A.
9. Any plant material proposed between 0.0m and 1.5m from the building shall be non-combustible, low growing and of low fire risk.
10. The Developer shall install 'loading zone' signage for all loading bays/stalls to the satisfaction of the **Development Officer**.
11. The Developer shall install 'visitor parking' signage for all visitor parking stalls to the satisfaction of the **Development Officer**.
12. The Developer shall ensure that the placement of vents and mechanical equipment will be screened from the street and will be integrated into the overall building design both to

the satisfaction of the **Development Officer**.

PRIOR TO RELEASE OF THE DEVELOPMENT PERMIT

13. Prior to the release of the Development Permit, the applicant shall satisfy Standard Condition #1 and Specific Conditions #2 and #3.

14. Prior to the release of the Development Permit, the applicant shall pay the following variance

fees: Eight (8) approved variances:

Discretion not limited in Land Use Bylaw 7 @ \$200.00 = \$1,400.00

Discretion limited in Land Use Bylaw 1 @ \$370.00 = \$370.00

TOTAL FEES PAYABLE: \$1,770.00 PRIOR TO COMMENCEMENT OF CONSTRUCTION

15. Prior to construction commencement the applicant shall provide a drawing package, letters, or memos that address comments D1, D2, D4, and D5 of the review document to the satisfaction of the **Municipal Engineer**.

PRIOR TO THE RELEASE OF THE BUILDING PERMIT (FOUNDATION WORK ONLY)

16. Prior to the release of the building permit (for foundation work only), the applicant shall provide across section that shows the foundation and water main (comment E5) to the satisfaction of the **Municipal Engineer**.

PRIOR TO THE RELEASE OF THE BUILDING PERMIT (FULL BUILDING)

17. Prior to the release of the building permit (full building), the applicant shall update all drawing sets to reflect a curb ramp to access the bicycle parking areas, and to ensure that the bicycles parked on the east side of the bike racks along the east property line have a minimum of 1.5m clear width to manoeuvre through to access each stall, to the satisfaction of the **Transportation Engineer**.

18. Prior to the release of the building permit (full building), the applicant shall place a lockable door on the bicycle parking area to the satisfaction of the **Transportation Engineer**. The applicant is strongly encouraged to situate bicycle parking on the main floor of the building for ease of access and safety considerations.

19. Prior to the release of the building permit (full building), the applicant shall update all relevant drawing sets to reflect the installation of bicycle racks in the flex room to park community bikes, to the satisfaction of the **Transportation Engineer**.

20. Prior to the release of the building permit (full building), the applicant shall provide land for the construction of sidewalk and bike path through a public access easement, as an interim step until a subdivision is completed to transfer the land to the Town, which is required prior to the release of an occupancy certificate, to the satisfaction of the **Transportation Engineer**. The Town will pay all costs associated with subdivision. The Town will relax setback requirements through registration of agreement on title to ensure the developability of the site as if the subdivided portion of land was contiguous with 500 Bow Valley Trail.

21. Prior to the release of the building permit (full building), the applicant shall submit engineering drawings for the offsite improvements (bike path, sidewalk, curb ramps, landscaping, etc.) to the satisfaction of the **Transportation Engineer**.

22. Prior to the release of the building permit (full building), the applicant shall submit engineering drawings for the offsite improvements showing a temporary pathway tie-in to the edge of pavement at the north property line of the site, to the satisfaction of the **Transportation Engineer**. This must be reflected on all drawing sets.

23. Prior to the release of the building permit (full building), the applicant shall submit engineering drawings for the offsite improvements that include street lighting, to the satisfaction of the **Transportation Engineer**.

24. Prior to the release of the building permit (full building), the applicant shall provide confirmation from the mechanical consultant that existing service sizing is sufficient for the building demands to the satisfaction of the **Municipal Engineer**.

25. Prior to the release of the building permit (full building), the applicant shall provide updated architectural drawings that show the 1.8m high noise barrier for the common patio to the satisfaction of the **Municipal Engineer**.

26. Prior to the Building Permit (full building), the applicant shall obtain permission in principle from all utility providers that use the URW for the proposed encroachments (roof eave, fence, and sign)

to the satisfaction of the **Development Officer**.

27. Prior to the Building Permit (full building), the applicant shall provide updated elevations showing enhancements to the entrance area to the building (at the stairwell) to the satisfaction of the **Development Officer**.
28. Prior to the Building Permit (full building), the applicant shall provide updated drawings showing stamped concrete, or an equivalent acceptable to the Town, to complete a visual pathway from the sidewalk, to the bike storage area to the stairwell entrance to the satisfaction of the **Development Officer**.
29. Prior to the Building Permit (full building), the applicant shall provide an updated Site Plan identifying the proposed parking, the 4 visitor parking stalls for the residential use of the site to the satisfaction of the **Development Officer**.

PRIOR TO THE ISSUANCE OF AN OCCUPANCY CERTIFICATE

30. Prior to issuance of an Occupancy Certificate, and to the satisfaction of the **Transportation Engineer**:
 - a. the developer shall design and construct of all off site surface works infrastructure along the periphery of the development parcel in accordance with the approved subdivision design (which shall include sidewalk, bike path, curb ramps, curb and gutter, landscaping, signage and crosswalk improvements).
 - b. The Town is responsible for the design and construction of all surface works infrastructure connecting the development frontage to adjacent facilities at the Spring Creek Drive Bridge to the west, and from the development frontage to the intersection of Bow Valley Trail and Old Canmore Road to the north.
 - c. Costs for changes to storm infrastructure on the frontage of 500 BVT will be funded equally by the Town and Developer.
 - d. All offsite infrastructure will be constructed by the developer. Pricing for Town funded infrastructure will be obtained through an open and transparent procurement process consistent with the Town's purchasing policy.
 - e. Above commitments are contingent on budget approvals for Town funded infrastructure.
31. Prior to an Occupancy Certificate being issued for the development, the applicant shall enter into a Maintenance Agreement with the Town to ensure proper maintenance of the trees planted in the road right of way to the satisfaction of the **Development Officer and Municipal Engineer**.
32. Prior to an Occupancy Certificate being issued for the development, the applicant shall provide to the Development Officer the Built Green Certification (GOLD), or, confirmation from the Energy Advisor for the project that the constructed building will meet the requirements for the certification, with the certification to follow within a time period that is satisfactory to the **Development Officer**.

Written submissions received in support of the appeal against PL20220182

Please be advised that written submissions were received in support of this appeal from the following parties:

309061 Alberta Ltd. (Appellant)

P.O. Box 8481, Canmore

Edwin Skochylas

101 Montane Rd., Canmore

To help expedite processing your application, the submission of this form using the fillable fields is greatly appreciated.

PROPERTY INFORMATION		
Municipal Address 500 Bow Valley Trail	Development Permit/Subdivision Application File Number PL 20220182	
APPELLANT INFORMATION		
Name of Appellant 309061 Alberta Ltd	Agent Name (if applicable)	
Mailing Address (for notification purposes) [REDACTED]		
City [REDACTED]	Province [REDACTED]	Postal Code [REDACTED]
Phone Number (Day) [REDACTED]		[REDACTED]
<input checked="" type="checkbox"/> The appellant/agent, gives authorization for electronic communication by the Clerk, using the email provided on this Notice of Appeal		

APPEAL AGAINST (Check one box only. For multiple appeals you must submit separate Notice of Appeal forms)

Development Permit	Subdivision Application	Stop Order
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Approval <input type="checkbox"/> Conditions of Approval <input type="checkbox"/> Refusal	<input type="checkbox"/> Stop Order


REASONS FOR APPEAL Section 678 and 686 of the *Municipal Government Act* requires that the written Notice of Appeal must contain specific reasons for the appeal.

I do hereby appeal the decision of the Subdivision/Development Authority for the following reasons (attach a separate page if required)
The application has requested a number of variances to the land use bylaw, our main concerns are as follows:

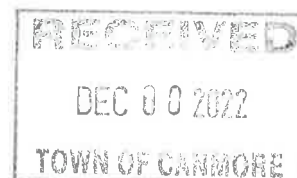
- 1) Definition of common amenity housing not met, Page 339 of the L.U.B. defines common amenity as "a building with separate sleeping facilities and common washing, sanitary and kitchen facilities "
 - a. Both employee housing and PAH (perpetual affordable housing) have a number of guidelines to ensure that the intended use is protected. Common amenity housing is a relatively new type of allowed dwelling.
 - b. The design of common washing, sanitary and kitchen facilities distinguishes common amenity vs. a 4 bedroom apartment.

- 2) Parking Concerns
 - a. Increasing the maximum dwelling size and effectively increasing the number of bedrooms per unit will put an increased strain on parking.
 - i. 6. To Section 4.6.4.13 of the Land Use Bylaw 2018-22, to allow for the size of the dwelling units to exceed 75.0m²
 - b. Parking studies for common amenity to be done a future date. Little room on site to provide additional stalls if required.
 - c. Concern for a change of use for the main floor commercial, which is providing 4 stalls for 1339.8 m². Where as approximately 26 stalls would be required if used as a Retail Sales space. Section 2.7.1.2 of the L.U.B. states " a change of use application shall not require additional automobile parking stalls, regardless of the purposed use."
 - d. The majority of parking is visible from Bow Valley Trail contrary to section 11.4.2.1 of the L.U.B "Vehicle parking shall be located behind buildings, underground or at the interior of the block. "
 - e. Site considerations, no on street parking nearby, surrounded by Bow Valley Trail and the Railway.

FOIP Notification: This personal information is being collected under the authority of the Municipal Government Act (MGA) and the Freedom of Information and Protection of Privacy Act (FOIP) and is managed in accordance with the provisions of FOIP. If you have any questions about the collection of your personal information, contact the Municipal Records Officer at municipal.clerk@canmore.ca. Please note, the Municipal Clerk's Office should **only** be contacted regarding FOIP Inquires.

Signature of appellant/agent 	Date (MM/DD/YYYY) 12/08/2022
---	---------------------------------

FOR OFFICE USE ONLY			
Fee Paid <input type="checkbox"/> Yes <input type="checkbox"/> No	Date appeal received	Final date of appeal	Hearing Date/Time <input type="checkbox"/> 2 P.M. <input type="checkbox"/> Evening



- 3) Architectural standards, a number of variances being sought such as eaves line, dormers, height and step back considerations contribute to this project not meeting the architectural guidelines set forth by the town.
- a. No corner feature, as per standards with a corner lot development 11.5.1.6 of L.U.B. "buildings on corner sites must address all facing streets, adjacent buildings as well as buildings on opposing corners. Buildings should acknowledge this special site condition by creating visual focal points at the corner such as a circular bay window, a large roof dormer, a front entry porch facing the corner or an overall building form that faces the corner rather than one street in particular. Buildings should "turn the corner". (see Fig. 40a-b)
This can further be accomplished by continuing the same exterior materials and colours around the building to all street exposures, repeating window pattern on both sides, or continuing elements such as porches, verandahs, roof overhangs and balconies around the corner"
 - b. Lack of steeply pitched roofs and distinct middle and top as per 11.5.3.5 of the L.U.B. "Building designs which divide the structure into a distinct base, middle and top are required. Steeply pitched roofs with large overhangs, a transparent (windows) middle section, complemented by a strong stone or masonry base reflect traditional mountain design in Canmore"
 - c. Variance on height and lack of stepping back the floors in context to the neighbouring property section 11.5.3.6 of the L.U.B. "Buildings should respond to their context by sensitively addressing the scale and massing of adjacent buildings. This can be achieved by matching existing building heights or by stepping back the upper floors."
 - i. **1. To Section 2.8.6.2 of the Land Use Bylaw 2018-22 to allow for more dormer coverage on the roof with 15% and 20% open areas, as shown on the approved plans instead of 30% as required.**
 - ii. **3. To Section 4.6.3.11 of the Land Use Bylaw 2018-22 to allow for a Maximum Height of 16.6m instead of 16.0m**
 - iii. **4. To Section 4.6.3.11 of the Land Use Bylaw 2018-22, to allow for building to not step back from the front building face for a minimum of 70% elevation**
 - iv. **8. To Section 4.6.9.1c of the Land Use Bylaw 2018-22, to allow for an eave line height of up to 13.4 meters as shown on the approved plans of 11.0m**
- 4) Less than 10% of trees required are being provided (4 vs 47)
- a. **" 7. To Section 4.6.6.1 of the Land Use Bylaw 2018-22, to allow for a minimum of 4 trees instead of a minimum of 47 trees."**
- 5) Concerns over Railway Proximity Guidelines. When a substantial amount of residential and commercial is being built within 30m of the railway the following applies:
- a. As per 3.10.1 M.D.P. 2016-03 "Development proposals adjacent to the railway should have regard for the guidelines for new development to railway operations"
 - b. 3.10.2 M.D.P. 2016-03 Where Guidelines cannot be met a qualified professional may be engaged by the developer to purpose mitigation measures to reduce the level of risk and nuisance to an acceptable standard.
 - c. 2.4 of 2013-05-29 Guidelines for New Development in Proximity to Railway Operations states "challenges associated with new residential development" "Residential development is particularly challenging in the context of a railway environment. As noted safety, noise and vibration issues become more significant when dealing with residential development."

2 of 3

Additional reasons for Appeal:

-No covenants or restrictions to ensure that units will not be condominiumized and sold to out of town residents

-The proposed development does not provide onsite management to control noise, insufficient parking nor garbage mishaps, leaving adjacent property owners to deal with such issues.

- The intensity of use as proposed will have significant negative impact on the safe and peaceful enjoyment of adjacent owners.

3 of 3

December 8, 2022

Town of Canmore
Subdivision and Development Appeal Board
902 7th Avenue
Canmore, AB
T1W 13K

To Whom It May Concern:

Re: Notice of Appeal – PL20220182

Please find attached our Notice of Appeal relating to the above referenced development proposal.

The appeal is being filed on behalf of 309061 Alberta Ltd which owns property directly across from the proposed development.

As noted on the Notice of Decision issued by the Town of Canmore November 18, 2022, we are filing an appeal of decision within the required 21 days of the Notice of Decision being issued.

Please confirm receipt of the Notice of Appeal has been filed with the Town of Canmore in a timely manner, and the \$250.00 filing fee has been paid in full.

Yours Truly,



M Yarmoloy



Louise Bates

From: Skochepts [REDACTED]
Sent: December 27, 2022 11:10 AM
To: Shared.Planning
Subject: re: reference PL20220182

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As an owner and resident of a unit within the Grizzly building of the Lodges at Canmore located on Montane Rd, I am opposed to ANY further development , particularly commercial/wholesale, at or near the already VERY BUSY traffic circle. The increased noise and volume of traffic in recent years with the destruction of the vegetation is awful, and my opinion of the cosmetics of the most recent commercial building is that it is very unattractive. I suspect there are other areas in the town which could serve the same purpose . Too much construction near Spring Creek cannot be healthy.

