

TOWN OF CANMORE

AGENDA

Regular Meeting of Council

Council Chambers at the Civic Centre, 902 – 7 Avenue

Tuesday, August 16, 2022 at 9:00 a.m.

Times are estimates only.

PUBLIC QUESTION PERIOD – Before meeting is called to order

A. CALL TO ORDER AND APPROVAL OF AGENDA

9:00 – 9:05

1. Land Acknowledgement
2. Agenda for the August 16, 2022 Regular Meeting of Council

B. PUBLIC HEARINGS

9:05 – 9:35

1. **Spring Creek Mountain Village Area Redevelopment Plan Amendments Bylaw 2021-22 and Land Use Bylaw Amendments Bylaw 2021-23**
 - (1) Introduction
 - (2) Brief Summary from Administration and the Applicant to Provide Context
 - (3) Public Verbal Submissions
 - (4) Public Written Submissions
 - (5) Council Questions of the Applicant
 - (6) Closing Comments from Administration
 - (7) Council Questions Administration
 - (8) Closure of Public Hearing

C. DELEGATIONS – None

D. APPROVAL OF MINUTES

9:35 – 9:40

1. Minutes of the July 5, 2022 Regular Meeting of Council

E. BUSINESS ARISING FROM THE MINUTES

9:40 – 9:50

1. **Resilient Canmore Society**

Requests:

 1. Council acknowledge that there is a perceived need and appetite among many citizens and organizations in Canmore for a new and sustained effort to protect and care for our future on a whole-of-community basis.
 2. Council cooperate with the Resilient Canmore Society over the next nine months as they design a program for the 2023-2024 year.
 3. The Resilient Canmore Society reports to Council regarding their plans for the 2023-2024 year early in Q1 of 2023.
 4. At that time, if Resilient Canmore Society's plans are acceptable, Council find at least one way to support Resilient Canmore Society's work that is acceptable to Council and administration.

Council may:

 - a) refer the request to administration or a committee for further research, review and recommendation,
 - b) accept the request as information only, or
 - c) make a decision on the request.

F. UNFINISHED BUSINESS – None

G. BYLAW APPROVAL

9:50 – 10:20

1. Spring Creek Mountain Village Area Redevelopment Plan Amendments Bylaw 2021-22 and Land Use Bylaw Amendments Bylaw 2021-23

Recommendations:

1. That Council give second reading to Spring Creek Mountain Village Area Redevelopment Plan Amendments Bylaw 2021-22.
2. That Council give third reading to Spring Creek Mountain Village Area Redevelopment Plan Bylaw 2021-22.
3. That Council give second reading to Land Use Bylaw Amendments Bylaw 2021-23.
4. That Council give third reading to Land Use Bylaw Amendments Bylaw 2021-23.

Meeting Break 10:20 – 10:35

10:35 – 12:05

2. Community Standards Bylaw 2022-16

Recommendations:

1. That Council give first reading to Community Standards Bylaw 2022-16.
2. That Council give second reading to Community Standards Bylaw 2022-16.
3. That Council give leave for third reading of Community Standards Bylaw 2022-16.
4. That Council give third reading to Community Standards Bylaw 2022-16.

Lunch Break 12:05 – 1:05

1:05 – 1:20

3. Clean Energy Improvement Tax Amending Bylaw 2022-21

Recommendation: That Council give first reading to Clean Energy Improvement Tax Amending Bylaw 2022-21 and schedule a public hearing for September 6, 2022.

1:20 – 1:35

4. Borrowing Bylaw 2022-20 for Clean Energy Improvement Program

Recommendation: That Council give first reading to Borrowing Bylaw 2022-20.

1:35 – 1:45

5. Increasing Membership of the Subdivision and Development Appeal Board

Recommendations:

1. That Council give first reading to Subdivision and Development Appeal Board Amending Bylaw 2022-19.
2. That Council give second reading to Subdivision and Development Appeal Board Amending Bylaw 2022-19.
3. That Council give leave for third reading of Subdivision and Development Appeal Board Amending Bylaw 2022-19.
4. That Council give third reading to Subdivision and Development Appeal Board Amending Bylaw 2022-19.

H. NEW BUSINESS

1:45 – 2:05

1. Amendment to Assessment Appeal Fees: 91B Three Sisters Drive

Recommendation: That Council uphold the 2022 complaint fees for the tax rolls at 91B Three Sisters Drive at \$650 per tax roll for fourteen of the assessment complaints filed for a total of \$9,100.

2:05 – 2:25

2. Major Event Grant Policy

Recommendations:

1. That Council approve the Major Event Grant Policy as presented.
2. That Council allow retroactive applications for major events that have already taken place in 2022.

Meeting Break 2:25 – 2:40

2:40 – 3:00

3. Family Connection Centre Position Reclassification

Recommendation: That Council approve the reclassification of the Family Connection Centre positions (Hub Program Assistant to a Program Coordinator and the Caregiver Capacity Builder to a Family Support Worker).

3:00 – 3:15

4. Appropriateness of Indigenous Place Names

Recommendation: That Council direct administration to send a letter to the Stoney Nakoda Nation requesting their input on renaming Indian Flats and TeePee Town.

3:15 – 3:45

5. Court of Queen’s Bench of Alberta decision re. “Staircase Lands” (Three Sisters Mountain Village Properties Ltd. v. Canmore, 2022 ABQB 511)

Recommendations:

1. That Council implement the decision of the Court of Queen’s Bench of Alberta through one of the following actions:
 - a) acquiring the lands; or
 - b) redesignating the lands; and
2. That Council, having decided to acquire or redesignate the lands, direct administration to report on detailed options for implementing the chosen alternative.

I. REPORTS FROM ADMINISTRATION – None

J. NOTICES OF MOTION – None

K. IN CAMERA

3:45 – 4:15

1. Court of Queen’s Bench of Alberta decision re. “Staircase Lands” (Three Sisters Mountain Village Properties Ltd. v. Canmore, 2022 ABQB 511)

Recommendation: That Council take the meeting in camera to prevent disclosure of solicitor-client privilege in accordance with s.27(1)(a) of the Freedom of Information and Protection of Privacy Act.

4:15

L. ADJOURNMENT

**TOWN OF CANMORE
MINUTES**

Regular Meeting of Council
Council Chambers at the Civic Centre, 902 – 7 Avenue
Tuesday, July 5, 2022 at 9:00 a.m.

COUNCIL MEMBERS PRESENT

Sean Krausert	Mayor
Wade Graham	Deputy Mayor
Jeff Hilstad	Councillor
Jeff Mah	Councillor (joined virtually)
Joanna McCallum	Councillor
Karen Marra	Councillor
Tanya Foubert	Councillor

COUNCIL MEMBERS ABSENT

None

ADMINISTRATION PRESENT

Sally Caudill	Chief Administrative Officer
Whitney Smithers	General Manager of Municipal Infrastructure
Scott McKay	General Manager of Municipal Services
Robyn Dinnadge	Acting General Manager of Corporate Services/Manager of Communications
Cheryl Hyde	Municipal Clerk
Andrew Kelly	Assistant Municipal Clerk (Recorder)
Molly Matheson	Program Assistant
Lauren Miller	Manager of Planning
Nathan Grivell	Development Planner
Claire Ellick	Transportation Engineer
Caitlin Miller	Manager of Protective Services
Chelsey Richardson	Manager of Finance
Palki Biswas	Acting Manager of Finance
Shravan Popuri	Manager of Information Technology

Mayor Krausert called the July 5, 2022 regular meeting to order at 9:00 a.m.

PUBLIC QUESTION PERIOD – Before meeting is called to order

A. CALL TO ORDER AND APPROVAL OF AGENDA

- 1. Land Acknowledgement**
- 2. Agenda for the July 5, 2022 Regular Meeting of Council**

146-2022

Moved by Mayor Krausert that Council approve the agenda for the July 5, 2022 Regular Meeting of Council as presented, with one addition:

- H3 Alberta Municipalities Award Nominations

CARRIED UNANIMOUSLY

Meeting Break 9:09 – 9:18 (Audio/Video Issues)

B. PUBLIC HEARINGS – None

C. DELEGATIONS

1. Resilient Canmore Society

Ruben Nelson, on behalf of the Resilient Canmore Society, spoke to a written report requesting that:

1. Council acknowledge that there is a perceived need and appetite among many citizens and organizations in Canmore for a new and sustained effort to protect and care for our future on a whole-of-community basis.
2. Council cooperate with the Resilient Canmore Society over the next nine months as they design a program for the 2023-2024 year.
3. The Resilient Canmore Society reports to Council regarding their plans for the 2023-2024 year early in Q1 of 2023.
4. At that time, if Resilient Canmore Society's plans are acceptable, Council find at least one way to support Resilient Canmore Society's work that is acceptable to Council and Administration.

Council will consider this request at the August 16, 2022 regular business meeting.

2. Bow Valley Victim Services Annual Update (verbal)

Peter Quinn, Executive Director of Bow Valley Victim Services, provided a verbal presentation regarding the organization's accomplishments in 2021 and their strategic priorities for the future.

D. APPROVAL OF MINUTES

1. Minutes of the May 24, 2022 Special Meeting of Council

147-2022

Moved by Mayor Krausert that Council approve the minutes of the May 24, 2022 Special Meeting of Council as presented, with one correction:

- Under B1(3) Public Submissions, note whether Mr. Wahl gave a verbal or written submission.

CARRIED UNANIMOUSLY

2. Minutes of the June 7, 2022 Regular Meeting of Council

148-2022

Moved by Mayor Krausert that Council approve the minutes of the June 7, 2022 regular meeting of Council as presented.

CARRIED UNANIMOUSLY

Minutes approved by: _____

E. BUSINESS ARISING FROM THE MINUTES

- 149-2022 **1. Bow Valley Clean Air Society**
Moved by Mayor Krausert that Council refer the Bow Valley Clean Air Society request to administration for review and recommendation; and, if the recommendation is in support of the request, to provide Council with a draft closed door bylaw for consideration.
CARRIED UNANIMOUSLY
- 150-2022 **2. Bow Valley Connections Centre**
Moved by Mayor Krausert that Council support Bow Valley Connections Centre in their advocacy to the Province of Alberta, and in particular the Alberta Social Housing Corporation, for the creation of supported housing for individuals with disabilities in the Bow Valley.
CARRIED UNANIMOUSLY
- 151-2022 Moved by Mayor Krausert that Council refer the Bow Valley Connections Centre's request for interim Life Campus Space to Administration for review and a recommendation.
CARRIED UNANIMOUSLY

Meeting Break 11:04 – 11:15

F. UNFINISHED BUSINESS – None

G. BYLAW APPROVAL

- 152-2022 **1. Bylaws 2022-09 and 2022-10 800 3rd Avenue Municipal Development Plan and Land Use Bylaw Amendments**
Moved by Mayor Krausert that Council direct administration to return no later than November 1, 2022 with a response to Council motion 125-2022.
CARRIED UNANIMOUSLY
- 153-2022 **2. Spring Creek Mountain Village Area Redevelopment Plan Amendments Bylaw 2021-22 and Land Use Bylaw Amendments Bylaw 2021-23**
Moved by Mayor Krausert that Council give first reading to Bylaw 2021-22.
CARRIED UNANIMOUSLY
- 154-2022 Moved by Mayor Krausert that Council give first reading to Bylaw 2021-23.
CARRIED UNANIMOUSLY
- 155-2022 Moved by Mayor Krausert that Council schedule a single public hearing for Bylaw 2021-22 and Bylaw 2021-23 for August 16, 2022.
- 155A-2022 Moved by Councillor Graham that Council amend motion 155-2022 by striking out August 16 and substituting September 27, 2022.
DEFEATED
In Favour: Graham,
Opposed: Foubert, Hilstad, Krausert, Mah, Marra, McCallum

Minutes approved by: _____

155-2022 VOTE The vote followed on motion 155-2022: that Council schedule a single public hearing for Bylaw 2021-22 and Bylaw 2021-23 for August 16, 2022.
CARRIED UNANIMOUSLY

Lunch Break 12:37 – 1:40

3. Enforcement Appeal Review Committee Bylaw 2022-11
156-2022 Moved by Mayor Krausert that Council give first reading to Enforcement Appeal Review Committee Bylaw 2022-11.

156A-2022 Moved by Councillor Hilstad that Council amend motion 156-2022 by adding: amend section 21(b) by striking out “Bylaw 10-2022” and substituting Bylaw “10-2011” and amend section 21(f) by striking out “or 21(b)”.
CARRIED UNANIMOUSLY

156-2022 VOTE The vote followed on motion 156-2022: that Council give first reading to Enforcement Appeal Review Committee Bylaw 2022-11, amended as follows:
• amend section 21(b) by striking out “Bylaw 10-2022” and substituting Bylaw “10-2011” and amend section 21(f) by striking out “or 21(b)”.
CARRIED UNANIMOUSLY

157-2022 Moved by Mayor Krausert that Council give second reading to Enforcement Appeal Review Committee Bylaw 2022-11.
CARRIED UNANIMOUSLY

158-2022 Moved by Mayor Krausert that Council give leave for third reading of Enforcement Appeal Review Committee Bylaw 2022-11.
CARRIED UNANIMOUSLY

159-2022 Moved by Mayor Krausert that Council give third reading to Enforcement Appeal Review Committee Bylaw 2022-11.
CARRIED UNANIMOUSLY

160-2022 Moved by Mayor Krausert that Council appoint Mayor Krausert and Councillor Hilstad to the Enforcement Appeal Review Committee.
CARRIED UNANIMOUSLY

161-2022 Moved by Councilor Foubert that Council direct administration to include a prohibition on planting new fruit-bearing trees in the community as part of the Community Standards Bylaw being developed by administration.

161A-2022 Moved by Councillor Mah that Council amend motion 161-2022 by striking out “fruit-bearing trees” and substituting “wildlife attractant fruit-bearing vegetation”
CARRIED UNANIMOUSLY

Minutes approved by: _____

161-2022
VOTE The vote followed on motion 161-2022, as amended: that Council direct administration to include a prohibition on planting new wildlife attractant fruit-bearing vegetation in the community as part of the Community Standards Bylaw being developed by administration.

CARRIED UNANIMOUSLY

4. Emergency Management Bylaw Amending Bylaw 2022-17

162-2022 Moved by Mayor Krausert that Council give first reading to Emergency Management Bylaw Amending Bylaw 2022-17.

CARRIED UNANIMOUSLY

162A-2022 Moved by Mayor Krausert that Council amend motion 162-2022 by adding: amend section 1 and 4 by striking out “Services” and substituting Management”.

CARRIED UNANIMOUSLY

162-2022
VOTE The vote followed on motion 162-2022: that Council give first reading to Emergency Management Bylaw Amending Bylaw 2022-17, amended as follows:

- amend section 1 and 4 by striking out “Services” and substituting Management”.

CARRIED UNANIMOUSLY

163-2022 Moved by Mayor Krausert that Council give second reading to Emergency Management Bylaw Amending Bylaw 2022-17.

CARRIED UNANIMOUSLY

164-2022 Moved by Mayor Krausert that Council give leave for third reading of Emergency Management Bylaw Amending Bylaw 2022-17.

CARRIED UNANIMOUSLY

165-2022 Moved by Mayor Krausert that Council give third reading to Emergency Management Bylaw Amending Bylaw 2022-17.

CARRIED UNANIMOUSLY

H. NEW BUSINESS

1. Budget Development Direction

166-2022 Moved by Mayor Krausert that Council direct administration to prepare preliminary operating and capital budgets for 2023 and 2024 based on status quo service levels.

CARRIED UNANIMOUSLY

167-2022 Moved by Mayor Krausert that Council direct administration to prepare preliminary operating plans for 2025-2026 and capital plans for 2025-2028.

CARRIED UNANIMOUSLY

168-2022 Moved by Mayor Krausert that Council direct administration to prepare prioritized lists of optional increases or decreases to the 2023 and 2024 budgets for consideration, based on strategic priorities or recommended administrative items.

CARRIED UNANIMOUSLY

Minutes approved by: _____

169-2022 Moved by Mayor Krausert that Council direct administration to report back with a recommendation on Fortis and ATCO Gas franchise fee rates in advance of the necessary notification periods.
CARRIED UNANIMOUSLY

170-2022 Moved by Councillor Foubert that Council direct administration to track and report back to Council at budget time the total costs for delivering emergency medical services by Canmore Fire-Rescue based on a cost recovery model.
CARRIED UNANIMOUSLY

171-2022 Moved by Mayor Krausert that Council direct administration to identify potential areas of provincial downloading of costs and report back to Council at budget time the estimated total cost of said downloading.
CARRIED UNANIMOUSLY

2. E-Services Project Scope Change

172-2022 Moved by Mayor Krausert that Council direct administration to amend the scope of the E-Services project (7063) to perform assessment, planning and implementation activities to renew the Town of Canmore's Website platform.
CARRIED UNANIMOUSLY

3. Alberta Municipalities Award Nominations

173-2022 Moved by Mayor Krausert that Council direct administration to nominate John Borrowman for the Alberta Municipalities Award of Excellence.
CARRIED UNANIMOUSLY

174-2022 Moved by Mayor Krausert that Council direct administration to nominate Lisa de Soto for the Dedicated Chief Administrative Officer Award.
CARRIED UNANIMOUSLY

I. REPORTS FROM ADMINISTRATION

1. 2022 Financial Report – Year to Date as at April 30
Written report, received as information.

J. NOTICES OF MOTION – None

K. IN CAMERA – None

L. ADJOURNMENT

175-2022 Moved by Mayor Krausert that Council adjourn the July 5, 2022 regular business meeting at 3:34 p.m.

Sean Krausert, Mayor

Andrew Kelly, Assistant Municipal Clerk

Minutes approved by: _____



Presentation from July 5, 2022 Regular Business Meeting

RESILIENT CANMORE

July 5, 2022

THANK YOU FOR MAKING TIME FOR US

You have received a detailed brief which told you:

- Who we are.
- The progress we have made.
- Why nurturing resilience on a “whole-of-community” basis has become a requirement for sustained success.

Today, I shall:

- Review key concerns.
- Share the results of our survey.
- Share our conclusions.
- Make a request to Council.
- Answer your questions.

KEY CONCERNS

Current conditions:

- ***Weakening*** sense of community
- ***Increasing*** fragmentation along familiar fault-lines
- ***Irregular*** citizens' voices
- ***Uncertain*** citizen commitment to Council
- ***Unassigned work:*** nurturing whole-of-community cohesion and resilience
- ***Less prepared*** for turbulent stressful times

WHY A SURVEY?

We Need to Know:

- **How concerned are Canmorites about the future?**
- **What are they willing to do about it?**

SECTORS and RESPONSES CANMORE

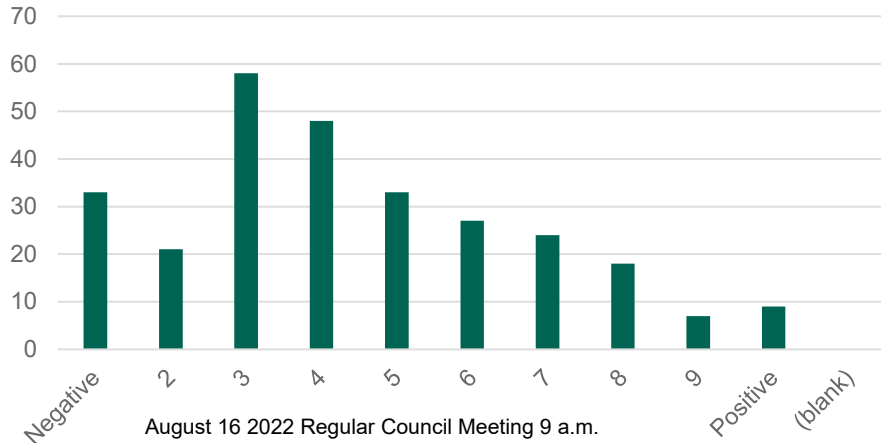
- Sports & Recreation
- Arts & Culture
- Seniors
- High School Youth
- Health Care
- Young Adults
- Development/Real Estate
- Small Business
- Education
- Religion
- Immigrants/New Canadians
- Environment
- Service Organizations
- Non-Resident Workers
- Tourism
- Service Industry Workers
- Social Services
- Neighbourhoods/Communities
- Random Citizens
- Construction Workers
- Scientists

SECTORS and RESPONSES CANMORE

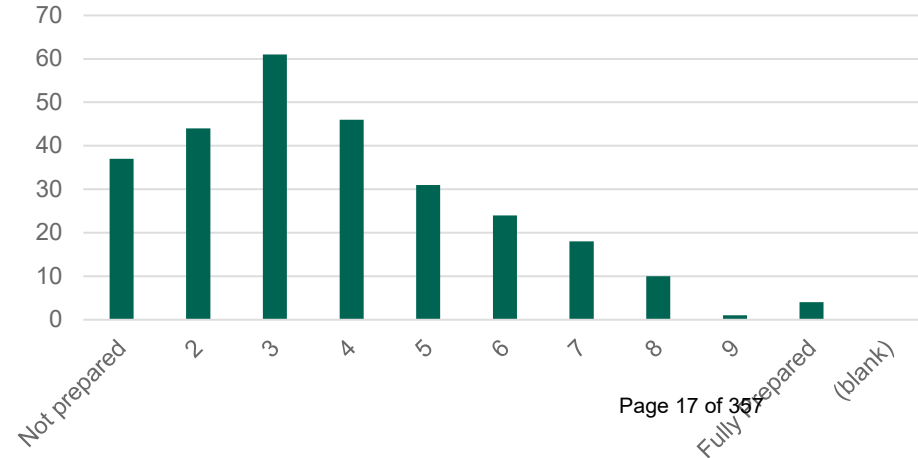
- We had responses from **270 persons** by June 30.
- 90% confidence with only a 5% error for a town of 15,990.
- We will open the survey to all citizens next month.

HIGHLIGHTS OF QUESTIONS 2 & 6

2. How do you feel about the community that Canmore is becoming?

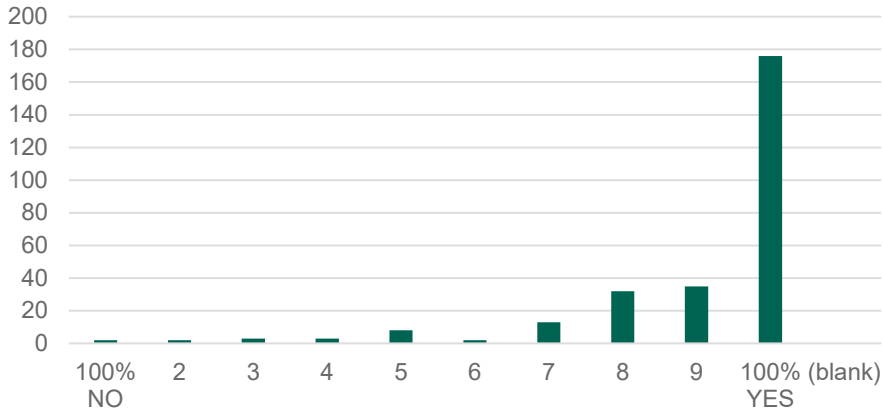


6. As a community, how would you assess our present ability to protect and care for that which is most important to us given the pressures we will face over the next 30 years?



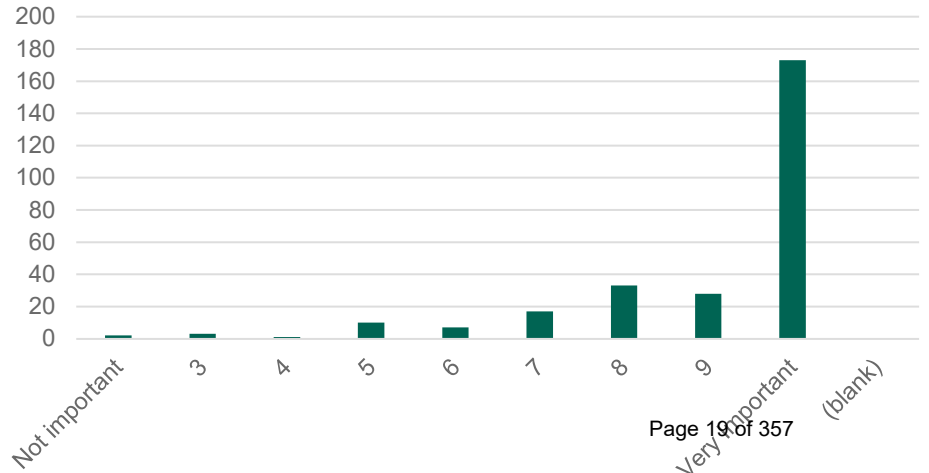
QUESTIONS 8 AND 10

8. Do you think that we in Canmore should make new and sustained efforts to respond to the greatest challenges to our Community?



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10. How important is it that citizens from all sectors of the Canmore community be involved in such efforts?



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OUR CONCLUSIONS

- **There is a perceived need and appetite** among many citizens and organizations in Canmore for a **new and sustained effort** to protect and care for our future on a whole-of-community basis.
- This new initiative should focus on **developing and acting on sound understandings** of the emerging future and nurturing community resilience and cohesion.
- This is an opportunity for Canmore to become the **first community in Canada** to create the new institutional infrastructure, support systems and relationships that are required to understand and meet the novel requirements for sustained success now emerging in the 21st Century.
- **In order to succeed**, this community-driven initiative will **need a commitment from the Town Council and its Administration**. It is critical that we are able to indicate to persons and partner institutions and funders in and beyond Canmore that you support this new community initiative.
- **We have a suggestion** about how we would like to proceed.

OUR REQUEST TO COUNCIL

We now formally ask that you:

1. **Acknowledge** that there is a perceived need and appetite among many citizens and organizations in Canmore for a new and sustained effort to protect and care for our future on a whole-of-community basis.
2. **Cooperate with us** over the next nine months as we design a program for the 2023 – '24 year.
3. **Ask that we report to you** regarding our plans for the 2023-'24 year early in Q1 of 2023.
4. **At that time, if our plans are acceptable, you find at least one way to support our work that is acceptable to you as a Council and Administration.**



Thank you!

Our Future **is** in Our Hands, Minds, Hearts and Spirits

WHO IS RESILIENT CANMORE?

Resilient Canmore is a made-in-Canmore, made-for-Canmore, undertaken-in-and-by-Canmore initiative.

We are a group of local citizens who are aware of the extraordinary risks and opportunities of our time and of some of the implications for Canmore's future.

We are a not-for-profit Society incorporated in Alberta.

Board members: Liz Baker, Ron Casey, Tracey Henderson, Kelly Learned and Ruben Nelson (chair). Eli Panning-Osendarp provides part-time staff support. **Valued Advisors:** Steve de Keijzer, Laurie Edward, Jenn Hoffman, Laura S. Lynes, Bart Robinson, Carole Stark and Josh Welsh.

We are developing a **network of Partner Institutions**. The Resilience Institute, Canmore is our first Partner. We are in conversations with researchers and practitioners in the Cascade Institute, Mount Royal University, the University of Alberta, and Thompson Rivers University.

THE WHY & WHAT OF RESILIENCE

WHY?

The need for resilience increases in a 1:1 ratio as the stress, turbulence and uncertainty of one's environment increases.

The stress, turbulence and uncertain of the 2020s will increase substantially.

Resilience prepares us for future events and conditions that would now catch us unprepared.

The vital importance of resilience is being reinforced every day in the media in virtually every sector of our culture – business, health care, education, personal development, the arts, governments.

What?

Resilience as an ongoing protective capability that enables not only reactive recovery but also proactive learning and growth through conquering challenges.

LOCALIZED RESILIENCE

Localize resilience is only one, but a very significant, effort worth making. However, as communities develop localized self-reliance, they are able to network with and learn with others to increase capacity for more self-reliance, resilience, and adaption. A network of such communities will also increase their ability to defend themselves.

In any case, building community skills and cohesion cannot be a problem, and will generally contribute to better lives now, better lives in the future, and greater protection for ecosystems.

OUR FUNDAMENTAL WORK & OUR CORE STRATEGIES

We shall:

- **Work on a whole-of-community basis to ensure that over this decade Canmore becomes a more conscious, cohesive and resilient community.**

Our Fundamental strategies:

- Move slowly – at the speed of trust.
- Work openly and transparently.
- Remember that we are on a long and steady learning journey to develop our capacities for future-oriented, community resilience and cohesion.
- Remember that this is a new type of work. We are breaking a new trail.
- Ensure that a critical mass of the leaders and citizens of Canmore are up for this work.

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Resilient Canmore

August 9, 2022

Mr. Sean Krausert
Mayor
Town of Canmore
902 – 7th Ave.
Canmore, AB, T1W 3K1

Dear Mayor Krausert,

When I addressed the Council on July 5th I promised that when you returned from your summer break we would have a written report on the results of the questionnaire which 270 Canmorites completed in June. You will find the report attached. Please have it distributed to the members of your Council and appropriate offices of the Town.

Also, I draw your attention to the narrow purpose of the questionnaire. It is set out on page 3.

Of course, we will welcome any questions which you or your Councillors may wish to ask.

I also want to make it clear that all we are asking of Council on the 16th is a motion that says something like, *“While we are interested in what you are doing, we cannot make a commitment to it until you have delivered to us a clearer statement of what you will be doing and how the outcomes and outputs will benefit Canmore. We trust you will be in a position to inform us about these matters in the first quarter of 2023.”*

Thank you.

Sincerely,



Ruben Nelson
Chair

cc Sally Caudill, CAO
Andrew Kelly

rubennelson@shaw.ca
403-609-1016

Report

A Questionnaire for Canmorites

On the Need for New and Sustained Efforts To Respond to the Greatest Challenges to Our Community

**Undertaken by
Resilient Canmore**

August 2022

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Introduction to Resilient Canmore

Resilient Canmore is a new kid on the block. We are a newly formed, Canmore-based non-profit with legal status under the Societies Act of Alberta.

Our mission is *“to actively encourage, assist and enable Canmore’s citizens, organizations and decision makers to become ever more resilient.”*

As we understand it, ‘resilience’ is the life-giving capacity that enables living systems to (1) recover from damaging disruptions, (2) proactively anticipate and limit the damage of emerging conditions. The key to such resilience is the willingness to engage in deep learning, timely adaptation and even transformation.

Developing resilience is an on-going process – a life-long journey towards ever greater capacities. To be successful, this journey must be supported by appropriate programs and infrastructures, institutional as well as physical.

The need for resilience increases as the degree of change, disruption and stress intensifies. Given the volatility, uncertainty, complexity and ambiguity of our times becoming ever more resilient is now a requirement if we are not only to survive, but thrive.

