

**TOWN OF CANMORE**  
**RECORD OF WRITTEN SUBMISSIONS**  
**Regular Council Meeting**  
Meeting Held Virtually  
Tuesday, January 11, 2022 at 9:00 a.m.

This document contains the written submissions received in response to the notice of public hearing for the following bylaw:

**Revised Land Use Bylaw Amendment 2021-24 Omnibus**

Submissions are sorted in alphabetical order. If you are viewing the electronic version, please use the bookmarks feature to scroll through the document.

This record of written submissions was compiled by Cheryl Hyde, Municipal Clerk, on January 7, 2022. It was updated on January 11, 2022 by Andrew Kelly, Assistant Municipal Clerk, to include an additional submission received before the adjournment of the public hearing.

**From:** [Gilles Bourgeois](#)  
**To:** [Shared.MunicipalClerk](#)  
**Subject:** Submission to Public Hearing scheduled 11-01-2022 for an Omnibus Land use Bylaw amendment  
**Date:** January 3, 2022 2:37:26 PM

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It is our understanding that there is a proposed amendment to 2.4-1 to allow AC equipment to project up to 1m into a required side yard

We are opposed to this amendment for the following reasons:

It would allow for the expansion and increase of AC installations

This would create more noise at night from AC

Since AC is most in use at night and at warmest temperatures it would mean that neighbours without AC with their windows open for ventilation would either choose to suffer the noise or lose ventilation.

This would breach the principle of 'quiet enjoyment of property'

Increased AC usage means more energy consumption and greater greenhouse gas

It is against sustainability and is inconsistent with the Town's commitments to sustainability, energy efficiency and its declaration of a climate emergency

In summary we ask that you act consistent with your stated principles and declaration and not approve an amendment to increase the installation of AC

Gilles Bourgeois

Maryanna Zelenka

[REDACTED]  
Canmore [REDACTED]  
[REDACTED]

Sent from my iPhone

Public Hearing Submission for Tuesday, January 11, 2022  
Attn: Town of Canmore municipal.clerk@canmore.ca  
Intervenors: Chuck & Sandy Buckley, full time residents of Canmore

Date: January 6, 2022

**RE: Omnibus Land Use Bylaw amendment 2021-24; Amendments to Table 2.4-1 in Section 2.4.3.1.**

This amendment would allow air conditioning equipment to project up to 1m into a required side yard.

This amendment may seem innocuous when applied generally, but is inappropriate when applied to higher density areas (specifically 4-plex-ville in South Canmore) where narrow canyons are created between maximum sized residential developments.

The proposed amendment should not be approved on the basis of:

- 1) insufficient setback for fire safety
- 2) allowing AC units between buildings in areas of higher density converts the ambient noise levels to a level normal in light industrial areas
- 3) allowing AC units that force neighbours to close windows promotes installation of more AC units
- 4) the Town of Canmore has declared a **“State of Climate Emergency”**. Canmore summer temperatures are rarely above 28C. Installation and use of air conditioners for non-medical purposes should be discouraged. Passive cooling circulation of air in the morning hours should be promoted as a preferred and best practise.
- 5) It approves existing rampant disregard for Town of Canmore Bylaws. The numerous illegal AC units between buildings with inadequate setback need to be addressed.

**Air conditioners that encroach on the existing bylaws need to be approved on a site-by-site basis.**

We live in a situation where an air conditioner has been installed without permit adjacent to a bedroom window.

**How would you like to sleep with windows closed on most WARM summer evenings because an air conditioner is approved venting hot air and low frequency noise next to your bed?** A home owner wanting temperature control on the few HOT nights of the summer should not solve their problem by creating a problem for neighbours.

Air conditioners are a low frequency noise issue and a fire safety issue.

**Administrative expediency (modifying bylaws as a method of conflict avoidance) should not take precedence over the protection of the rights of residents who are violated by an inappropriate air conditioner installation.**

Administration has indicated that this change mirrors other communities which allow encroachment by air conditioners into the side-yard. With 1.5 metre side-yards the space is too small to allow encroachments from a fire safety and noise perspective. Canmore is not a one size fits all community.

We have been informed that “If this bylaw is passed, the a/c unit which is the subject of application would be permitted without any variances to the Land Use Bylaw, but would still require visual screening (ie: a small fence or landscaping).”

The visual screening is adding fuel in the FIRE SETBACK – there is no requirement for it to be non-flammable!

Further Discussion:

Purposes of set-backs in the Land Use By-law (LUB) developed by the Town of Canmore (Town):

1. Allow Emergency Access to property
2. Provide a fire-gap between buildings – non-flammable materials must be used in landscaping

Canyons created by densification have a minimum set-back for numerous safety reasons.