Respectfully submitted

Edwin Skochylas
Unit 110, 101 Montane Road, Canmore

Written submissions received in opposition to the appeal against PL20220182

Please be advised that written submissions were received in support of this appeal from the following parties:

Michelle Ouellette of McElhanney on behalf of the Owner: Frank Kernick

Louise Bates

From: Michelle Ouellette <mouellette@mcelhanney.com>
Sent: December 28, 2022 2:08 PM
To: Shared.Planning
Cc: Frank Kernick (springfrank@gmail.com)
Subject: SDAB Hearing PL20220182 - Submission in Opposition to Appeal
Attachments: Appendix A Common Amenity 4 Bed.pdf; Appendix B Parking Study.pdf; Appendix C Landscaping Plans.pdf; Appendix D Building Facade Illustrations.pdf; Appendix E Railway Noise Report.pdf; SDAB PL20220182 Cover Letter 2022.12.28.pdf; SDAB PL20220182 Letter F Kernick 12-28-2022.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Ms. Bates,

Please find attached our submission in opposition to the appeal on the development permit for Mixed Use Building containing: 1 unit Wholesale Sales with Warehouse, 21 units of Common Amenity Housing and 3 units of Employee Housing; 500 Bow Valley Trail.

If you have any concerns or difficulty with the attached package, please let me know.

Thank you,

Michelle

Michelle Ouellette, MBA, BSc, RPP, MCIP
Division Manager, Planning
McElhanney
203 – 502 Bow Valley Trail | Canmore, AB T1W 1N9
D 403 621 1446 |
mouellette@mcelhanney.com | www.mcelhanney.com

[McElhanney's Alberta Planning Services – How can we help you?](#)

Connect with McElhanney: [Facebook](#) | [Twitter](#) | [LinkedIn](#)



This message and attachment may contain privileged and confidential information. If you are not the intended recipient, please notify us of our error, do not disseminate or copy this communication, and destroy all copies.



Spring Creek

December 28, 2022

Canmore Subdivision & Development Appeal Board
902 7th Avenue
Canmore AB T1W 3K1
via email: sdab@canmore.ca

Attention: Subdivision & Development Appeal Board Chair and Members

SDAB Hearing – PL20220182

Please find the attached report from McElhanney Engineering and the attached schedules with this letter from me, Frank Kernick, P.Eng., the developer of Spring Creek and the lands located at 500 Bow Valley Trail. Sorry I cannot be there today as I already had a Christmas vacation planned with family. I have many of my staff members there and consultants to assist if you have any question along with my partner Jeff and Sabrina from Castle Mountain Home Furniture.

I must first admit, I am shocked that the Yarmoloy family (309061 Alberta Ltd.) would appeal this without even contacting me. I have known them for over 40 years, and we have done business in the past. To be honest, that is probably the reason they decided to appeal. I traded other lands with the family to get the access road to Spring Creek through their property back in 2004. Unfortunately lack of communication resulted in a lawsuit which I won as they did not understand the agreement between themselves, Spring Creek, and the Town of Canmore.

In reading their reasons for appeal, none of them makes any sense, except they are upset that Sabrina and Jeff, the owners of Castle Mountain Home Furniture, came to me to see if I would partner up with them on building them a Wholesale Sales and Warehousing building so they could stop paying rent to a third party. The constant increases in lease payments were driving them out of town. They thought I could build condos on top of their commercial space to reduce their costs of construction, but I really needed staff housing. This was not allowed in the zoning at the time in the BVT district or anywhere in town, so we worked on this together. The issue was it required major bylaw changes, which was desperately needed

for the district, and we knew it would take time. We started this process a few years ago and finally last summer they were approved by the Town of Canmore Council. Sabrina even met with the Yarmoloys to get their support, but I think they were confused about what we were proposing. The zoning change increased the options they can do on the balance of their land, so it was a net benefit for them, and it took nothing away from future use.

The reality is there is no reason for this appeal. It is a corner site that is across from their land by Spring Creek Drive; it is not adjacent. It has two major roads adjacent to their property and the main line for CP rail. It has been designed like all my other buildings I have done in Spring Creek and Eagle Terrace to the highest standard including Geothermal Heating and Cooling. It will be the only staff housing building in Canmore with air conditioning, and at a minimum, it will meet built Green Gold. It will set a standard for all other developers in the Bow Valley that will be hard to match. If you look at all the lands the Yarmoloys own, it's the opposite, they add nothing to the safe and peaceful enjoyment of the neighborhood. The land across from 500 BVT that they own, Blondies Corner, the Old Garage they own across from Boston Pizza, and R-Joy rentals are all their lands. Some have been abandoned, some are an eye sore, and some have illegal campers all the time as they do not look after their vacant land. They live in the Shuswap most of the time. I know they are a long-term business and I appreciate that they will one day probably be redeveloped. We just don't understand any of their rationales to appeal a new high quality commercial store that has been here for years and the first major staff housing initiative in Canmore. I hope that the SDAB board sees the merit in our application and the amendments to the land use bylaw just recently done by council through 4 open houses and one public hearing. I again ask that you refuse this appeal, outright, so we can start construction as planned as soon as possible.

Sincerely,



Frank Kernick, P.Eng.

President

December 28, 2022

Canmore Subdivision & Development Appeal Board
902 7th Avenue
Canmore AB T1W 3K1
via email: sdab@canmore.ca

Attention: Subdivision & Development Appeal Board Chair and Members

SDAB Hearing – PL20220182

The below information is provided to the Board for consideration on behalf of Mr. Frank Kernick, President, Spring Creek Mountain Village, to oppose the appeal being made for the approved Development Permit for Mixed Use Building containing: 1 unit Wholesale Sales with Warehouse, 21 units of Common Amenity Housing and 3 units of Employee Housing, located at 500 Bow Valley Trail; Lot 1, Block 7, Plan 0512461. **The Hearing is scheduled for January 5, 2023.**

BACKGROUND

The Development Permit was approved on November 17, 2022, in accordance with the Canmore Land Use Bylaw 2018-22 as amended, and the Canmore Subdivision Authority, Development Authority, and Municipal Planning Commission Establishment Bylaw 2019-07 as amended.

The Development Planner exercised discretion to allow for variances to accommodate the development in accordance with Section 1.14 and Section 4.6.9.1 of the Canmore Land Use Bylaw (LUB). Generally, these variances were made to accommodate the site context and constraints and to provide for staff accommodation on the site located at the entrance to the Spring Creek Mountain Village, a landmark development in the heart of the Town of Canmore.

The land use district for the site is BVT-G Bow Valley Trail General Commercial District, and the applicable Statutory Plan for the site is the Bow Valley Trail Area Redevelopment Plan bylaw 11-2012. Amendments to both the district and the statutory plan were made by Town Council on May 4, 2022, to accommodate the development of Common Amenity Housing and Wholesale Sales on this site and provide for some flexibility to the built form in the land use district under LUB 4.6.9 Special Variance Considerations where Perpetually Affordable Housing, Employee Housing or Common Amenity Housing are proposed. Instead of presenting Town Council with a Direct Control district for the site for consideration, it was decided that the Town overall would benefit from adding some incentives to both the Area Redevelopment Plan and the BVT-G for developments to include these much-needed housing

McElhanney

203 – 502 Bow Valley Trail, Canmore AB Canada T1W 1N9
Tel. 403-609-3992 | Tel. 403-678-6363 (surveying) | Fax. 1-855-407-3895 | www.mcelhanney.com

forms in Canmore. During the statutory plan and land use bylaw amendment process there were several public engagement sessions held as well as the Public Hearing held through the Town Council approval process.

Many of the Appellants concerns really have no impact on their land as their land is across Spring Creek Drive, not adjacent, especially concerns such as Building Design, Definitions of Common Amenity Housing, Landscape Design, Railway Guidelines. For parking concerns, there are Town wide parking concerns which are understandable. Parking is controlled by the owner on private property. Simple solutions like use of signage and indicating that the land is private property is the property owners' responsibility. Other concerns like intensity of use are permitted by the Land Use Bylaw, which are met with the development proposed. The issue of on-site management is discussed for information only purposes, however, this is not a Land Use bylaw issue. Noise issues are dealt with in the Community Standards Bylaw, Bylaw 2022-16 as amended.

SUMMARY OF APPEAL AND RESPONSES IN OPPOSITION

Item	Complaint and Response to Complaint
1)	<p>Definition of common amenity housing not met, Page 339 of the L.U.B. defines common amenity as "a building with separate sleeping facilities and common washing, sanitary and kitchen facilities".</p> <ul style="list-style-type: none"> a. Both employee housing and PAH (perpetual affordable housing) have a number of guidelines to ensure that the intended use is protected. Common amenity housing is a relatively new type of allowed dwelling. b. The design of common washing, sanitary and kitchen facilities distinguishes common amenity vs. a 4 bedroom apartment.
Response 1) a. b.	<p><i>The common amenity housing in the proposed building provides for common washing, sanitary and kitchen facilities common to bedroom units on each floor. Each of the common amenity units have 4, 3 or 2 bedrooms and with a small bathroom for each bedroom and a common kitchen facility. The 4-bedroom unit has eight separate fridges and cupboards. There is a common laundry room on two of the floors and a common patio and recreation room for the whole building This configuration provides an affordable and comfortable housing option. The staff housing agreement is also tied to there employment with a 24-hour lease. If they quit or get fired, they have 24 hours to leave. <u>A diagram of the 4-bedroom common amenity housing unit is attached as Appendix A. Each unit is designed that the two single beds and can be put together as one bed if a couple is sharing the room or if its offseason and one person just can have a larger bed.</u></i></p> <p><i>The BVT-G District was amended to include Common Amenity Housing (or Perpetually Affordable Housing, or Employee Housing) as part of a mixed-use building including</i></p>



	<p><i>Wholesale Sales on the main floor and that this housing would be allowed at a ratio of 1 Bedroom per 20m2 of Wholesale Sales area. And further where there is a Warehouse developed on the main floor accessory to the Wholesale Sales. That Common Amenity Housing be provided at a ratio of 1 Bedroom per 10m2 of Warehouse area.</i></p> <p><i>The Common Amenity Housing proposed meets the regulations of the district and meets the intent of the definition in the Bylaw and intensity of use.</i></p>
<p>2)</p>	<p>Parking Concerns</p> <ul style="list-style-type: none"> a. Increasing the maximum dwelling size and effectively increasing the number of bedrooms per unit will put an increased strain on parking. <ul style="list-style-type: none"> i.6. To Section 4.6.4.13 of the Land Use Bylaw 2018-22, to allow for the size of the dwelling units to exceed 75.0m2 b. Parking studies for common amenity to be done a future date. Little room on site to provide additional stalls if required. c. Concern for a change of use for the main floor commercial, which is providing 4 stalls for 1339.8 m2. Where as approximately 26 stalls would be required if used as a Retail Sales space. Section 2.7.1.2 of the L.U.B. states" a change of use application shall not require additional automobile parking stalls, regardless of the purposed use." d. The majority of parking is visible from Bow Valley Trail contrary to section 11.4.2.1 of the L.U.B "Vehicle parking shall be located behind buildings, underground or at the interior of the block. " e. Site considerations, no on street parking nearby, surrounded by Bow Valley Trail and the Railway.
<p>Response 2) a. b.</p>	<p><i>The Canmore LUB requires that a parking study be provided to determine the parking necessary for a Common Amenity Housing development. A parking study was provided to the Town of Canmore in support of this development permit dated November 16, 2022. According to the study the total maximum number of parking stalls required for the development is 34. Of these, it is assumed that 6 are provided for the non-residential use and 24 are required for the staff housing building, and 4 are required for visitors. The parking study provides an analysis of travel patterns for employees and seasonality and the parking demand ranges will fall within a range with a minimum of 9 and maximum of 29 stalls in demand during shoulder to peak season. The 35 parking stalls being provided</i></p>



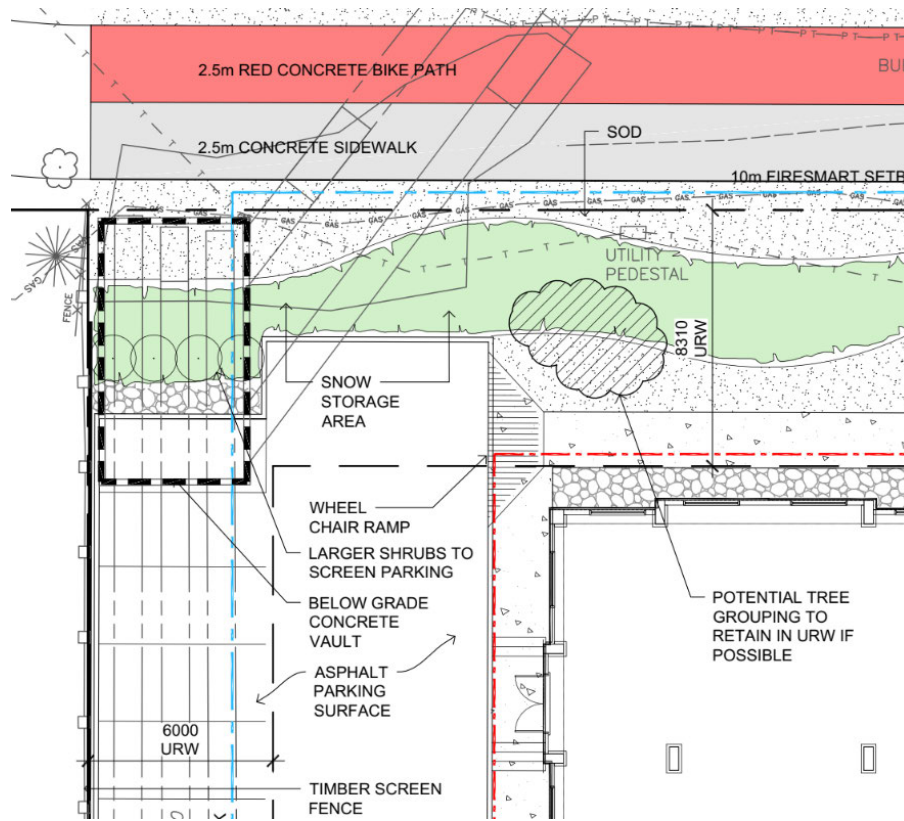
	<p><i>in the development permit exceeds both the required number in the LUB and those required based on the seasonal parking demand analysis.</i></p> <p><u><i>A copy of this parking study is included to this report as Appendix B.</i></u></p> <p><i>If the residential component of the development were all classified as Employee Housing Units the required parking in the LUB would be for 24 parking stalls plus 4 visitor parking stalls. No parking is required by the land use bylaw for Wholesale Sales or Warehousing. Therefore, a minimum of 28 parking stalls would be required. This development is providing 35.</i></p>
<p><i>Response 2) c.</i></p>	<p><i>The first floor, Warehousing and Wholesale sales is being sold to an existing long term furniture store in Canmore. Castle Mountain Home Furnishings. They have been leasing their current space for over 30 years. There is no intention to change the use on the site. Spring Creek and Castle Mountain partnered on this development as it created a win/win for both companies. It is also the intent to allow the parking to be shared as the Wholesale Sales will be used more during the day and housing more at night.</i></p> <p><i>The Bow Valley Trail Area Redevelopment Plan Bylaw 11-2012 includes policies which limit general retail as amended by Town Council on May 4, 2022:</i></p> <p style="padding-left: 40px;"><i>“6.2.3.1 Retail Uses 1. General Retail Retail store size shall continue to be restricted to less than 150m2, except where development incentives are provided, including to use limitations in the ARP to encourage common amenity housing, employee housing, or perpetually affordable housing. The specific incentives are specified in the Land Use Bylaw District for BVT-G. [2021-20] This restriction has been in place since the late 1990s and is meant to focus larger retail stores in the Town Centre and Gateway Commercial districts in accordance with the Municipal Development Plan.”</i></p> <p style="padding-left: 40px;"><i>And within the LUB BVT-G District:</i></p> <p style="padding-left: 40px;"><i>“4.6.4.5 Wholesale Sales shall only be permitted when as part of a mixed-use development that includes Perpetually Affordable Housing, Employee Housing, or Common Amenity Housing at a ratio of 1 Bedroom per 20 m2 of Wholesales Sales area, rounded up to the nearest full bedroom. The maximum GFA of a Wholesale Sales is 950 m2. [2021-21]</i></p> <p style="padding-left: 40px;"><i>4.6.4.6 The maximum GFA of a Warehouse development is 250 m2. An increase of up to 250 m2 is permitted where the Warehouse is accessory to a Wholesale Sales development, and the development includes Perpetually Affordable Housing, Employee Housing, or Common Amenity Housing at a ratio of 1</i></p>



Bedroom per 10 m2 of Warehouse area, rounded up to the nearest full bedroom. [2021-21]"

The parking is designed to accommodate the regulations in Section 11.4.2.1 along with the other regulations in Section 11.4.1 in the LUB dealing with building placement which require that the building is located towards the street frontage on both roadways as it is a corner site. The site development plan accommodates both placing parking to the rear of the building and addressing both street frontages with the building (Spring Creek Gate and Bow Valley Trail). Further, the parking located on the northwest side of the building will be screened from view from Bow Valley Trail using landscaping including a berm and 4 large trees as can be seen on the landscape plan, and is well separated from the roadway due to the location of the utility right of way along the frontage of the site. As shown on landscape plan there is a grouping of existing large trees which will be and will screen any parking on the north of the site. Please refer to Appendix C for the plans showing the landscaping details at this location.