When we are up and running next year, Resilient Canmore may make Canmore the first town in Canada to have an organized capacity dedicated to nurturing resilience on a whole-of-community basis.

Ours is a whole-of-community approach. We will be radically inclusive, systemic and gentle. We intend to earn a reputation for being trustworthy and creative colleagues and partners.

Our present Board members are: [Liz Baker](#), [Ron Casey](#), [Tracey Henderson](#) and [Ruben Nelson](#) (chair). Feel free to contact any of us.

Our first Partner is [The Resilience Institute](#). They have graciously supported us by the services of [Eli Panning-Osendarp](#) as part-time staff.

We will have a website up by late summer.

You should know that one of the lessons we learned from doing the questionnaire is that we have a lot of work to do to become known and trusted in Canmore by Canmorites and existing organizations. This is an obligation we take seriously. Happily, we have time to do this before we launch our first programs.

If you have any interest in getting involved with us – as a Board member, an Advisor, a member of one of our working groups, as a supporter in the community or as a funder, please reach out to us and let us know of your interest. We will need all the energy and support you can offer.

Introduction to This Questionnaire

The impulse which led to the formation of Resilient Canmore was a concern felt in the summer of 2021 that Canmore's future as a cohesive adaptable community may well be at risk. For example, fault-lines and not merely normal tensions had developed as a result of the Three Sisters Mountain Village's submission of two Area Structure Plans. The place and impacts of increased tourism and the growing gap between the truly wealthy and the rest of us were also points of real tension.

In response, Bart Robinson and Ruben Nelson began to host small gatherings of persons who were known to be active and concerned citizens. The question they put back then was this: "Do we need to get folks taking across some of the divisions in the Canmore community before positions harden into sides who see the others as enemies?" "Might a new round of community-wide conversations be helpful?"

The response offered in these gatherings to both questions was an overwhelmingly "yes."

As the conversations developed some issues became clear. One was that the type of initiative we were developing must be initiated and lead by citizens. It would not be credible as a wholly-owned activity of the Town. A second notion quickly followed. And yet, the initiative will need the cooperation and explicit encouragement of both the Town Council and the Town's administration. A third notion was that we had no right to impose our sense of things on the citizens of Canmore. We needed to know if, by and large, the citizens and organizations in Canmore saw the need to invest time and energy bolstering the resilience and cohesion of the Canmore community.

This latter notion led us to undertake this questionnaire.

We wanted to know if Canmorites shared our concerns, if they saw the need for new and sustained efforts to be made to respond to the greatest challenges to our community, if they felt that it was important that citizens were involved in the new efforts and if they themselves might be involved.

The questionnaire was designed to answer these questions.

As we read the results we see a big green light that says, *"Please carry on with what you are doing. Your initiative is timely. As long as you turn out to be trustworthy we will likely work and play with you. You now have to show us that you are as good as your word."*

That is all we can ask at this early stage of our development.

Accordingly, we are back working to develop the programming of our first year of activity which will begin April 1, 2023.

Methods

Resilient Canmore designed this questionnaire to allow folks to anonymously let us know what they love about Canmore and what concerns them, if anything, about where Canmore as a community is heading. The questionnaire ran from June 1st to June 30th, 2022.

The questionnaire was developed by Resilient Canmore. We field-tested it on two focus groups, made some changes and then developed a web-based version for easy distribution. We broke the Canmore community into 21 sectors. Then we identified persons and organization in each sector. In all we contacted over 60 subgroups within the 21 sectors. Each was asked to pass the questionnaire on to members in subgroup.

The sectors we used:

- Sports & Recreation
- Arts & Culture
- Seniors
- High School Youth
- Health Care
- Young Adults
- Development/Real Estate
- Small Business
- Education
- Religion
- Immigrants/New Canadians
- Environment
- Service Organizations
- Non-Resident Workers
- Tourism
- Service Industry Workers
- Social Services
- Neighborhoods / Communities
- Random Citizens
- Construction Workers
- Scientists

In total, we had 270 complete responses to our questionnaire by June 30th, 2022. When you get to the demographics section of this document on page 20 you will see that we had responses from every sector.

As this questionnaire is based on a self-selected sample, a margin of error does not apply. However, for purposes of comparison, a probability sample of this size would represent a margin of error of plus or minus 5%, 9 times out of 10.

As you read this report you will see that some of the questions asked for a numerical response, others required a written response. One benefit of using an online questionnaire format is that substantial written commentary can be gathered to and analysed. The commentary gathered in our questionnaire makes up a 116-page document. Rather than bury you with raw data, we created a Wordle of the responses to the questions which invited a written response. You will find these Wordles in the report which follows.

This report uses bar graphs to show the results of the questions which required a numerical response. For the textual responses we have captured the overall themes and sentiments that were expressed. Direct quotations from participants are also included in italics.

The Community Canmore is Becoming

How do you feel about the community that Canmore is becoming?

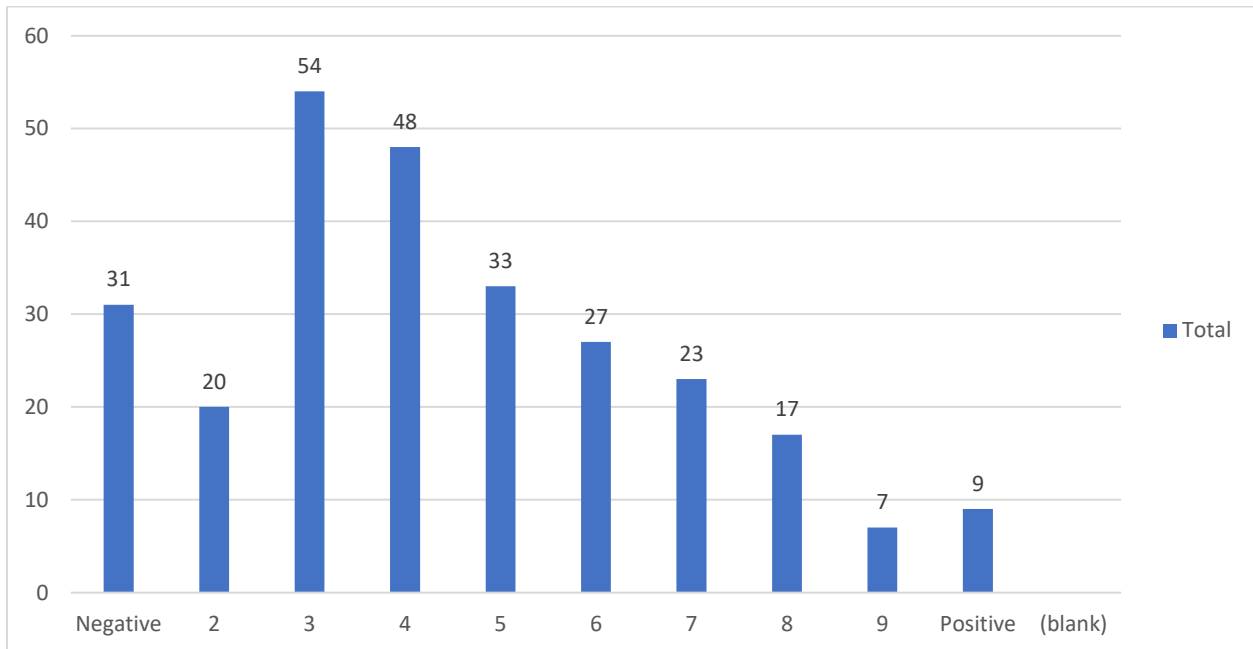


Chart 1

Overall, respondents to our questionnaire showed that the majority of them have some concerns about the community that Canmore is becoming. 57% of respondents rated their feelings about the community Canmore is becoming as a 4 or lower.

Those that are feeling negative about the community Canmore is becoming are concerned about development, tourism, and affordability issues. Those concerned about development believe that the rate of growth and development will erode the sense of community and small-town feel of Canmore. These respondents also cite the dangers that development poses to the environment and wildlife in the Bow Valley - particularly the destruction/encroachment of wildlife corridors. There were numerous concerns voiced about the TSMV development.

The increasing rates of tourism and visitation were also listed as points of concern. People are concerned that there is a lack of focus on Canmore residents, that the bias is in favour of tourism development and that the quality of life in Canmore is decreasing for locals. Responses citing tourism as a point of concern also often mentioned second-home owners and “weekenders” as contributing to the issues around overcrowding.

Another major concern that respondents had was the issue of affordability. Many respondents voiced concern over the increasing cost of living. Rising rents, rising property taxes and rising costs of utilities were all raised as issues. The housing market was also highlighted as a point of concern. People are worried that the rising costs of housing in a free market is quickly making Canmore unaffordable for the average person. Workers are unable to find or afford housing. A

number of respondents raised the point that it is becoming harder to raise a family in Canmore due to cost. Many are also worried that future generations that want to live in Canmore will not have that opportunity as they will be priced out of the housing market. Respondents also stated that the ultimate consequence of the rising costs will be the hollowing out of the community.

"I worry that the community is starting to "hollow out" as housing and rental prices sky rocket, and many residents are being forced to leave."

"Too much rapid development of unaffordable vacation homes. Pushing our young people out of Canmore. Lack of space for wildlife we are narrowing the corridors and they have to navigate cars, roads, people, homes everywhere. It saddens me as to what Canmore has become. For the developers it is all about the almighty dollar. They are going to build and move on somewhere else."

"What makes Canmore magical is that it's a small town. It's fantastic if more tourists are coming and experiencing it, but when you start getting developers circling like sharks and trying to squeeze every square foot of space out of this beautiful little town, you start to get nervous that Canmore's scarce beauty is at risk."

The respondents who have a positive view of the community that Canmore is becoming often attribute their hopefulness to the residents of the community. Many responders are positive about how engaged and caring the citizenship is. They are also positive about local leadership and the newly elected mayor and council. Many laud the community for its environmental values, sustainable transport options, and general accessibility. The natural environment of Canmore is also a positive point among responders. So too the vibrant arts scene.

"Residents are engaged in determining the future of Canmore, more than ever before, let's not lose the momentum."

"Happy about direction of Development in Canmore. It's the right thing given affordability issues."

"We are doing well on many levels. We are innovative and collaborative and we are full of smart and passionate people keen to make an impact. We are extremely fortunate and privileged to live here."

"Canmore is a spectacular place to live, where so many caring, thoughtful individuals & families gather to live & work, recreate. This hasn't changed much over the years in terms of sense of community. While social media allows for greater connection & communication about a multitude of important pieces of information sadly it has created a forum where some choose to infiltrate negativity and sense of dissatisfaction. The community I believe to be as strong as ever. The voices can be loud at times, but not necessarily an accurate account of the broader sense of community, pride & commitment. The affordability & other pieces of course need attention and resolution however, I see these as opportunities for us to address and overcome and move forward with."

Key Features of Canmore

What are the key features that make Canmore a community you are proud to live in?

Respondents to our questionnaire pointed to several key features that make Canmore an amazing community to live in. Chief among these is the community of engaged and caring residents. Canmore's diversity, inclusion, and the friendly and welcoming atmosphere of the locals. Lots of weight was given to the care and engagement that Canmore residents have towards local issues and decisions.

People also pointed to the natural environment and wildlife – and the preservation of these key features. The beautiful surroundings, the wildlife that we share the Bow Valley with, and the environmental stewardship of the community are a source of pride for many who live here.

Great access to outdoor activities as key reasons that people are proud to live in Canmore.

Many respondents pointed to Canmore's size and "small-town feel" as key reasons for living here. The arts & culture scene was also lauded as something that makes Canmore special.

Canmore's amenities were also praised by several respondents. People enjoy that Canmore is clean, safe, and provides a suite of amenities that most towns of its size do not have.

Several respondents also lauded the well-run local government. There is a lot of hope that the newly elected mayor and council will represent the community in a good way and work towards progressive solutions to the concerns that Canmore's community has brought forward.

"I love WHERE I live. I love looking outside and seeing God's amazing gift to us... creation! I have wonderful neighbours. We have a supportive community who will help out when needed. Our pandemic support was pretty amazing. So many stepped up just because it was the right thing to do."

"City Council listening to, and doing what citizens have stated they want, as opposed to doing what they think citizens need."

"I am proud knowing my neighbours who embrace the community. I am proud of the people here who care about the environment, are committed to looking after it and the wildlife that share the space. And I continue to be blown away by the incredible amount of knowledge and care that locals carry surrounding the things close to their heart. And I am proud that as a community we are trying to work more respectfully with our indigenous friends and neighbours who live in this valley."

"Access to nature; pathway system; the Canmore Nordic Centre; excellent access to world-class service providers, e.g. physiotherapists, physicians (if we are able to recruit and hang on to them), massage therapists, professional musicians, skilled trades, gifted artists, etc. It is a magnet for world-class talent. It is also a town, not a city -- not yet anyway. Now is the time to

preserve and protect our way of life, quality of life and that of all the residents of the Bow River Valley, human and wild in all forms.“

“It's small enough to have that sense of face-to-face community and large enough to have cultural and other amenities. I think the intellectual and creative capacity of the community was showcased in the recent TSMV hearings - we have a lot of smart, passionate, articulate people who are committed to this place.”



What are the key features that make Canmore a community you are proud to live in?

Wordle 2

Greatest Challenges to the Community

What do you see as the greatest challenges to the community of Canmore over the next 30 years?

When asked what the greatest threats to Canmore are over the next 30 years, respondents to our questionnaire overwhelmingly identified affordability, development, growth, and environmental issues as key challenges. Respondents also voiced concerns over tourism, pressures on infrastructure, and a need for economic diversification.

Many respondents are concerned over the increasing affordability issues in Canmore. There is much worry that the rising costs of living are pricing out many people who are important to the fabric of the community. Rising food costs, utility costs, and housing costs are all contributing to this. Numerous respondents identified housing affordability as a key challenge.

There is significant concern from our respondents that the rising costs of housing, be it to purchase or rent, and the limited availability of affordable and rental housing is causing an affordability crisis. Workers are unable to find affordable housing, and many are moving elsewhere to find it. Young families, nurses, teachers, service industry staff, and others that contribute significantly to our community are struggling to make ends meet due to the high costs of living. Respondents worry that Canmore will begin to lose the diversity that they celebrate as one of its key features. There is concern that, as people move away because they are being priced out, the community will begin to homogenize as only the wealthy will be able to afford to live in Canmore. There is a large call for the development of more affordable housing, along with a cap on short-term vacation rentals. Respondents believe that this will help address the affordability issue, and allow a diverse population and a vibrant, living community to thrive in Canmore.

“Being in a hyper-development phase, hurrying up to develop (and profit) from what little land is left, but not have a vision or community plan that serves and protects the fabric of the community which are the families that live work and play here. Most real estate developments are not currently fulfilling what is actually required for the citizens of the community. Small business, artists and entrepreneurs do not have affordable commercial space, let alone housing. The prices of renting, leasing and owning are all going up with no shortage of outside money coming in, which keeps driving the prices up beyond what the local economy and citizens can afford. Protecting the wildlife through development, protecting the wildlife corridor and Y2Y connection. Families moving away due to affordability; too many vacant homes and apartments keeping prices up; the desire to be here is only increasing but second homes and "investment" / real estate for profit have turned housing into a free market.”

“The greatest challenge will be affordable housing and opportunities for young families to be a cohesive part of the community. How can an average family afford a million dollar home at the

present time? Families become part of the community through schools (from preschool to high school) and through sports and cultural activities.”

“Shaping the composition of the community is the biggest challenge. We need to enable the next generation to live here, along with nurses, teachers and others who make this a living community.”

Many respondents are concerned with the scope and pace of development in Canmore. This issue was very much at the forefront of public discourse at time of the questionnaire (and remains so). The decision of the Alberta Land and Property Rights Tribunal to overturn the Town of Canmore’s decision to block the further development proposal for Three Sisters Mountain Village has many people concerned over large-scale development and population growth. Key to these concerns are the impacts that continued and increased development will have on the natural environment that is central to Canmore’s identity. Many are concerned about the impacts that development will have on the wildlife of the Bow Valley and the destruction of wildlife corridors that are key to the ability of wildlife to thrive here. Many respondents call for significant thought to be put into future development in Canmore. This includes big decisions from local leadership. Several respondents call for policies requiring the implementation of green building practices and net-zero development in all developments going forward.

Many respondents identified key issues in relation to climate change over the next 30 years. A changing climate poses significant threats to communities that are unprepared. Many call for planning and policy decisions that make significant commitments to addressing both climate change mitigation and adaptation measures.

“I think the number one issue is how we deal with growth and what the vision is for the community. Simplistically, if we limit growth altogether, prices go up and the community becomes so expensive that only the very wealthy can live here. If we allow growth to continue, we risk shutting down the wildlife corridors completely, and spoiling the very thing that brought many of us here. Climate change is also a huge challenge for the community - both mitigation and adaptation.”

Tourism was also a concern for those who answered our questionnaire. Many worry that increased tourism will lead to overcrowding, increased wildlife conflict, environmental degradation, an erosion of the sense of community, and pressures that risk a reduction in the quality of life for residents.

Many people mentioned the loss of the small-town feeling that Canmore has (or had). They are concerned that with continued development, population growth, and increasing tourism, Canmore risks losing the ambiance that has drawn people here.

Several respondents raised concerns that the projected increases in tourism and population will put significant pressure on municipal infrastructure. If not properly planned for and

supplemented with improvements or additional infrastructure, some worry that this could have a significant impact on the quality of life for Canmore residents.

Some respondents are concerned that Canmore’s economy relies too heavily on tourism and call for efforts to be made to diversify.

“Ensuring we have an economic base other than tourism. Attracting multiple educational institutions who teach and do research on environmental issues relevant to the valley. Living in harmony with the wildlife in the valley.”

While many of our respondents were concerned about increasing and continued development, some community members pointed to that opposition as a key challenge. These respondents point to the opportunities that further growth and development will provide our town with. Respondents also indicate the need for responsible growth. In order to tackle the affordability issues that are becoming an ever-increasing concern, affordable and long-term rental housing will need to be created.

“I think the number one issue is how we deal with growth and what the vision is for the community. Simplistically, if we limit growth altogether, prices go up and the community becomes so expensive that only the very wealthy can live here. If we allow growth to continue, we risk shutting down the wildlife corridors completely, and spoiling the very thing that brought many of us here. Climate change is also a huge challenge for the community - both mitigation and adaptation.”

“Establishing a strong, united community vision that guides leadership and decisions; affordability issues; establishing more assertive, proactive planning processes that look out to the future, a better understanding of potential housing options for the future to retain young people in the valley; strong relations with Banff, Exshaw and Stony Nakoda; Consensus around environmental vision and goals.”



What do you see as the greatest challenges to the community of Canmore over the next 30 years?

Wordle 3

Our Present Ability to Protect Canmore

As a community, how would you assess our present ability to protect and care for that which is most important to us given the pressures we will face over the next 30 years?

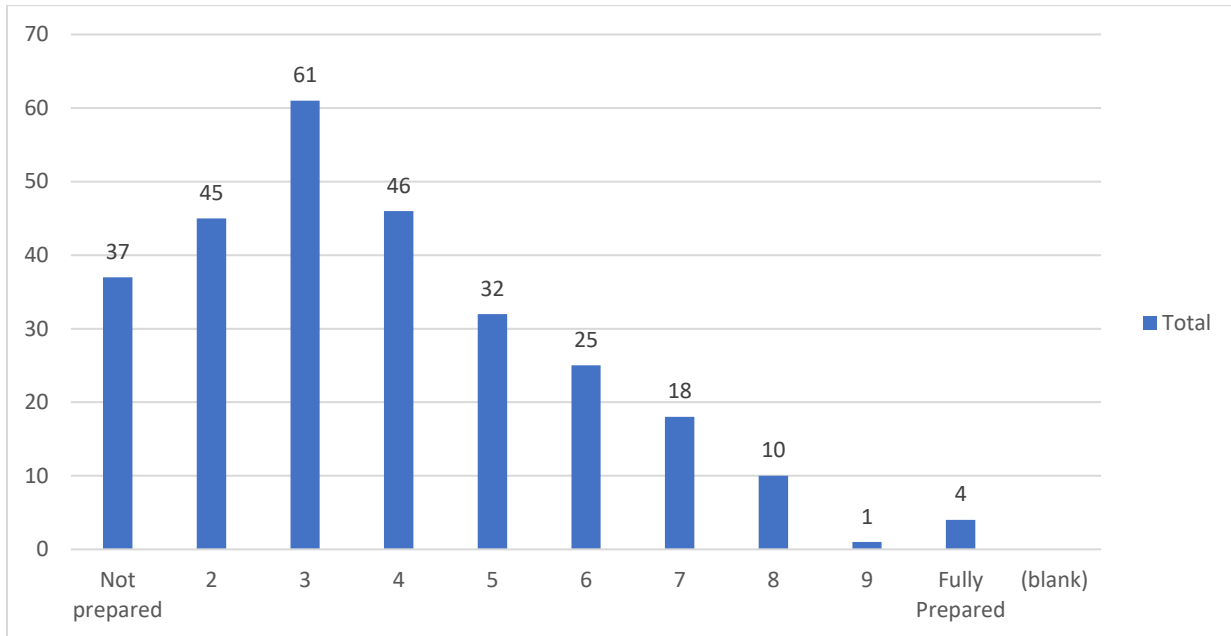


Chart 2

Respondents to our questionnaire have a generally concerned about Canmore's current ability to protect and care for that which is most important to us given the pressures we will face over the next 30 years. 68% of respondents rated our current ability to protect what people value in this community a 4 or lower. 29% responded with rating of 2 or less. Almost half of these rated our present ability as a 1.

Those that are feeling concerned about Canmore's current ability to protect and care for that which is most important to us given the pressures we will face over the next 30 years focus on the power of developers and the influx of wealth into the community (and the influence and power it carries). Given the recent decision from the Alberta Land and Property Rights Tribunal to override council's decision to prevent the TSMV development, many respondents were concerned that Canmore's future is not in the hands of its residents, mayor, and council. People are concerned that there is too much provincial authority to override municipal decisions and that lack of provincial support will lead to overdevelopment - despite the wishes of residents and the efforts of Canmore's mayor and town council.

Respondents point to a need for comprehensive planning for Canmore's future. A plan that takes into account growth boundaries, affordability and housing issues, and the increased pressures of a changing climate – this includes both mitigation and adaptation measures. Many

respondents cite a need to control growth and development. Concerns were also raised about the ability of Canmore’s infrastructure to handle population growth and increased tourism.

Respondents with positive sentiments about our ability to protect and care for that which is most important to us as a community point to citizen engagement, belief in the newly elected council, and a talented and smart citizenry that cares and is dedicated to Canmore and its future.

“We have the intellectual and creative resources; the town doesn't seem to have the legal ability to decide its own future. Obviously, I think there's a role for the province and the federal government to intervene, but the balance isn't right. I also think we need to work at building bridges within our community, not just between developers and those concerned about development, but between the professional classes (which are so visible in places like the TSMV hearings) and people who work in the service sector. I am always struck by the differences in the crowds at ArtsPlace vs the people who go to Eagles games, for instance. How and where can we all come together?”



As a community, how would you assess our present ability to protect and care for that which is most important to us given the pressures we will face over the next 30 years?

Wordle 4

New Efforts

Do you think that we in Canmore should make new and sustained efforts to respond to the greatest challenges to our community?

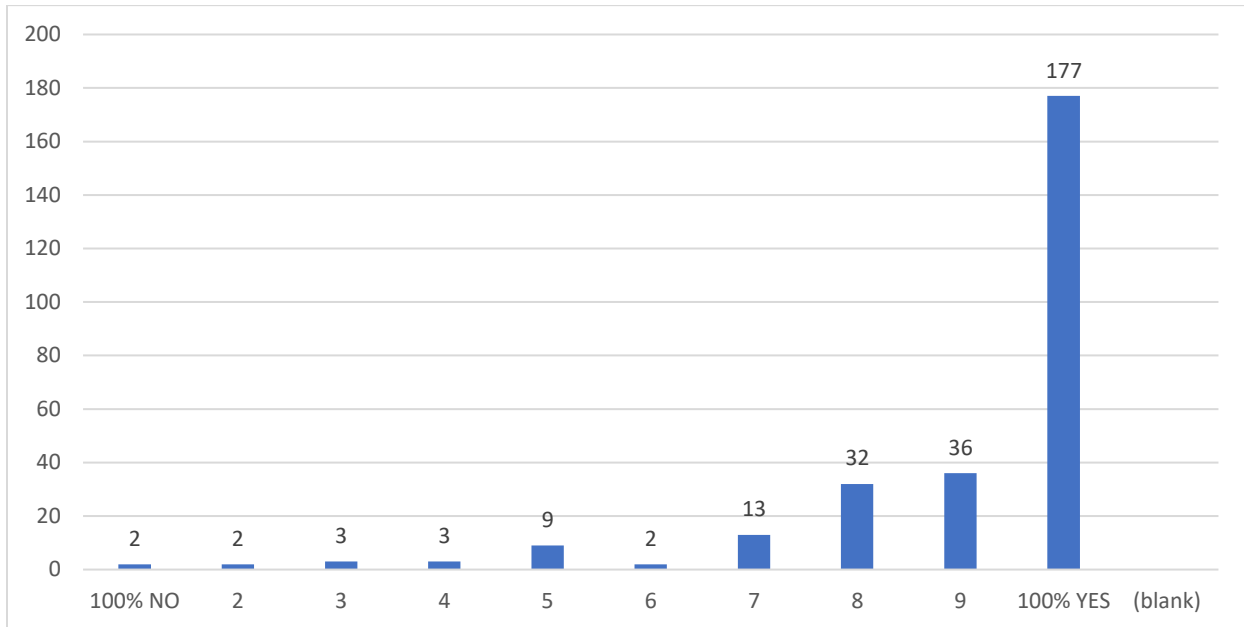


Chart 3

Respondents are overwhelmingly in support of new and sustained efforts to respond to the greatest challenges to our community. 63% of respondents answered 10 on the scale (YES, new efforts are required). 88% of respondents selected 8 or above.

Many respondents pointed to the need for significant efforts to be put towards planning for Canmore's future. Some referenced a history of reactive decision-making. They identified the need for a paradigm shift to proactive planning that looks far into the future of Canmore. There is a call for policies and practices that may look radical now but have the potential to turn Canmore into a town upon which to model sustainable municipal planning. People identified a need for new ideas and new approaches to the complex challenges that we will be facing as a community.

Respondents called for a robust community voice that is an active part of determining Canmore's future. It was stated many times that we have an experienced and knowledgeable citizenry which the Town, developers and the province need to listen to. Respondents' belief in town council was echoed many times. There is a strong belief that Canmore has strong municipal leadership, and a lot of faith is placed in them to guide our community in the right direction.

There were concerns raised, however, that the power to shape Canmore's future is not entirely in our hands. People are concerned that the Alberta government has too much power to

override municipal decisions. There is legislation in place that limits the Canmore's autonomy to determine its own future. These reasons led several respondents to call for change at the provincial level.

In order to address some of the concerns about the greatest threats to our community, some respondents suggested that caps be put in place to limit development and short-term rentals. Many also stressed the need to address affordability and housing issues (which short-term rental caps contribute to). Many respondents also stressed the need to focus on environmental preservation and wildlife protection first and foremost.

It is clear from the responses to this question that community members care deeply for the people, wildlife, and environment of Canmore. The protection of the things that, for them, make this place so special is of the utmost importance.

"We need to continue our efforts to address the current challenges as we are, but also may need to change tactics as things move forward. There are always new challenges to address so we need to address those, perhaps in different ways."

"The community must be listened to first and foremost, we must protect our infrastructure, water, air and community, and the environment for our wild life."

"This is a time of change and growth...growth is going to happen, all towns and city's grow...council and the good folks of Canmore need to work together to avoid becoming a Whistler or similar resort town."

"Canmore needs to really get out of the box of current community management paradigms. Need a new economic model that reflects the disciplines such as "ecological economics"."

"We should and need to be disruptive and visionary. Could you imagine how great it would be to have all future homes built with solar, no more homes over 2000 sq feet (example), no more single family homes. Higher taxes for, especially new, second home owners."

"We need to find brave new alternatives to the typical trajectory of overburdened tourist towns. We need to aim higher, looking further ahead. So our ideas/policy may seem extreme now, but they are looking to the future to sustain us for continued demand."

"Develop the long term plans while accepting the growth projections. This is a unique community due to its location to the Park, wildlife and limited development space"

"Some serious re-thinking and solution-seeking needs to take place - to find solutions that allow us as a community to work with and work around external pressures (e.g. provincial government that has different priorities). We need to come together to formulate our own designation of who we are and where we want to be - prioritize our own community values, in consideration of where we live and the fragility of the environment surrounding us."

“There is a common, knowledgeable and collective voice with regard to future development that should be organized, recognized and speak with a common voice.”



Do you think that we in Canmore should make new and sustained efforts to respond to the greatest challenges to our community?

Wordle 5

Community Involvement

How important is it that citizens from all sectors of the Canmore community be involved in such efforts?

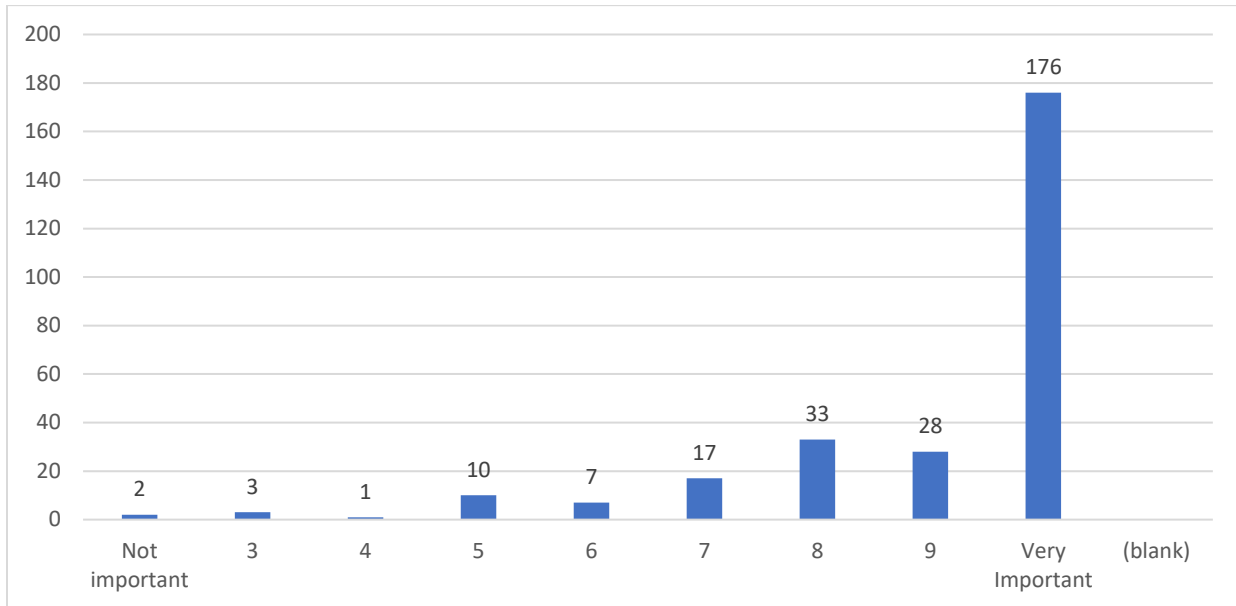


Chart 4.