Allowing AC units to be installed in the set-back allowance is a bad precedent. Unobstructed access is required for Emergency Access. Allowing every residence to install an AC unit in these “canyons” will create an obstacle course for emergency responders.

The canyon created between adjacent four-plexes exacerbates the noise problem of the air conditioner placed between the buildings.

According to Town Noise By-laws, AC units are exempt from noise bylaws if working properly. “Noise from an AC unit is annoying, not unusual.”

By-laws exempting AC units from noise complaints need to be re-assessed.

Residential areas of Canmore are distinct from Industrial areas at least partly because many industries create noise levels unacceptable for enjoyment of the outdoors. If open windows cannot be used for passive GHG free ventilation on hot days and nights there will be a proliferation of AC units. This will raise the noise levels to make residential areas indistinguishable from light industrial areas. Should we be forced to install an AC unit? And our other neighbours? And so on, and so on?

“State of Climate Emergency”

“By 2030, the community of Canmore will reduce its GHG emissions by 30% below 2015 levels. ...”

“By 2050, the Town will reduce community and Corporate emissions by 80% below 2015 levels, ...”

“By adopting a 2050 aspirational target, the Town is signaling to citizens, businesses and industry that significant emission reductions are required now and into the future. ...”

Municipalities can have a significant impact on GHG emissions in the Residential Sector by adopting and upholding By-Laws. Now is the time to act responsibly and stand behind the Town of Canmore By-Laws.

How many homeowners in Canmore have had their peaceful lives adversely affected by illegally installed AC units? There are numerous air conditioning units already installed in violation of the LUB. This matter needs to be addressed by the Town of Canmore with a clear mandate from Town Council.

It is a very sad society that forces victims to have to prove that they have the right to a peaceful existence when their neighbours break laws and cause damage.

We implore you to do your duty and reject the Air Conditioning setback relaxation in side-yards proposed by Administration.

Do the right thing. Address the Air Conditioning ISSUE in the context of “State of Climate Emergency” and a more livable and sustainable Town of Canmore.

Yours truly,

Chuck and Sandy Buckley,  
Canmore, AB



Photograph of air conditioner from adjacent bedroom in South Canmore.

**From:** [Steve](#)  
**To:** [Council](#)  
**Cc:** [Shared.MunicipalClerk](#)  
**Subject:** Fwd: Omnibus Land Use Amendment 2021/24  
**Date:** December 29, 2021 11:03:49 AM

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Dear Town Council,

I am the owner/developer of 1, Industrial Place, Canmore and I would like to oppose the subject amendment # 14 in Schedule A.

My property is in a prominent corner location in a district zoned “Transition Industrial District “.

As a gateway property neighbouring residential districts, the change of wording to the purpose of the district to include “light manufacturing and other light industrial uses” is not appropriate and could remove the commercial discretionary uses presently being applicable.

This is a pedestrian friendly district and industrial uses should be encouraged in other existing districts.

The proposed change of wording and rationale for the bylaw amendment is meant to

“to improve upon the clarity of regulations and definitions, resolve clerical errors, make minor changes, and delete redundant and/or irrelevant regulations.”

I do not believe this achieves that because:

- 1- the changes are not relevant to the categories the wording references
- 2- the inclusion of the industrial use is both inappropriate because of it’s location to a residential district and, of greater significance, is that it could remove the commercial type uses that presently are allowed.

Examples would be:

Administrative/Sales Office, Arts & Craft Studio, Eating and Drinking Establishment, or Retail Sales, all of which are listed as discretionary uses in the TID district.

- 3- Light manufacturing is already a discretionary use, along with commercial uses

that appropriately meet the existing intent of a district adjacent to a high school, recreation district and public spaces.

To conclude I propose that the wording amendment be either deleted or the addition of the wording “commercial uses” be added so as not to negatively impact existing discretionary uses.

Regards,

Steve Landi

Sent from my iPhone

December 28, 2021

Town of Canmore  
902 7<sup>th</sup> Ave.,  
Canmore, AB

Attention: Municipal Clerk /Town Council  
Via email: [municipal.clerk@canmore.ca](mailto:municipal.clerk@canmore.ca) / [council@canmore.ca](mailto:council@canmore.ca)

Re: Omnibus Land Use Bylaw Amendment 2021-24

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Dear Town Council,

This letter is submitted in opposition to Omnibus Land Use Bylaw Amendment 2021-24.