Response 2) d.



The Appellant owns their own land and its up to them to make sure no one parks or trespasses on their site. Illegal campers are found on their land and the owners have not done anything about it. If employees of Spring Creek Mountain Village were to park on their land or any hotel customers from across Bow Valley Trail are parked there, the

	<p><i>owners are responsible to manage this situation and have mechanisms to use such as the use of signage, and contacting the RCMP. There is currently no signage or security to protect their private property. There is a rental equipment operation (R-Joy Rentals) on their land, with no approved Development Permit or Business Licence to be storing or renting equipment on this site.</i></p>
<p>Response 2) e.</p>	<p><i>The complaint here is unclear, however if it relates to the consideration of the site when designing the building layout and parking areas, this was carefully considered. No Street parking is permitted or required on Bow Valley Trail or in this area of Spring Creek Drive.</i></p>
<p>3)</p>	<p>Architectural standards</p> <p>A number of variances being sought such as eaves line, dormers, height and step back considerations contribute to this project not meeting the architectural guidelines set forth by the town.</p> <p>a. No corner feature, as per standards with a corner lot development 11.5.1.6 of L.U.B. "buildings on corner sites must address all facing streets, adjacent buildings as well as buildings on opposing corners. Buildings should acknowledge this special site condition by creating visual focal points at the corner such as a circular bay window, a large roof dormer, a front entry porch facing the corner or an overall building form that faces the corner rather than one street in particular. Buildings should "turn the corner". (see Fig. 40a-b)</p> <p>This can further be accomplished by continuing the same exterior materials and colours around the building to all street exposures, repeating window pattern on both sides, or continuing elements such as porches, verandahs, roof overhangs and balconies around the corner"</p> <p>b. Lack of steeply pitched roofs and distinct middle and top as per 11.5.3.5 of the L.U.B. "Building designs which divide the structure into a distinct base, middle and top are required. Steeply pitched roofs with large overhands, a transparent (windows) middle section, complemented by a strong stone or masonry base reflect traditional mountain design in Canmore"</p> <p>c. Variance on height and lack of stepping back the floors in context to the neighbouring property section 11.5.3.6 of the L.U.B. "Buildings should respond to their context by sensitively addressing the scale and massing of</p>



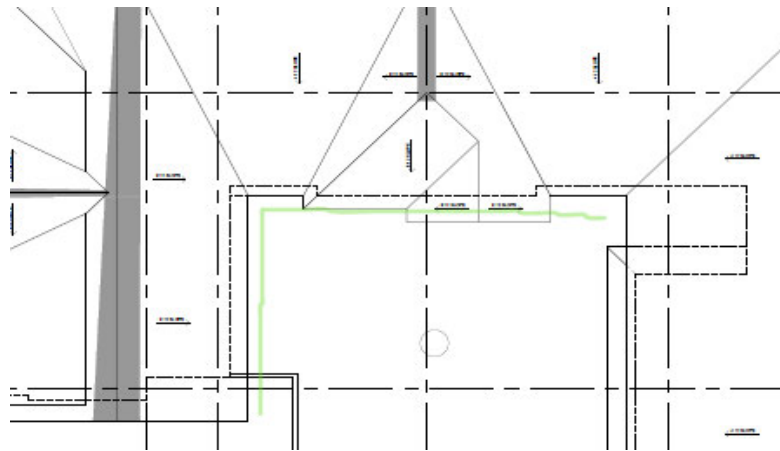
	<p>adjacent buildings. This can be achieved by matching existing building heights or by stepping back the upper floors."</p> <ul style="list-style-type: none"> i. To Section 2.8.6.2 of the Land Use Bylaw 2018-22 to allow for more dormer coverage on the roof with 15% and 20% open areas, as shown on the approved plans instead of 30% as required. ii. To Section 4.6.3.11 of the Land Use Bylaw 2018-22 to allow for a Maximum Height of 16.6m instead of 16.0m iii. To Section 4.6.3.11 of the Land Use Bylaw 2018-22, to allow for building to not step back from the front building face for a minimum of 70% elevation iv. To Section 4.6.9.1c of the Land Use Bylaw 2018-22, to allow for an eave line height of up to 13.4 meters as shown on the approved plans of 11.0m
<p>Response 3) a.</p>	<p><i>The building has been sited to address the corner and the flanking roadways to the extent possible due to the 8 metre Town of Canmore Utility Right of Way on Bow Valley Trail and the land donation from Spring Creek and Castle Mountain to the Town of Canmore on the south to allow for the continuation of the complete streets projects to create large bike and pedestrian lanes. The façade consists of architectural features consistent with the clause in 11.5.1.6 of the LUB where:</i></p> <p>"11.5.1.6. This can further be accomplished by continuing the same exterior materials and colours around the building to all street exposures, repeating window pattern on both sides, or continuing elements such as porches, verandahs, roof overhangs and balconies around the corner."</p>
<p>Response 3) b. c.</p>	<p><i>In the LUB, Section 4.6.9 Special Variance Considerations within the BVT-G District, the following applies to the site and were amended to accommodate this project by Town Council on May 4, 2022.</i></p> <p>"4.6.9.1 Notwithstanding the variance regulations set out in 1.14, the following variances may also be considered within this District:</p> <ul style="list-style-type: none"> a. Where the Development Authority is satisfied that the architectural integrity of a building would be enhanced, variances may be granted to allow 20% of the building to exceed the maximum." <p><i>As demonstrated with the Roof plan, DP-06, 15.4 % of the roof area is above the 16.0m height. The formation of an 8:12 full working roof for the development is acceptable to receive the variance within the 20%. A design option to flatten the roof once the 16.0m</i></p>



height was achieved was explored but found that it did very little to diminish the scale of the building from grade.

- “c. The required eave line height of a proposed mixed-use development which includes Perpetually Affordable Housing, Employee Housing, or Common Amenity Housing above the main floor, may be raised to 11.0m where:
- i. the development includes a full story dedicated to Perpetually Affordable Housing, Employee Housing, or Common Amenity Housing above the main floor,
 - ii. where the Development Authority is satisfied that the intent of the “Massing and Scale Guidelines” in Section 11: Community Architectural and Urban Design Standards are met, and
 - iii. where the Development Authority is satisfied that there is no impact on access to light for neighbouring properties, the protection of views from neighbouring properties and the privacy for neighbouring properties. **[2021-21]”**

Since this project meets the requirement of having at least of full storey dedicated to employee or common amenity housing we have kept the exterior perimeter of the eave, facing adjacent properties or streets between 9.0m and 11.0m. The only area where this is seemingly not achieved is on the interior courtyard eaves, which are situated 13.7m from grade, only 8.3m from the 2nd floor level which is what the eave mostly interacts with. This meets the intent of not restricting access of light to neighbouring properties and protects their views.



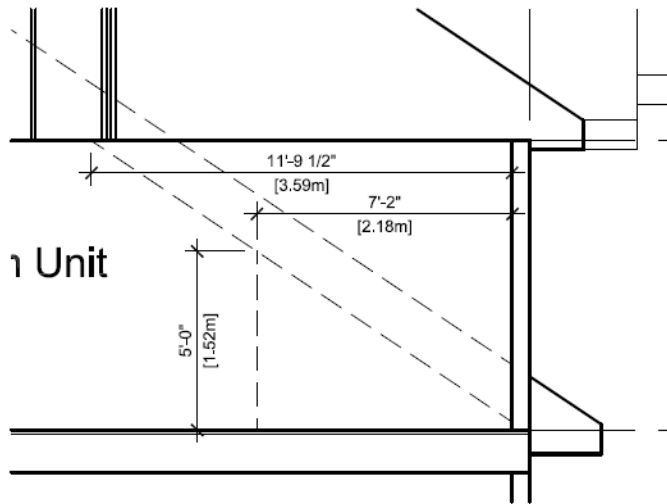
- “2.8.6.2 Dormers may affect the perceived height and pitch of a roof. Dormers shall be compatible in size, scale, and placement with the rest of the building and shall ensure that:
- a. The main roof peak is directly connected with the eave line to allow light penetration (into required yards and reduce overall building mass) for a minimum of 30% of the linear distance of the building wall; and

- b. The wall of any dormer is set back a minimum of 0.6 m from the outermost corners of the wall directly below the dormer as shown on Figure 2.8-7.”

With the current roof design for the Project, the 30% of linear distance of building wall requirement for dormers has been met on the North elevation with 32%, the East elevation sits at 16% and the South at 21%. Both interior elevations North and West have 0%.

Although the 30 % is not achieved on all elevations, and since the building is required to be set back much further than the minimum required yard setbacks due to the utility rights of way (URW's), the minimum required setbacks do achieve the intent of not impeding light penetration into the neighbouring properties or yards.

A roof plan was examined that would achieve the 30% on all elevations Including the interior courtyards, but to achieve this, removal of 8 bedrooms throughout the 4th Floor would be required. This is caused by the ceiling height not reaching 8'-0" in these direct connect roof areas until 11'-9 into the bedroom, it doesn't even achieve a min. 5'-0" height for 7'2". We can't raise ceiling as we can't raise the roof or connected eave.



Maintaining the number of housing bedrooms which can be developed within the project warrants the variance to this clause of the LUB.

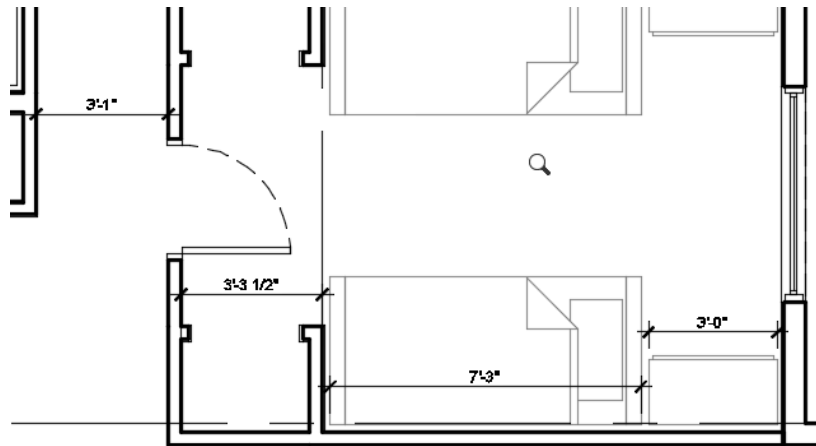
- “11.5.4.3 Areas greater than 15% of the roof that are flat or roofs with very shallow pitches (5:12 or 20 degrees or less) may only be considered when:
- a. They provide architectural variety, not additional floor space; or
 - b. They are designed as a green roof; or

- c. When required for the installation of solar energy collection devices; or
- d. When it can be demonstrated that building massing is acceptable with consideration of views, overshadowing, and continuity of scale.”

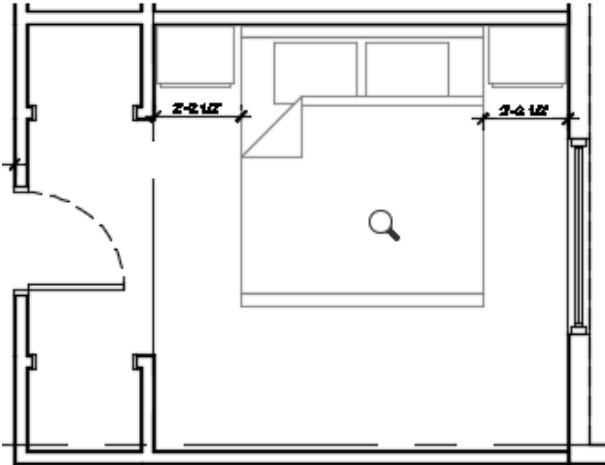
Currently 37.2% of the roof area is 5:12 or less with the current roof design. Even with the reduction of the dormer areas to achieve section 2.8.6.2 there would be a limitation to get the roof area less than 5:12 to 23% and as stated above this would require the loss of 8 bedrooms within the 4th floor. As stated above due to the increased setback of the building the views and any overshadowing concerns are negated. Either way does not impact the Appellants land across Spring Creek Drive.

“4.6.3.13 Floor area above the eave line shall be incorporated into the roof structure and step back from the front building face for a minimum of 70% of the elevation.”

Due to the nature of the common amenity design, the rooms that are just big enough to fit a 36” desk a twin bed and a 3’-0 closet, along with a minimal bathroom and 36” hallway, there isn’t room within these units to set back the wall on the 4th floor from the design on the 3rd.



With the room configured with the 2 twins pushed together to make a couple’s room the distance is needed to keep access to both sides of the bed.