Most respondents think that it is very important that citizens from all sectors of the community be involved in such efforts. 64% of respondents answered that it was very important (10). 86% of people ranked its importance an 8/10 or higher.

Responses to the question asking to explain their ranking are overwhelmingly in support of whole-of-community participation in shaping the community that Canmore will become. Respondents think it is extremely important that input comes from all sectors of the community. People are aware that there are a lot of differing points of view and that, while difficult, meaningful conversations are needed to find common ground on how we, as a community, wish to move into the future. Having a united community is important to many respondents.

There is also a call for the engagement of subject matter experts (be it consultants or residents with the proper expertise) to help develop an informed vision for the future of Canmore. These responses also stress the importance of our elected officials, as they are the ones that will ultimately make the decisions that shape the future of Canmore.

Some urge caution as too many voices at one table can complicate decision-making. They warn that views are too polarized, and it will just lead to stagnation.

Others urge that full-time residents should have a larger voice in decision making as they are the ones most impacted. There is a call for representation of specifically residents of Canmore and the amplifications of their voices over developers and part-time residents.

There is a sense in some comments that, while ideal, this type of community participation is unlikely. They worry that marginalized community members, people that are struggling to get by, and the people who have fought to have their voices heard for a long time will lack the energy to contribute in a meaningful way. Because of this, the deliberate and meaningful engagement and amplification of marginalized voices is paramount. They believe that we, as a community, need to support and uplift the work and voices of Indigenous, BIPOC, and TSLGBTQ2+ community members.

Some respondents stress the need to acknowledge that there are a number of powerful special-interest groups in Canmore. They stress that this fact needs to be addressed in a meaningful way in order to ensure that all members of the community are heard equally. It is important to respondents that discussions and decisions are not overly skewed in favour of the loud few.

“Important, and it will take some doing. Typically, retired white folks tend to do the organizing and most of the speaking. Early and honest invitations to Indigenous people, students, foreign workers, and all who are holding down three jobs to pay the rent, will be key to this initiative being accurate and being heard.”

“No one person, organization or sector has all the answers. Strong, community-wide participation will ensure strong, community-wide solutions and support.”

“You must have a proper, open and transparent process that results in meaningful implementation. The validity of the resulting policy content will be judged on the credibility of the process.”

“My answer is probably a bit skewed - I very much disagree with the language of citizens as this leaves out a very large portion of our community. I believe that we should be taking guidance and advice from those who are most marginalized in our communities - particularly BIPOC communities, TSLGBTQ+ folx, temporary foreign workers, food and housing insecure community members, and the homeless community members.”

“It is 10 that all sectors of Canmore's community be involved. But, I must add, that individuals such as the two owners of TSMV should have no more say than any other individuals. Just because certain wealthy individuals own a lot of land, does not give them any more 'say' than someone that is struggling to find a place to rent in town.”

“The more educated the community is the more the community feels it is being acknowledged. It is important that we educate ourselves on all issues the valley is having and will have in the future.”

“As before. The quiet majority often doesn’t participate or is not aware of any issues. The residents who are not all in the same opinion of what future Canmore looks like. I think work is most needed to bring all people together and brainstorm ideas to find our common ground on issues to move forward.”

“Whatever the process, it would require a full public process. I agree that the public should be involved heavily, but once the input has been provided, leadership and hard decisions will be required.”

“Ideally there would be meaningful engagement from all...grassroots collective action seems difficult to organize. Community members are stretched trying to make ends meet and the defensive energy is draining.”

“We need to hear from everyone in town. It's important that all voices are heard, that everyone has the opportunity and accessibility to get involved, and that everyone is made to feel welcome and included in all efforts.”

“I've spent years trying to find the root of the community and some sort of overlap between the many groups, organizations, and associations and the truth is there is very little overlap within many of the groups which means there is very little shared vision and momentum in the same directions from a larger group of stakeholders. Coming together is the only way and from what I can tell, protecting what land Canmore has left and how to best use it for the community is probably the biggest shared undercurrent of the community. But it needs to be better organized: louder and all together.”

“Citizen engagement is important, however employing professionals to address these issues is paramount as we cannot rely on volunteers to do robust job in addressing these issues adequately. All levels of government, professionals and citizen engagement is required.”

“The people who live here should be the people making the decisions on what development is appropriate for our town.”



How important is it that citizens from all sectors of the Canmore community be involved in such efforts?

Wordle 6

Personal Commitment

If such efforts were made, what is the likelihood that you would get involved?

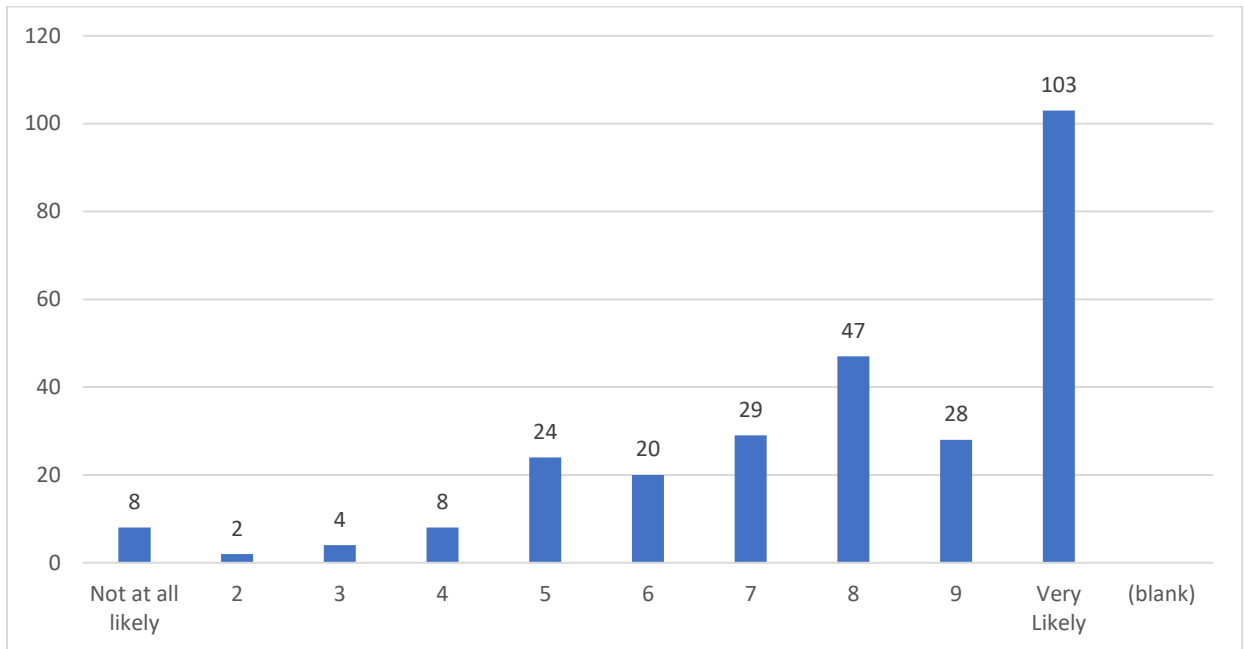


Chart 5

The majority of respondents are very likely to get involved if there are new and sustained efforts to protect the elements of our community that are special to us. 76% of respondents answered with a 7 or higher. 38% said that they were Very Likely to participate (10). Only 22% were 4 or lower.

Conditions for Involvement

Please list the conditions that would make it more likely that you would get involved.

The main condition that will determine the likelihood of involvement from our respondents was the amount of time they would have to invest. Time is the main limiting factor of their involvement in any new effort or initiative. Many want well defined, and ideally small, time commitments if they are to participate in anything new.

Many respondents wanted assurance that their participation would actually make a difference to Canmore's future; that their voices will be heard and acted upon. Key to this is the presence of a strategic plan for any new initiative that is pursued. Respondents have a clear desire that any new initiative have a defined role within the community and clear goals that they wish to achieve.

Respondents expressed a desire to feel heard. They want to feel that their voice has an impact and is contributing to decisions that are being made about Canmore's future. A key aspect of this, as indicated by a several respondents is an open and transparent dialogue with the municipal government and administration. There is also significant desire for significant accountability to commitments and decisions made by the municipal government. A need for multi-sector commitment was also expressed as a requirement.

Several respondents cited their lack of expertise (particularly in terms of development and town planning) as a reason that they were hesitant to participate in initiatives concerning Canmore's future. Due to this, some participants stated their desire for anonymous contribution to community discussions.

Many who answered our questionnaire wish for diverse ways to be involved. Due the many complexities of peoples lives and the degree of involvement that they can comfortably commit to, respondents desire a number of avenues for involvement. There is significant desire for a diverse set of involvement options that allow the broadest field of community members to participate in this process.

Respondents pointed to the need for inclusiveness in any efforts going forward. This particularly refers to the involvement of the Indigenous, BIPOC, TSLGBTQ2+, and other marginalized groups in Canmore.

Several respondents spoke to their tiredness or burnout in dealing with community issues. There were several reasons for this. Some stated that their age no longer allows them to participate in the ways they want. Others say that they have been involved in community issues for so long that they are burnt out and no longer have the energy to contribute to new efforts or initiatives.

“Virtual meetings and surveys like this help. Informal brain-storming. A place for laypersons to share ideas/experiences and also hear from experts in development of busy tourist towns in other parts of the world.”

“Time commitment, the sense that these efforts are connected to one another (I've noticed many small organizations all fighting for different issues, but in my mind it should all be tied to one another. I shouldn't have to "pick my battles for the day".) Awareness, more events to get involved in, and easier communication (more emails and websites. Not everyone is on social media these days).”

“BIPOC and TSLGBTQ+ leadership -scrap the predetermined vision and aim - everyone needs to be involved from the beginning NOT asking people to fit into an already pre-determined agenda -understanding that different people have different capacities - those with small children may not be able to meet at the same times as everyone else - it would be useful to ask questions like: how do we make sure those with less resources can shape the vision in meaningful ways - involving groups who work at a grassroots level like the Canmore Filipino Canadian Society and the Bow Valley Food Alliance - right now it feels very environmentally focused and while this is integral, it's not enough “

“Safe ability to share thoughts that are supportive towards development, which BVE doesn't appear to welcome. Everyone knows that it can't be a free for all, and that development needs to be done responsibly, and so space needs to be made for development supportive views.”

“A group that isn't just talking about concerns but has a way to implement change “

“Genuine consideration for all community needs, with attention to broad considerations and a means of balancing single-focus contributors to ensure the group retains the respect of the full community and partners, not just single-focus supporters.”



Please list the conditions that would make it more likely that you would get involved.

Wordle 7

Demographics

We also asked for the demographic information shown in the following charts.

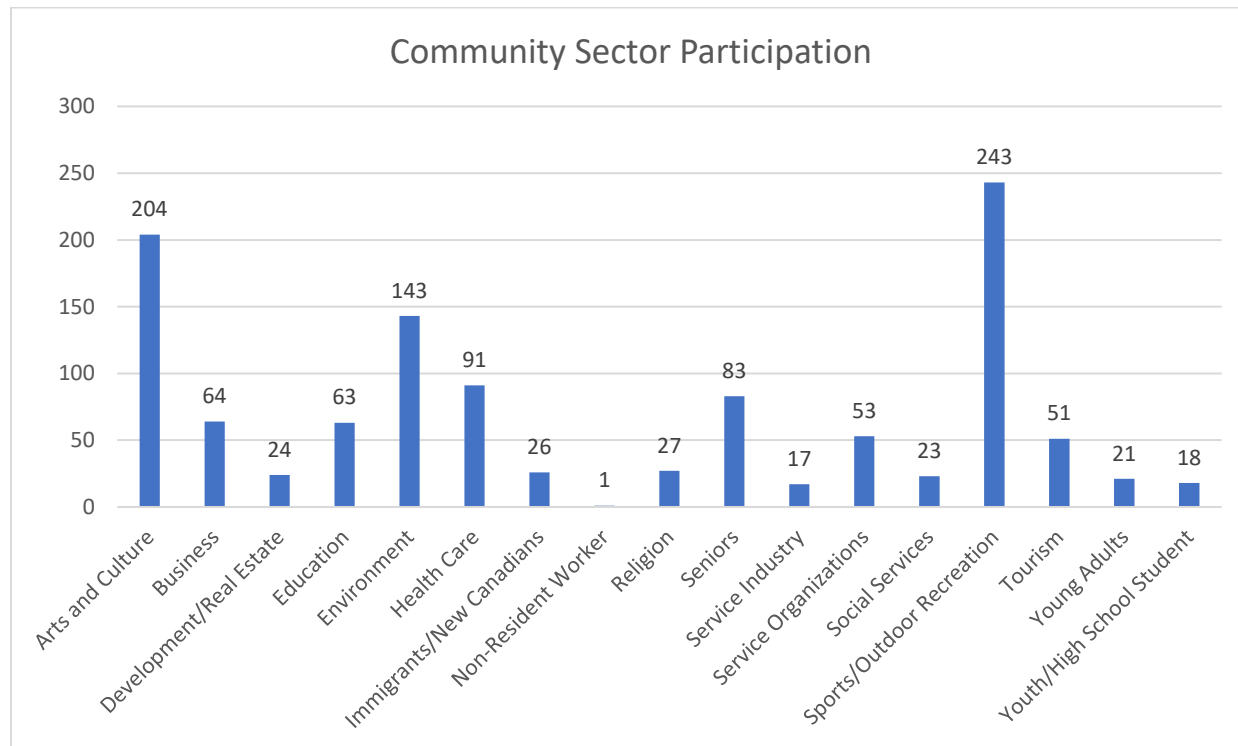


Chart 6

We asked participants to check off each of the sectors in Canmore in which they participate. As you can see most Canmorites are active in more than one sector. 1178 involvements were checked off. An average of 4.4 per person. Given what we learned in this questionnaire as well as what can be easily observed, it is not surprising that Outdoor sports and recreation, arts and culture and the environment are the sectors with the most activity. These are among the main reasons we are attracted to Canmore.

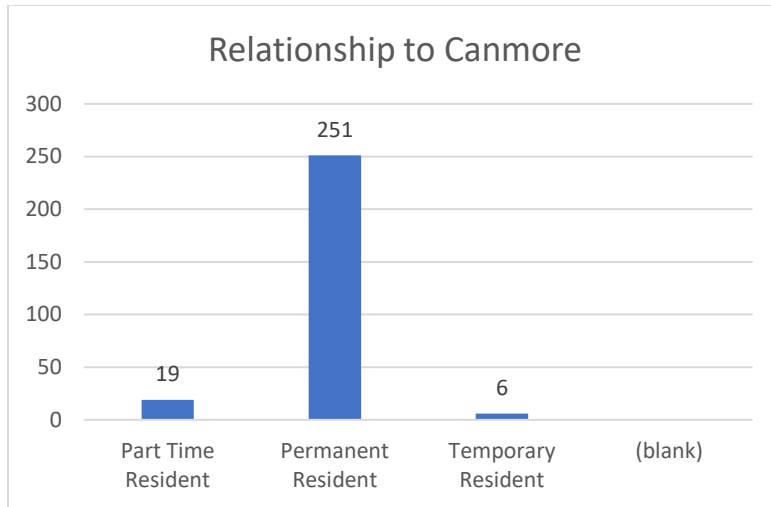


Chart 7

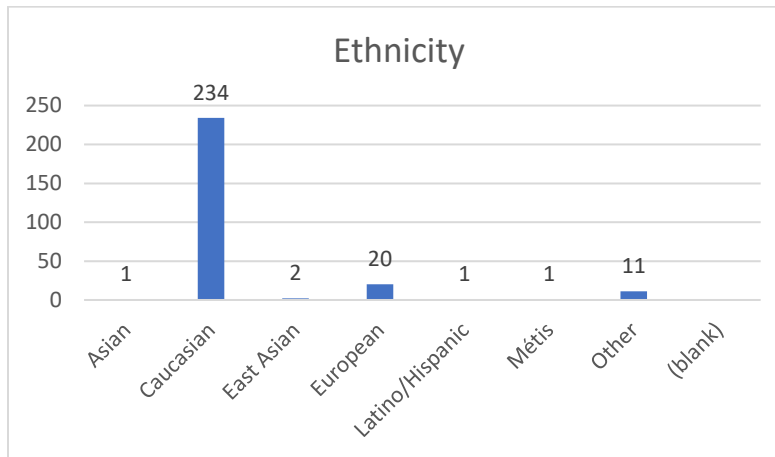


Chart 8

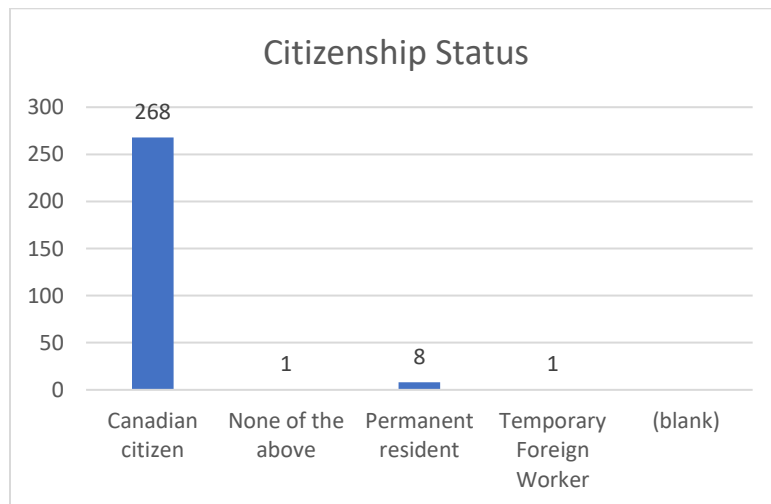


Chart 9

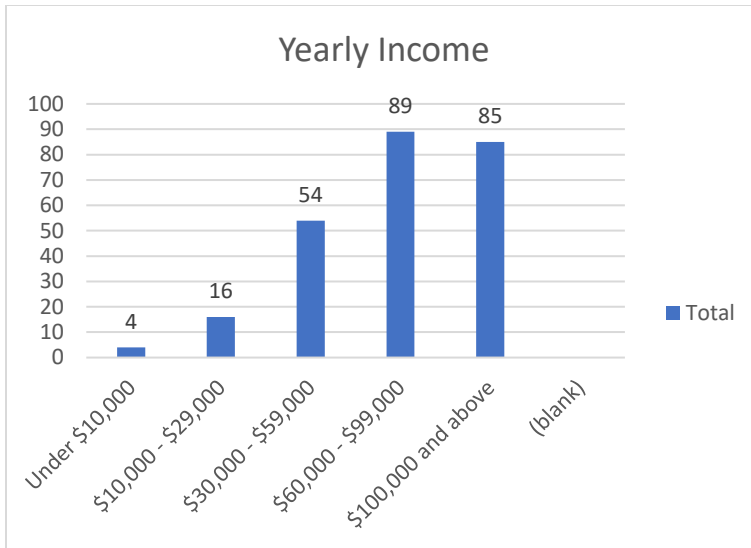


Chart 10

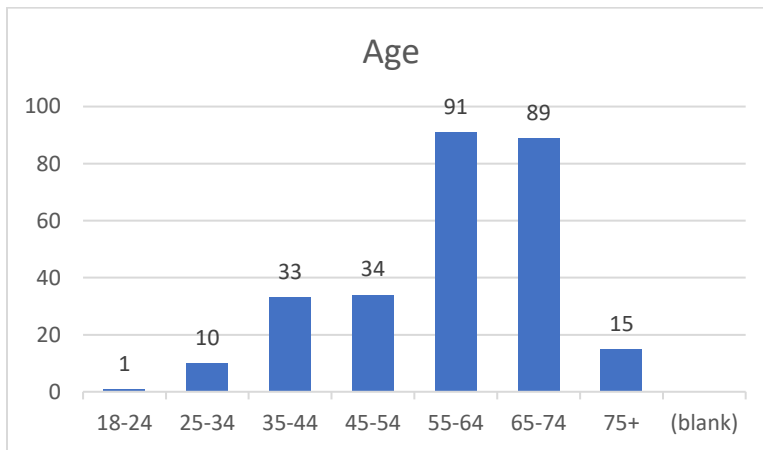


Chart 11

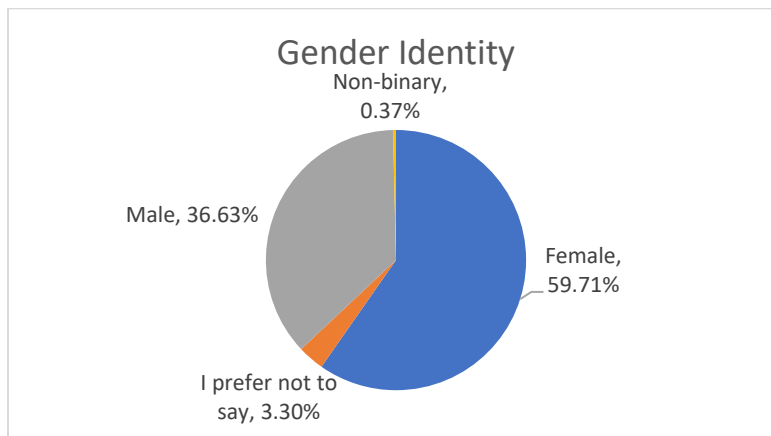


Chart 12

Our Concluding Thoughts

We undertook this questionnaire in order to answer these questions: To what extent do folks in Canmore have concerns, hopes and fears about Canmore's present condition and future evolution? Do they see the need for some new initiatives? If so, must Canmore's citizens be involved? If so, how likely is it that they themselves would get involved?

We knew we did not have either the time or the money to undertake a professional poll. We also knew that we did not need to do that. All we needed was a sample of folks who were both numerous and diverse enough to give us a reliable answer to the question of whether or not it would be worthwhile for us to carry on with the development of Resilient Canmore.

Given our purposes, the questionnaire we undertook has given us a big green light to deepen our commitment to the community of Canmore as we get on with the development of Resilient Canmore.

We are deeply thankful to all organizations who willingly made sure that some of their members participated in this questionnaire. Of course, our biggest "THANK YOU" is offered to all who actually participated in the questionnaire. Your thoughts and feeling for and about Canmore have given us the confidence that there is real work for us to do together on a whole-of-community basis.

Appendix A – Questionnaire

Resilient Canmore Questionnaire

We thank you for the time, thought and energy you will invest in completing this questionnaire. By doing so you assist Resilient Canmore to develop an accurate and inclusive picture of the mood of our community as we think about Canmore’s future. This questionnaire will take approximately 6-15 minutes to complete, depending on how much you want to share in our open ended questions.

You have been invited to participate because you have been identified as an active and caring member of the Canmore community.

Resilient Canmore is a new not-for-profit Society. We take a whole-of-Canmore approach. Our concern is both wide and inclusive – all sectors, all citizens and all dimensions of our life as a mountain community. We are committed to the development of Canmore as a resilient, inclusive and cohesive community – a community fit to live in, a landscape fit to live on and citizens fit to live with. In a world that is under the increasing pressures of an uncertain economy, conflicting priorities, mutating viruses, public frustration and more, this is a significant aspiration.

Your participation in this questionnaire is voluntary. You may choose to not participate or withdraw your participation at any time.

You can re-enter the questionnaire once completed and edit and/or add to your responses. To do so simply re-click on the URL provided to you in the invitation email; www.surveymonkey.com/r/RC-Environment.

All data will be stored in a confidential, password protected electronic format. The answers to this questionnaire will be used to inform Resilient Canmore on the willingness and desire of the community to engage with us on a journey towards greater resilience. Written comments and answers may be used in presentations to council, businesses, and firms in Canmore, but these comments will remain anonymous.

We encourage you to fill out all answers in the questionnaire, particularly the boxes explaining your answer. These will provide us with key insights to inform our project. We also encourage you to be as open and honest as possible with your answers.

Comment boxes can be enlarged by clicking and dragging the bottom right corner of the answer box. Unfortunately, the software does not allow you to download your answers as a .pdf file once you have completed the questionnaire.

If you have any questions about Resilient Canmore or this questionnaire please contact Eli Panning-Osendarp at eli@resilienceinstitute.ca. We are grateful for the support of the Resilient Institute in partnering with us on this project.

Appendix A – Questionnaire

*** 1. Electronic Consent**

By clicking the “agree” button below, you indicate that:

- You have read the above information
- You voluntarily agree to participate in this questionnaire.

If you do not wish to participate in this questionnaire, please click on the “disagree” button.

Agree

Disagree

Appendix A – Questionnaire

Resilient Canmore Questionnaire

2. How do you feel about the community that Canmore is becoming?

Negative

Positive

3. Please explain your answer to Q2

4. What are the key features that make Canmore a community you are proud to live in?

5. What do you see as the greatest challenges to the community of Canmore over the next 30 years?

6. As a community, how would you assess our present ability to protect and care for that which is most important to us given the pressures we will face over the next 30 years?

Not at all
well
prepared

Fully
prepared

7. Please explain your answer to Q6

8. Do you think that we in Canmore should make new and sustained efforts to respond to the greatest challenges to our community?

NO, new
efforts are
not
required

YES, new
efforts are
required

Appendix A – Questionnaire

9. Please explain your answer to Q8

10. How important is it that citizens from all sectors of the Canmore community be involved in such efforts?

Not at all
important

Very
important

11. Please explain your answer to Q10

12. If such efforts were made, what is the likelihood that you would get involved?

Not at all
likely

Very likely

13. Please list the conditions that would make it more likely that you would get involved.

14. If you have additional comments, please make them here.

Appendix A – Questionnaire

Resilient Canmore Questionnaire

Demographic Information

15. What is your relationship to Canmore?

- Permanent Resident
- Part Time Resident
- Temporary Resident

16. How long have you called Canmore home?

- Less than 5 years
- 5-9 years
- 10-14 years
- 15-19 years
- 20-29 years
- 30 years +

17. What is your ethnicity?

- Caucasian
- European
- First Nation
- Métis
- Asian
- East Asian
- South Asian
- African
- Caribbean
- Latino/Hispanic
- Other

18. What is your citizenship status?

- Canadian citizen
- Permanent resident
- Temporary Foreign Worker
- None of the above

19. What is your yearly income?

- Under \$10,000
- \$10,000 - \$29,000
- \$30,000 - \$59,000
- \$60,000 - \$99,000
- \$100,000 and above

20. What is your age?

- Under 18
- 18-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65-74
- 75+

Appendix A – Questionnaire

21. What gender do you identify with?

- | | |
|-----------------------------------|---|
| <input type="radio"/> Male | <input type="radio"/> Non-binary |
| <input type="radio"/> Female | <input type="radio"/> Other |
| <input type="radio"/> Transgender | <input type="radio"/> I prefer not to say |

22. Please select all the sectors in which you participate.

- Sports/Outdoor Recreation
- Arts and Culture
- Seniors
- Youth/High School Student
- Health Care
- Young Adults
- Development/Real Estate
- Tourism
- Business
- Education
- Religion
- Immigrants/New Canadians
- Environment
- Service Organizations
- Non-Resident Worker
- Social Services
- Service Industry



Request for Decision

DATE OF MEETING: August 16, 2022 **Agenda #:** G-1

TO: Council

SUBJECT: Spring Creek Mountain Village Area Redevelopment Plan Amendments
Bylaw 2021-22 and Land Use Bylaw Amendments Bylaw 2021-23

SUBMITTED BY: Nathan Grivell, Development Planner

RECOMMENDATION:

1. That Council give second reading to Spring Creek Mountain Village Area Redevelopment Plan Amendments Bylaw 2021-22.
2. That Council give third reading to Spring Creek Mountain Village Area Redevelopment Plan Amendments Bylaw 2021-22.
3. That Council give second reading to Land Use Bylaw Amendments Bylaw 2021-23.
4. That Council give third reading to Land Use Bylaw Amendments Bylaw 2021-23.

EXECUTIVE SUMMARY

Administration's analysis and position on this matter was presented at first reading of this bylaw and remains unchanged. Please see Attachment 1 for Administration's review of the proposal.

TYPOGRAPHICAL CORRECTIONS TO LAND USE BYLAW 2018-22

Two typographical corrections noted by Councillor Hilstad at the July 5, 2022 council meeting have been made to the record copy of Land Use Bylaw 2018-22 as follows:

Under 14.19.2 Permitted Uses, a closing bracket has been added to Retail Stores ground floor (max. gross floor area 150m²).

Under 14.27.10.1, the words "Irrespective of section 14.27.10.1" have been stricken out.

ATTACHMENTS

- 1) RFD from July 5, 2022 Council Meeting and associated attachments
- 2) Bylaw 2021-22 as approved at first reading
- 3) Bylaw 2021-23 as approved at first reading

AUTHORIZATION

Approved by: Lauren Miller
Manager of Planning & Development Date July 15, 2022



Request for Decision

DATE OF MEETING: July 5, 2022 **Agenda #:** G-2

TO: Council

SUBJECT: Spring Creek Mountain Village Area Redevelopment Plan Amendments
Bylaw 2021-22 and Land Use Bylaw Amendments Bylaw 2021-23

SUBMITTED BY: Nathan Grivell, Development Planner

RECOMMENDATIONS:

1. That Council give first reading to Bylaw 2021-22.
2. That Council give first reading to Bylaw 2021-23.
3. That Council schedule a single public hearing for Bylaw 2021-22 and Bylaw 2021-23 for August 16, 2022.

EXECUTIVE SUMMARY

Bylaw 2021-23 contains a significant number of amendments. For ease, these can be categorized into three groups: 1) Establishing land use in Spring Creek Mountain Village (SCMV) to allow for development of Stage 4; 2) Updates to SCMV's DC Districts; and 3) Changes related to the development of the future hotels and adjacent residential sites.