Specifically, I am opposed to amendment #14 in Schedule A which proposes to amend the purpose statement for the TID Transitional Industrial District from the current purpose which reads:

***To provide for a range of commercial, business, and industrial uses to reflect the transitional nature of the “industrial Triangle” as described in the commercial policies of the Municipal Development Plan.***

To a more generic industrial purpose:

***To provide for a range of Light Manufacturing and other light industrial uses.***

According to the newspaper advertisement, the purpose of the Omnibus Amendment Bylaw is “to improve upon the clarity of regulations and definitions, resolve clerical errors, make minor changes, and delete redundant and/or irrelevant regulations.”

The proposed amendment to the purpose statement for the TID Transitional Industrial District does not fit any of these categories. It neither improves the clarity of the regulation, nor resolves a clerical error nor deletes a redundant regulation. And I would argue that it is not a minor change.

I am a long-time resident of Canmore and the owner of three commercial units in the new iPlace development at #1 Industrial Place and I worry that this change in purpose will be used to justify refusing future development permits for commercial type uses such as an Administrative/Sales Office, Arts & Craft Studio, Eating and Drinking Establishment, or Retail Sales, all of which are listed as discretionary uses in the TID district.

From a review of historical MDP and LUB documents it is clear that the reason the district is called the “Transitional Industrial District” is to acknowledge it’s unique and prominent location adjacent to a residential area, a main entrance into town, a high school and public recreation area. A pure industrial district doesn’t make sense in this location. In fact, the proposed purpose statement to provide for “Light Manufacturing” uses is counter intuitive as Light Manufacturing isn’t even a permitted use in the district (it’s a discretionary one).



There are other requirements within the district that suggest a “commercial” scale and type of development, as identified in the current purpose statement for the district, is appropriate in this area as they are not requirements in other industrial districts. These include:

**5.1.4 Additional Requirements**

5.1.4.1 Development within this District shall comply with Section 11: Community Architectural and Urban Design Standards.

5.1.4.2 Where contemplated, Office developments shall be located above the ground floor of buildings.

5.1.4.3 Sidewalk and landscaping shall be incorporated into front yards.

5.1.4.4 Electrical and mechanical equipment located on rooftops shall be enclosed and screened so as not to be visible from public sidewalks and residential areas.

5.1.4.5 Buildings shall have a roof pitch with a minimum of 6:12 slope, or other roof treatment acceptable to the Development Authority. Dormers or other similar features that break up the roofline shall be provided.

5.1.4.6 Metal clad or sided buildings shall utilize non-reflective materials and colors, to the satisfaction of the Development Authority.

5.1.4.7 The front façade shall include natural finishing materials such as timber, river rock, rundle stone, or brick, to the satisfaction of the Development Authority.

5.1.4.8 Finishing colors for buildings shall include natural and earth tones with complementary trim colors.

5.1.4.9 A minimum of 10% of a site shall be landscaped, predominantly in the front yard.

All of the above requirements infer developments in the TID are to be pedestrian oriented and visually pleasing which would be more in line with commercial uses than with Light Manufacturing. For comparison, the two industrial districts IND1 and IND 2 in Elk Run/Bow Meadows have no requirement to meet landscaping, pedestrian access or architectural guidelines. And the SBD area adjacent to Bow Valley Trail has a modified requirement to meet only certain sections of the architectural and design guidelines (Landscaping Subsection 11.4.3 and Materials and Colours Subsection 11.5.7).

Given the above, the rationale for the proposed amendment to the TID purpose statement is unclear and I would argue is also inappropriate. I therefore request that Council consider deleting amendment #14 from the Omnibus LUB Amendment Bylaw 2021-24.

Sincerely,

Peter Philp

STONE★CREEK  
RESORTS

Ms. Cheryl Hyde  
Municipal Clerk  
Canmore Civic Centre  
902-7 Avenue  
Canmore, AB  
T1W 3K1

January 10, 2022

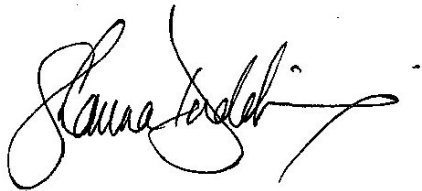
**RE: Omnibus Land Use Bylaw Amendment 2021-24**  
**Via email: [municipal.clerk@canmore.ca](mailto:municipal.clerk@canmore.ca)**

Ms. Hyde,

We are writing with respect to item G.1, Revised Land Use By-Law Amendment 2021-24 Omnibus which is scheduled to be heard before Town of Canmore Council on January 11, 2022.

We wish to thank administration for the opportunity to participate in consultation with respect to the proposed amendments, and look forward to continued engagement with staff on this and further initiatives.

Best regards,



Shauna Dudding, P.Eng.  
VP Resort & Community Development