	 <p><i>A reduction of 12” would have a large impact on the rooms but very little on the exterior mass of the building.</i></p>
<p>4)</p>	<p>Less than 10% of trees required are being provided (4 vs 47)</p> <p>a. "7. To Section 4.6.6.1 of the Land Use Bylaw 2018-22, to allow for a minimum of 4 trees instead of a minimum of 47 trees."</p>
<p>Response 4) a.</p>	<p><i>In Section 11.4.3 in the LUB, landscaping standards are provided.</i></p> <p><i>“Landscaping is intended to complement a building’s architectural character, enhance the public realm, and facilitate sustainable water use and drainage strategies.</i></p> <p><i>To meet the landscaping standards outlined in the LUB, a proposed landscape plan was prepared and submitted with this application.</i></p> <p>11.4.3.1 Detailed proposed landscape plans for sites must be submitted with development applications. Open spaces should be designed from the beginning to have meaning and utility and not just space that is left over after the building is designed.</p> <p>11.4.3.2 Landscaping should be used to activate building facades, soften, or highlight important architectural features, screen less attractive elements (e.g. utility installations) and add colour, texture and visual interest. (See Fig. 30)</p> <p>11.4.3.3 Creating semi-public outdoor spaces (plazas, courtyards, patios and gardens) is encouraged in larger projects. These areas should be well-defined by buildings and landscaping to encourage human activity by providing shade, vegetation and sitting areas for social interaction. (See Fig. 31a and 31b)</p> <p><i>All the above was considered when the team landscape architect and engineer designed the landscaping for this site. First there was a large 8-meter Town of Canmore Utility</i></p>



	<p><i>Right of way on the front of the property so large trees cannot be planted in this area instead it was agreed shrubs will be planted instead on the site. Instead of the 47 trees and 47 shrubs there is over 180 shrubs plus 5 trees on the site being planted. It was agreed also the Spring Creek and Castle Mountain would donate land to the Town of Canmore and build at their cost on this site the bike lanes and wide sidewalks to help the Town continue with its complete street's projects. A semi-public sitting area was also added to the site off the large complete streets sidewalks to be enjoyed by everyone. A large second floor patio area for the residents which faces northeast has been provided which will have barbeques, picnic tables, gas fire pit and other amenities.</i></p>
<p>5)</p>	<p>5) Concerns over Railway Proximity Guidelines. When a substantial amount of residential and commercial is being built within 30m of the railway the following applies:</p> <p>a. As per 3.10.1 M.D.P. 2016-03 "Development proposals adjacent to the railway should have regard for the guidelines for new development to railway operations"</p> <p>b. 3.10.2 M.D.P. 2016-03 Where Guidelines cannot be met a qualified professional may be engaged by the developer to purpose mitigation measures to reduce the level of risk and nuisance to an acceptable standard.</p> <p>c. 2.4 of 2013-05-29 Guidelines for New Development in Proximity to Railway Operations states "challenges associated with new residential development" "Residential development is particularly challenging in the context of a railway environment. As noted safety, noise and vibration issues become more significant when dealing with residential development."</p>
<p>Response 5) a. b. c.</p>	<p><i>The Guidelines for New Developments in Proximity to Railway Operations were completely followed. First with the size of the building, use and setback required was analysed both by the project team and the Town and it did not require any additional safety measures due to the railway operation. <u>A report was prepared by the project noise and vibration consultant and was submitted, see Appendix E, to the development authority and all recommendations have been implemented as part of the development proposal.</u></i></p>
<p>Additional Reasons</p>	<p>Additional reasons:</p> <p>No covenants or restrictions to ensure that units will not be condominiumed and sold to out-of-town residents</p> <p>The proposed development does not provide onsite management to control noise, insufficient parking nor garbage mishaps, leaving adjacent property owners to deal with such issues.</p>



	<p>The intensity of use as proposed will have significant negative impact on the safe and peaceful enjoyment of adjacent owners.</p>
<p>Response to Additional Reasons</p>	<p><i>This development is the first large scale staff housing complex being proposed in Canmore. Spring Creek requires this for all of its long-term business operations. This includes The Malcolm Hotel, a 124 room conference hotel, which includes the Stirling Grill and Lounge and Pulse Coffee Shop, Origin of Spring Creek seniors building in Canmore along with the Mine Shaft Tavern, Spring Creek Vacations that manages currently 50 Vacation condos, and the current landscape and construction crews that continue to build and service all of Spring Creek. Starting next year will be development of two other hotels with up to another 126 rooms. Spring Creek has been using old mobile homes in the back of the site for years for its staff housing, but with the current rate of development these must be removed over the next few years. There is no way these will be sold or converted to condominiums as Spring Creek and all its businesses would end up with no staff. This is why large hotel owners like the Banff Springs in Banff and Cariboo Properties have had staff housing for decades. This would also require a subdivision application to the Town of Canmore.</i></p> <p><i>To the second concern, Spring Creek Mountain Village has less issues with the staff accommodations than with the vacation condos or the long-term rentals. First these are nightly rentals. These leases are done this way throughout the valley and in many other communities as its tied to the employees terms of employment. Their employment is also tied to their conduct in staff housing. As many work shift work there is zero tolerance for parties or disruption to other residents. With the Appellants property being so far away there will be no impact to their property. There will be a minimum of one on-site manager which is why there are 3 one-bedroom units and an office for the on-site manager who will be responsible for the staff housing on behalf of all of the Spring Creek businesses.</i></p> <p><i>The proposed land use is similar in nature to other residential and mixed-use developments located on Bow Valley Trail and will not create impacts to the adjacent sites. Vacant sites are also included in the same land use designation in the LUB under the BVT-G District and Bow Valley Trail Area Redevelopment Plan and will be developed with a compatible land use in the future.</i></p> <p><i>To the north of the site is a commercial office building, to the west the rail line and mixed-use developments as part of the Spring Creek Mountain Village, separated by the railway and Policeman’s Creek. To the east of the site across Bow Valley Trail are a vacant sites and other mixed use residential and commercial developments accommodating Tourist Homes and services for the travelling public. The Appellants Land to the south of the site is vacant except for the not permitted use of Rental Equipment and Storage.</i></p>



CLOSING COMMENTS

A recent article in the RMO on December 22, 2022, highlights again that the living wage in Canmore is the highest in Alberta. What this means is that residents, business owners, employees have much higher living expenses than other communities in Alberta and require more of their wage income to afford basic needs such as housing. The Annual Living Wage Network published the living wage in Canmore to be \$32.75 per hour, while in Calgary it is \$22.40 per hour. The development of this project will address a need to provide for staff accommodation that is affordable and comfortable, is compatible with the adjacent land uses, and meets the regulations set out in the Land Use Bylaw and the applicable statutory plans.

Sincerely,
McElhanney Ltd.



Michelle Ouellette, MBA, BSc., RPP, MCIP
Division Manager, Planning
mouellette@mcelhanney.com | 403-621-1446

Attachments

Appendix A Common Amenity 4 Bedroom Unit

Appendix B Parking Study

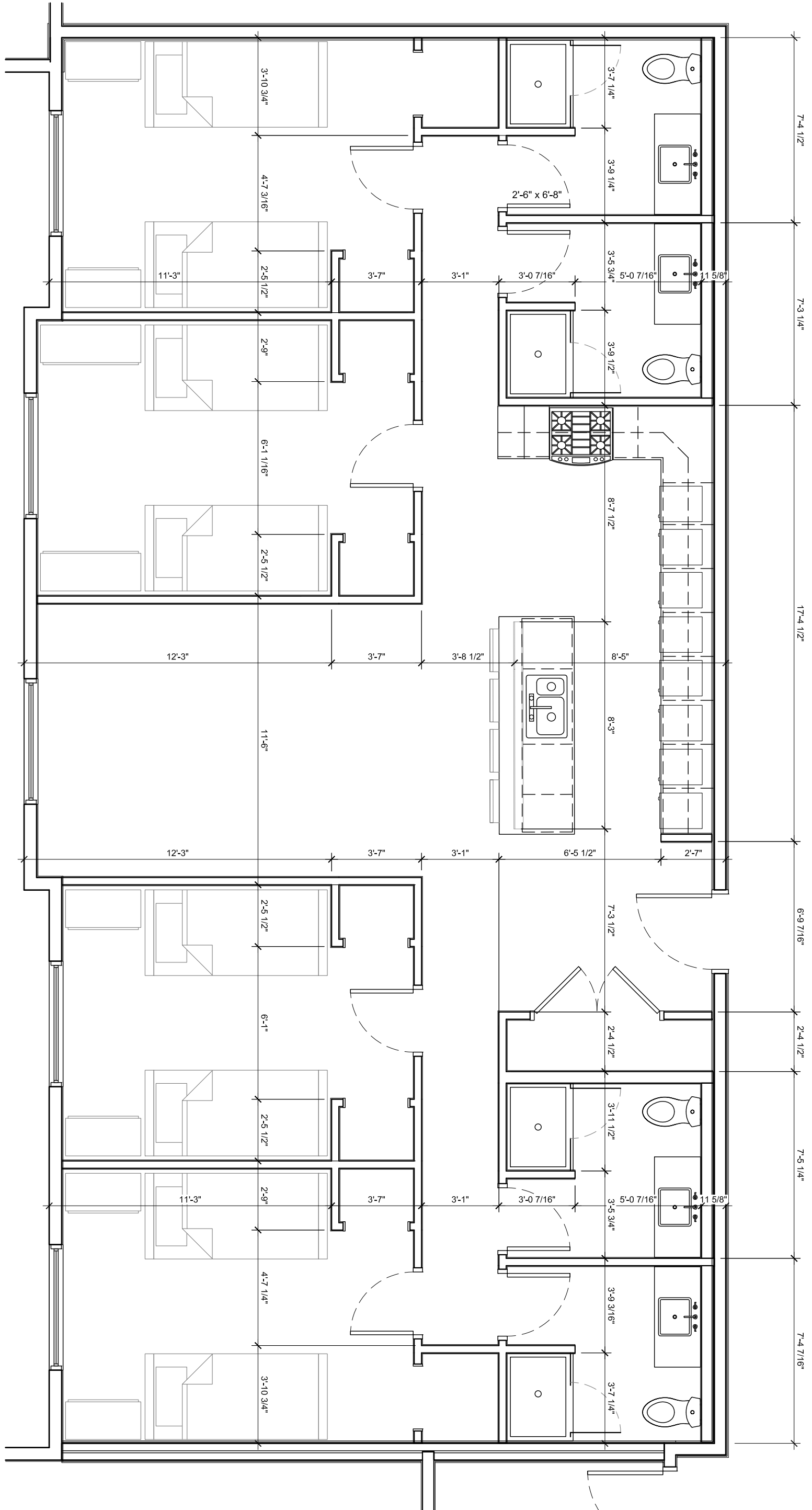
Appendix C Landscaping Plans

Appendix D Building Façade Illustrations

Appendix E Railway Noise Report



Appendix A Common Amenity Four Bedroom



TECHNICAL MEMO

To Frank Kernick, President Spring Creek Mountain Village	From Chun Man, P.Eng. Calgary - Transportation
Re Spring Creek Mountain Village – Parking Review	Date November 16, 2022

1. Background

This parking review was completed in support of the common amenity housing development proposed at 500 Bow Valley Trail in Canmore, Alberta, to illustrate the expected unique parking demands based on experience from other resort communities within the Bow Valley Region.

The proposed common amenity housing development includes 24 units (79 bedrooms) distributed over three levels. The street level of the development will include warehousing and wholesaling operations with just over 1,300 sqm dedicated to these non-residential uses.

2. Bylaw and Parking Study Review

The Town of Canmore Land Use Bylaw provides guidance related to parking minimums and maximums, having adopted some of the findings from a parking study completed in 2018. This study explored traditional parking stall allocation practices to determine whether these practices should continue, while considering the modern understanding of parking related to land, environmental, and maintenance impacts (among many others).

The 2018 Parking Study¹ found that:

- Parked vehicles at businesses only exceeded the 85% threshold of parking spaces provided during 21% of the business operating hours.
 - e.g.: 90 minutes out of an eight-hour day

¹ Town of Canmore – Integrated Parking Management Plan

- Parking space provided is significantly under-utilized when considering all business operating hours.

The Land Use Bylaw provides general regulation in Section 2.7 (Parking and Loading Requirements) for the uses proposed for the development at 500 Bow Valley Trail.

Wholesale and warehousing operations do not have a specified parking minimum requirement and are restricted to a maximum of 10 stalls regardless of size of the operations.

While there are no specific uses that align with common amenity housing in the Land Use Bylaw, similar uses were considered. Parking rates for similar uses from the Town of Canmore Land Use Bylaw are summarized in Table 1.

Table 1: Car Parking Rate per Land Use Bylaw (Number of Stalls)

Use	Visitor	Min. Parking	Max. Parking
Warehousing/Wholesale	N/A	-	10
Apartment Building (per unit)	0.15	1	3

The Land Use Bylaw also provides guidance for bike parking requirements as illustrated Table 2.

Table 2: Bike Parking Rate per Land Use Bylaw (Number of Stalls)

Use	Short Term	Long Term
Warehousing/Wholesale (per 100 sqm)	1	1
Apartment Building (per unit)	0.25	1.5



3. Proposed Development Parking

3.1. CAR PARKING DEMAND

Based on the Land Use Bylaw, the total minimum number of parking stalls required for the proposed development is 34. It was assumed that 6 car stalls would be provided for the non-residential warehousing and wholesale uses considering the expected parking turnover for a retail/commercial business of the proposed nature. Table 3 provides a summary of the parking demand without considering staff behaviours and travel patterns (based only on the Land Use Bylaw).

Table 3: Car Parking Demand per Land Use Bylaw

Ref.	Use	Quantities	Min. Parking Rate	Estimated Demand
1	Warehousing/Wholesale	1.4 ksm	-	6
2	Apartment Building (per unit)	24 units	1	24
2a	Visitor Stalls	24 units	0.15	4
Total Parking Demand (1+2+2a)				34

Note: ksm – thousand square metres

A recent parking needs survey conducted by Spring Creek Mountain Village received responses from 50% of staff members. It was assumed that those who did not respond will not require on-site parking, travel to work by other means, or have other car arrangements during the working hours. Of those who responded, **approximately 30% of the staff drive to work**, with the remaining 70% arriving to work by active modes (walking or cycling).

A similar parking trend was recorded at Banff Caribou Properties. Management/operators observed about 10% of staff occupying the parking stalls provided over the working season (parking demand/requirement of stalls was equal to 10% of the number of staff members).

Spring Creek Mountain Village is planning to have **80 full time staff members over a 12-month period**. During the **peak season, it is estimated that a total of 158 staff members could be housed** (up to 78 additional staff) to support the periods of highest tourist demand. However, the likelihood of reaching up to 158 staff members is low and represents **a rare event/conservative estimate**.

Assuming the parking behavior trends for hospitality staff remain similar to the recent observations made in Canmore and Banff, the parking demand for amenity housing is expected to fall within the ranges summarized in Table 4.



Table 4: Estimated Car Parking Demand Based on Site Observations

Time Period	Staff	Min. Parking ²	Max. Parking ³
Residential – Shoulder Season Demand	80	4	12
Residential – Peak Season Demand	158	8	<u>24</u>
Non-Residential Demand⁴	-	5	<u>5</u>
TOTAL MINIMUM EXPECTED DEMAND			9⁵
TOTAL MAXIMUM EXPECTED DEMAND			<u>29</u>

The expected vehicle parking demand is between 9 to 29 stalls. The minimum scenario reflects the combination of minimum parking for residential shoulder season demand and minimum parking for non-residential demand. The maximum scenario reflects the combination of maximum parking for residential peak season demand and maximum parking for non-residential demand.