Bylaw 2021-22 revises the Spring Creek Mountain Village Area Redevelopment Plan to ensure alignment with Bylaw 2021-23.

Administration supports the amendments as described in this report.

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

The Spring Creek Mountain Village Area Redevelopment Plan (ARP) as amended (Bylaw 15-2017) is the statutory plan which governs the redevelopment of the Spring Creek Mountain Village area.

The Land Use Bylaw (Bylaw 2018-22) regulates and controls the use and development of land and buildings within the municipality.

DISCUSSION

Bylaw 2021-22 proposes to revise the ARP in accordance with the LUB amendments mentioned below, where applicable.

Bylaw 2021-23 proposes to allow for development of Stage 4 (see Figure 1) of SCMV by:

1. Re-designating a portion of the Manufactured Home Park Family Residential District (MHP District) as SCMV-CR District, Public Use (PD) Districts, and Environment (ED) Districts (see Figure 2), as well as revising the figures and text within SCMV-CR District as required. The PD District is intended for community uses, such as parks and playgrounds, while the ED District is intended for environmental protection of land.

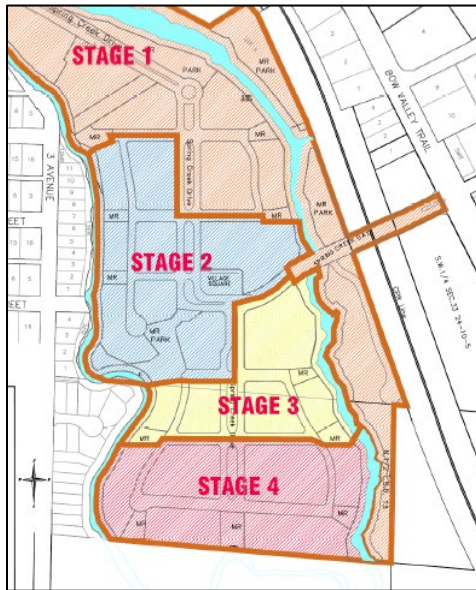


Figure 1 – Stages of SCMV

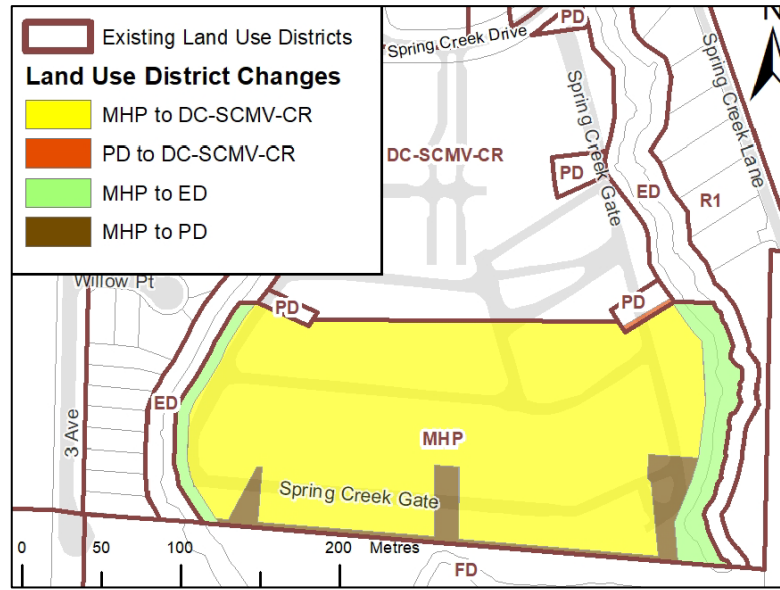


Figure 2 – Proposed Land Use Designations for Stage 4

2. Allow for general updates to the SCMV-CR Districts, including:
 - Maximum number of storeys (SCMV-CR)
 - Traffic monitoring requirements (SCMV-CR)
 - Maximum commercial area (SCMV-CR)
 - Requirements for commercial and live/work units (SCMV-CR)
 - Location of tourist homes (SCMV-CR)

3. Allow for general updates to the SCMV-CR and SCMV-C Districts, including to:
 - Minimum parking requirements (SCMV-CR and SCMV-C)
 - Location of employee accommodation (SCMV-C)

4. Allow for changes related to the detailed design of the remaining two hotels and two residential lots just north of the Malcolm Hotel, including to:
 - Minimum creek setback
 - Maximum number of hotel units
 - Prohibited uses
 - Adding a new use in the SCMV-C District – Health, Wellness, and Spa Facilities

General Updates to the DC Districts

Irrespective of the creation of Stage 4, SCMV is also proposing changes to the SCMV-CR and SCMV-C Districts as part of a general update.

Parking Requirements

The SCMV-CR District and SCMV-C District contain special minimum parking requirements. When first established, the overall required parking was less than the town-wide minimum requirements. However, as part of the Town’s objectives to limit excess surface parking, the town-wide residential parking requirements are now lower. SCMV would like to better align with these requirements for its development. Administration has no objections to this as these are the standards set for the community.

Commercial Development

The SCMV-CR District, outside of the Village Square area, requires that 25% of street level uses be commercial, live/work units or commercial ready. The applicant is proposing to remove the requirement and make it optional for the remaining undeveloped sites along Spring Creek Gate. The applicant is also proposing to increase the maximum commercial area permitted from 2000 m² to 3000 m² (which does not apply to live/work units), as they have reached their maximum allocation. Whether the applicant constructs additional commercial or not, Administration is satisfied that the applicant has met the ARP’s goal that the village be mixed-use and therefore has no objections to the change.

Employee Housing

The applicant has added two points of clarification to the employee housing regulation in the SCMV-C District. First, the removal of an outdated clause about town-wide requirements, and second, a clarification that employee housing can be secured within or outside the village. Administration has no objection to these points of clarification.

Changes to the Number of Storeys

The applicant proposes to amend the maximum number of building storeys listed in the SCMV-CR District (see Figure 3) for greater clarity. No change is proposed to the maximum building height.



Figure 3 – Heights Zones

Zone B is intended as a transition zone with approximate boundaries between Zones A and C. In practice, and for functional reasons, Zone A development has consisted of four storeys, instead of 4 ½, that continues to the mid-point of Zone B and then steps down a full storey to connect with Zone C. The applicant prefers to update the regulation to reflect this pattern of transition.

Regarding Zone C, the restriction for 2 ½ storeys is identified in Section 4.6.5 of the ARP, however it is only for the lots adjacent to the creeks:

“the central part of the site or core area, building height shall not exceed 4 storeys. Adjacent to Spring Creek and Policeman’s Creek building height shall not exceed 2½ storeys generally, except for the Hotel Commercial areas which may exceed this height”

Zone C lots are not adjacent to the creek and therefore align with this policy regulation. Three storeys also complies with the visibility cross section in the ARP.

Regarding Zone D, adding the word ‘generally’ aligns with the wording in the ARP and ensures that the building has the appearance of a 2 ½ storey building while allowing for some flexibility, as it does not need to meet the literal definition. Administration is supportive of the proposed changes.

Hotel Units

The applicant proposes to increase the total number of visitor accommodation units permitted from 200 to 250 (this total includes the 124 units within the Malcolm Hotel). The rationale for this increase is that more units are required to ensure the financial viability of the two future hotels. The applicant has stated that the maximum number of units was more of an estimate at the time of developing the ARP. Eighteen years later, as the applicant has begun exploring detailed design of the hotels, there is a need for more units. The applicant provided a Traffic Impact Assessment and servicing information to confirm that the existing servicing infrastructure can accommodate the additional units and that traffic levels will be within the required 3000 vehicle trips per day (VPD).

Administration has no objections to the increase as these hotels are ideally situated due to their proximity to the downtown, with quality pedestrian connects to encourage walking and biking to the downtown.



Figure 4 – Existing Lot and Land Uses

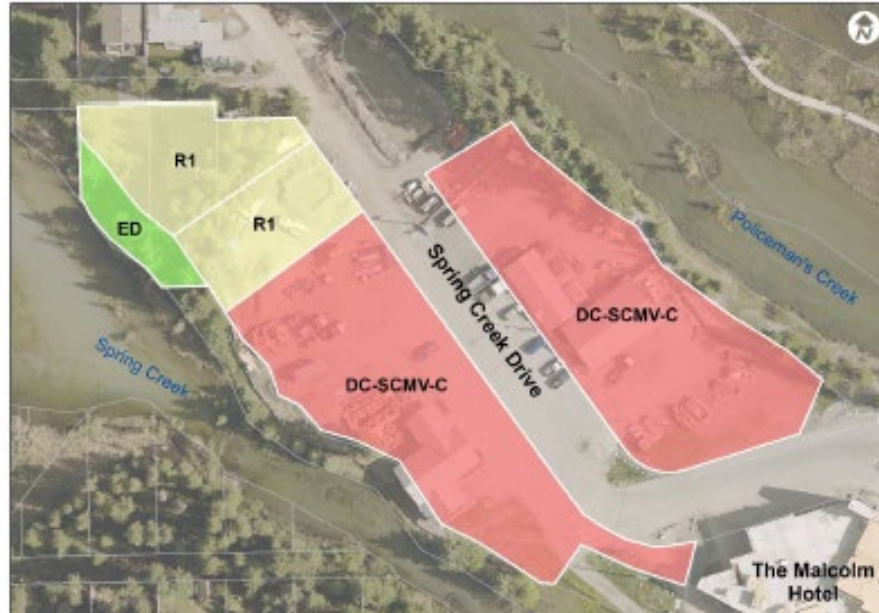


Figure 5 – Proposed Lot Reconfiguration and Land Use

Creek Setback (Residential)

The applicant has recently purchased the two residential lots adjacent to the ARP boundary (see Figure 4). The applicant plans to consolidate the three lots into two (see Figure 5). Given the location of the purchased lots next to the creek, and the change in orientation of the existing lot as part of consolidation, these detached dwellings will encroach into the minimum 20 m setback.

The LUB allows for a 5 m variance as outlined in Section 1.14.2.1 for residential development on lots registered on or before April 8, 1997:

1.14.2.1 The following setback variances may be granted by the Development Authority on lots registered on or before April 8, 1997:

a. Commercial and Mixed-Use Buildings: A variance of up to 5.0 m to the bank setback may be granted to commercial and mixed use buildings if the Development Authority is satisfied that the remaining setback area between the building and the bank will enhance either riparian habitat or be landscaped in accordance with the requirements of Section 11: Community Architectural and Urban Design Standards, or both.

b. Residential Buildings: A variance of up to 5.0 m to the bank setback may be granted to residential buildings if the variance is required in order to accommodate a residential building with a gross floor area of 325 m² or less or a floor area ratio of 0.35 or less. Residential buildings which do not meet either of these requirements shall not be eligible for a variance from the 20.0 m setback. [2020-16]

The purchased lots would qualify as is. However, once consolidated, these lots would receive a new plan number and therefore be ineligible. The existing R1 lot was part of a recent subdivision, so it is not eligible. The applicant is proposing to add an exception to Section 1.14.2.1 for these lots. Administration supports this amendment, given that these lots were established as part of Canmore's original subdivision (Plan 1095F). Furthermore, the applicant has proposed a new ED District and will dedicate Environmental Reserve behind these properties (see Figure 5). Given the size and age of these lots, the MGA does not grant the municipality the power to require this dedication as part of subdivision. This dedication is therefore viewed as significant for ensuring the protection of the creek, considering a home could be developed 15m from the bank of the creek in accordance with Section 1.14.2.1 without any ER dedication.

Creek Setback (Commercial)

The applicant has also proposed changing the minimum 20 metre creek setback for the two future hotels to be 15 metres (affecting Policeman's Creek and Spring Creek). The LUB states in the SCMV-C District that, "Due to site constraints, a variance of up to 5.0 m may be granted for the two most northerly visitor accommodation/commercial sites." Prior to finishing detailed design for the two future hotels, the applicant would like assurance that they can work with a 15-metre setback.

Regarding potential impacts to the creeks, the applicant has provided a memorandum to their original EIS, completed for their ARP, that assesses the proposed change. The report concludes that the 15 metre setback is not anticipated to have an impact on the creeks. The areas behind the future hotels and adjacent to the creeks have been dedicated and protected as Environmental Reserve (ER), in accordance with the ARP, and will be fully rehabilitated when the hotel lots are developed. Furthermore, and as with all SCMV developments near the creek, the rear yards will include terraced landscaping, which is necessitated by the change in grade from the street to the creek, and on-site stormwater retention and filtration. Therefore, the rear yards will be disturbed, regardless of whether the buildings are setback 15 or 20 metres. Administration believes that the reduced setback aligns with the criteria for town-wide commercial creek setback variances as outlined in s1.14.2.1 (see above). The bank and riparian area of each creek is protected as ER and will be enhanced by future rehabilitation work. Furthermore, the applicant has added a requirement to the SCMV-C District that the rear yards be designed such that they are sensitive to the adjacent ERs (i.e. prevent guests from accessing the creek).

The applicant has included in the amendment clarity that encroachments into the new setback be allowed for "landscaping, retaining walls, patios, and outdoor health, wellness, and spa facilities up to the property line and for decks projecting 1m from the building façade." As mentioned, the rear yard must be designed such that it is sensitive to the health of the creek. As result, these encroachments will also need to be designed in accordance with this.

Creek Setback (Commercial) and Interface with South Canmore Residential Area.

It should be noted that the creek setback in this area establishes the location of the buildings, as it is greater than the rear yard setback (6 m). Residents living adjacent to, or near the west site (see Figure 5) have expressed concerns about noise, especially at night, which is based on their experiences with the operation of the Malcolm Hotel; most notably during events in the conference facilities, use of the rear patio by the restaurant, and the outdoor pool. Residents believe that sound carries farther in this area, as there is less ambient noise at night due to the location of their neighbourhood. The nearest homes on 5th Street and Spring Creek Drive are approximately 43 metres from the future

footprint of the hotel. As a comparison, the nearest home on 9th Street is approximately 30 metres from the mixed-use commercial/residential building (PEKA building) located at 1002 8th Avenue.

Without this relaxation, the applicant could develop a smaller hotel in order to conform with the creek setback requirement. However, the hotel could include an Entertainment Establishment and a Conference Facility as these are permitted uses in the SCMV-C District. To mitigate noise concerns, the applicant is proposing to prohibit these two uses along with the Drinking Establishment use, for this hotel. The main commercial use will be a spa, which is anticipated to have less noise impact on surrounding properties. The applicant has added a specific use for the spa – Health, Wellness and Spa Facilities to the district which has specific operating hours to help further ease concerns about noise at night. It should be noted that there will be no pedestrian pathway in the ER behind the building, which should discourage pedestrians walking along the creek at night further reducing the potential for noise. The applicant has also included a regulation to provide the development authority with some discretion over the design of outdoor amenity spaces:

14.19.5.15 Excluding hotel room decks and balconies, all outdoor common or private hotel amenity spaces shall be designed to minimize the impacts of noise on adjacent residential areas to the satisfaction of the Development Authority.

Given the current land use opportunities of the site, Administration believes that the proposed amendments will result in hotel development that better complements the adjacent residential homes.

Creation of Land Use in Stage 4 of SCMV

In order to allow for development in Stage 4 of SCMV, the existing MHP District must be re-designated (see Figures 1 and 2). The applicant is proposing redesignation to SCMV-CR District, PD District, and ED District, in accordance with the ARP's Land Use Concept shown in Figure 4.

Administration has no objections to the proposed changes, which are assessed as follows:

Land Use

As per the ARP's land use concept, the intent of Stage 4 is residential development with small scale support commercial. As this is identical to the intent of Stage 3, the applicant proposes to use the existing SCMV-CR District that governs Stage 3 to govern Stage 4. Some revisions are required to the SCMV-CR District to modify the figures and text that reference only Stages 1, 2 and 3. Given its intent, Administration has no objections to the proposed use of the SCMV-CR District to govern Stage 4.

Municipal Reserve Land

Several PD Districts will be established through this application to identify future Municipal Reserve parcels to be given to the Town at time of subdivision. The locations of these PD Districts, and the conceptual designs shown in the submitted Conceptual Open Space Plan Extension (COSPE, see Attachment 9), are in accordance with the locations for future Municipal Reserve (MR) as identified in Figure 7 of the ARP (see Figure 6).

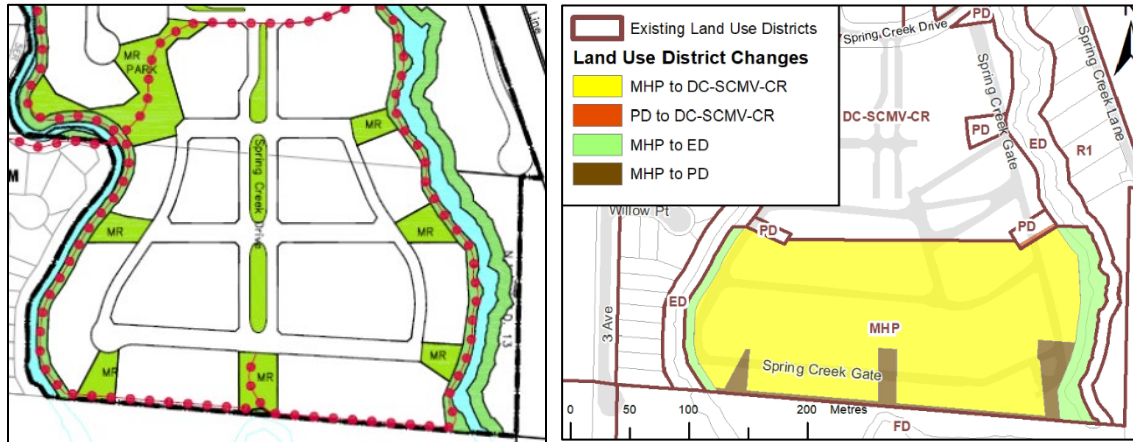


Figure 6 – Open Space and Trails Concept of the ARP and the Proposed Concept

The boundaries of the PD Districts differ from the conceptual boundaries shown in the ARP. As in Stages 1, 2 and 3, SCMV believes that the size of the pocket parks could be reduced to reflect their intended function to allow for pedestrian access from the road to the creeks and as a visual amenity/sitting area. Reducing these areas would allow for allocation to other MR parcels. Some of this narrowing has been used to provide a larger area adjacent to the creek in the south-east. Administration has no objections to the proposed change given the boundaries are intended as conceptual, and the proposed boundaries still facilitate the intended function and key components of the municipal reserve open space requirements as outlined in the ARP (Section 4.9.2).

Environmental Protection

Several ED Districts will be established through this application to identify future Environmental Reserve land that will protect the riparian habitat and health of Spring Creek and Policeman's Creek. The ED District will accommodate a pedestrian trail. SCMV is required at time of subdivision to provide land adjacent to these creeks as Environmental Reserve in accordance with Figure 7 of the ARP (see Figure 6). The proposed boundaries of the ED District and the proposed trail connections align with the ER boundaries and trail networks identified in the ARP.

Staging and Growth Management

The ARP and the SCMV-CR District include growth management restrictions to ensure orderly redevelopment of Spring Creek Mountain Village.

The ARP includes a phasing plan (see Figure 1) and requires that minimum time frames outlining when each stage may begin development be included within the governing district. The proposed area of Stage 4 (see Figure 2) is in accordance with the phasing map (see Figure 1). The SCMV-CR District currently restricts development beyond Stage 3 until 2021. As the applicant has just started development in Stage 3, a requirement has also been included that development proceed in an orderly manner and southward to avoid leap-frog development.

The SCMV-CR District, Section 6.27.11, requires that SCMV provide a review of how the DC District is impacting adjacent development in the previous stage of development as part of the application process for further bylaw amendments. This review would include evaluating heights and setbacks, density, a traffic impact analysis, sight lines, flow of pedestrian traffic and vehicular traffic through adjacent neighbourhoods, pedestrian flows in the south Canmore habitat patch and a review of discretionary uses in the district. SCMV has completed this analysis and provided it with their application package. Administration has reviewed the analysis and agrees with its conclusion that there are no issues with regards to the described criteria requiring changes at this time. There is a requirement for traffic monitoring with each stage. To ensure continued compliance, the applicant has added a requirement for another assessment to be provided for development in Stage 4.

ANALYSIS OF ALTERNATIVES

None.

FINANCIAL IMPACTS

No financial impacts are anticipated.

STAKEHOLDER ENGAGEMENT

The proponent held open houses on November 18, 2020, May 12, 2021, and April 4, 2022. The open houses were advertised for two weeks prior to the event in the Rocky Mountain Outlook, with information provided on how to register. Following the open house, anyone who the applicant had communicated with on this proposal was sent a link to the recording of the meeting. Feedback forms were also circulated, and comments requested.

Administration completed a mailout to landowners within, and adjacent to the boundary of the ARP and allowed a month for comment. Twenty-three landowners provided feedback, outlining concerns for:

- *The impacts of the increased visitor accommodation units on the availability of surface visitor parking stalls in the Village.*

Administration believes this concern is mitigated through the use of parkades. The applicant is aware that they need to comply with the parking requirements outlined in the Land Use Bylaw.

- *The impact of the relaxation to the creek setback on the health of the creeks.*

Administration believes this concern is mitigated through the creekbank being designated as ER, by the applicant restoring the disturbed areas in the ER, and, by the applicant designing the rear yard of the hotels to be sensitive to the health of the creek.

- *The impact of the additional commercial area and hotel units on traffic levels.*

Given that the applicant can continue to build commercial as part of live/work units, Administration does not anticipate that these changes will result in increased traffic volumes or greater use of surface parking stalls along Spring Creek Drive or Spring Creek Gate.

- *The impact of the reduced setback for the future hotels on the use and enjoyment of the adjacent residential homeowners.*

Given the current land use opportunities of the site, Administration believes the applicant's proposed use and development restrictions for the hotel, will better complement the adjacent residential uses.

- *The impact of the change to the number of storeys for development and its impact on the views for existing development within and outside of Spring Creek.*

Administration does not believe that the changes will impact the views of any existing dwelling units.

- *The impact of the future hotels on groundwater flow adjacent to residential homes.*

This would be looked at the detailed design stage of the Development Permit process, by the Town's Engineering Department and mitigated where appropriate

ATTACHMENTS

- 1) Applicant's Submission
- 2) Applicant's SSR
- 3) Bylaw 2021-22
- 4) Spring Creek Mountain Village Area Redevelopment Plan Redline
- 5) Bylaw 2021-23
- 6) Land Use Bylaw SCMV-C District Redline
- 7) Land Use Bylaw SCMV-CR District Redline
- 8) Land Use Bylaw Section 1 Redline
- 9) Conceptual Open Space Plan Extension

AUTHORIZATION

Submitted by:	Nathan Grivell Development Planner	Date:	<u>June 7, 2022</u>
Approved by:	Lauren Miller Planning and Development Manager	Date:	<u>June 13, 2022</u>
Approved by:	Whitney Smithers General Manager of Municipal Infrastructure	Date:	<u>June 16, 2022</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date:	<u>June 28, 2022</u>



**Supporting Report for
Proposed Land Use Bylaw
and SCMV Area
Redevelopment Plan
Amendments**

June 27, 2022



Submitted to: Town of Canmore
Prepared by McElhanney

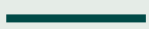
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**Spring Creek Mountain
Village
Future Hotel Development**



Our file: 2531-115-1800 & 1900

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1. Introduction

1.1. PROJECT LOCATION AND BACKGROUND

The existing subject area is located on the north end of Spring Creek Mountain Village (SCMV) in the Town of Canmore. The specific sites relating to this application are on both sides of Spring Creek Drive, directly north of the Malcom Hotel, and are made up of the following:

- Lot 1, Block 8, Plan 1810013 (0.29 ha)
- Lot 2, Block 9, Plan 1810013 (0.28 ha)
- Lot 1, Block 9, Plan 1810013 (0.11 ha)
- Lot 5, Block 83, Plan 1095F (0.06 ha)
- Lot 6, Block 83, Plan 1095F (0.05 ha)

Figure 1: Area Context



Figure 2: Subject Sites



An Area Redevelopment Plan (ARP), including Urban Design Guidelines for the entire SCMV site, was approved by Council in 2004. Land use and subdivision approvals have been granted for Stages 1, and 2, except for the above-mentioned lots. Stages 1 to 3 are currently being developed into residential, mixed-use, and commercial/visitor accommodation uses under the Spring Creek Mountain Village Visitor Accommodation DC District (SCMV-C), Spring Creek Mountain Village Comprehensive Residential DC District (SCMV-CR), Public Use District (PD) and Environmental District (ED).

1.2. PURPOSE OF AMENDMENTS

The overall vision set out in the SCMV ARP is to create a distinct new urban neighbourhood with a variety of residential, commercial, and open space land uses within a pedestrian orientated street network. As each stage of SCMV's development progresses through detailed design and subdivision, new challenges and constraints are sometimes identified. It is often necessary to consider regulation or policy amendments to advance the development in accordance with the ARP vision and reflective of subject land conditions. This supporting report provides an overview of the existing conditions, policy framework, proposed amendments and supporting rationale. Included in the ARP amendments are updated Figures to reflect adjustments to boundaries and updated land use Districts as applicable.

1.3. EXISTING SITE CONDITIONS

1.3.1. Physical Setting

Currently the subject sites are in various conditions. The proposed hotel sites (Lot 2; Block 9; Plan 1810013 & Lot 1; Block 8; Plan 1810013) and one adjacent residential lot (Lot 1; Block 9; Plan 1810013) have been cleared of previous structures and have more recently been used for vehicle and equipment parking. These lots front on to Spring Creek Drive, providing access to Canmore Town Centre to the North and Bow Valley Trail to the South.

The remaining residential lots to the west (Lots 5 & 6; Block 83; Plan 1095F) have one owner and contain an existing single-family dwelling. These lots are accessed on the north by a laneway connected to Spring Creek Drive.

All subject lots on the west of Spring Creek Drive back onto the Spring Creek waterbody, while the hotel lot on the east side of Spring Creek Drive backs onto the Policeman's Creek waterbody. This stretch of land between the creeks is a particularly narrow area, appearing as a bottleneck in relation to the overall Spring Creek Mountain Village area.

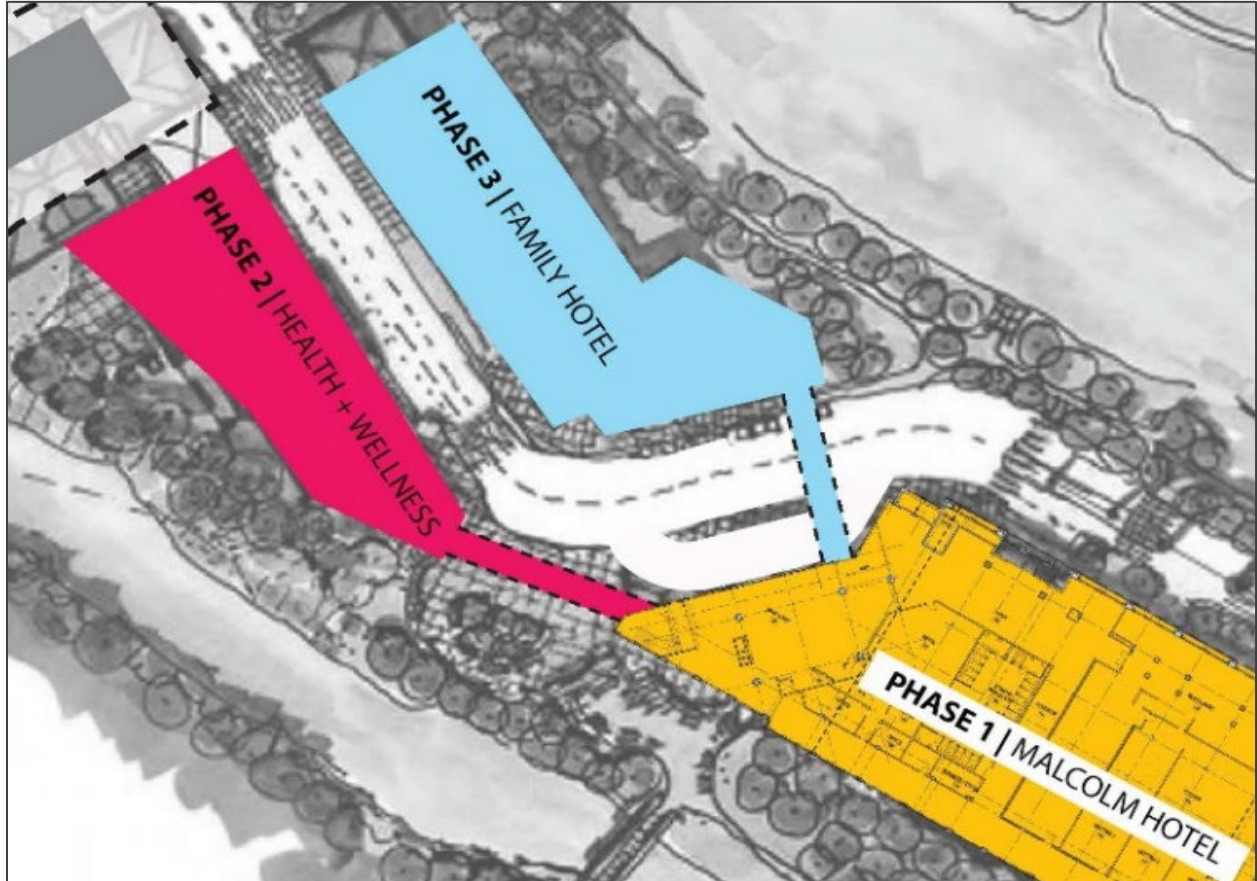
1.3.2. Land Uses

The hotel parcels within this application are zoned as SCMV-C and the existing residential parcels are zoned R1 - Residential Detached District within the Town of Canmore Land Use Bylaw (LUB). Surrounding properties to the north and west are districted for low/medium density residential, with lots to the south-west being predominantly commercial, visitor accommodation and higher density residential. Across Policeman's Creek to the west are existing commercial properties on Railway Avenue.

1.4. PROPOSED DEVELOPMENT

The next phase for the SCMV Visitor Accommodation district is the development of two unique landmark hotels on the northern edge of Spring Creek Mountain Village. These are indicated as Phase 2 and Phase 3 in Figure 3.

Figure 3: Hotel Phasing



1.4.1. Alexander Hotel

The Alexander Hotel is proposed on the west side of Spring Creek Drive, adjacent to the Malcom Hotel, on Lot 2, Block 9, Plan 1810013. The hotel will function as a Health and Wellness retreat operating generally from 8:00 AM to 8:00 PM, and will accommodate approximately 54-66 guestrooms and spa facility. There will be approximately 47 on-site parking stalls and 1 bus stall (availing of section 14.19.4.10 of the LUB). The structure is comprised of 3 storeys and a partially underground parkade, as well as an underground connection to the existing Malcolm Hotel. The gross floor area of the hotel

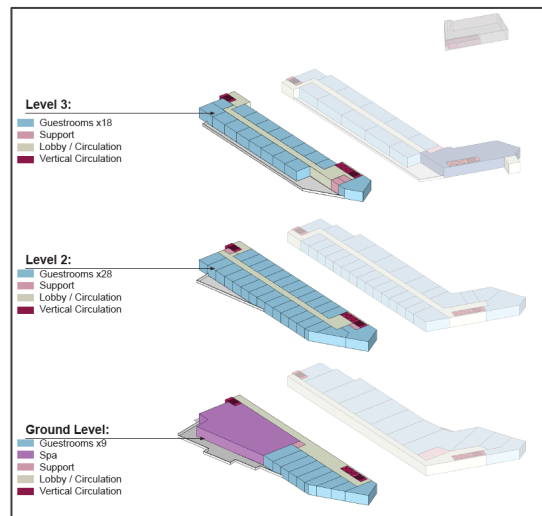


Figure 4: Alexander Hotel Concept

will be approximately 5,300 m² to 5,800 m², including the parkade.

1.4.2. Kernick Place Hotel

The Kernick Place Hotel will be situated on the east side of Spring Creek Drive on Lot 1, Block 8, Plan 1810013. This location is proposed to operate as a family oriented hotel, and includes approximately 50-57 guestrooms, 41 on-site parking stalls and 1 bus stall, and an upper floor restaurant. The building will be 3 storeys and a partially underground parkade. The restaurant located on the southeast corner of the building will also include a vaulted area featuring tall ceilings and glazed façade. A third floor connecting walkway is proposed between Kernick Place Hotel and the Malcom, spanning over Spring Creek Drive. This will require a separate agreement between the Town and Spring Creek.

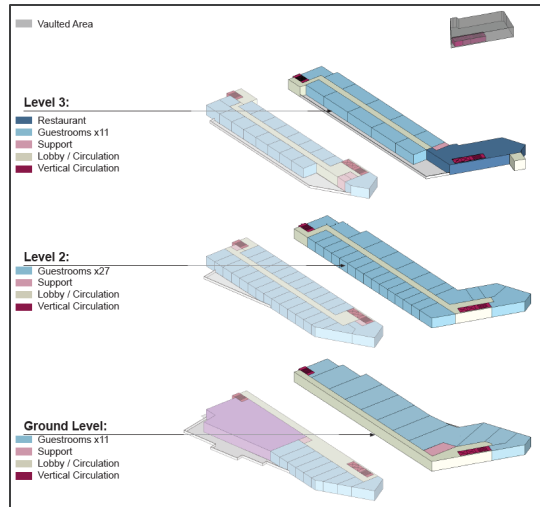


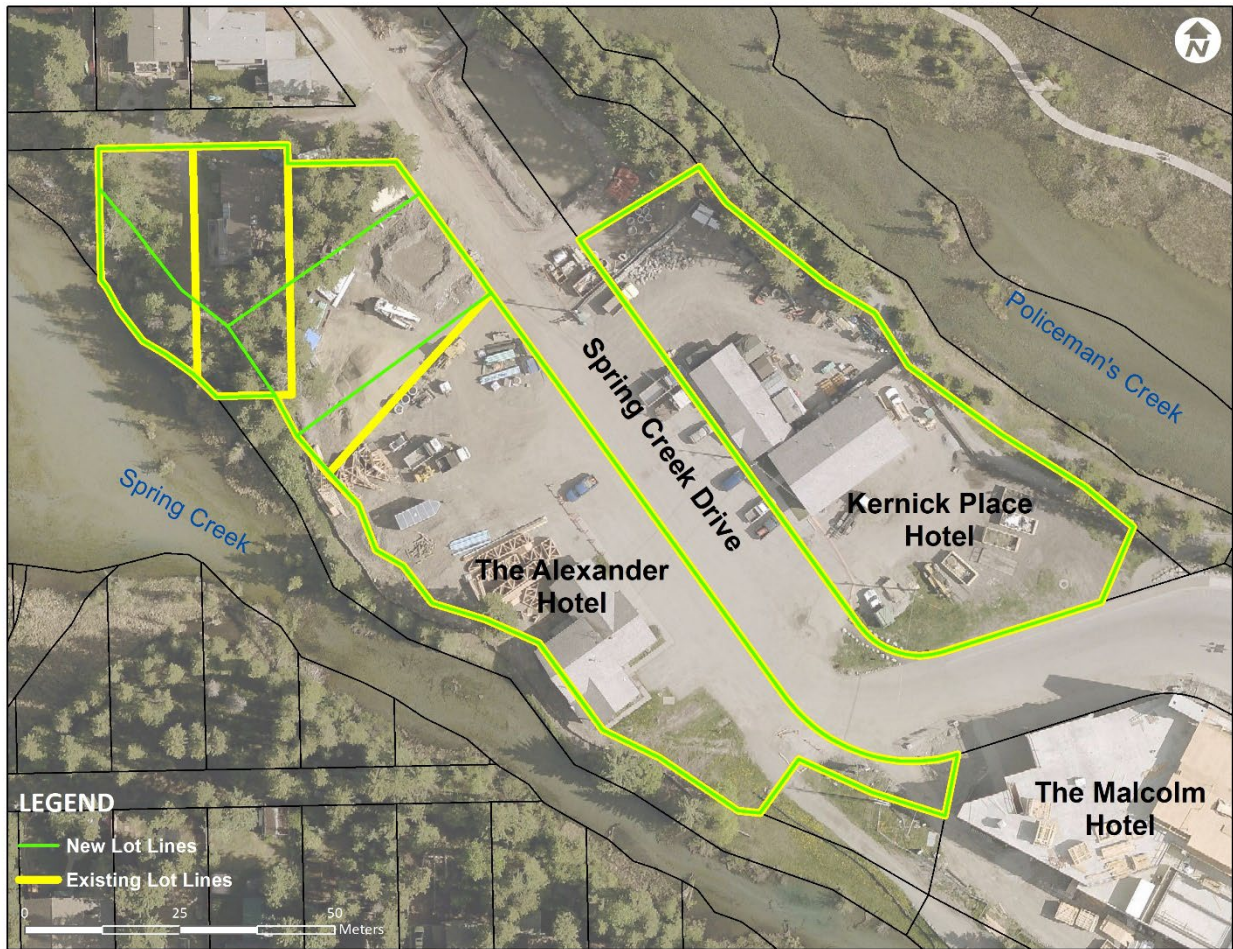
Figure 5: Kernick Place Hotel Concept

1.4.3. Subsequent Lot Line Adjustments / Residential Subdivision

North of the proposed Alexander Hotel and on the west side of Spring Creek Drive, there are three lots designated R1 Residential Single-Family Dwelling. It is proposed that a boundary adjustment / subdivision occur to change the property lines of Lot 1, Block 9, Plan 1810013 and Lots 5 & 6, Block 83, Plan 1095F to create two residential lots fronting on to Spring Creek Drive in place of the 3 existing residential lots. These lots will remain within the R1 Residential district. Further, through this boundary adjustment/subdivision, the Environmental Reserve land will be created and dedicated between the top of bank to the rear lot line of the properties providing for protection of the creek and riparian edge.

An adjustment is also proposed between the Alexander Hotel lot and Lot 1, Block 9, Plan 1810013. This modification to the hotel allows for a more efficiently designed building, creating an end façade perpendicular to the road, while only increasing the lot size by 5.6% (from 2,785 m² to 2941 m²). In conjunction with the proposed boundary adjustments, an amendment to an existing utility right-of-way will be sought from Fortis.

Figure 6: Proposed Lot Line Adjustments



2. Proposed Land Use Bylaw Amendments

2.1. MINOR LAND USE MAP EDITS

In conjunction with the above boundary adjustments, it will be necessary to carry out minor edits to the land use bylaw maps to properly align the R1 district for Lot 1, Block 9, Plan 1810013 (Single Family Dwelling), and the SCMV-C DC District for Lot 2, Block 9, Plan 1810013 (Alexander Hotel). The map adjustments will also incorporate the rezoning of Road Plan 8311183, and the provision of Environmental Reserve along the Spring Creek bank. As standard for the Town of Canmore, the Environmental Reserve shall be zoned ED - Environmental District. Through the subdivision, the land is dedicated to the Town for Environmental Reserve. This would not occur without the proposed lot line adjustment/subdivision for these lots.

Figure 7: Existing Land Use

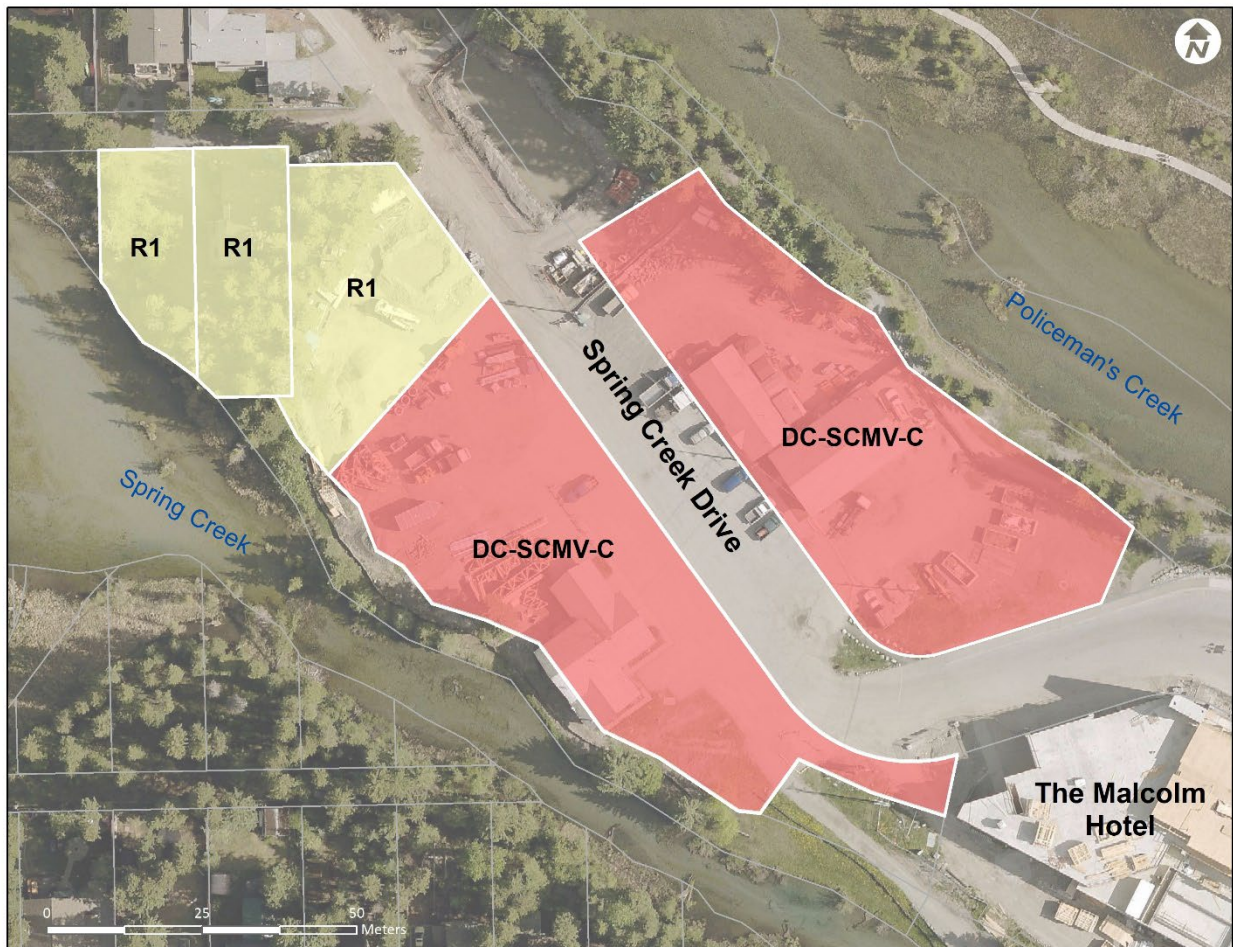
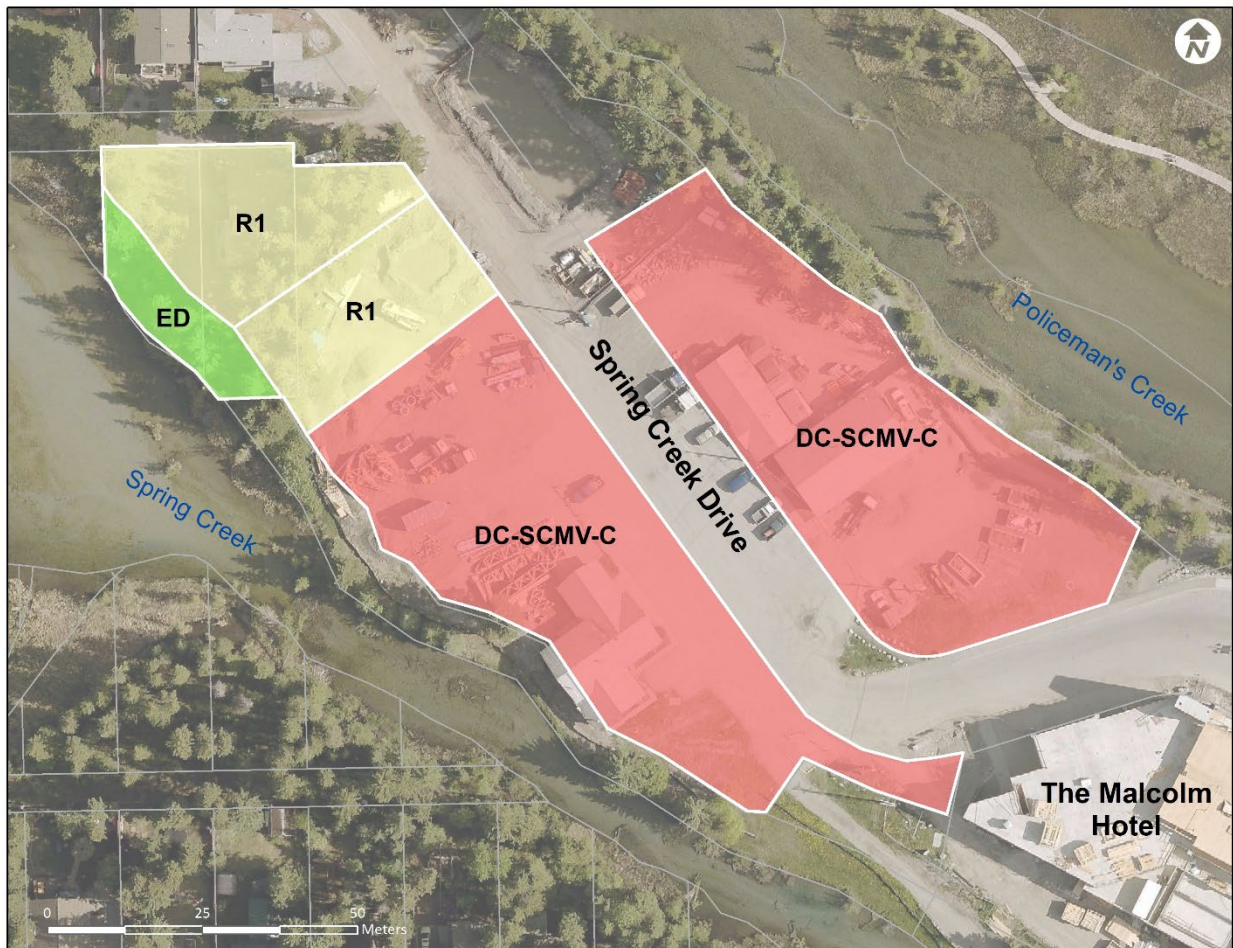


Figure 8: Proposed Land Use



2.2. TOWN OF CANMORE LAND USE BYLAW AMENDMENT

Change:

Change the Land Use Bylaw under Regulation 1.14. by adding:

c. A variance for the two existing residential lots (Lot 1, Block 9, Plan 1810013; Lot 5, Block 83, Plan 1095F; Lot 6, Block 83, Plan 1095F) in Stage 1 shall be considered under the Canmore Land Use Bylaw, Variance to Setbacks from Waterbodies, and Setbacks from Bodies of Water as originally the subdivision occurred prior to 1997 and subdivision boundary change will still allow for this variance given that new Plan numbers will be assigned upon the boundary adjustment.

2.3. SCMV-C DC DISTRICT EDITS

The following amendments to the SCMV-C DC District are proposed:

Change:

Add under Permitted Uses, “**Health, Wellness, and Spa Facilities**”.

Add 14.19.4. Specific Definitions: **Health, Wellness, and Spa Facilities**: means a facility or facilities that provides personal or medical services such as treatments, therapies, massage treatments, alternative treatments, research, product development or sales, education, fitness centres or classes, assessments or other activities associated with health, wellness, or spa services. For this use, the general operating hours will be between 8:00 AM and 9:00 PM.

Rationale:

The site located in the NW corner (Plan 1810013; Block 9; Lot 2) is intended to be developed as a spa and hotel. The use is being added to be specific about the use within this hotel development.

Change:

~~14.19.5.3. 14.19.5.4 Creek Setbacks: The minimum setback for buildings backing onto Spring Creek or Policeman’s Creek shall be 20.0m, measured from the creek Top of Bank. Due to site constraints a variance of up to 5 metres may be granted for the two most northerly hotel/commercial sites in Stage 1. At the discretion of Council, a variance of up to 6 meters may also be approved for the development of a structure for community use on municipal reserve lands in Stage 1. No setback variances will be granted in the remainder of the development.~~

Due to lot depth, the minimum development setback shall be 15m for the two most northerly hotel/commercial sites. Site design (landscaping and pedestrian pathways) will complement the adjacent riparian area. Encroachments into this setback area shall be allowed for landscaping, retaining walls, patios, and outdoor health, wellness, and spa facilities up to the property line, and for decks projecting 1m from the building façade.

Rationale:

During initial discussions with the Town in 2002 to 2004 through the initial ARP approval stage SCMV accommodated a request from the town that a chicane be introduced in the northwest access point into Spring Creek to provide a meaningful traffic calming measure to reduce short cutting to downtown. Accommodating this request resulted in the creation of 2 narrow sites both of which front onto Spring Creek Drive, back onto the adjacent water bodies which are subject to future creek setbacks. The existing condition of this area of Spring Creek at the time of the ARP approval in 2004, included development right up to the water’s edge. The ARP makes a commitment to overtime replace the existing development with other forms of visitor accommodation and to provide stabilization of the creek bank and the re-habilitate disturbed riparian areas. The current proposal is to establish a 15m creek setback on both properties to ensure that the development of the future properties remains viable and to ensure that the environmental aspirations of the development can be achieved.

The previous historical development right to the top of the bank is illustrated in Figure 9. Previous Homes, Cabins and RV sites in the wider plan area all encroached and impacted negatively on Policeman's Creek and Spring Creek. This southern portion of the plan area has already made a significantly positive impact to the environment by removing the previously existing structures from the creek edge. Figure 10 shows the 20m setback with a red line and illustrates how this setback would severely impact the development. The restoration of the riparian edge is made possible through redevelopment of the site, and the setback reduction is required to accommodate this.

In January 2022, several omnibus amendments were approved to the Land Use Bylaw. These amendments included adding restrictions to encroachments into the setbacks of waterbodies for patios and decks applicable to new development in Canmore. This area of the creek has been impacted by prior development as it is a brownfield site. Through re-development the ER (Environmental Reserve) is dedicated and will be restored with native landscaping. For this portion of the creek, the ER was registered as Plan 1810013; Block 9; Lot 4ER as shown in Figure 11.

Retaining walls, patios and decks are proposed as part of the new hotel developments consistent with what is constructed at the Malcom Hotel on private land outside of the publicly dedicated environmental reserve. Figure 9 illustrates the location of existing encroachments which have been and will be removed from the riparian edge reclaimed through this development.

Figure 9: Spring Creek Setbacks (Ortho 2013)



Figure 10: Spring Creek Setbacks Impact

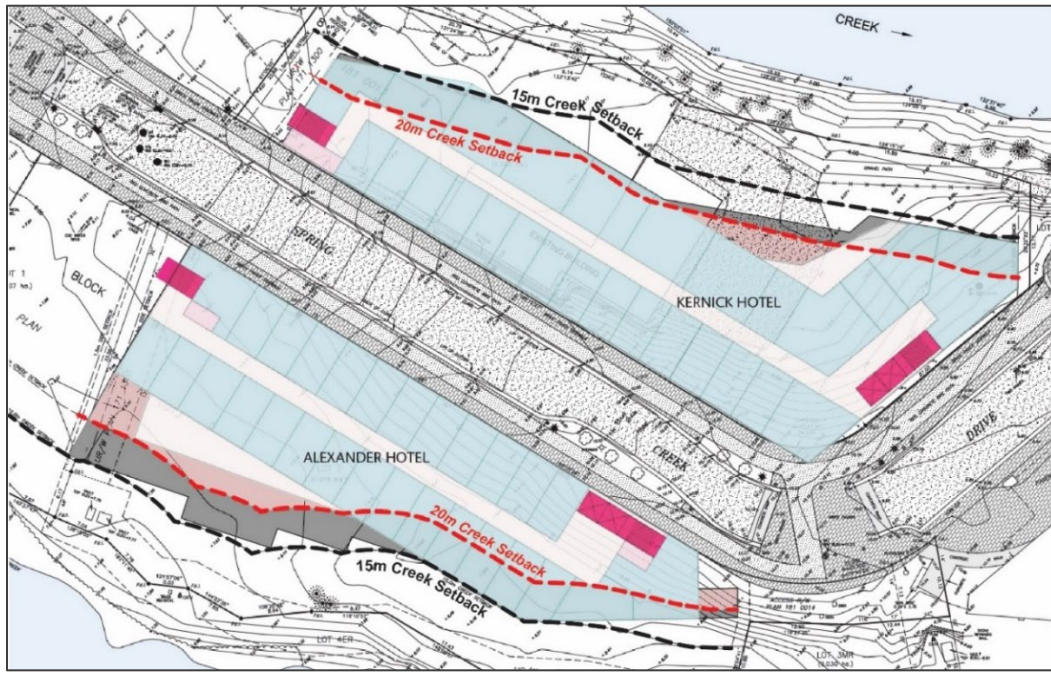
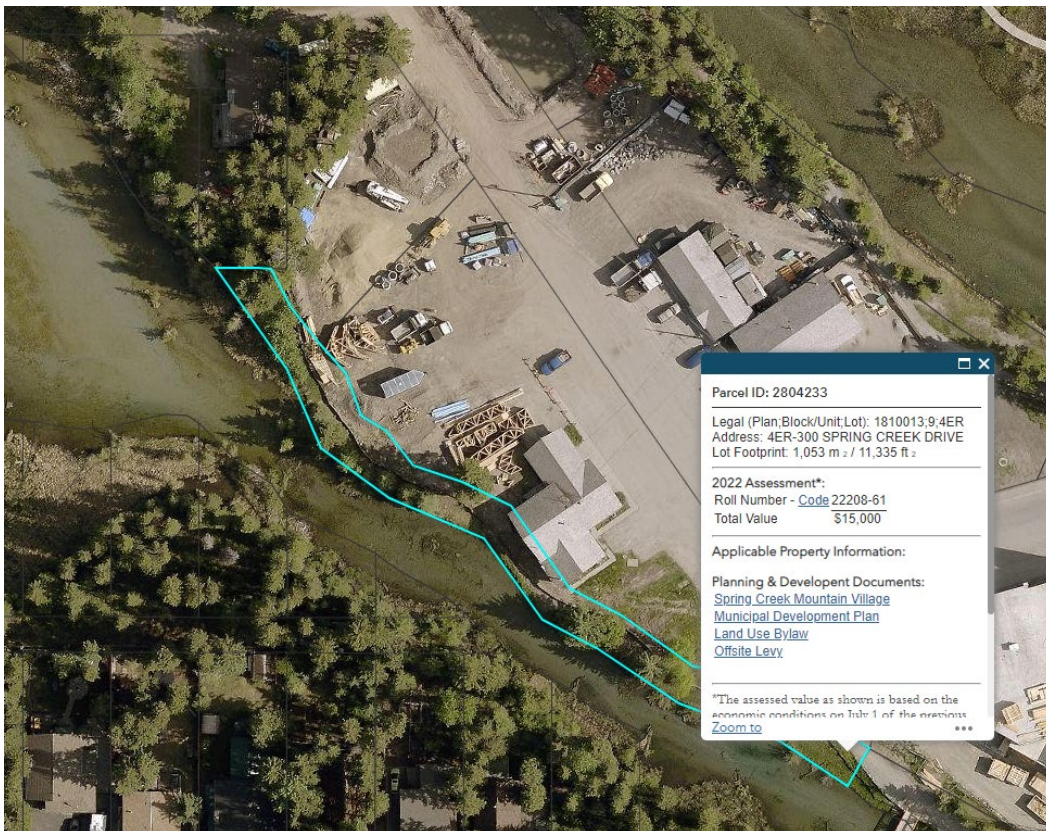


Figure 11. Registered Environmental Reserve Lot



The future buildings will be designed with a street-oriented design with consideration and focus given to pedestrian scale as well as signifying entry into spring creek as required by the current ARP. Conceptual Massing renderings have been included to provide a sense of scale.

Figure 12. Conceptual Massing of Hotels



In relation to the residential lots, there is no proposal to amend the R1 district to allow for additional flexibility as the impact would be town wide. Alternatively, future development of these lots will call upon variance powers of the Development Authority as prescribed in the Town of Canmore LUB. Sections Variance to Setbacks from Waterbodies, and Setbacks from Bodies of Water of the LUB allows for a possible 5m setback variance, where it is required to accommodate a dwelling of 325m² or less. A Sketch Plan of the possible building layouts on the site has been created for both the 20m and 15m setbacks and is included in Appendix D. These sketches illustrate how a 15m setback will be required to accommodate dwellings of 266m² and 238m², whereas a 20m setback would only allow for a 195m² and 133m² dwelling.

Change:

14.19.4.9 Visitor Accommodation Units: the number of visitor accommodation units shall not exceed ~~200~~ 250 units in this District unless a policy revision is approved by council.

Rationale:

Currently the hotel room count is at 124, therefore an additional 50 units are requested to bring the total at buildout to 250. In the early rounds of drafting the ARP and DC District, the hotel unit count was originally proposed at 550 and tourist homes had 150 units. Prior to adoption, a final amendment was made, increasing the tourist homes by another 150 units, and the hotel count was subsequently reduced to 200. At the time, these numbers were a preliminary figure based on initial drawings and calculations. As the detailed design of SCMV has progressed, these numbers have inevitably advanced to reflect a more accurate final product. Vehicle trips are not anticipated to increase or deviate from those figures established in the Traffic Impact Assessment and subsequent counts. The majority of traffic accessing the hotels will be coming from the East, and therefore accessing Spring Creek from the Bow Valley Trail entrance.

As per section 4.5.10 of the ARP, a Transportation Impact Assessment Update has been carried out by McElhanney Ltd. and is provided as Appendix F. The update has identified that the increase in visitor accommodation units will not push the traffic volumes over the threshold. At full build out, the estimated traffic will in fact be less than what was originally assumed by the ARP.

Change:

~~14.19.4.9~~ 14.19.5.10 Parking, Loading and Storage [Remove some exceptions in DC-SCMV-C]

Section 2, General regulations will apply **except that for this District, the following will be provided:**

Unit Type	Number of Parking Spaces	Type of Parking
Visitor Accommodation	1.0 per unit (car)	Private on-site
Employee Housing	1.0 per 1 bedroom unit	Private on-site
	1.5 per 2 bedroom unit	Private on-site
	2.0 per 3 bedroom unit	Private on-site
Visitor Accommodation related commercial	1.0 per 46m ²	on-street
All Units	required loading spaces	on-site

Rationale:

Recent changes to the LUB have seen greatly reduced parking requirements throughout Canmore. This is in keeping with best practice trends in parking management and is occurring in many smart-growth conscious municipalities throughout Canada. Within Spring Creek, there has been some community concern about the provision of parking, and especially since downtown paid parking is being introduced in the Town. Although the General Regulations in the LUB refer to the same or similar parking ratios, including these in the Bylaw for Spring Creek will provide certainty for residents.

Change:

~~14.19.4.10~~ 14.19.5.11 Employee Accommodation: Visitor accommodation operators shall provide for 25% of full time and seasonal staff housing needs ~~consistent with Section 8, General Regulations, of the Town of Canmore Land Use Bylaw~~, or at a ratio consistent with any Town policy for staff housing for other similar developments on the Bow Valley Trail or Gateway Districts that is adopted by the Town of Canmore from time to time. ~~The units identified as Employee Housing shall be encumbered with a restrictive covenant requiring that the units be used solely for the employee housing needs of the Visitor Accommodation units.~~ Staff housing may be ~~constructed~~ provided at another location within or outside of ~~SCMV~~ Spring Creek Mountain Village subject to the approval of the Development Authority.

Rationale:

It has been the practice and policy to include employee accommodation within Spring Creek Mountain Village. In years prior, the Land Use Bylaw was amended to remove this requirement for Visitor Accommodation developments greater than 100 units from Section 8. The district is being updated to reflect this.

Change:

Add: 14.19.5.13 Excluding hotel room decks and balconies, all outdoor common or private hotel amenity spaces shall be designed to minimize the impacts of noise on adjacent residential areas to the satisfaction of the Development Authority.

Rationale:

Through public engagement there were concerns identified regarding intensity of use and outdoor patio noise concerns for this site. In addition to limiting the eligible uses for the northerly hotel site on Spring Creek, the development authority has requested a clause to allow for implementation of additional tools to mitigate potential noise generated from the future uses of the site.

Change:

~~14.19.5.7~~ 14.19.6.7 For the most north-westerly visitor accommodation development adjacent to Spring Creek (Plan 1810013; Block 9; Lot 2), the following uses shall not be permitted: Convention Facilities; Drinking Establishment; and Entertainment Establishment. This prohibition prevails over the general listing of Convention Facilities and Entertainment Establishment within a Visitor Accommodation building as a Permitted Use.