The proposed 35 car parking stalls are expected to support the parking demands for the common amenity housing, and warehouse operations during the shoulder and peak season. This is based on understanding of the shoulder demand being between 4 stalls to 12 stalls, and an increased demand expected during the peak season of between 8 stalls and 24 stalls. It is assumed that the warehouse parking demand will remain consistent through out the year. As such, the proposed design is expected to provide additional capacity throughout the season.

As previously stated, the peak season staff numbers represent a worse case scenario as forecasted by Spring Creek operators. The proposed development plan provides 35 parking stalls, including 30 stalls available for common amenity residents and five stalls dedicated to the wholesale and warehousing business during operational hours. These non-residential parking stalls can be utilized by resident staff and visitors outside of the wholesale and warehousing business hours, as required.

Previously approved developments⁶ of similar land use in Canmore indicate car parking rates that range from 0.175 to 0.4 stalls per bedroom. Based on the proposed 79 bedrooms at 500 Bow Valley Trail, these rates result in a parking requirement of between 14 and 32 car parking stalls, which further validates the adequacy of the proposed 35 parking stalls.

² $80 \times 0.50 \times 0.10 = 4$ – 10% Banff Operations

³ $158 \times 0.50 \times 0.30 = 23.7$ – 30% Canmore Response

⁴ Assumed 50% of max LUB Rate.

⁵ Min: $4+5=9$; Max: $24+5=29$

⁶ Peaks of Canmore



3.2. BIKE PARKING DEMAND

Bike parking for the proposed development based on the Land Use Bylaw is summarized in Table 5. Malcom Hotels and Spring Creek Vacations are also planning to provide staff with community bikes to decrease vehicle demand when travelling within the development or to other destinations within the Bow Valley.

Table 5: Bike Parking Demand Per Land Use Bylaw

Ref.	Use	Quantities	Short Term Rate	Long Term Rate	Estimated Demand ⁷
1	Warehousing/Wholesale	1.4 ksm	10 ⁸	10	28
2	Apartment Building (per unit)	24 units	0.25	1.5	42
Estimated Bike Parking Demand					68

Note: ksm– thousand square metres

When considering the staff travel behaviors recorded from the survey, it is expected that 70% will choose to walk or bike to work. The survey indicated that 5% of staff have biked to work in the past. To encourage bike usage amongst staff members, Spring Creek will provide 10 community bikes (bike shares) for employees to encourage reduced car travel within the Town and Bow Valley Region.

Considering the shoulder and peak season staff count variations, the analysis assumed that **50% of the remaining staff** (those who did not respond to the survey) would travel by bike, **a 10X increase from the survey results**. Table 6 summarizes the expected bike parking demand of the remaining staff. The analysis suggests that during peak demand, an estimated 81 bike stalls are required to support the development during the peak season.

Table 6: Estimated Development Bike Parking Demand

Ref.	Time Period	Staff	Bike Parking Stall Demand ⁹
1	Shoulder Season Demand	80	28
2	Peak Season Demand	158	55
2a	Non-Residential Demand¹⁰	-	28
Total Parking Demand (2+2a)			81

Table 7 summarize the provided short-term and long-term bike parking. For the common amenity housing, the development proposes 72 stalls which is much greater than what is required per land use bylaw. For the non-residential use, 28 stalls will be provided for the warehousing use, meeting the requirements as recommended by the land use bylaw.

⁷ $24 \times (0.25 + 1.5) = 42$

⁸ LUB states 1 bike stall per 100m² – table scaled to 1000m²

⁹ $80 \times 0.7 \times 0.5 = 28$

¹⁰ From Warehousing/Wholesale LUB Rate (Section: 2.7.6.2)



It is expected there may be sharing of bike parking capacity if certain uses experiences different utilization throughout the day. However, given the proposed development is provided 47% more bike stall, we do not expect any storage issues at the time of writing.

Table 7: Bike Stalls Provided

Ref.	Use	Quantities	Short Term Supply	Long Term Supply	Total Supply
1	Warehousing/Wholesale	1.4 ksm	14	14	28
2	Apartment Building (per unit)	24 units	22	50	72
Total Bike Parking Supply for Development					100

4. Conclusion

Spring Creek Mountain Village is proposing to provide 35 car parking stalls to accommodate the amenity housing and warehouse/wholesale operations. Based on previously approved developments with similar land uses in Canmore, the estimated parking requirements for the proposed development are between 14 and 32 car parking stalls.

The proposed short term and long-term bike parking for the development exceeds the needs based on the requirements as indicated in the Land Use Bylaw. During the peak period, an estimated 81 bike stalls are required to support the development. The proposed development plan includes 100 bike stalls as summarized in Table 7.

The car parking proposed for the development is expected to meet/exceed the demands as surveyed by Spring Creek and when compared against other similar uses in the Town. The development also includes a generous proposed supply of bike parking for the residential and non-residential uses and is expected to meet the needs of the development.

Should you have any questions or require any further information, please do not hesitate to contact the undersigned.

Prepared by:



Chun Man, P.Eng.
 Transportation Project Manager
cman@mcelhanney.com

Reviewed by:



Laurel Flanagan, P.Eng., RSP1
 Transportation Engineer
lflanagan@mcelhanney.com

https://mcel-my.sharepoint.com/personal/cman_mcelhanney_com/Documents/Canmore/Gaven/Staff Housing/2022-09-23-SCMV Staff Accommodation Parking.docx

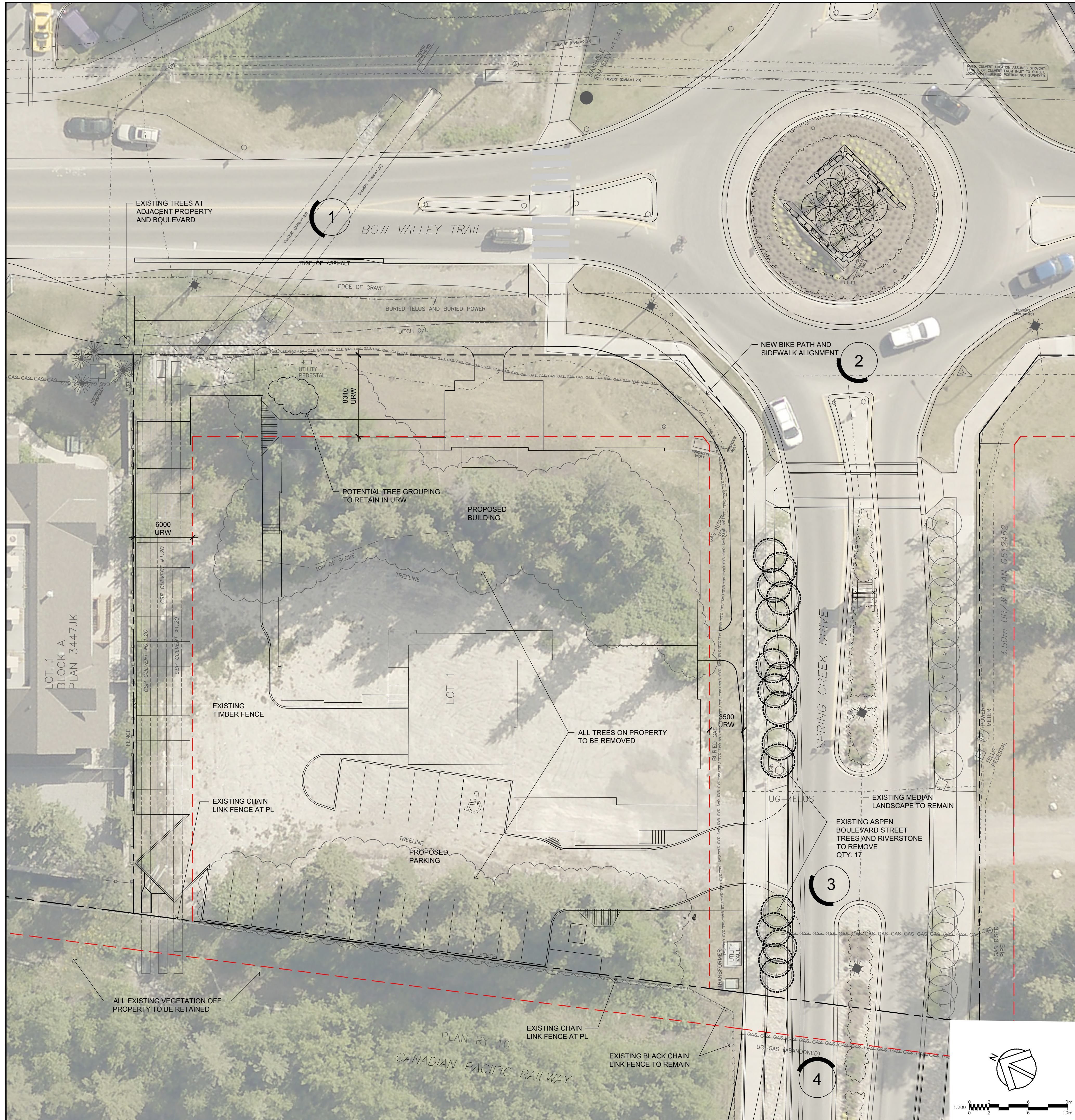


This report has been prepared by McElhanney Ltd. at the request of Spring Creek Mountain Village. The information and data contained herein represent McElhanney's best professional judgment in light of the knowledge and information available to McElhanney at the time of preparation. Except as required by law, this memo and the information and data contained herein are to be treated as confidential and may be used and relied upon only by the client, its officers, and employees.

McElhanney Ltd. denies any liability whatsoever to other parties who may obtain access to this memo for any injury, loss or damage suffered by such parties arising from their use of, or reliance upon, this document or any of its contents without the express written consent of McElhanney and the owner or its agents.