Rationale:

Through public engagement there were concerns identified regarding intensity of use and outdoor patio noise concerns for this site. As the proposed development is a spa-focused hotel, the more intensive uses of the hotel space are being limited.

Change:

~~14.19.8.1~~ **14.19.9.1** The Council of the Town of Canmore shall be the Development Authority for any application that involves a variance to heights beyond the height variances listed in Subsection 14.19.4. and any variance to the 15m creek setback established in Section 14.19.5.4. ~~or a variance beyond the 5.0m setback variances listed in subsection 14.19.4.4 of this District~~

Rationale:

To align with amendments to 14.19.5.3.

2.4. SCMV-CR DC DISTRICT EDITS

The following amendments to the SCMV-CR DC District are proposed:

Add Stage 4 by re-districting the area from MHP (Residential Manufactured Home Park District) to SCMV – CR District as shown in Figure 11.

Figure 13. Proposed Land Use Stage 4



Change:

14.27.4.8 Maximum building heights within the Direct Control Spring Creek Mountain Village Comprehensive Residential District shall be in accordance with Figure 1.

- Zone A maximum height 16.0m (4½ storeys) [2020-16]
- Zone B maximum height 14.0m (~~3½~~ 3 – 4 storeys) [2020-16]
- Zone C maximum height 12.0m (~~2½~~ 3 storeys) [2020-16]
- Zone D maximum height 9.5 (Generally 2½ storeys) [2020-16]

Rationale:

The current Land Use Bylaw definitions for a half storey is difficult to interpret and to implement consistently through the development permitting process. The height in metres is the true measurement for height and the bracketed reference to storeys is for clarification and illustration only. The Spring Creek ARP provides policy to guide the SCMV-CR District where “detailed Building height regulations will be established at the Land Use Redesignation Stage. However, in the central part of the site or core area, building height shall not exceed 4 ½ storeys. Adjacent to Spring Creek and Policeman’s Creek building height shall not exceed 2½ storeys generally, except for the Hotel Commercial areas which may exceed this height as illustrated in Figure 3”. The clarifications in the SCMV-CR District in both 14.27.4.8 and Figure 1 are aligned with this policy.

Change:

14.27.4.10 The number of residential units for **all Stages Stages 1, 2 and 3** of this District is estimated to be **970 712 including Perpetually Affordable Housing (PAH) Units and bonus units**. For calculation purposes, 2 bedrooms will equal 1 unit for Senior Citizen Housing where the development includes lodge style units with communal dining facilities. Figure 2 shows the unit range for each residential block. The maximum number of residential units within the SCMV site at build **out shall be 1000, plus PAH and any related bonus units, with will have** an absolute total not to exceed **1200 1000** units. The unit ranges in Figure 2 are estimates and may vary slightly as detailed design progresses at the discretion of the Development Authority.

Rationale:

Through development and implementation of the SCMV ARP, the number of actual units to be anticipated is updated to reflect a more accurate number at the Bylaw level.

Replace Figure 2. Unit Range and Street Front Uses**Change:****14.27.4.11 Parking, Loading and Storage [Edits to DC-SCMV-CR exceptions list]**

Residential Units and Tourist Homes will be served by structured parking within each building block. Townhouses and single-family units will have private spaces typically garages. Due to the abundance of street parking available on Spring Creek Drive, street front commercial uses will be permitted to use the public streets for their parking requirements. Live/work studios and convertible space along Spring Creek Drive will be treated in a similar way to residential apartments typically with structured parking for the residential component and street parking for the visitor/commercial component. Section 2, General Regulations will apply. **Except:**

Parking spaces:

- a. ~~Residential Apartments, Town Homes, Tourist Homes and Live/Work Studios:~~
- | | Type of parking |
|---|----------------------------|
| 0.75 per studio (bed-sitting room) | Private on-site |
| 1.0 per 1-bedroom unit | Private on-site |
| 1.5 per 2-bedroom unit | Private on-site |
| 2.0 per 3 or 4 bedroom unit | Private on-site |
| 0.5 each additional bedroom above 4 | Private on-site |
| 0.15 visitor parking per dwelling unit | Private on-site |
- b. ~~Residential PAH 80% of:~~
- | | |
|-----------------------|----------------------------|
| 1 per unit | Private on-site |
|-----------------------|----------------------------|

Rationale:

Recent changes to the LUB have seen greatly reduced parking requirements throughout Canmore. This is in keeping with best practice trends in parking management and is occurring in many smart-growth conscious municipalities throughout Canada. Within Spring Creek, there has been some community concern about the provision of parking, and especially since downtown paid parking is being introduced in the Town. The General Regulations, Section 2 in the LUB will apply and will be implemented closer to the maximum allowed in Section 2.

Change:

~~14.27.4.12 Prior to the approval of any subdivision application for Stage 3, the applicant in consultation with the Town of Canmore shall provide an updated Traffic Impact Assessment confirming compliance with the Spring Creek Mountain Village Area Redevelopment Plan. The assessment shall take into account at least eight consecutive months of traffic monitoring data, collected after December 31, 2018 at the of Spring Creek Drive – Main Street intersection. Where compliance is not demonstrated, changes in road design or densities may be required. [2019-18]~~

~~14.27.4.12 If not already collected directly by the Town, traffic counts at the access and egress points to Spring Creek Mountain Village shall be provided annually and the Traffic Impact Assessment (TIA) report shall be updated by the applicant and submitted along with the third (3rd) and fifth (5th) development permit applications within Stage 4. If during the redevelopment process it is projected in a TIA that traffic generation on Spring Creek Drive at Main Street will exceed 3000 vehicle trips per day (VPD) prior to buildout based, the ARP or LUB or both shall be revised as appropriate to incorporate additional measures to restrict traffic flows at this access to 3,000 vehicle trips per day. This may include road design changes or a reduction in density for remaining developments or both. VPD is defined as the average daily vehicle traffic on Spring Creek Drive at Main Street as measured during an eight month period including dates between May 1st and October 31st in the most recent 12 month period of measurement.~~

Rationale:

To ensure that ongoing traffic measurement is ongoing as subsequent stages of development occur, this clause has been updated to ensure that the standards referenced to in the Area Redevelopment Plan are consistent with the district.

Change:

14.27.5.3 “Perpetual Affordable Housing (PAH): Concurrent with the development of Spring Creek Mountain Village, the developer will make available a minimum of 5% of the maximum number of residential units for this District as PAH units. The provision of these units shall be in accordance with the Town of Canmore PAH Policy. The location of the PAH units should not be concentrated within one or two buildings but distributed throughout the various development stages and buildings up to the second floor. ~~For each PAH unit provided, one additional market unit (a bonus unit) may be provided. PAH units and bonus units provided in this District shall be excluded from the 704 unit maximum permitted for this District. (Stages 1, 2 and 3 combined). The SCMV PAH/bonus unit policy will apply in SCMV irrespective of other Town bonus policies that may be adopted from time to time.~~

Rationale:

The absolute maximum dwelling units for SCMV at the completion of development will be 1000. In each stage the number of PAH units provided will be a minimum of 5%. Further bonus units are not required to achieve the unit mix within SCMV.

Change:

14.27.5.9 “...Figure 3 shows the proposed public and private streets within ~~Stages 1, 2 and 3~~ all 4 stages and the overall Area Redevelopment Plan area. the construction access for this development will be restricted to Spring Creek Drive - Bow Valley Trail access only.”

Replace Figure 3. Public and Private Streets

Rationale:

This Bylaw amendment will add Stage 4 in to the SCMV-CR District by including Stage 4. Figures 2, and 3 are updated along with the estimated number of units are updated from 712 to 970. Other clauses are amended accordingly.

Redistricting Stage 4 to SCMV-CR Direct Control District. This requires an evaluation of previous performance of implementation of this Bylaw. The existing SCMV CR District includes regulations which require a review of how the community development is performing against the following criteria.

a. Architectural and Neighbourhood Fit

The architectural guidelines and subsequent design have been implemented to reflect both conformance and variety in the rocky mountain architecture themes. The last several applications for development at Canmore Planning Commission received accolades for both the architectural fit and environmental leadership with Spring Creek continues to demonstrate.

b. Density Review

The development has built out within the ranges anticipated in the ARP. With the amendments proposed to the ARP along with the changes to the SCMV-CR District, these numbers are being adjusted slightly and the forecast updated for Stages 3 and 4. It is expected that the density and number of units is estimated to be within the mid range between the 800 to 1200 originally estimated for the community. This is approximately 20% less than the maximum of what was originally proposed in the Area Redevelopment Plan.

c. Transportation Impacts

A transportation assessment update is provided with this ARP amendment. This concludes that the projected capacity of 3000 vpd at Main Street & Spring Creek Drive will not be reached at full build out. This summary report is included in Appendix F.

d. Sight Lines

Height, roof pitch and placement affect the sight lines of the community. The district specifies height zones in Figure 1, whereby the tallest buildings are in the centre of the community and step down toward the edges mainly west and east where development interfaces with both Spring Creek and Policeman's Creek. The implementation of this has resulted in maintaining views and sight lines throughout the development and preserving views and enjoyment of the trail systems adjacent to the creeks. There have been no issues identified within this District.

e. Flow of Pedestrian Traffic and Vehicular Traffic on Adjacent Neighbourhoods into South Canmore and Impact on South Canmore Residents

There has been a positive impact to south Canmore by joining the pedestrian bridges with south Canmore providing sidewalks and multi – use trails developed to support the community. There are no vehicular connections with South Canmore.

f. Pedestrian Flows in South Canmore Habitat Patch

No pedestrian bridges have been or proposed out of spring creek into the south Canmore habitat patch.

g. Discretionary Uses

We reviewed the discretionary uses and they are adequate to date so there is no reason to amend these.

Change:

14.27.6.6 Spring Creek Gate Frontage: ~~A minimum of 25%~~ Where possible, part of the street level uses shall be either commercial, live/work studios, or commercial-ready residential units, in accordance with Figure 2. The commercial-ready residential units shall be constructed ~~to a 1 hour fire rating to a~~

~~commercial unit safety code standard~~, so they may be converted to a commercial space in the future, as market demands.

Rationale:

The planned intent for commercial development has been to focus it toward the north and central part of the plan area and District and to transition to residential development focus for the latter Stages 3 and 4 of the development. ~~The reason this must change is a maximum of 10% of the floor area can be a minor occupancy to the first floor of the building without a change of construction material to concrete as required by the Alberta Building Code.~~

Change:

14.27.6.7 The total Local Commercial area at plan build out shall be no more than ~~2,000 m²~~, 3,000 m² excluding Live/Work units. This may be increased by an additional 500 m² to facilitate a Daycare.

Rationale:

This change reflects a more accurate build out and forecast for the balance of the district as related to the updated Site Usage Summary, plus the current commercial amount allowed in this District has been built out, so the increase is necessary to accommodate full build-out.

Change:

~~14.27.10.1 This Bylaw will be amended from time to time to include future development stages. However, this Bylaw will not be amended to include further development stages beyond stage 3 before 2021. This requirement is designed to promote the orderly redevelopment of Spring Creek Mountain Village consistent with the Town of Canmore's Growth Management Strategy and allow flexibility to reflect changes in market conditions. This requirement supersedes all other previous requirements for the rate and pace of growth for Spring Creek Mountain Village.~~

14.27.10.2 No development shall occur in Stage 4 until Stage 1 and Stage 2 are completed and construction completion certificates accepted by the Town of Canmore, except for the existing residential parcel in Stage 1 (Legal: 1810013;9;1) two remaining hotel parcels in Stage 1 (Legal: 1810013;8;1 and 1810019;9;2) and two municipal reserve parcels (Legal: 1810013;9;3MR and 1810013;8;2MR). A temporary pedestrian trail system shall be provided until these parcels have been completed. ~~Development on Spring Creek Gate will be in an orderly manner and continue in a southerly direction.~~

Rationale:

This section is being updated to reflect the development which has occurred.

2.5. PD DISTRICT EDIT

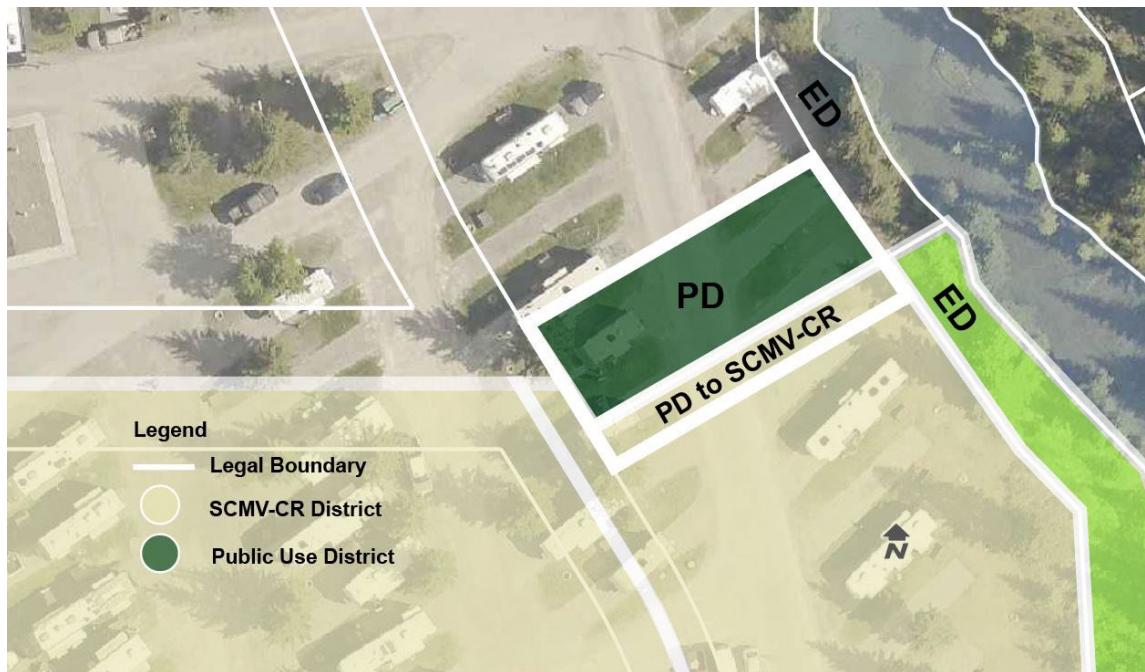
Change:

Redistrict PD to DC-SCMV-CR.

Rationale:

The existing pocket park located east of Spring Creek Gate along the top of bank is being adjusted slightly in size due to the actual park spaces being subdivided in earlier stages. To accommodate the boundary adjustment of the park, the easterly edge is being re-districted to DC-SCMV-CR as shown in Figure 14.

Figure 14. Proposed Land Use PD District



3. Proposed SCMV Area Redevelopment Plan Amendments

The Spring Creek Mountain Village ARP was approved by Council in September 2004 and has had amendments approved in 2009, 2010 and 2015. The document provides a framework for future development of the Spring Creek area. As anticipated, while the project stages continue to develop and detailed design progresses, minor amendments are required to the ARP document. To remain consistent with the proposed amendments to the Spring Creek Mountain Village Visitor Accommodation DC District identified in Section 2 of this report, the ARP also requires minor updating as outlined below.

3.1. ARP BOUNDARY

The proposed boundary adjustment of the residential lots north of the proposed Alexander Hotel incorporates one lot that is inside the ARP boundary and two which are outside of the boundary. Therefore, an adjustment to the ARP boundary is proposed to include Lots 5 & 6, Block 83, Plan 1095F. The remaining two partial lots to the west are untitled and defaulted Crown Land, therefore these will remain as is.

Figure 15: Existing ARP Boundary



Figure 16: Proposed ARP Boundary



The amended boundary has been updated within the following ARP maps for consistency and can be found in the red-lined ARP in Appendix C:

- Figure 1: ARP Location & Boundary
- Figure 2: Aerial Photograph
- Figure 3: Land Use Concept
- Figure 4: Environmental Sensitivity
- Figure 5: Utility Servicing
- Figure 6: Transportation
- Figure 7: Open Space & Trails
- Figure 8: Development Staging

3.2. TABLE UPDATES

Change:

Table 1: Consultation Program

The lines have been added:

October-13/2015 α	Public-Hearing--ARP-Amendments α
November-18/2020 α	Public-Open-House--ARP-Amendments α
May-12/2021 α	Public-Open-House--ARP-Amendments α
April-4, -2022 α	SCPOA-(Property-Owners-Assoc) α --ARP-Amendments α

Rationale:

Update with public consultation to date.

Change:

Table 2: Land Use Areas and Density

SPRING GREEK MOUNTAIN VILLAGE							
LAND USE AREAS							
LAND USE	Hectares		Acres		% of ARP		% of Gross Dev
GROSS ARP AREA	28.48	28.37	70.37	70.1	100.0%		
ENVIRONMENTAL RESERVE	3.92	3.88	9.68	9.59	13.8%	13.7%	
CREEKS	2.85		7.04		10.0%		
GROSS DEVELOPABLE	21.71	21.64	53.65	53.47	76.2%	76.3%	
MUNICIPAL RESERVE	3.07		7.59				14.2%
OTHER OPEN SPACE	0.87		2.15				4.0%
RESIDENTIAL (All Types)	11.88	11.82	29.36	29.21			54.7% 54.6%
COMMERCIAL (Hotel)	1.3	1.29	3.21	3.19			6.0%
ROADS	4.59		11.34				21.1% 21.2%

SPRING CREEK MOUNTAIN VILLAGE: DENSITY CALCULATION										
	Amended Residential Units		Residential Units over ASP Total Area		Residential Units over Developable Area		(1) Residential Unit density excluding Hotel Sites	(2) Overall Density including Hotel Rooms		
DENSITY ANTICIPATED UNITS/Hectare (max.)	1000	1200	35.11	42.3	46.06	55.45	49.00	58.97	57.58	64.7
DENSITY ANTICIPATED UNITS/Acre (max.)	1000	1200	14.21	17.12	18.64	22.44	19.83	23.86	23.30	26.18

Rationale:

Areas and densities have been updated to reflect residential lots, environmental reserve, change in hotel lot area, increase to hotel unit count, and change to maximum number of residential units.

3.3. HOTEL ROOM COUNT AND LOCAL COMMERCIAL

Change:

Table 4:

	Stage 1	Stage 2	Stage 3	Stage 4	TOTAL*
Area (approximate ha)	14.4	5.7	3.5	4.8	28.4
Residential Units					
Townhouses	24	52	19	44	139
Apartments	207	302	202	200	911
Single detached	7 10	0	0	0	7
Total	241	354	221	244	1060
# of Hotel rooms	200 250	0	0	0	200 250
Hotel related commercial (sq m)**	15000 2500				15000 2500
Max local commercial street front (sq m)	2000 310	10000 2085	480	400	3275
<i>* Total does not include PHA and related bonus units, and includes daycare of 347m²</i>					
<i>** Excludes amenity areas and meeting rooms</i>					

4.8.2 Hotel Rooms: Hotel and related commercial uses shall be located generally in the north portion of the plan area as on the Concept Plan. The number of hotel rooms shall not exceed ~~200~~ 250 unless a policy revision is approved by Council.

The imperial units shown in the table are being replaced with metric measurements for the hotel related and local commercial areas.

Rationale:

As per amendments to SCMV-C and supporting Traffic Update.

Change:

4.8.4 Local Commercial: The local commercial service and retail component will be limited to a maximum ~~950~~ 3000 sq. meters (~~approximately 10,000-32,291.73 sq. ft.~~), with a 500 m² daycare bonus. This figure will be reviewed by the developer and the town administration with each development stage and increased if necessary.

Rationale:

Through development of the community to date, the local commercial areas are being updated to reflect what was approved against what has been planned. This change reflects a more accurate build out and forecast for the balance of the Plan and District and opportunities for street level commercial opportunities in stages 3 and 4 as market demand supports.

3.4. CREEK SETBACKS

Change:

4.6.9 Building Setbacks Adjacent to Creek Banks: ~~Buildings or structures shall be sited a minimum distance of 20 metres from the bank of both creeks. Due to site constraints a variance of up to 5 metres may be granted for the two most northerly hotel/commercial sites in Stage 1. At the discretion of Council, a variance of up to 6 metres may also be approved for the development of a structure for community use on municipal reserve lands in Stage 1. No setback variances will be granted in the remainder of the development.~~

Area-wide setback requirement: Buildings or structures shall be sited a minimum distance of 20 metres from the bank of both creeks. Due to the slope of the land adjacent to Spring Creek, Policeman's Creek and within the Village, landscaping, including terraced landscaping and retaining walls shall be permitted within this setback area.

Community structure setback requirement: At the discretion of Council, a variance of up to 6 meters may also be approved for the development of a structure for community use on municipal reserve lands in Stage 1.

Residential setback requirements for the northerly residential lots: Notwithstanding their lot registration date, a variance to the 20 metre creek setback for the two residential lots (Lot 1, Block 9, Plan 1810013; Lot 5, Block 83, Plan 1095F; Lot 6, Block 83, Plan 1095F) proposed in Stage 1, shall be considered in accordance with the town-wide variance requirements for waterbody setbacks as outlined in the Land Use Bylaw.

Northerly hotel/commercial sites in Stage 1 setback requirement: Due to lot depth, the minimum development setback shall be 15 metres for the two most northerly hotel/commercial sites. Site design (landscaping and pedestrian pathways) will complement the adjacent riparian area. Encroachments into this setback area shall be allowed for landscaping, retaining walls, patios, and outdoor health, wellness, and spa facilities up to the property line, and for decks projecting 1m from the building façade.

Rationale:

During initial discussions with the Town during the initial ARP approval stage SCMV accommodated a request from the town that a chicane be introduced in the northwest access point into Spring Creek to provide a meaningful traffic calming measure to reduce short cutting to downtown. Accommodating this request resulted in the creation of 2 narrow sites both of which front onto Spring Creek Drive, back onto the adjacent water bodies which are subject to future creek setbacks. The existing condition of this area of Spring Creek at the time of the ARP approval in 2004, included development right up to the water's edge. The ARP makes a commitment to overtime replace the existing development with other forms of visitor accommodation and to provide stabilization of the creek bank and the re-habilitate disturbed riparian areas. The current proposal is to establish a 15m creek setback on both properties to ensure that

the development of the future properties remains viable and also to ensure that the environmental aspirations of the development can be achieved.

The previous historical development right to the top of the bank is illustrated in Figure 9. Previous Homes, Cabins and RV sites in the wider plan area all encroached and impacted negatively on Policeman's Creek and Spring Creek. This southern portion of the plan area has already made a significantly positive impact to the environment by removing the previously existing structures from the creek edge. Figure 10 shows the 20m setback with a red line and illustrates how this setback would essentially render the development unachievable. The restoration of the riparian edge is made possible through redevelopment of the site, and the setback reduction is required to accommodate this.

In January 2022, several omnibus amendments were approved to the Land Use Bylaw. These amendments included adding restrictions to encroachments into the setbacks of waterbodies for patios and decks. This area of the creek has been impacted by prior development as it is a brownfield site. Through re-development the ER (Environmental Reserve) will be dedicated and restored with native landscaping. Retaining walls, patios and decks are proposed as part of the new hotel developments consistent with what is constructed at the Malcom Hotel on private land outside of the publicly dedicated environmental reserve. Figure 9 illustrates the location of existing encroachments which have been and will be removed from the riparian edge reclaimed through this development.

3.5. TOURIST HOMES

Change:

4.7.6 Tourist Homes: Tourist Homes will be permitted within the ARP area and shall be identified by the developer at the Development Permit stage. Tourist Home permits will not be considered for units designated as staff or PAH. As a general guide the number of Tourist Homes should not exceed 300 units and shall be located within identified floors within apartment buildings or Townhouses adjacent to designated apartment buildings.

Rationale:

As referred to in the DC-SCMV-CR amendments, Town Administration have previously indicated a preference for the designation of the entire building. In addition, this application proposes the inclusion of Townhouses as possible Tourist Homes when they are located adjacent to an existing designated Tourist Home apartment building.

3.6. ADDITIONAL SINGLE-FAMILY LOTS

Change:

4.7.8 Low Density Housing North of Hotel Site: An area of existing single detached housing located north of the Hotel sites and east of Spring Creek Drive, as shown on the Concept Plan Figure 3, will be re-developed with no more than two single detached homes. The lots shall retain R1 – Residential Detached District designation.

Rationale:

The inclusion of two new residential lots into the ARP boundary is proposed in order to provide cohesion for planned lot adjustments. Feedback received during public consultation identified a concern that these lots would be used for increased residential density or hotel expansion. Comments received from the public suggested that these residential lots should remain as R1 – Residential Detached District within the Canmore LUB. As a way of mitigating public concern and actioning their recommendations, the above policy has been created as an addition to the ARP.

3.7. ARP LAND USE CONCEPT AMENDMENT**Change:**

Figure 3, Land Use Concept is being updated to reflect changes to the heights for the buildings as follows:

Residential Core Area – Apartment Style, Building Height up to 4 ½ storeys

Residential - Apartment Style, Building Height up to ~~3 ½~~ 3 – 4 storeys

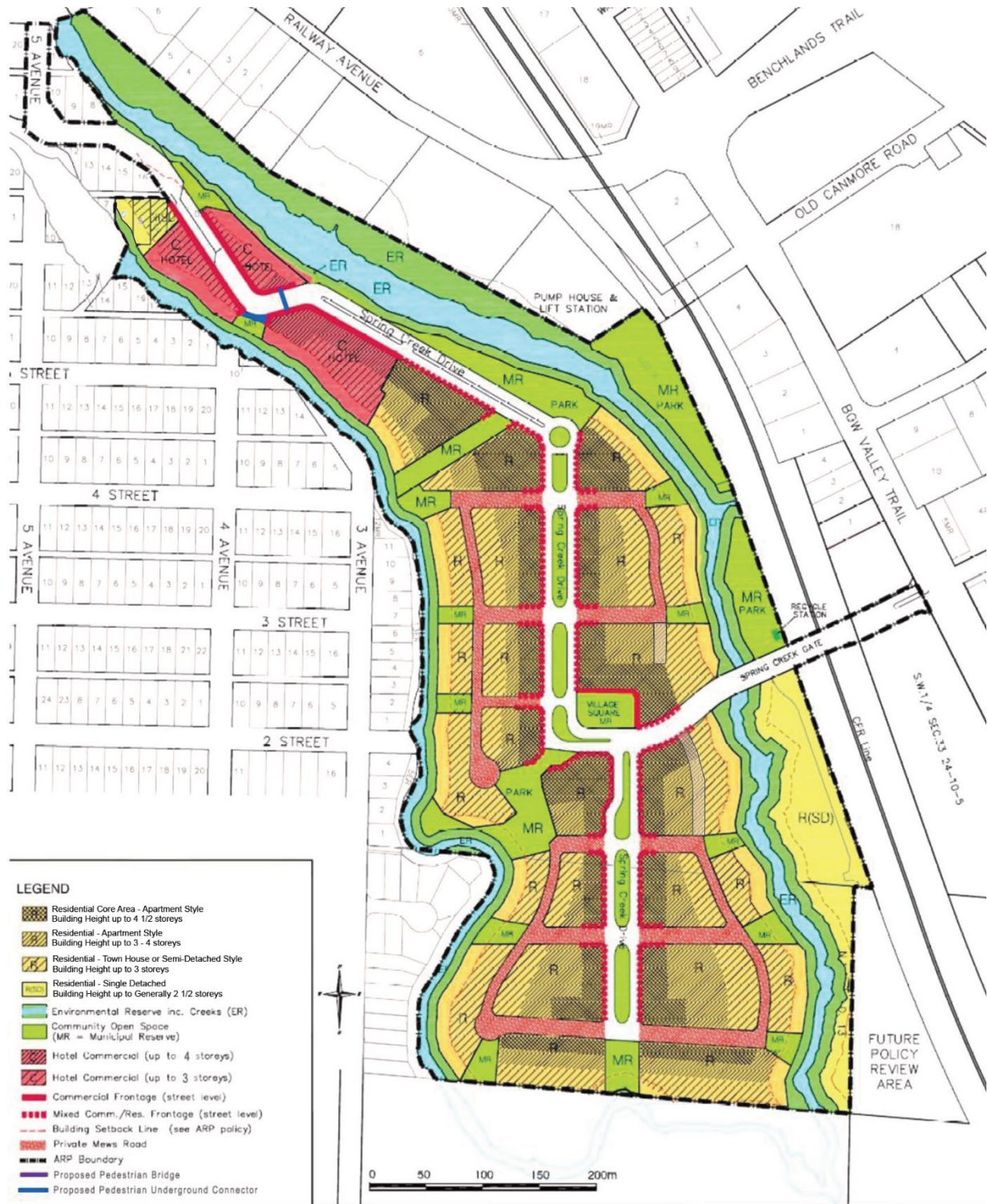
Residential - Town House or Semi-Detached Style, Building Height up to ~~2 ½~~ 3 storeys

Residential - Single Detached, Building Height up to **Generally** 2 ½ storeys

Rationale:

The figure is being amended to reflect the building heights clarification in the Direct Control District. The current Land Use Bylaw definitions for a half storey is difficult to interpret and to implement consistently through the development permitting process. The Spring Creek ARP provides policy to guide the SCMV-CR District where “detailed Building height regulations will be established at the Land Use Redesignation Stage”. The height in metres is indicated in the SCMV-CR District in both 14.27.4.8 and Figure 1 and are aligned with this policy.

Figure 17: Proposed Land Use Concept



SPRING CREEK MOUNTAIN VILLAGE
AREA REDEVELOPMENT PLAN
Figure 3: Land Use Concept

4. Policy Discussion

The Town of Canmore's Municipal Development Plan (MDP) sets the Town's overall policy direction for community land use decisions and addresses environment, economic, social, cultural and governance affairs. Map 2: Conceptual Land Use of the MDP identifies the hotel area as "Commercial and Mixed Use", and the residential lots as "Neighbourhood Residential".

All other policies relating to the continued development of Spring Creek this application are in alignment.

5. Sustainability Screening Report

As part of the land use bylaw amendment process a Sustainability Screening Report is required by the Town of Canmore. As such a Sustainability Screening report has been prepared for the above amendments and included in this submission under Appendix F.

6. Public Engagement

Spring Creek Mountain Village is committed to carrying out thorough and meaningful public engagement as part of any statutory document amendment. An initial virtual Open House was held on November 18, 2020, via Zoom. The Open House was advertised for 2 weeks prior to the event in the Rocky Mountain Outlook, with information on how to register. Anyone who made contact in response to the advert were emailed details of the event and a link to the meeting. A total of 46 responses to the advert were received. Personal invites to adjacent landowners and others who may have direct interest in the development, were also directly sent out or delivered by hand. Following the Open House, anyone who had been communicated with, whether they attended or not, was sent a link to the recording of the meeting. Feedback forms were also circulated, and comments requested.

The virtual Open House was used to present the project to the public, with detail on the proposed amendments to the Land Use Bylaw and Area Redevelopment Plan. Opportunity was provided for attendees to ask questions and offer feedback on the night. There was a total of 45 attendees on the Zoom meeting, and 16 questions or comments were received.

Since the event, five feedback emails have been received and follow up discussions held. The comments have been summarised into topics below, along with our consideration.

1. Support for no trails along Spring Creek adjacent to Alexander Hotel.
2. SCMV support this feedback, and existing provisions are in place within policy. Particularly, the undeveloped strip of environmental reserve has been established in Figure 7 of the SCMV ARP, which shows the area as having no trail access.
3. Hotel height concerns.
 - a. The original draft of this application proposed a minor height increase on the north end of the two hotels. This was to be applied to a very small area of the hotels and was

proposed due to the significant road drop off in this area. After public consultation and careful consideration, **this amendment has been removed.**

4. Light and noise from hotels.
 - a. The west side of Alexander Hotel is proposed to accommodate a wellness spa, and not a bar as questioned. All lighting will meet Town of Canmore Land Use Bylaw and Engineering Design and Construction Guidelines requirements. As with the rest of SCMV, dark sky lighting will be used to ensure minimal impact to wildlife and neighbouring properties. No trail is proposed adjacent to the hotels so there will be no pedestrian activity in this area, and no late night noise caused by downtown food & beverage foot traffic.
5. Opposed to creek setback.
 - a. This area of previously developed land has already seen significant improvements in protecting the creek banks. Building which previously encroached on the banks have all been removed and environmental reserve established. Due to topographical constraints, this section of SCMV lands would become undevelopable with the existing 20m setback. The creek setback amendment is not intended as a divergence from original policy. To provide certainty for the development at this stage, it has been requested that this variance be addressed now rather than at the Development Permit stage.
6. Groundwater concerns
 - a. Engineering best practices will be employed at the detailed design stage to ensure groundwater concerns are mitigated and run-off does not flow from the development area into the creeks. This is the case with all existing SCMV development and will continue to be so for future development.
7. Traffic volumes more than 3000 VPD
 - a. Concerns mainly identify recent increase in volumes associated with major roadworks on Benchlands and Bow Valley Trail intersection. As discussed under rationale for hotel unit increase in section 2.2 and attached in Appendix F, a Traffic Generation Update has been carried out. Traffic numbers are expected to be less at buildout than originally anticipated.
8. Request certainty for perpetual R1 designation
 - a. SCMV are committed to retaining the R1 status of the subject residential lots. There is no intention for these lots to intensify in development beyond the R1 provisions, nor will they be utilised to provide additional land for hotel expansion. To add certainty in response to the concerns heard at the Open House, additional Policy is being proposed within the ARP.

9. Employee Housing Provision

- a. Attendees voiced concerns that no new Employee Housing was being proposed as part of this application. At the time of this initial open house, SCMV were in the early planning and land assessment stages to address such concerns and provide affordable options for future staff and local community members. SCMV have since gone in to partnership with a local retailer to purchase adjacent land to develop 20-40 units of Employee Housing & Perpetually Affordable Housing. The subsequent LUB amendments have been submitted in tandem with this application package.

A second Open House was held on May 12, 2021 to present the subsequent updates, and to propose the new EH/PAH and Furniture Store development. All feedback was positive, and the amendment updates were received very well. Verbatim responses are provided in Appendix G, along with the Virtual Open House presentation slides.

In March 2020 the Town distributed notices of the proposed applications, and we were provided a summary of feedback on March 29, 2022. The primary feedback from this notification were concerns about parking in SCMV as commercial and residential development continues, the protection of the creek banks, and impacts associated with the uses contained in the spa hotel located in the north-westerly commercial site. Since this notification, the application has been updated to include parking requirements to be a minimum of 80 percent of the Town of Canmore maximum parking requirements, to clarify that the riparian edge is being reclaimed through the redevelopment of the sites in the northerly portion of the plan area, and to limit the permitted uses for the spa hotel being proposed on the north-westerly commercial site to ensure that the uses reflect what is typically expected with a spa and that no impacts are created outside of the building. To address any concerns related to redevelopment of the creek banks and reclamation and protection of the riparian edge, the project team has engaged an environmental consultant to prepare an update report to the original EIS to address these concerns.

Third Open House was held on April 04, 2022 to present the ARP amendments and include Stage 4 into the redistricting application for SCMV. It was attended by 18 people in person at Spring Creek Community Association and by 36 people virtually on zoom.

7. Conclusion

As further development of Spring Creek Mountain Village occurs, some flexibility is needed to allow minor changes which will make the project more viable and enhance the design of the area. The above amendments will create an iconic entry point into Spring Creek Mountain Village, maintain the authentic Canmore alpine architecture, enhance the overall design of the development, and do so in respect of topographical constraints. Overall, the proposed amendments to the Spring Creek Mountain Village Visitor Accommodation DC District (SCMV-C) and Spring Creek Mountain Village Area Redevelopment Plan are in keeping with the true spirit and intent of the development and are not anticipated to have negative effects on adjacent land uses.

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APPENDIX H-1

Sustainability Screening Report



Sustainability Screening Report

Proposed Land Use Bylaw and SCMV Area Redevelopment Plan Amendments

February 7, 2022

Submitted to: Town of Canmore
Prepared by McElhanney

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Our file: 2531-115-1800 & 2531-1900

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Appendix H - 2

SSR Matrix

1. Project Location and Background

1.1. PURPOSE

The purpose of the Sustainability Screening Report (SSR) is to demonstrate how the proposed Land Use Bylaw (LUB) and Area Redevelopment Plan (ARP) amendments for Spring Creek Mountain Village (SCMV) will provide a net benefit to the community and build on the Town's sustainability initiatives.

The SSR Outline below provides brief commentary on the proposed offsets identified within the SSR Matrix. We have identified and addressed these offsets at this stage to help in the preparation of a sustainability roadmap for this project. The checklist and proposed offsets will be revisited, reviewed, and updated at key milestones during the design phase to ensure the project is in keeping with the Town of Canmore's environmental, economic, and cultural goals.

1.2. BACKGROUND

The below Sustainability Screening reports have been completed and approved by the Town of Canmore for previous land use bylaw amendments through each stage of development within SCMV:

- Stage 1 Land Use Amendments SSR (2009)
- Stage 2 Land Use Amendments SSR (2009)
- Stage 1 Visitor Accommodation District Amendments SSR (2015)
- Stage 1 & 2 Open Space/Public District Amendments SSR (2016)
- Stage 2 & 3 Land Use Amendments (2019)

The SCMV ARP was originally approved by the Town of Canmore in 2004. The proposed amendments follow the intent of the overall ARP and are being proposed in alignment with the original vision. Included in the amendments are:

1. Land Use Map Amendments
2. Creek Setback & Environmental Reserve (LUB & ARP)
3. Roof Height Amendment (LUB)
4. Visitor Count and Traffic Generation Update (LUB & ARP)
5. ARP Boundary Amendments

1.3. LOCATION

The application being evaluated includes two areas. One to the north of the community to accommodate development of two hotels in stage 1, and the other at the southerly extent of the community to accommodate development of stage 4.

The subject land in stage 1 includes 5 existing lots covering an area of approximately 0.784 hectares of land on either side of Spring Creek Drive, at the northern periphery of Spring Creek Mountain Village. Although located within the Stage One area of SCMV, the development of the two hotel sites and the residential lot had been deferred until this time.

The subject land in stage 4 includes an area of approximately 4.8 hectares at the southerly extent of the community bounded on the west, south and east by Spring Creek and Policeman's Creek. This stage will accommodate residential development including townhomes, apartments and perpetually affordable housing.

Stages one and two are near completion, with Stage 3 also under construction. The area has become a significant mixed-use, medium- to high-density, sustainably designed part of Canmore. It has improved walkability and overall active transportation for the Town, and is a thriving neighbourhood with shops, offices, restaurants, homes, open spaces, trails and an evident sense of community.

With the success of the wider SCMV area, the next phase of visitor accommodation and residential development is ready to proceed.

1.4. DEVELOPMENT CONCEPT/PROPOSED AMENDMENTS

The next phase of development Spring Creek Mountain Village is the development of two unique landmark hotels on the northern edge of Spring Creek Mountain Village. This this next phase will also include stage 4 of the residential community as outlined in the Area Redevelopment Plan. These are indicated as Phase 2 and Phase 3 in Figure 1 and as stage 4 in Figure 2.

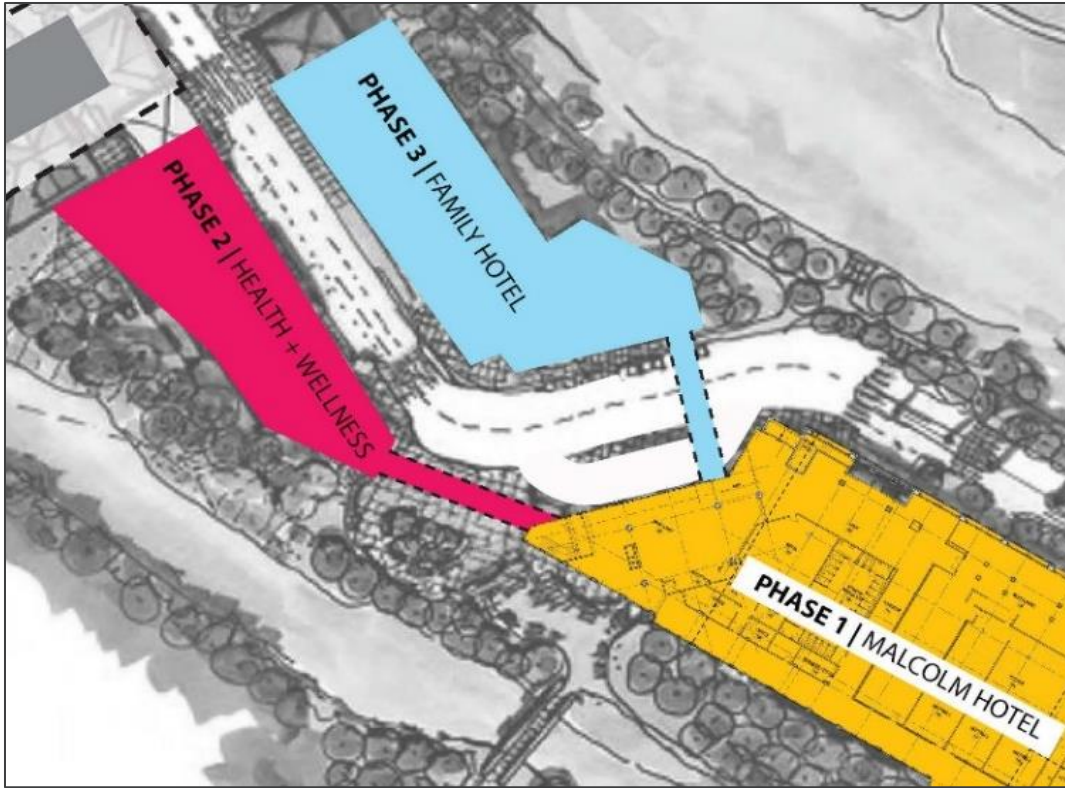


Figure 1. Phase 2 and 3 Spring Creek Hotels

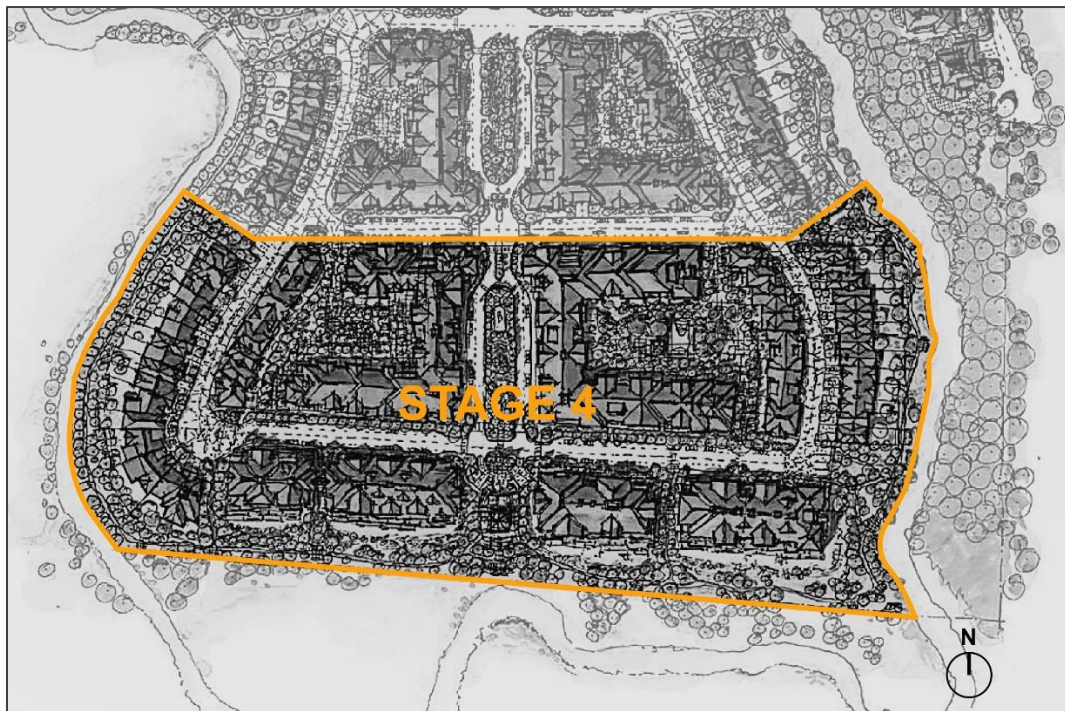


Figure 2. Stage 4 Spring Creek Community

2. Sustainability Screening Analysis

2.1. BUILDING ECONOMIC SUSTAINABILITY

How does the project contribute to the priorities contained in the Economic Development and Tourism Strategy?

The recently adopted Economic Development Strategy 2020-2025 and Canmore Kananaskis Community Tourism Strategy Plan 2019-2029 (CKCTSP) are the guiding documents for economic and tourism strategic direction. The Economic Development Strategy identifies 3 strategic pillars to support economic sustainability and objectives for achieving them. While the proposed development does not specifically diversify the economy from the traditional tourism industry of Canmore, tourism is still identified as a key economic driver within Canmore. The objective “To facilitate opportunities in tourism” is supported by reference to prioritizing the actions of the CKCTSP.

The following Goals are emphasised within the CKCTSP:

Goal #1: Acknowledge the importance of tourism in our community and commit to becoming proactive in its development.

Goal #4: Develop and promote outstanding visitor experiences that will position Canmore Kananaskis as a destination of choice for those who seek to immerse themselves in our authentic mountain lifestyle and vast wilderness.

The proposed development will provide two unique visitor experiences, drawing in a wide variety of tourists and providing services which will appeal to families, couples, groups or individuals. There are currently no comparative hotels in Canmore offering the same proposed facilities, while prospective visitors are able to find alternatives in neighbouring Banff and Kananaskis.

In addition, the project intends to source approximately 85% of the construction labour locally. Spring Creek has maintained its commitment to sourcing local labour throughout each stage of the project.

2.2. ENHANCING ENVIRONMENTAL STEWARDSHIP

Does the project efficiently use developable land and resources?

Spring Creek Mountain Village has always aimed to use the land as efficiently as possible by increasing the density of the original parcel from its historic condition. The highest density of the wider Spring Creek area occurs at the centre of the development along Spring Creek Drive and becomes less dense as it expands outwards towards Spring Creek and Policeman’s Creek. This increased density and mix of land uses promotes non-vehicular modes of transportation throughout the plan area and wider Town. This particular phase of the development efficiently uses two commercial parcels within the narrowest section of land between Spring Creek and Policeman’s Creek. Preliminary designs for the hotels have meticulously considered the sensitivities of the creekbanks while conceiving two hotel buildings that will also improve the public realm of Spring Creek Drive.

Does the project provide reasonable access to basic community services from residences?

Does the project provide reasonable access to basic community services from the site?

The location of SCMV is ideal, with its close proximity to commercial services, recreation centres, the downtown core, and public transit within walking distance. As identified in previous SSRs, residents of the area have excellent walkable and bikeable access to shops, restaurants, cultural and civic amenities as well as local and regional public transit. The wider Spring Creek area has also enhanced access right across the Town, linking neighbourhoods from east to west, improving accessibility significantly, and encouraging active transportation for all.

While this particular application is focused on two hotel sites, two potential single-family sites, and stage 4 the overall plan must be considered. The individual stages of SCMV's development are all inter dependent on each other and must be assessed in a holistic manner.

What water saving measures does the project propose (demonstrable improvement over average)?

High efficiency fixtures will be incorporated in both hotel developments. These will be explored in greater detail during detailed design. SCMV also has its own deep water wells for irrigation throughout the community, thereby not using treated potable Town water.

What construction waste diversion rate will be achieved?

It is anticipated that the percentage of diverted construction waste as a means of environmental stewardship and responsible development will be 80% or more. This is consistent with previous phases of the SCMV development.

What long-term, operating waste diversion flows does the project propose?

Waste, recycling, and organics collection will comply with the requirements of the Town of Canmore's Engineering Design and Construction guidelines.

Does the project encourage people to use bicycles or walking as a means of transportation?

With Spring Creek being a high density, infill development close to downtown there is no contribution to urban sprawl. As previously mentioned, new trails developed within the wider plan area, and linking to this particular project, all significantly encourage walking and bicycling as a main mode of transportation. This has expanded not only throughout SMVC, but beyond to the whole of Canmore. Since the initial approvals of the SCMV ARP, updates to the Traffic Generation studies have found that there is a shift in transportation trends in the area. Current vehicle volumes appear to be less than anticipated in early traffic generation models. More detail of this will be made available with this application.

In addition, best practice parking standards, bike parking facilities, complete streets designed to promote cycling are all provided throughout the entire SCMV and are incorporated with this phase of development. To encourage active transportation even more, the Malcolm Hotel offers free bicycle rental to all guests. This provision will be expanded into the new hotels as well.

Does the project minimize the use of energy and resources both in building construction and operation?

It is anticipated that this project will be constructed to Built Green Gold standards and will strive to achieve a reduction in energy level consumption similar to development in the previous stages. Both new hotels will also use Geo-exchange (Geothermal) for heating and cooling.

Spring Creek Mountain Village has also recently enrolled with the new Built Green Communities Program Pilot. The Build Green committee have indicated their enthusiasm to have SCMV join the pilot project as an excellent example for continued sustainable initiatives such as permeable walkways and roads, community connections with bridges and pathways, complete streets and promotion of active transportation, utilising ground water for irrigation, land turned over in ER and MR, redevelopment of underutilised developed land into a sustainable mixed-use community. SCMV also expect to tap in to more future initiatives such as electric car charging, solar ready buildings, access to fresh produce and public transit.

Are there environmentally sensitive lands within or adjacent to the site?

The proposed development of the hotels in stage 1 are located within a narrow stretch of land between Spring Creek and Policeman's Creek. In the past this site had been developed right to the top of the bank. Previous Homes, Cabins and RV sites in the wider plan area all encroached and impacted negatively on Policeman's Creek and Spring Creek. This northern portion of the plan area has already made a significantly positive impact to the environment by removing the previously existing structures from the creek edge. A strip of Environmental Reserve will be extended along the creek banks to provide protection of riparian habitat by creating a buffer zone.

The land in the south portions of Spring Creek in stage 4 will be developed with the same approach as stage 3 to setting Environmental Reserve and development setbacks from both Spring Creek and Policeman's Creek to provide both public access and environmental protection as outlined in the ARP and District SCMV-CR Direct Control.

Mitigation to control and reduce environmental disturbances will include responsible garbage disposal and signage along the existing trails to promote environmental protection. Engineering best practices will be employed at the detailed design stage to ensure groundwater concerns are mitigated and run-off does not flow from the development area into the creeks. This is the case with all existing SCMV development and will continue to be so for future development. Infill development in general reduces sprawl, uses existing infrastructure, and reduces impact on wildlife habitats and sensitive environments.

Does the project re-use an existing brownfield site?

The project re-uses a previously developed area of land with existing infrastructure. No remediation is proposed or required.

What other process or program innovations does this project propose?

Geothermal heating and cooling is used in most Spring Creek buildings. This will also be applied for the new hotels.

As previously mentioned, SCMV offers a free bike rental service to all visitors to the Malcom hotel. This program will be expanded to visitors of The Kernick Place and Alexander Hotels.

2.3. STRENGTHENING THE SOCIAL FABRIC

What access to basic levels of appropriate shelter does the project propose?

Spring Creek Mountain Village as a whole is committed to providing appropriate and affordable shelter to employees earning less than the community median age. Currently the provision of 40 bedrooms are available to employees of the existing Malcom Hotel and the proposed Alexander and Kernick Place Hotels. These are located in SCMV, off-site from the hotels, within 5-10 minute walking distance. Additionally, and in response to comments heard at the first Open House for the Hotel development, SCMV proposes to create 20-30 units of Employee Housing or Common Amenity Housing Units proposed within a new development adjacent to Spring Creek. The amendments to allow for this development proposal are submitted in tandem with this application.

Does the project create growth that retains/enhances the Town's identity?

Many of the SCMV ARP objectives, including increased residential densities, mixed uses, diversity of housing types, sense of place, and a location and design that encourages walking, cycling and environmental stewardship all closely support the principles established for the Sustainability Screening process. The SCMV design encourages community interaction through urban design elements such as the pedestrian orientated Spring Creek Drive with animated streetscapes including street front commercial uses and higher density residential building placement along this central spine. Intimate mews streets provide access to residential areas backing the two creeks. This project adds to these elements by creating two landmark hotels on the entrance of SCMV and enhancing the pedestrian scale environment on the streetscape.

The hotels themselves will also provide space for meeting and social interaction within proposed facilities such as the restaurant within the Kernick Place Hotel.

At full build out, Spring Creek will provide 15% of its developable land as municipal reserve which can be used for recreation and social interaction. This MR and open space is logically interspersed throughout the development in the form of parks and trails, creating a pedestrian oriented streetscape and trail network. As previously mentioned, the development of SCMV should be assessed in a complete manner. In total, on completion of Spring Creek Mountain Village, almost 7 ha of land will be turned over as Environmental Reserve and creek bed, along with another 3 ha of Municipal Reserve. An example of a much-loved feature which was established thanks to these lands, is the existing boardwalk along Policeman's Creek to Main Street.

Does the project support the social fabric through cultural assistance?

The Spring Creek area encourages a walkable community by creating a higher density mix of land uses interspersed with trails and parks in proximity to downtown and recreational facilities. Being close to Main Street, recreational facilities, and numerous trails and playing fields, walking and cycling will be an attractive option for residents and visitors.

Spring Creek is an ongoing supporter of local non-profit organizations, including:

- Annual Highland Games
- Canada Day
- Annual Creek Cleaning (removes approx. 500 lbs garbage per year)
- Food Drive
- Two Condos per year for the Foothills Home Hospital Lottery
- Canmore Community Daycare

In addition, the historic Opera House and the Malcolm Hotel often hold local community events, and it is anticipated the future hotels will add to this provision and support for local special events.

Does the projects public consultation program exceed statutory requirements?

Engaging the public in the evolution of their communities is important to us. As the development process progresses in SCMV, the statutory requirements for public consultation will be exceeded. Due to the current COVID-19 pandemic, in person engagement is not being considered. In order to ensure that everyone has an opportunity to review the proposed development, virtual engagement tools have been utilized. A virtual open house was held prior to the submission of this application and feedback from the community requested. Awareness of the open house was made through the local newspaper, mail drops to surrounding households, emails to Town administration, Council and other interested/affected parties.

3. Closing

The combined elements proposed for the redevelopment of the subject sites withing Spring Creek Mountain Village including growth of local economy, efficient use of land, location, and access to open space and trails, walkability, environmental stewardship and improvements to Canmore's social fabric, all support the principles established for the Sustainability Screening process and continue the sustainable vision of the wider Spring Creek Mountain Village.

APPENDIX H-2

SSR Matrix

Sustainability Screening Report Process Impact - Offset Matrix

Summary Page

Overall Results	Impact	
		%
Economic Sustainability	0.00	0.00
Environmental Stewardship	-15.49	55.17
Social Fabric	-12.59	44.83
Total Impact	-28.09	

Offset	%
4.50	6.07
38.91	52.47
30.75	41.46

Total Offset	74.16	Net Score	46.08
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Economic Sustainability	
Income and Wages	0.00
Non-Residential Tax Assessment	0.00

Economic Sustainability	
0.00	InfraCycle Assessment
0.00	Increasing commercial assessment
0.00	New employment above median salary
0.00	New employment outside of 4 significant sectors
4.50	Floor space for Economic Development & Tourism
0.00	Percentage of local construction labour value
0.00	Economic leadership or innovation

Environmental Stewardship	
Residential Water Consumption	0.00
Commercial Water Consumption	-3.45
Residential Solid Waste Generation	0.00
Commercial Solid Waste Generation	-6.90
All Building Energy use and GHG emissions	-3.96
Transportation	0.00
Infrastructure (sanitary-gravity)	0.00
Infrastructure (sanitary-pressure)	0.00
Environmentally Sensitive Lands	0.00
Land Consumption	0.00
Efficient Residential Land Use	0.00
Efficient Commercial Land Use	0.00
Efficient Industrial Land Use	0.00
Efficient Mixed Use Residential Land Use	0.00
Efficient Mixed Use Commercial Land Use	0.00
Metres of trails / capita	-1.18
Metres of new roads to service development	0.00

Environmental Stewardship	
0.75	Residential / commercial mix of uses
2.67	Higher density than current levels
4.50	Access to community services from residences
3.00	Access to services from the commercial site
1.50	Water saving measures
0.00	Rain water harvesting system or infiltration
2.25	Construction waste diversion rate
1.50	Long-term, operating waste diversion
0.99	Parking stalls are un-assigned
0.75	Bike parking of adequate quality
3.00	Average size of the dwellings
0.00	LEED Certified
4.50	Built Green Certified
0.00	Other green building certification programs
4.50	Commercial energy consumption reduction
0.00	Residential energy consumption reduction
3.00	Environmentally sensitive land protection
0.00	Minimize density adjacent to sensitive lands
0.00	Reuse an existing contaminated site
6.00	Environmental leadership or innovation

Social Fabric	
Affordability of Market housing (in relation to median income)	0.00
PAH Housing	-2.47
Seniors Housing	-1.98
Employee Housing	-1.48
Childcare spaces	-1.97
Library	-0.79
Food Bank Usage	-1.57
Social Assistance Payments	-1.55
Crimes Against Persons and Property	-0.79

Social Fabric	
0.00	Units of perpetually affordable housing
0.00	Cash contribution towards PAH
0.00	Bedrooms of employee housing
3.00	Bedrooms for employees earning < median income
0.00	Cash contribution towards employee housing
0.00	Units of seniors housing
3.00	Percentage of the employees housed
0.00	Employees rental assistance 10% below market levels
3.00	Percentage of site ares for social interaction
0.00	Reuse an existing historic property or building
2.25	Exceed minimum municipal reserve requirements
3.00	Accessible recreation or cultural facilities or programs
0.00	Contribution to recreation facilities
0.00	Support school enrollment
0.00	Support for current childcare facilities
0.00	Support for cultural establishments
0.00	Support for other non-profit community organizations
6.00	Unique supports for community programming
3.00	Support for special events
0.00	Public art component
1.50	Public consultation program
6.00	Social leadership or innovation

Sustainability Screening Report Process

OFFSETS CHECKLIST	Proposed Offset	Importance Rating	Score
Building Economic Sustainability			
<i>"Economic sustainability requires a diversity of income sources and the participation of a diverse, local, workforce."</i>			
What is the long-term fiscal impact to the Town?			
OBJECTIVE: To ensure the long term financial sustainability of the Town.			
Was the InfraCycle assessment tool used? What was the result of the assessment / fiscal impact study? Enter "1" in appropriate box	None or Neutral Weakly Positive Moderately Positive Strongly Positive	Scale of Development Multiplier 3 3 3	0.5 1 1.5
			0 0 0
Does the project move the Town towards increasing the amount of commercial assessment? What is the change to the ratio of non-residential to residential assessment?	0.0000	1	0.00
Does the project create above median paying employment? What is the change to the ratio of jobs above median income?	0.5000	3	0.00
Does the project contribute to economic diversification?			
OBJECTIVE: To diversify employment opportunities outside of the existing principle sectors: Accommodation & Food, Construction, Personal Services, and Retail and Wholesale			
How much of the new employment is outside of the 4 most significant current sectors? Enter "1" in appropriate box What is the sectoral breakdown of employment in the proposed project? How much of the projects floor space is proposed for uses outside of the three main existing business sectors?	1 None < 25% 25% - 50% > 50%	Scale of Development Multiplier 3 3 3	0.5 1 1.5
			0 0 0
How does the project contribute to the priorities contained in the Economic Development and Tourism Strategy?			
OBJECTIVE: To support the objectives of the Economic Development & Tourism Strategy.			
How much of the project floor space is for uses outlined as Strategic Priorities? Enter "1" in appropriate box Tourism & Events Small & Home Based Businesses Knowledge Based Businesses Health & Wellness	None < 25% 25% - 50% > 50%	Scale of Development Multiplier 3 3 3	0.5 1 1.5
	1		0 0 4.5
What percentage of the construction labour value will be sourced to Canmore businesses? Enter percent (33% of assessed value) Construction Labour Value Resulting Local Effect	85 \$ -	1 point per \$1,000,000 -	0.75 0.00
What additional economic leadership or innovation is demonstrated by the project?			
OBJECTIVE: To lead through innovation.			
What other process or program innovations does this project propose? Describe and rate the other innovations:	Scoring Contingent on Value of Innovation	3	0
Enhancing Environmental Stewardship			
<i>"Environmental Stewardship means that we must work towards our future without squandering either our cultural or our natural capital."</i>			
Does the project efficiently use developable land and resources?			
OBJECTIVE: To effectively use land while minimizing the use of ecological and energy resources.			
Does the project propose a residential / commercial mix of uses on site? Enter "1" in appropriate box	No mix of uses Some mix of uses Commercial development: Is at least 25% of the GFA residential? Residential development: Is at least 25% of the GFA commercial?	Scale of Development Multiplier 3 3 3	0.25 0.75 0.5 0
	1		0 0
Does the project move the Town towards more efficient land use by increasing density compared to existing densities?			
Does the development increase the residential density compared to current levels?	0.00	1	0.00
Does the development increase the commercial density compared to current levels?	2.67	1	2.67
Does the development increase the industrial density compared to current levels?	0.00	1	0.00
Does the residential portion of the mixed use development increase the residential density compared to current levels?	0.00	1	0.00
Does the commercial portion of the mixed use development increase the commercial density compared to current levels?	0.00	1	0.00
FOR RESIDENTIAL AND MIXED USE PROJECTS WITH A RESIDENTIAL COMPONENT ONLY:			
Does the project provide reasonable access to basic community services from residences? Enter "1" in appropriate box How many services are in close proximity? Bank / Community or civic centre / Convenience store / Daycare centre / Laundry or dry cleaner / Library / Medical or dental office / Pharmacy / Post office / Place of worship /	None 4-6 within 400 metres or 7-10 within 800 metres 7-10 within 400 metres or 11-13 within 800 metres	Scale of Development Multiplier 3 3	0.5 1
			0 0

Restaurant/ Cafe / School / Supermarket / Other neighbourhood-serving retail / Other building with office space	1	11 or more within 400 metres or 14 or more within 800 metres	3	1.5	4.5
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FOR NON-RESIDENTIAL PROJECTS ONLY:

Does the project provide reasonable access to basic community services from the site?