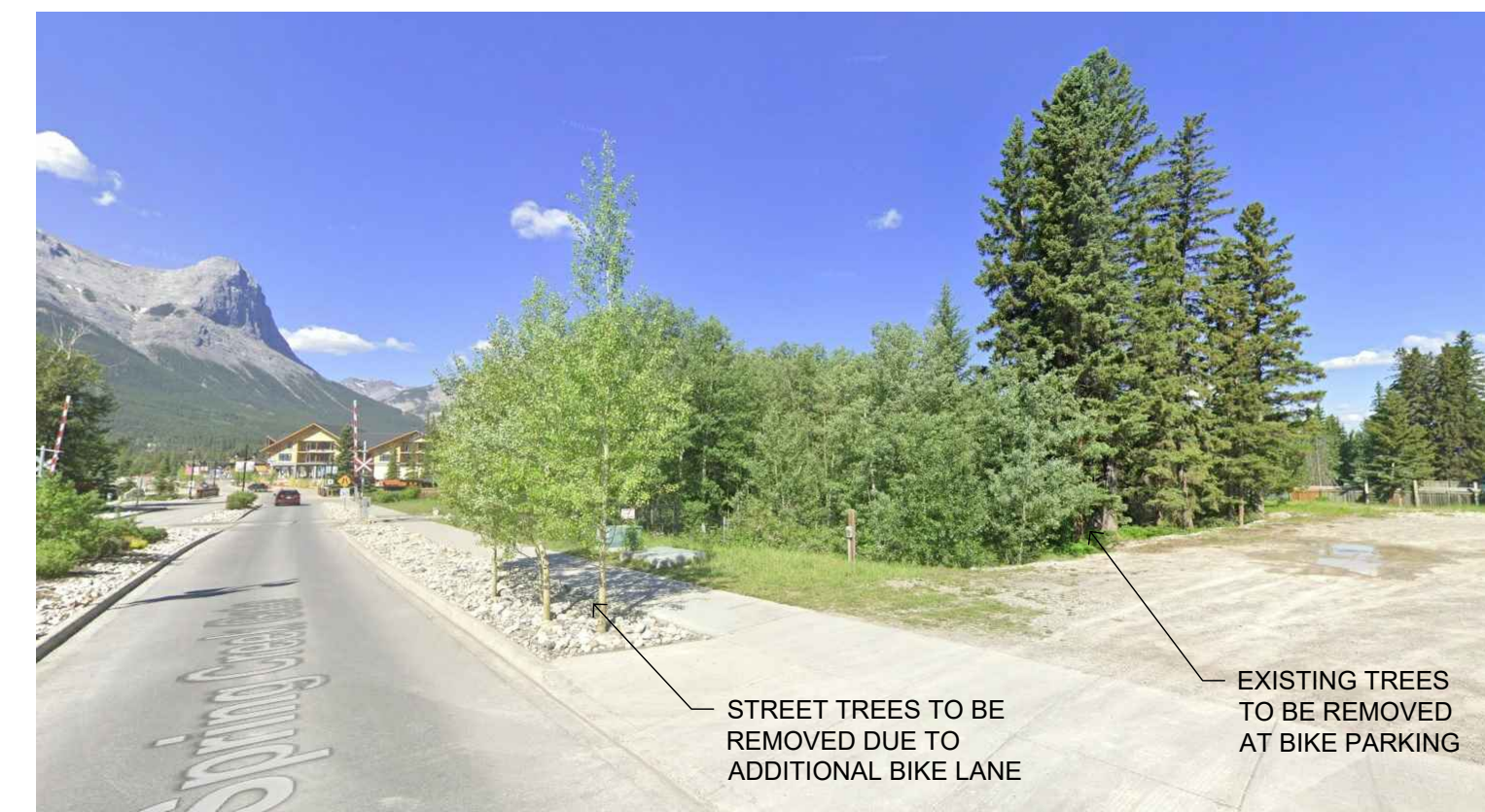
Appendix C Landscaping Plans



1 BOW VALLEY TRAIL LOOKING NORTH
L0.1




2 SPRING CREEK DRIVE LOOKING WEST
L0.1



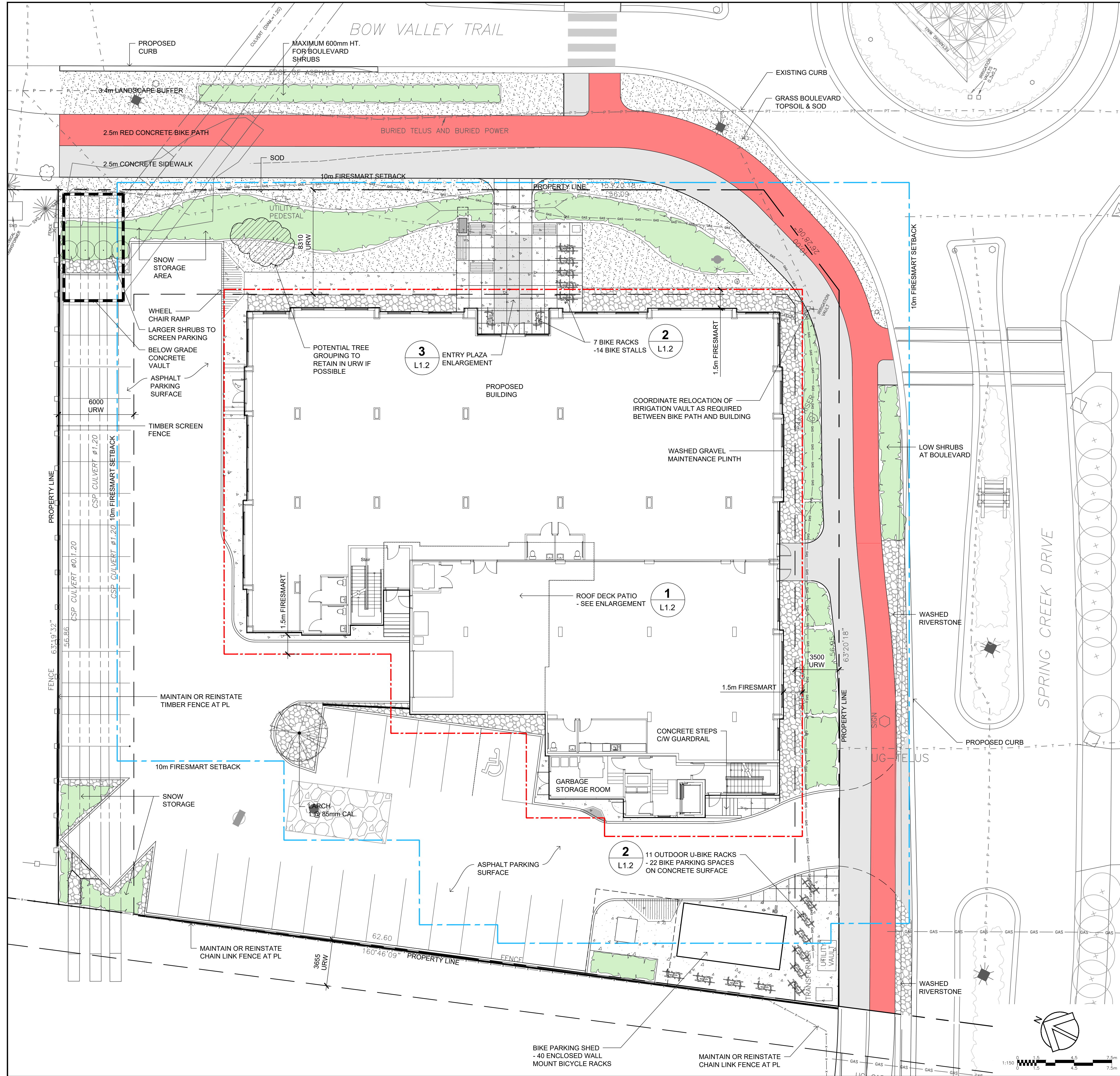
3 SPRING CREEK DRIVE LOOKING WEST
L0.1



4 SPRING CREEK DRIVE LOOKING EAST
L0.1

CLIENT		
SPRING CREEK MOUNTAIN VILLAGE		
1 SPRING CREEK GATE CANMORE, AB T1W0A7		
COPYRIGHT		
This drawing has been prepared solely for the intended use, and any reproduction or distribution for any purpose other than authorized by IBI Group is forbidden. Written dimensions shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job, and IBI Group shall be informed of any variations from the dimensions and conditions shown on the drawing. Shop drawings shall be submitted to IBI Group for general confirmation before proceeding with fabrication.		
IBI Group Professional Services (Canada) Inc. <small>is a member of the IBI Group of companies</small>		
ISSUES		
No.	DESCRIPTION	DATE
A	ISSUED FOR DP	2022-06-21
B	ISSUED FOR DP	2022-07-18
C	REVISED & REISSUED	2022-09-30
D	REVISED & REISSUED	2022-11-08
REVISIONS		
No.	DESCRIPTION	DATE
CONSULTANTS		
SEAL		
PRIME CONSULTANT		
 IBI GROUP 3rd Floor - 227 11 Avenue SW Calgary AB T2R 1R9 Canada Tel: 403 270 5600 Fax: 403 270 5610 ibigroup.com		
PROJECT		
SCMV STAFF HOUSING		
LOT 1 BLK 7 PLAN 051 2461 500 BOW VALLEY TRAIL CANMORE, AB		
PROJECT NO: 139672		
DRAWN BY: IBI	CHECKED BY: IBI	
PROJECT MGR: BB	APPROVED BY: IBI	
SHEET TITLE		
EXISTING SITE		
SHEET NUMBER	ISSUE	
L0.1	C	

File Location: \\113872_SC-CVT_Shift7_0_Production\7_03_Design\05_Landscaping\139672_Existing Site.dwg
 Last Saved: September 30, 2022, by Maria DiGiulio
 Plotted: Tuesday, November 8, 2022 2:33:11 PM by Maria DiGiulio
 177



LEGEND & NOTES

PROPERTY LINE	
RETAIN PORTION OF EXISTING TREE GROUPINGS	
CONCRETE SIDEWALK WITH SAWCUT JOINTING PATTERN, NON-SLIP, REGULAR GREY	
CONCRETE SIDEWALK WITH SAWCUT JOINTING PATTERN, NON-SLIP, CHARCOAL GREY COLOUR	
RED CONCRETE BIKE PATH - SEE CIVIL DRAWINGS	
CONCRETE SIDEWALK - SEE CIVIL DRAWINGS	
WASHED GRAVEL 100mm DEPTH OVER BLACK FILTER FABRIC	
GRASS AREA - TOPSOIL & SOD	
EXTERIOR BICYCLE U-RACK QTY: 15 (30 BICYCLE PARKING SPACES)	

AREA CALCULATIONS

SITE AREA	3,755.7 m ²
BUILDING FOOTPRINT	38.5% 1,446.0 m ²
VEHICULAR ROAD AND PARKING	36.0% 1,351.5 m ²
LANDSCAPE AREA REQUIRED	25.0% 938.9 m²
SOFT LANDSCAPE AREA AT GRADE	13.2% 497.2 m ²
HARD LANDSCAPE AREA AT GRADE	12.7% 461.0 m ²
TOTAL AT GRADE LANDSCAPE AREA INCLUDING PATIOS, WALKWAYS AND BICYCLE PARKING	25.9% 958.2 m ²
ADDITIONAL HARD SURFACE LANDSCAPE AREA AT SECOND LEVEL	174.0 m ²

PLANT MATERIAL REQUIREMENTS

TOTAL TREES REQUIRED	
1 TREE PER 20m ² LANDSCAPE AREA (938.9÷20)	47 TREES
TOTAL SHRUBS REQUIRED	
1 SHRUB PER 20m ² LANDSCAPE AREA (938.9÷20)	47 SHRUBS
PROPOSED TREES	4 TREES
ADDITIONAL 12m ² OF EXISTING TREES TO BE RETAINED DEPENDING ON FINAL GRADING REQUIREMENTS AND URW RESTRICTIONS	
PROPOSED SHRUBS	180 SHRUBS

NOTE: OF THE TOTAL AT GRADE LANDSCAPE AREA 665m² IS URW WHICH IS 66% OF THE AT GRADE LANDSCAPE AREA.

SHRUB AND GROUND COVER PLANTING AND MULCH.

STONE MULCH OR NO MULCH AT PLANTING BEDS WITHIN FIRESMART SETBACK	
SHRUB COUNT = 230	
MINIMUM 600mm HEIGHT OR SPREAD, 5 GAL CONTAINER: QTY= 115	
MINIMUM 300mm HEIGHT OR SPREAD, 2 GAL CONTAINER: QTY= 115	
POTENTILLA (VAR SPECIES)	POTENTILLA FRUTICOSA
PRICKLY ROSE	ROSA ACICULARIS
SPIREA (VARIOUS SPECIES)	SPIRAEA

DECIDUOUS TREES

QTY = 4	
1 @ 85mm CAL.	
3 @ 50mm CAL.	
LARIX OCCIDENTALIS	WESTERN LARCH
PRUNUS NIGRA 'PRINCESS KAY'	PRINCESS KAY PLUM
(NON-FRUITING TREE VARIETY AS APPROVED BY TOWN OF CANMORE. PARKS)	

- ALL PLANT MATERIAL SPECIES PLANTED ON PUBLIC PROPERTY AND AT ROAD RW TO BE SPECIES ON EDGG PLANT LIST.
- ALL PLANT MATERIAL IS OF A SPECIES CAPABLE OF HEALTHY GROWTH IN CANMORE AND SHALL CONFORM TO THE STANDARDS OF THE CANADIAN NURSERY TRADES ASSOCIATION FOR NURSERY STOCK.
- ALL AREAS MAINTAINED WITH AN AUTOMATIC IRRIGATION SYSTEM.
- ALL LANDSCAPE CONSTRUCTION AS PER TOWN OF CANMORE 2020 ENGINEERING DESIGN AND CONSTRUCTION GUIDELINES, LANDSCAPE DESIGN GUIDELINES.

- 1.5m FIRESMART SETBACK FROM PROPOSED BUILDING
- AS PER FIRESMART STANDARDS NO PLANTING WITHIN 1.5m BUILDING SETBACK.

- 10m FIRESMART SETBACK FROM PROPOSED BUILDING
- ALL PROPOSED PLANT MATERIAL BETWEEN 1.5m AND 10.0m FROM BUILDING WILL BE NON-CONIFEROUS PLANT MATERIAL, WITH NO MULCH OR WITH A STONE MULCH.

CLIENT
SPRING CREEK MOUNTAIN VILLAGE

1 SPRING CREEK GATE CANMORE, AB T1W0A7

COPYRIGHT
This drawing has been prepared solely for the intended use, thus any reproduction or distribution for any purpose other than authorized by IBI Group is forbidden. Written dimensions shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job, and IBI Group shall be informed of any variations from the dimensions and conditions shown on the drawing. Shop drawings shall be submitted to IBI Group for general conference before proceeding with fabrication.
IBI Group Professional Services (Canada) Inc.
is a member of the IBI Group of companies.

ISSUES

No.	DESCRIPTION	DATE
A	ISSUED FOR DP	2022-06-21
B	ISSUED FOR DP	2022-07-18
C	REVISED & REISSUED	2022-09-30
D	REVISED & REISSUED	2022-11-08

REVISIONS

No.	DESCRIPTION	DATE

CONSULTANTS

SEAL

PRIME CONSULTANT
IBI GROUP
3rd Floor - 227 11 Avenue SW
Calgary AB T2R 1R9 Canada
tel: 403 270 5600 fax: 403 270 5610
ibigroup.com

PROJECT
SCMV STAFF HOUSING
LOT 1 BLK 7 PLAN 051 2461
500 BOW VALLEY TRAIL
CANMORE, AB

PROJECT NO: 139672	CHECKED BY: IBI
DRAWN BY: IBI	APPROVED BY: IBI
PROJECT MGR: BB	

SHEET TITLE
LANDSCAPE PLAN

SHEET NUMBER
L1.1

ISSUE
C

Appendix D Building Facade Illustrations



View of building looking West



View of building looking Southwest



View of building looking South



View of building looking East



Railway Noise Impact Assessment

Spring Creek Mountain Village
Staff Housing

Requested By

&

Prepared For

Drew Steinhauer
Spring Creek

Prepared By

APEGA Permit to Practice P 06780

Mr. Clifford Faszer, P.Eng.
Mr. Matthew Faszer P.Eng.
FFA Consultants in Acoustics and Noise Control Ltd.

September 8, 2022

FFA File 122-3214-01

Executive Summary

Spring Creek has requested a rail line noise impact assessments for their proposed Spring Creek Mountain Village Staff Housing development be undertaken for submittal to the Town of Canmore. SCMV Staff Housing is to be constructed at 500 Bow Valley Trail in Canmore, Alberta. There is a CP Rail line located to the west of the property. The purpose of this assessment is to determine if any upgrading to the proposed development will be required to meet the airborne noise limits set out in the *Guidelines for New Development in Proximity to Railway Operations [May 2013]* (Guidelines).

Predicted indoor and outdoor train sound levels were compared to the Guidelines noise criteria to determine if changes to the outdoor amenity space, HVAC systems or exterior assemblies of the development are required. The results of the comparisons indicates that no upgrades to the exterior wall assembly are required to meet the Guidelines indoor noise criteria. Further, no upgrades to the HVAC systems are required to mitigate rail noise impact in the SCMV Staff Housing development based on the reviewed design. The predicted sound level in the Common Patio is predicted over the Guidelines outdoor amenity space sound level limit. A 1.8 m high barrier on the edge of the Common Patio is calculated to reduce the outdoor sound levels to meet the Guidelines sound level limits.



Contents

Executive Summary..... i

Background & Scope..... 1

Development Description..... 1

Airborne Noise Criteria 2

Outdoor Sound Pressure Level Predictions 3

Discussion of Outdoor Sound Level Predictions 4

Interior Sound Pressure Level Predictions..... 5

Discussion of Indoor Sound Level Predictions 6

Conclusions 6

Appendix A Graphic Presentation of Airborne Noise.....A

Tables & Figures

Figure 1 Site Diagram	2
Table 1 Guideline Noise Criteria.....	2
Table 2 Isolated Train Noise Levels.....	3
Figure 2 Barrier Diagram	4
Table 3 Base Building Exterior Glazing Assemblies	5
Table 4 Base Building Exterior Wall Assemblies	6
Figure A-1 Predicted Indoor and Outdoor Sound Levels on 2 nd Floor.....	A-1
Figure A-2 Predicted Indoor and Outdoor Sound Levels on 3 rd Floor	A-2
Figure A-3 Predicted Indoor and Outdoor Sound Levels on 4 th Floor	A-3

Background & Scope

Spring Creek has requested a rail line noise impact assessments for their proposed Spring Creek Mountain Village Staff Housing (SCMV Staff Housing) development be undertaken for submittal to the Town of Canmore. SCMV Staff Housing is to be constructed at 500 Bow Valley Trail in Canmore, Alberta. Spring Creek retained FFA Consultants in Acoustics & Noise Control Ltd. (FFA) to undertake the assessments. The development site is located adjacent to the CP Rail lines that run through Canmore.

The Town of Canmore has adopted the *Guidelines for New Development in Proximity to Railway Operations [May 2013]* (Guidelines) to evaluate rail noise for developments adjacent to the rail lines in the Town of Canmore. The purpose of this assessment is to determine if any upgrading to the proposed development will be required to meet the airborne noise limits set out in the Guidelines. The assessment is based on DP Re-Submission drawings dated 2022.07.22 and exterior assembly information provided in email correspondence on August 24, 2022, and August 18, 2022.

Measured sound levels measured at 1730 Bow Valley Trail were used to predict the rail noise in the SCMV Staff Housing development. The predicted levels were then compared to the recommend criteria in the Guidelines and used to develop mitigative measures if required.

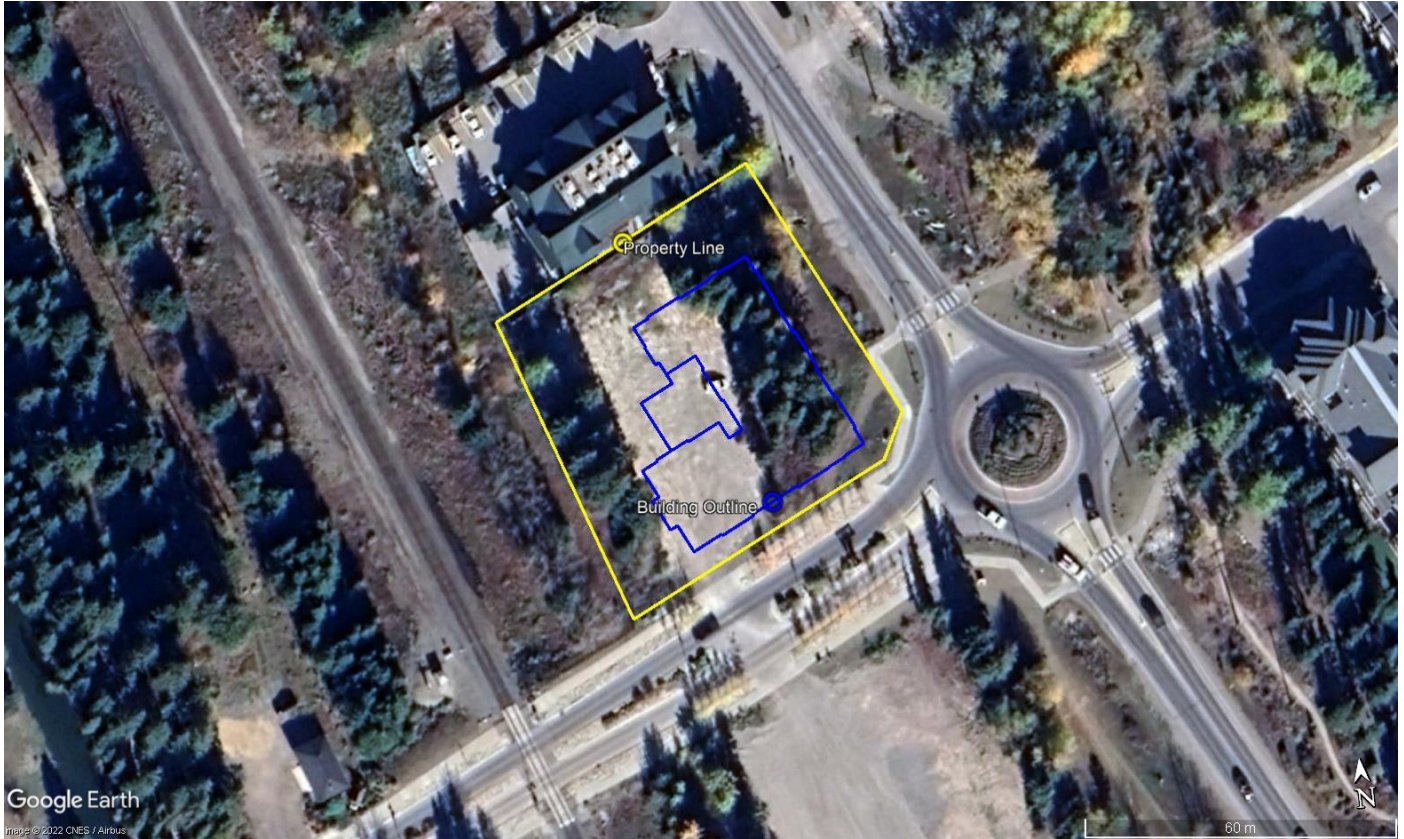
Development Description

The proposed SCMV Staff Housing development will have a Wholesale Sales and Warehouse area on the ground floor and 3 levels of residential suites above. A small outdoor amenity space is planned to be located on the second floor of the development facing the rail line. Our understanding is the project will include HVAC systems that provide heating and cooling to all suites in the project.

The proposed SCMV Staff Housing development will be located at 500 Bow Valley Trail, in Canmore Alberta. Currently, this location is an undeveloped site that is a mix of gravelled and treed areas. The main east west CP Rail line is located to the west of the property.

Floor plans of the residential levels of the development showing suite layouts are included in Appendix A and a satellite photo showing the rail line, development property lines and building outline are provided in Figure 1.

**Figure 1
Site Diagram
Spring Creek – SCMV Staff Housing**



Airborne Noise Criteria

The recommended noise criteria in the Guidelines are derived from information regarding the room purpose, and time of day. Table 1 presents the recommended noise criteria in the Guidelines for the suites and outdoor amenity spaces.

**Table 1
Guideline Noise Criteria
Spring Creek – SCMV Staff Housing**

Type of Space	Time Period	Sound Level Limit L_{eq}^1 (dBA) Rail	Outdoor Sound Level Limit L_{eq}^1 (dBA)
		Indoor ²	Outdoor ³
Bedrooms	23:00 – 07:00	35	50
Living/Dining Rooms	07:00 – 23:00	40	55
Outdoor Living Spaces	07:00 – 23:00	55 ⁴	N/A

FFA File 122-3214-01

Notes:

- 1) Applicable to transportation noise sources only
- 2) The indoor sound level limits are used only to determine the exterior architectural component requirements.
- 3) The outside façade sound level limits are used to determine the air conditioning requirements.
- 4) Mitigation is recommended between 55 dBA and 60 dBA and if the levels are 60 dBA or above, mitigation should be implemented to reduce the levels as close as practicable to 55dBA

The recommended sound level limits are determined based on the average sound level in dBA L_{eq} as averaged over a 16-hour daytime period or an 8-hour nighttime period.

Outdoor Sound Pressure Level Predictions

Our understanding is that there are approximately 24 freight trains a day on the rail line in a 24-hour period, 7 days a week. Additionally, the train traffic is fairly evenly distributed throughout a 24-hour period such that on average there would be approximately 1 train an hour in the daytime or nighttime time periods (i.e., approximately 16 trains during a 16-hour daytime period and 8 trains during an 8-hour nighttime period). A typical train will have approximately 3 engines. This information is based on the *Train Data for Use in Noise Assessment* table for the main CP east west rail line provided in the *City of Calgary, Development and Rail Policy, Recommended Detailed Rail Noise Assessment Methodology [March 2018]*.

Outdoor sound pressure levels around the residential units of the SCMV Staff Housing development were predicted based on previously measured sound levels adjacent to the rail lines in Canmore. The sound level measurements were conducted approximately 58 metres northeast of the rail lines at 1730 Bow Valley Trail as part of a previous rail noise impact assessment conducted by FFA. The measurements were conducted on August 6, 2021 between approximately 9:40 am and 4:15 pm and consisted of 5 train pass by events. The sound data from the 5 trains during the measurement period was isolated from the other background noise and then averaged over a 5-hour time period to correspond with an average of 1 train per hour. The measured train noise levels at 1730 Bow Valley Trail are presented in Table 2.

**Table 2
Isolated Train Noise Levels
Spring Creek – SCMV Staff Housing**

Isolated Average Train Sound Level (dBA L_{eq})
7.5m High Microphone
59

FFA File 121-3222-01

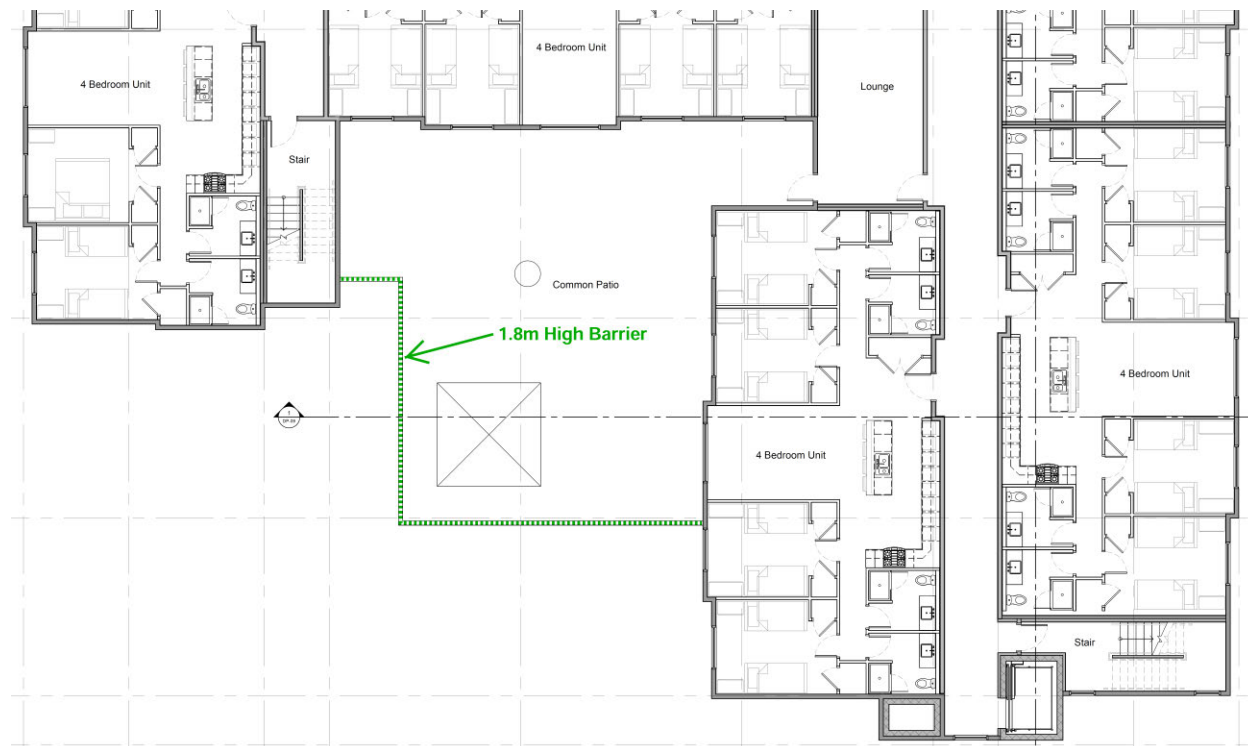
The measured sound levels were adjusted based on the methodology outlined in *CHMC Road and Rail Noise: Effects on Housing* document for differences in distance, height and building orientation between the measurement location and the development relative to the rail line.

The predicted sound levels ranged from 62 dBA on the side of the building closest to the rail line to 53 dBA on the sides of building lower down and further away from the rail line. The sound level on the Common Patio (outdoor amenity space) was predicted at 60 dBA. The predicted outdoor sound levels on all residential levels of the development are presented in Appendix A.

Discussion of Outdoor Sound Level Predictions

The predicted outdoor sound level of 60 dBA in the Common Patio is above the Guidelines Outdoor Living Spaces limit of 55 dBA. Further, it is predicted at a level of 60 dBA, the level at which the Guidelines state that mitigation should be implemented to reduce the levels as close as practical to 55 dBA. Calculations indicate that adding a 1.8 m high barrier on the edge of the Common Patio would reduce the outdoor sound level in the Common Patio to 54 dBA. The barrier should be continuous without any gaps or breaks. The extent of the proposed barrier is provided in Figure 2

Figure 2
Barrier Diagram
Spring Creek – SCMV Staff Housing



The predicted outdoor sound levels are above the Guidelines outdoor sound level limits for bedrooms and living/dining rooms in areas closer to the rail lines. According to the Guidelines this indicates that all bedrooms and the living spaces closer to the rail lines in the development should have air conditioning. Air conditioning allows residents to keep windows closed to reduce rail noise in the suites while maintaining comfortable indoor temperatures. As stated previously, our understanding is the project will include HVAC systems that provide heating and cooling to all suites in the project. This would meet the Guideline recommendations for air conditioning in suites where the outdoor noise criteria are exceeded.

Interior Sound Pressure Level Predictions

Interior sound pressure levels were calculated from the predicted outdoor calculations based on the reviewed floor plans, and exterior assemblies. The calculated indoor sound levels were used to determine if upgrades would be required to the proposed building envelope assemblies to meet the indoor permissible sound level limits of the Guidelines.

The assessment was based on DP Re-Submission drawings dated 2022.07.22 and exterior assembly information provided in email correspondence on August 24, 2022, and August 18, 2022. Based on this information interior noise predictions were undertaken using IBANA-Calc software which is based on the same principals as the Acoustic Insulation Factor (AIF) calculations in the *CHMC Road and Rail Noise: Effects on Housing* documents as well as the *National Building Code, 2019 Alberta Edition*. The predicted daytime or nighttime L_{eq} indoor train noise levels in the residential levels of the development are shown in the marked-up floor plans in Appendix A.

The exterior construction assemblies used in the interior noise calculations are presented in Table 3 and Table 4.

**Table 3
Base Building Exterior Glazing Assemblies
Spring Creek – SCMV Staff Housing**

Tag & Title	Assembly
Window Glazing	<ul style="list-style-type: none"> • 3 mm Glazing • 10 mm Air Space • 3 mm Glazing • 10 mm Air Space • 3 mm Glazing

FFA File 122-3214-01

Table 4
Base Building Exterior Wall Assemblies
Spring Creek – SCMV Staff Housing

Tag & Title	Assembly
Fibre Cement Siding Wall Assembly	<ul style="list-style-type: none"> • Fibre Cement Siding • 2-layers 30 min. building paper • 7/16" OSB or plywood sheathing • nominal 2x6 wood studs @ 16" O.C. • R20 batt insulation • 6mil poly vapor barrier • 5/8" F.R. type "X" gypsumboard

FFA File 122-3214-01

Discussion of Indoor Sound Level Predictions

The predicted indoor train noise levels meet a level of 32 dBA or lower. This meets the indoor sound level criteria of 35 dBA for bedrooms and 40 dBA for Living/Dining Rooms. This indicates that no upgrades to exterior assemblies of the SCMV Staff Housing development are required to meet the Guidelines’ indoor sound level limits. The calculated daytime or nighttime L_{eq} indoor train noise levels are shown in the marked-up floor plans in Appendix A.

Conclusions

A rail noise impact assessment for the proposed Spring Creek, SCMV Staff Housing development was undertaken by FFA. The impact assessment was based on measured sound levels collected at 1730 Bow Valley Trail as part of a previous rail noise impact assessment conducted by FFA. The measured sound levels were adjusted for differences in distance, height and building orientation between the measurement location and the development relative to the rail line.

The rail noise impact assessment indicated that the predicted indoor train noise levels in the residential suites of the SCMV Staff Housing development meet the sound level limits in the Guidelines and no upgrades to the proposed exterior assemblies are required.

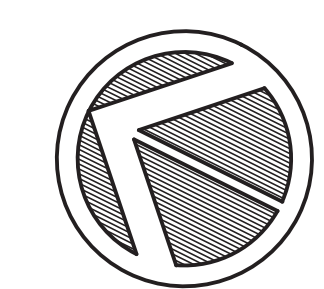
Further, the impact assessment indicated that outdoor sound levels in the common patio space are predicted above the Outdoor Living Spaces sound level limit. A 1.8 m high noise barrier at the edge of the Common Patio is calculated to reduce the outdoor sound level in the Common Patio to meet the Guidelines level.

The outdoor rail noise levels are predicted above the outdoor sound level limits for bedrooms and living/dining rooms in areas of the development closer to the rail lines, however, as the current design includes heating and cooling in all residential units no additional mitigation measures are required to address the outdoor noise levels.

Appendix A

Graphic Presentation of Airborne Noise

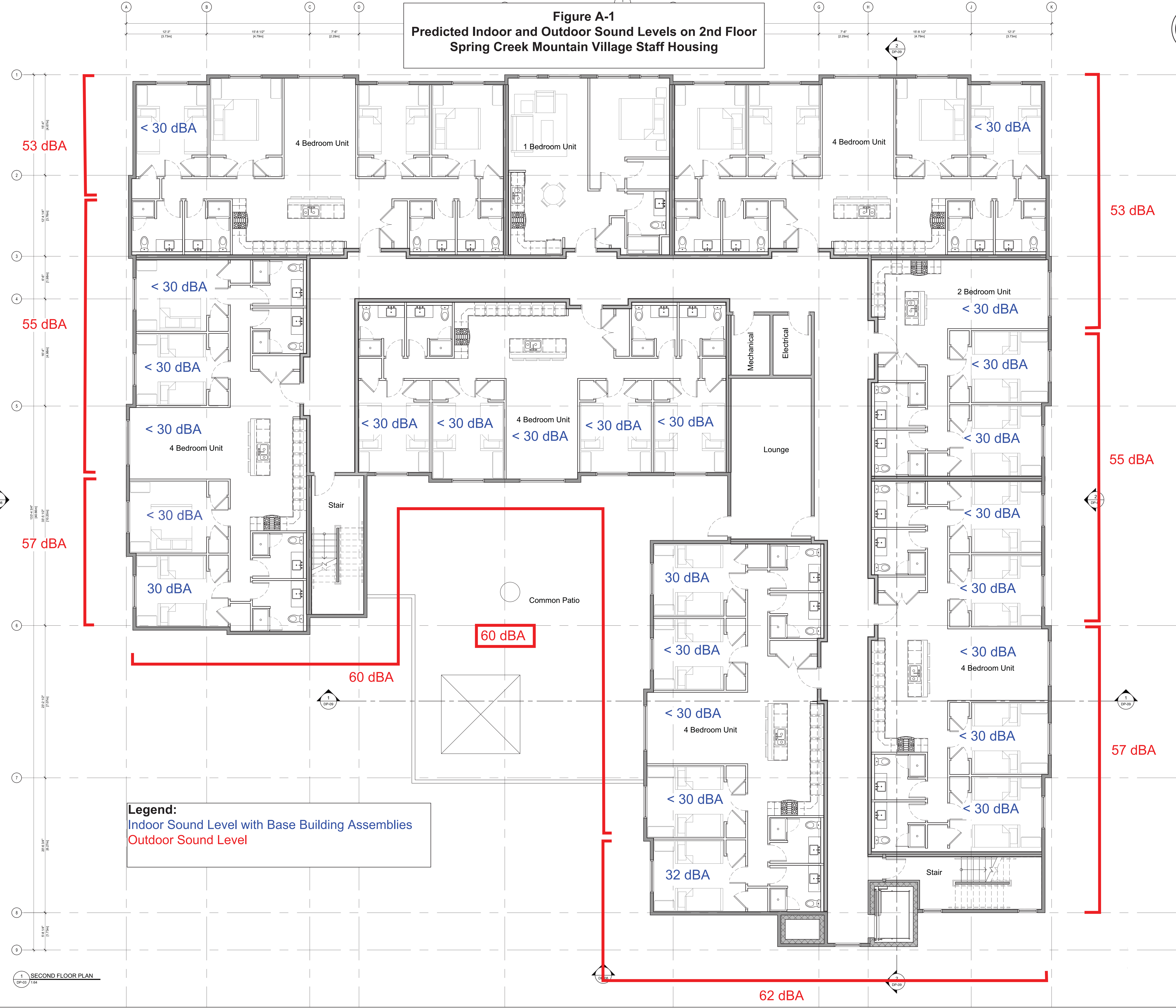
Figure A-1
Predicted Indoor and Outdoor Sound Levels on 2nd Floor
Spring Creek Mountain Village Staff Housing



DESCRIPTION	DATE
PROJECT START	2022.01.15
PRE-OP SUBMISSION	2022.02.03
DP REVIEW	2022.05.19
DP REVIEW	2022.06.04
DP REVIEW	2022.06.13
DP SUBMISSION	2022.06.21
DP RE-SUBMISSION	2022.07.22

CONSULTANTS
MTECH
 DESIGNS
 2244 Bow Valley Trail SW, Calgary, Alberta, T2B 0W6
 P: 403.453.3315 M: 403.453.3315 E: murray@metechdesigns.ca
 metechdesigns.ca

KEY PLAN



Legend:
 Indoor Sound Level with Base Building Assemblies
 Outdoor Sound Level

This plan is issued subject to return upon demand and upon the express condition that it is not to be used in any way detrimental to our interests. It is not to be reproduced in any form whatsoever without written consent of the Architect.
 Do not scale the drawing.

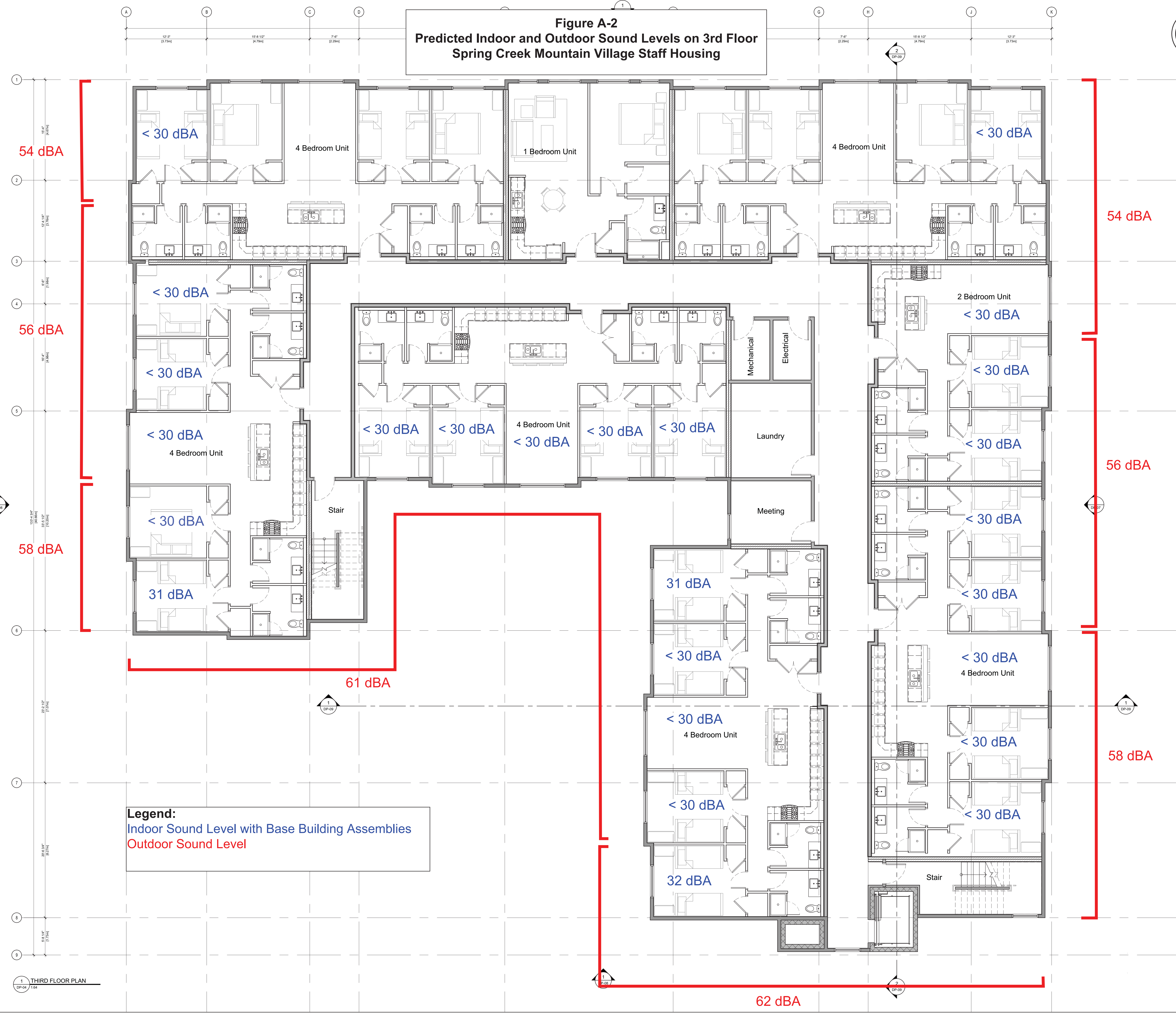
CLIENT	Spring Creek Mountain Village 1 Spring Creek Gate Canmore, AB T1W 0A7
PROJECT	SCMV Staff Housing 500 Bow Valley Trail Canmore, AB
DRAWING	SECOND FLOOR PLAN
BUILDING PERMIT	
DEVELOPMENT PERMIT	
FILE	22.001
DRAWN BY	MAF
DATE	2022/07/22
SCALE	AS INDICATED
DRAWING NUMBER	DP-03

DESCRIPTION	DATE
PROJECT START	2022.01.15
PRE-OP SUBMISSION	2022.02.03
DP REVIEW	2022.05.19
DP REVIEW	2022.06.04
DP REVIEW	2022.06.13
DP SUBMISSION	2022.06.21
DP RE-SUBMISSION	2022.07.22

CONSULTANTS
MTECH
 DESIGNS
 2244 Bow Valley Circle SW, Calgary, Alberta, T2B 0W6
 P: 403.453.2315 M: 403.453.2315 E: murray@metechdesigns.ca
 metechdesigns.ca

KEY PLAN

Figure A-2
Predicted Indoor and Outdoor Sound Levels on 3rd Floor
Spring Creek Mountain Village Staff Housing



Legend:
 Indoor Sound Level with Base Building Assemblies
 Outdoor Sound Level

This plan is issued subject to return upon demand and upon the express condition that it is not to be used in any way detrimental to our interests. It is not to be reproduced in any form whatsoever without written consent of the Architect. Do not scale this drawing.

CLIENT
Spring Creek Mountain Village
 1 Spring Creek Gate
 Canmore, AB
 T1W 0A7

PROJECT
SCMV Staff Housing
 500 Bow Valley Trail
 Canmore, AB

DRAWING
THIRD FLOOR PLAN

BUILDING PERMIT _____
 DEVELOPMENT PERMIT _____

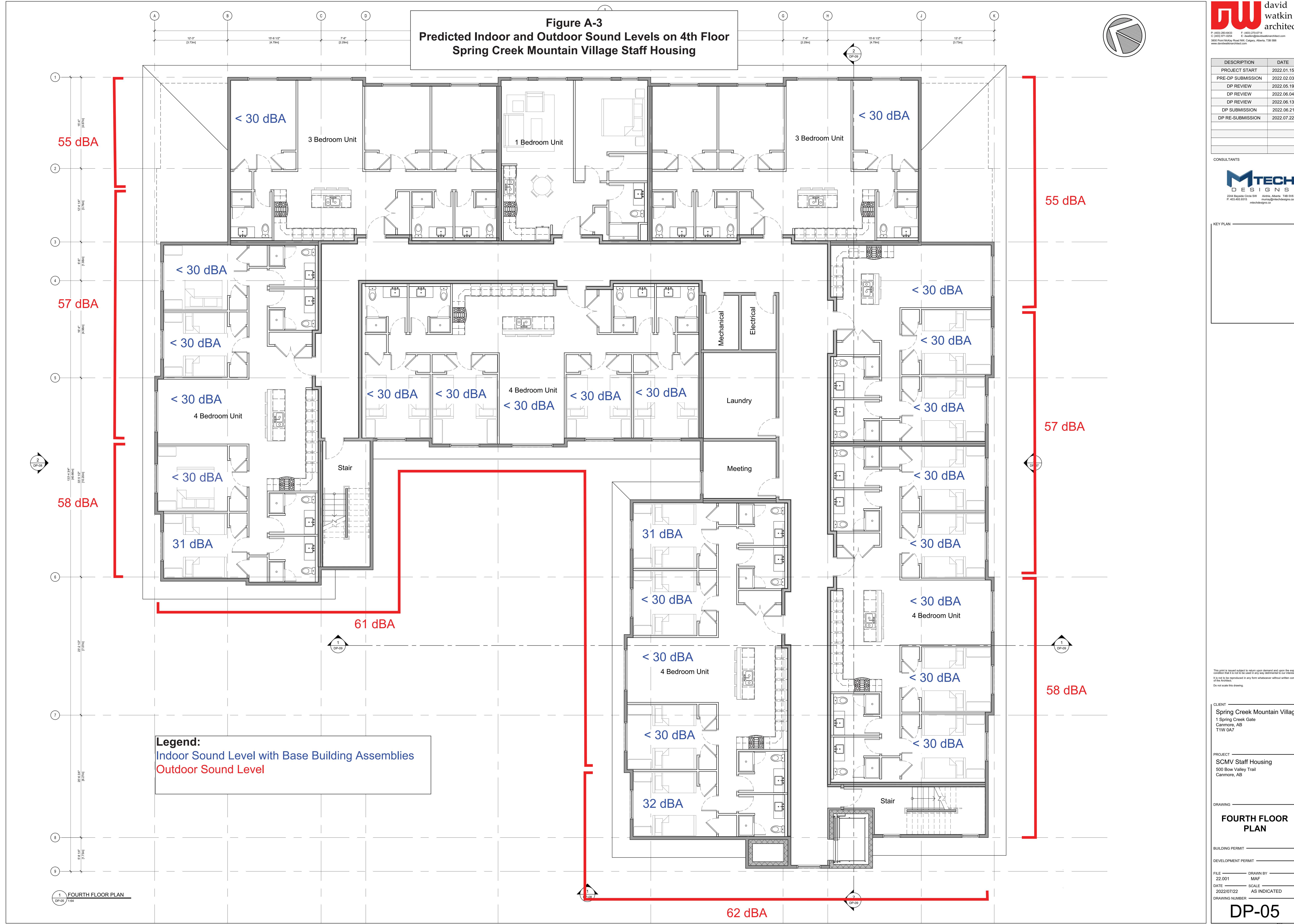
FILE: 22.001 DRAWN BY: MAF
 DATE: 2022/07/22 SCALE: AS INDICATED
 DRAWING NUMBER: **DP-04**

DESCRIPTION	DATE
PROJECT START	2022.01.15
PRE-DP SUBMISSION	2022.02.03
DP REVIEW	2022.05.19
DP REVIEW	2022.06.04
DP REVIEW	2022.06.13
DP SUBMISSION	2022.06.21
DP RE-SUBMISSION	2022.07.22

CONSULTANTS
MTECH DESIGNS
 2244 Bow Valley Circle SW, Calgary, Alberta, T2B 0W6
 P: 403.453.9315 M: 403.453.9315 E: murray@metechdesigns.ca
 metechdesigns.ca

KEY PLAN

Figure A-3
Predicted Indoor and Outdoor Sound Levels on 4th Floor
Spring Creek Mountain Village Staff Housing



Legend:
 Indoor Sound Level with Base Building Assemblies
 Outdoor Sound Level

This print is issued subject to return upon demand and upon the express condition that it is not to be used in any way detrimental to our interests. It is not to be reproduced in any form whatsoever without written consent of the Architect.
 Do not scale this drawing.

CLIENT	Spring Creek Mountain Village 1 Spring Creek Gate Canmore, AB T1W 0A7
PROJECT	SCMV Staff Housing 500 Bow Valley Trail Canmore, AB
DRAWING	FOURTH FLOOR PLAN
BUILDING PERMIT	
DEVELOPMENT PERMIT	
FILE	22.001
DRAWN BY	MAF
DATE	2022/07/22
SCALE	AS INDICATED
DRAWING NUMBER	DP-05