Enter "1" if all the following criteria are satisfied:

1	3	1	3
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Is located on a previously developed site
 Is within 800 metres (½ mile) of a residential area or neighbourhood with an average density of 25 units per hectare (10 units per acre)
 Is within 800 metres (½ mile) of at least 10 basic services (below)
 Bank / Community or civic centre / Convenience store / Daycare centre / Laundry or dry cleaner / Library / Medical or dental office / Pharmacy / Post office / Place of worship / Restaurant/ Cafe / School / Supermarket / Other neighbourhood-serving retail / Other building with office space

What water saving measures does the project propose (demonstrable improvement over average)?	None	Scale of Development Multiplier			
Commercial Applications	1	Reduction in water use 20% from baseline	3	0.5	1.5
Enter "1" in appropriate box		or			
Residential Applications		Use of High Efficiency Fixtures (LEED)	3	0.25	0
Residential Applications		Use of Very High Efficiency Fixtures (LEED)	3	0.5	0

Does the project utilize a rain water harvesting system or use 100% infiltration for storm water?	None	Scale of Development Multiplier			
Enter "1" in one box only		100% storm water (10 year event and above) infiltration on site (3 units and above only and where a pipe system exists)	3	0.25	0
		Pervious treatments (10% of manufactured surfaces)	3	0.5	0
		Storm water re-use - 50% or more of roof area	3	0.5	0
		Storm water re-use - 75% or more of roof area	3	1	0

Water used in "re-use systems" must be used in place of potable water. For 100% infiltration, there can be no connections to a piped storm water system (except for major events).

What construction waste diversion rate is achieved?	Less than 50%	Scale of Development Multiplier			
Enter "1" in appropriate box		> 50%	3	0.25	0
	1	> 75%	3	0.75	2.25

What long-term, operating waste diversion flows does the project propose?	No diversion	Scale of Development Multiplier			
Enter "1" in appropriate box	1	Diversion of waste flow (1-3 streams)	3	0.5	1.5
		Diversion of waste flow (>3 streams)	3	1	0

Does the project propose on site recycling or waste processing?

Does the project encourage people to use bicycles or walking as a means of transportation?
OBJECTIVE: To encourage the use of alternate means of transportation in the community.

Does the project propose new public trail?	Length of designated public trail (m)	0.00000		1.5	0.00
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How many of the parking stalls are un-assigned, not reserved or first come first served?	None or less than 25%	Scale of Development Multiplier			
	25-50%	3	0.1	0	
	> 50%	3	0.25	0	
1	100%	3	0.33	0.99	

Does the project facilitate the use of bicycles for transportation? Bike parking proposed must be of adequate quality and be appropriately located. (For residential applications, this offset only applies to developments without garages)

Enter "1" in the appropriate box

Commercial applications only.

Commercial applications only.

Commercial applications only.

	None	Scale of Development Multiplier			
	1	1 bike stall or more per residential unit	3	0.25	0
	1	1 bike stall or more per 5 required vehicle stalls	3	0.25	0.75
		1 covered bike stall or more per 5 required vehicle stalls	3	0.5	0
		Covered bike parking (as above) and shower facilities for employees	3	0.75	0

Does the project minimize the use of energy and resources both in building construction and operation?
OBJECTIVE: To minimize the use of resources in the construction and operation of buildings.

What is the average size of the dwelling or accommodation units? (Square metres)	Not Applicable	Scale of Development Multiplier			
Enter "1" in appropriate box	1	<100	3	1	3
Calculate using residential GFA divided by the number of units.		100-150	3	0.75	0
		151-200	3	0.5	0
		201-250	3	0.1	0
		251 and above	3	0	0

What level of green building initiatives does the project include?

Is the development LEED or Built Green Certified?

Enter "1" in appropriate box

	LEED	Scale of Development Multiplier			
	None	3	1	0	
	Shadow	3	2	0	
	Certified	3	3	0	
	Silver	3	3	0	

Gold	3	4	0
Platinum	3	5	0

Enter "1" in appropriate box		Built Green		Scale of Development Multiplier	
		None	3	0.5	0
1	Bronze	3	0.5	0	
	Silver	3	1.5	4.5	
	Gold	3	3	0	
	Platinum	3	4	0	

Does the project propose to use any of the following green building certification programs?		Built Green Certification Equivalent		Scale of Development Multiplier	
		Green Globes?	BOMA?	BREEAM?	
	Green Globes?	3	0	0	
	BOMA?	3	0	0	
	BREEAM?	3	0	0	

What level of energy consumption reduction does a commercial building achieve? Enter "1" in appropriate box (compared to MNECB)		Less than 15% improvement		Scale of Development Multiplier	
		>25% improvement	>33% improvement	>42% improvement	>50% improvement
1	>25% improvement	3	0.25	0	
	>33% improvement	3	0.75	0	
	>42% improvement	3	1.1	0	
	>50% improvement	3	1.5	4.5	

What level of energy consumption reduction does a residential building achieve? Enter "1" in appropriate box		EnerGuide of <80		Scale of Development Multiplier	
		EnerGuide score of 80 or more	EnerGuide score of 82 or more	EnerGuide score of 84 or more	
	EnerGuide score of 80 or more	3	1	0	
	EnerGuide score of 82 or more	3	1.5	0	
	EnerGuide score of 84 or more	3	2	0	

Does the project minimize its impact on the natural environment?
OBJECTIVE: To maintain the ecological integrity of the Bow Valley.

If there are environmentally sensitive lands within or adjacent to the site, what mitigations or protection are proposed? Enter "1" in appropriate box		No mitigations		Scale of Development Multiplier	
		Not located in ESA	Average mitigations	Good mitigations	High quality mitigations
	Not located in ESA	3	0.5	0	
	Average mitigations	3	0.25	0	
	Good mitigations	3	0.5	0	
1	High quality mitigations	3	1	3	

Limited building envelope? Dedication of lands in excess of minimal municipal reserve requirements? Conservation offsets? Habitat improvements? Dedication of new conservation easements? Dedication of conservation easements on residual lands?

Does the project minimize its impact on any adjacent Wildlife Corridors or Habitat Patch?
OBJECTIVE: To maintain the ecological integrity of the Bow Valley.

Does the project decrease or minimize residential density adjacent to environmentally sensitive lands adjacent or proximate to the site? Enter "1" in appropriate box		Average lot area less than 630 m ² . (no mitigation)		Scale of Development Multiplier	
		Average lot area greater than 630 m ² .	Average lot area greater than 4,000 m ² .	Average lot area greater than 8,000 m ² .	Average lot area greater than 16,000 m ² .
	Average lot area less than 630 m ² . (no mitigation)	3	0.0000	0.5	0.00
	Average lot area greater than 630 m ² .	3	0.0000	1	0.00
	Average lot area greater than 4,000 m ² .	3	0.0000	1.5	0.00
	Average lot area greater than 8,000 m ² .	3	0.0000	2	0.00
	Average lot area greater than 16,000 m ² .	3	0.0000		

Does the project reuse an existing contaminated brownfield site? Enter "1" in appropriate box		No remediation proposed?		Scale of Development Multiplier	
		In-situ management of contaminants?	Removal and disposal of contaminants?		
1	No remediation proposed?	3	0.25	0	
	In-situ management of contaminants?	3	1	0	
	Removal and disposal of contaminants?	3	1	0	

Geophysical and geotechnical issues not included.

What additional environmental leadership or innovation is demonstrated by the project?
OBJECTIVE: To lead through innovation.

1	Scoring Contingent on Value of Innovation	3	2	6
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Describe and rate the other innovations:

Strengthening the Social Fabric
 "... embracing diversity and managing our community in ways that support diversity are the means to creating and maintaining a strong social fabric"
What access to basic levels of appropriate shelter does the project propose?
OBJECTIVE: Increasing the supply of truly affordable housing (PAH).

How many units of perpetually affordable housing are in the project?	Number of units required to maintain current PAH ratio	0.000%	5	0.000
	0.73			

Does the project proposed a cash contribution towards PAH in lieu of providing affordable housing units?	Number of units required to maintain current PAH ratio	0.000%	4	0.000
	Unit equivalency by cash contribution (where \$275,000 equals 1 unit)	0.73		

How many bedrooms of employee housing are in the project?	Number of bedrooms required to maintain current EH ratio	0.000%	3	0.000
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		1.829		
			Scale of Development Multiplier	
Are 100% of the employee housing bedrooms being occupied by employees earning less than the community median income?	1	Enter '1' if Yes	3	1 3

Does the project proposed a cash contribution towards employee housing in lieu of providing employee housing bedrooms? <i>Unit equivalency by cash contribution (where \$115,000 equals 1 bedroom)</i>		Number of bedrooms required to maintain current EH ratio	0.000%	4	0.000
				1.829	

How many units of seniors housing (SH) are in the project?		Number of units required to maintain current SH ratio	0.000%	4	0.000
				0.425	

What availability of Employee Housing does the project propose?					
OBJECTIVE: Increasing the supply of employee housing units to ensure that businesses have enough staff to meet community demands.					
What percentage of the employees will be provided housing?	1	None	Scale of Development Multiplier		
		1 to <25%	3	1	3
		25% to <50%	3	2	0
		50% to <75%	3	3	0
		75% to 100%	3	4	0

What percentage of the employees will be provided rental assistance resulting in rents 10% below market levels?	1	None	Scale of Development Multiplier		
		<25%	3	0.5	0
		25% to <50%	3	1	0
		50% to <75%	3	1.5	0
		75% to 100%	3	2	0

Does the project create growth that retains/enhances the Town's identity?					
OBJECTIVE: Canmore retains its small town character of being an open, friendly, and easily accessible place that is a visually pleasing community.					
What percentage of the site area is set aside and is effective for accommodating meeting and social interaction?	1	None	Scale of Development Multiplier		
		< 5%	3	0.25	0
		5% to < 10%	3	0.5	0
		10% to < 15%	3	0.75	0
		15% and above	3	1	3

Does the proposal retain or reuse an existing historic property or building?	1	Not Applicable			
		No			
		Building envelope adjusted to respect adjacent historic building		0.25	0
		Reuse / adaptation with partial retention of exterior historic details		0.5	0
		Reuse / adaptation with full retention of exterior historic details		0.75	0
		Restoration of historic structure		1	0

Does the project exceed minimum municipal reserve requirements (including cash in lieu)? (what percent is above or below requirements)	1	None or less than required level	Scale of Development Multiplier		
		< 5%	3	0.25	0
		5% to < 10%	3	0.5	0
		10% to < 15%	3	0.75	2.25
		15% and above	3	1	0

Does the project support the social fabric through cultural assistance?					
OBJECTIVE: To support and assist existing community groups and programs.					
Does the project provide accessible (physically and cost) recreation or cultural facilities or programs?	1	No facilities	Scale of Development Multiplier		
		Restricted public access	3		0
		Good public access	3	1	3
		Superior public access	3		0
				Scoring Contingent on Value of Proposal	

Does the project make a contribution to recreation facilities ?	1	None or Minimal	Scale of Development Multiplier		
		Equivalent to Voluntary Policy (per unit)	3	0.25	0
		Exceeds Voluntary Policy	3	0.5	0

Does the project support school enrollment? Provide evidence of support, please.	1	None or Minimal	Scale of Development Multiplier		
		Sustains current school enrollment	3		0
		Increases school enrollment	3		0
				Scoring Contingent on Value of Proposal	

What level of support for current childcare facilities does the project propose?	1	None or Minimal	Scale of Development Multiplier		
		Sustains the current spaces available	3		0
		Increases the number of spaces available	3		0
				Scoring Contingent on Value of Proposal	

What level of support for cultural establishments (library, museum, church) does the project propose? Enter "1" in appropriate box <i>How many people are served by the receiving organization?</i>		None or Minimal	Scale of Development Multiplier		
		Medium	3		0
		High	3		0
			Scoring Contingent on Value of Proposal		
<i>How big is the contribution relative to the proposed project budget?</i>					
<i>Significance of contribution to the recipient organization budget?</i>					
<i>Significance of contribution to the recipient project?</i>					
<i>Significance of contribution to the recipient organization?</i>					

What level of support for other non-profit community organizations does the project propose? Enter "1" in appropriate box <i>How many people are served by the receiving organization?</i>		None or Minimal	Scale of Development Multiplier		
		Medium	3		0
		High	3		0
			Scoring Contingent on Value of Proposal		
<i>How big is the contribution relative to the proposed project budget?</i>					
<i>Significance of contribution to the recipient organization budget?</i>					
<i>Significance of contribution to the recipient project?</i>					
<i>Significance of contribution to the recipient organization?</i>					

What unique supports for community programming does the project propose? Enter "1" in appropriate box <i>How many people are served by the receiving organization?</i>		None or Minimal	Scale of Development Multiplier		
		Medium	3		0
	1	High	3	2	6
			Scoring Contingent on Value of Proposal		
<i>How big is the contribution relative to the proposed project budget?</i>					
<i>Significance of contribution to the recipient organization budget?</i>					
<i>Significance of contribution to the recipient project?</i>					
<i>Significance of contribution to the recipient organization?</i>					

What level of support for special events does the project propose? Enter "1" in appropriate box <i>How many people are served by the receiving organization?</i>		None or Minimal	Scale of Development Multiplier		
	1	Medium	3	1	3
		High	3		0
			Scoring Contingent on Value of Proposal		
<i>How big is the contribution relative to the proposed project budget?</i>					
<i>Significance of contribution to the recipient special event budget?</i>					
<i>Significance of contribution to the recipient special event project?</i>					
<i>Significance of contribution to the recipient special event organization?</i>					

Does the project propose to include a public art component? Enter "1" in appropriate box		No public art provided	Scale of Development Multiplier		
		Public art provided	3	0.25	0
		Public art exceeds 1% of the project budget	3	0.5	0

What civic engagement, community participation or leadership and innovation is demonstrated by the project?					
<i>OBJECTIVE: Residents have options to receive effective information and provide input which is incorporated into decision making.</i>					
Does the project's public consultation program exceed statutory requirements? Enter "1" in appropriate box		Meets statutory requirements	Scale of Development Multiplier		
		Notification	3	0.25	0
	1	Consultation with community/neighbours	3	0.5	1.5
		Collaboration	3	1	0

What additional social leadership or innovation is demonstrated by the project?					
<i>OBJECTIVE: To lead through innovation.</i>					
What other process or program innovations does this project propose? Describe and rate the other innovations:	1	Scoring Contingent on Value of Innovation	3	2	6

Total Offsets	74.164
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Total Resulting Score	46.078
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BYLAW 2021-22

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO
AMEND THE SPRING CREEK MOUNTAIN VILLAGE AREA REDEVELOPMENT
PLAN BYLAW 01-2003**

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

TITLE

1. This bylaw shall be known as the “Spring Creek Mountain Village Area Redevelopment Plan Amending Bylaw - General and Hotel-Related Updates.”

INTERPRETATION

2. Words defined in Bylaw 01-2003 shall have the same meaning when used in this bylaw.

AMENDS BYLAW 11-2012

3. Schedule A of Spring Creek Mountain Village Area Redevelopment Plan Bylaw 01-2003 is amended by this bylaw.
4. The Table of Contents is amended by, updating the page number for “Residential Development Policies” from “25” to “26”, updating the page number for “Open Space Policies” from “27” to “28”, and by removing “2002” from “Aerial Photograph 2002”.
5. Figures 1 through 8 are amended by updating the boundary shown on each Figure for the Area Redevelopment Plan.
6. Table 1 is amended by adding underneath “March 16, 2010”:
 - a) “October 13/2015 Public Hearing – ARP Amendments
 - b) “November 18/2020 Public Open House – ARP Amendments
 - c) “May 12/2021 Public Hearing – ARP Amendments”
 - d) “April 4, 2022 SCPOA (Property Owners Assoc) – ARP Amendments”
7. Figure 3 is amended by changing:
 - a) The number of storeys for the residential – apartment style area from “3 ½ storeys” to “3-4 storeys”
 - b) The number of storeys for the residential – townhouse style area from “2 ½ storeys” to “3 storeys”
8. Table 2 is amendment by changing:
 - a) “GROSS ARP AREA” from “28.37” to “28.48 hectares and “70.1” to “70.37” acres
 - b) “ENVIRONMENTAL RESERVE from “3.88” to “3.92” hectares, “9.59” to “9.68” acres, and “13.7%” to “13.8%” percentage of ARP
 - c) “GROSS DEVELOPABLE” from “21.64” to “21.71” hectares, “53.47” to “53.65” acres, and “76.3%” to “76.2%” percentage of ARP

- d) “RESIDENTIAL (all types) from “11.82” to “11.88” hectares, “29.21 to 29.36” acres, and “54.6%” to “54.7%” percentage of gross development
 - e) “COMMERCIAL (Hotel) from “1.29” to “1.30” hectares, “3.19” to “3.21” acres,
 - f) ROADS from “21.2%” to “21.1%” percentage of gross development
 - g) DENSITY ANTICIPATED UNITS/ hectares (max.) from “1200” to “1000” amended residential units, “42.3” to “35.11” residential units over ASP total area, “55.45” to “46.06” residential units over developable area, “58.97” to “49” residential unit density excluding hotel sites, and “64.7” to “57.58” overall density including hotel rooms
 - h) DENSITY ANTICIPATED UNITS/ acres (max.) from “1200” to “1000” amended residential units, “17.12” to “14.21” residential units over ASP total area, “22.44” to “18.64” residential units over developable area, “23.86” to “19.83” residential unit density excluding hotel sites, and “26.18” to “23.30” overall density including hotel rooms
9. Section 4.6.9 is amended by removing all wording after “Adjacent to Creek Banks:” and adding:

“Area-wide setback requirement: Buildings or structures shall be sited a minimum distance of 20 metres from the bank of both creeks. Due to the slope of the land adjacent to Spring Creek, Policeman’s Creek and within the Village, landscaping, including terraced landscaping and retaining walls shall be permitted within this setback area.

Community structure setback requirement: At the discretion of Council, a variance of up to 6 meters may also be approved for the development of a structure for community use on municipal reserve lands in Stage 1.

Residential setback requirements for the northerly residential lots: Notwithstanding their lot registration date, a variance to the 20 metre creek setback for the two residential lots (Lot 1, Block 9, Plan 1810013; Lot 5, Block 83, Plan 1095F; Lot 6, Block 83, Plan 1095F) proposed in Stage 1, shall be considered in accordance with the town-wide variance requirements for waterbody setbacks as outlined in the Land Use Bylaw.

Northerly hotel/commercial sites in Stage 1 setback requirement: Due to lot depth, the minimum development setback shall be 15 metres for the two most northerly hotel/commercial sites. Site design (landscaping and pedestrian pathways) will complement the adjacent riparian area. Encroachments into this setback area shall be allowed for landscaping, retaining walls, patios, and outdoor health, wellness, and spa facilities up to the property line, and for decks projecting 1m from the building façade.

10. Section 4.7.6 is amended by adding “or Townhouses adjacent to designated Tourist Home apartment buildings.” after “within apartment buildings”.
11. Section 4.7.8 is amended by adding “as shown on the Concept Plan Figure 3, shall be re-developed with no more than two single detached homes. The lots shall retain R1 – Residential Detached District designation.” after “east of Spring Creek Drive,”.
12. Section 4.8.2 is amended by adding “250” in place of “200”.

13. Section 4.8.4 is amended by, adding “3000” in place of “950”, removing “(approximately 10,000 32,291.73 sq. ft.)”, and adding “with a 500 m2 daycare bonus.” after “3000 sq. meters”.
14. Table 4 is amended by changing:
 - Single detached from “7” to “10” under Stage 1 and Total*
 - Total from “238” to 241” under Stage 1 and “1057” to “1060” under Total*
 - Number of hotel rooms from “200” to “250” under Stage 1 and Total*
 - Hotel related commercial (sq ft)** from “(sq ft)” to “(sq m)” and from “15,000” to “2500” under Stage 1 and Total*
 - After “related bonus units,” adding “and includes daycare of 347m²”

ENACTMENT/TRANSITION

15. If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
16. This bylaw comes into force on the date it is passed.

FIRST READING:

PUBLIC HEARING:

SECOND READING:

THIRD READING:

Bylaw approved by: _____

Page 3 of 4

Approved on behalf of the Town of Canmore:

Sean Krausert
Mayor

Date

Cheryl Hyde
Municipal Clerk

Date



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SPRING CREEK MOUNTAIN VILLAGE AREA REDEVELOPMENT PLAN

1.0 INTRODUCTION AND BACKGROUND

1.1 ORGANIZATION OF THE PLAN

The Spring Creek Mountain Village Area Redevelopment Plan (ARP) includes two main parts. The main body of the ARP is contained in Sections 1 through 4 and includes the background, objectives, concept plan and supporting policy statements. Appendix “B” contains the Spring Creek Mountain Village Urban Design Guidelines. The intent of these guidelines is to provide additional information on the design philosophy and standards envisaged for the plan. While some flexibility must exist, it is expected that development will adhere substantially to these guidelines.

1.2 LOCATION AND CONTEXT

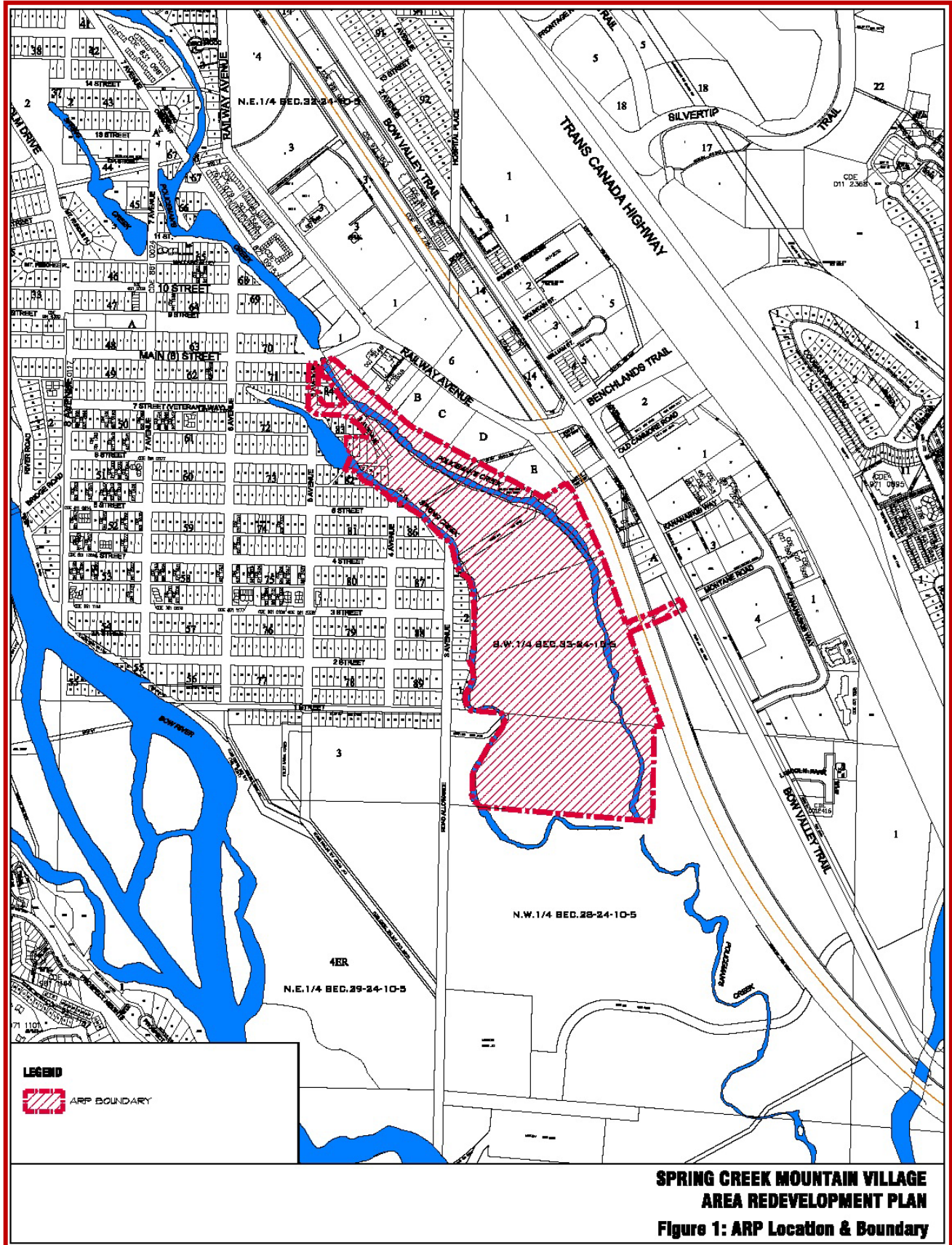
The ARP covers lands generally south of 8th (Main) Street, east of Spring Creek and west of the CPR tracks. **Figure 1: ARP Location & Boundary** shows the limits of the study area. **Figure 2: Aerial Photograph** shows a year 2002 aerial view of the study area.

1.3 SITE HISTORY AND USE

Since development of the land as a mobile home park in the late 1950s, Restwell has provided an important source of entry level housing within the Canmore context. Prior to that time, the land was the site of the Canmore dairy farm owned and operated by the Kernick family. Today much of the site is operated as a lease land mobile home community with approximately 220 mobile homes, 6 Cabins and 250 recreational vehicle sites. Two permanent residential homes and various ancillary buildings are also located on the site. When full, the Restwell population can exceed 1000 people including permanent and seasonal residents.

1.4 EXISTING RESIDENTS

To ensure that the permanent residents in Restwell Trailer Park were fully considered in the redevelopment plan, two Restwell Resident Surveys





were conducted in 2002. The self-report surveys were designed to gather information about the residents living in Restwell, existing on-site housing, residents' opinions about the redevelopment and future housing intentions and preferences of the residents and their families. The response rate was over 65% for both surveys. Additional feedback from Restwell residents was received during presentations to the residents and public open houses and continues on an on-going basis through the Restwell resident representatives on the Study Team Committee.

1.5 RATIONALE FOR REDEVELOPMENT

- 1.5.1 **Land Use Intensity:** Because of the relatively low density nature of the existing housing, redevelopment will provide an opportunity for better utilization of the land through increased development density and variety of built form.
- 1.5.2 **Positive Environmental Change:** The creeks, creek banks and wetland area in the vicinity of the existing boardwalk will be transferred to Town ownership in the form of environmental reserves. The rehabilitation of disturbed creek bank areas will also occur through redevelopment.
- 1.5.3 **Proximity to Town Services:** The Restwell site is close to downtown, schools, parks and other Town facilities and services. The location provides an opportunity to develop complementary residential, commercial and open space uses within close walking distance of downtown.
- 1.5.4 **Economic Benefit:** Redevelopment will produce positive economic benefits both in terms of employment and property tax revenue to the Town of Canmore.
- 1.5.5 **Infrastructure Upgrading:** Much of the existing utility and building infrastructure in Restwell is old and in need of replacement. Redevelopment will allow this upgrading to occur on a phased basis.
- 1.5.6 **Housing and Tenure:** The existing homes and tenure makes potential redevelopment more feasible than traditional fee simple homes on permanent foundations. The existing turnover in home sales and resident movements in and out of the park also helps to facilitate redevelopment flexibility over time.
- 1.5.7 **Natural Setting:** The site location adjacent to Spring Creek and Policeman's Creek and the panoramic views of the surrounding mountains, makes this site highly desirable for various forms of residential, commercial and open space uses.

1.6 POLICY FRAMEWORK

1.6.1 **Municipal Government Act:** The Spring Creek Area Redevelopment Plan is prepared for adoption by the Town of Canmore Council under provisions established in the Municipal Government Act 1996, c.M-26.1 as amended. The Act provides that Council may designate an area of the municipality as a redevelopment area for the purpose of any or all of the following:

- preserving or improving land and buildings in the area,
- rehabilitating buildings in the area,
- removing buildings from the area,
- constructing or replacing buildings in the area,
- establishing, improving or relocating roads, public utilities or other services in the area, and
- facilitating any other development in the area

The Act also stipulates that the ARP must describe:

- the objectives of the plan and how they are proposed to be achieved
- the proposed land use for the redevelopment area
- if a redevelopment levy is to be imposed, the reasons for imposing it, and
- any proposals for the acquisition of land for any municipal use, school facilities, park and recreation facilities or any other purpose the council considers necessary.

1.6.2 **Municipal Development Plan (MDP):** The Town of Canmore MDP Part 6 Section 4.0 e) establishes the requirements for Area Redevelopment Plans within the municipality. The ARP document shall address the following:

- Objectives of the plan,
- Public participation program,
- Specific future land uses,
- Sequence of redevelopment,
- Proposed replacement or improvement to public roadways, utilities and other services,
- Groundwater and wellhead protection measures
- Requirements for recreation. School and other community facilities,
- Urban design concept and architectural guidelines for new development,

- Socio-economic impact assessment, and
 - Removal, rehabilitation, or protection of land uses and buildings.
- 1.6.3 **Terms of Reference:** The Terms of Reference for the Restwell Trailer Park & Cabins ARP (Spring Creek ARP) was adopted by Council on October 15th, 2002. This document establishes the general purpose, scope and timing for the ARP. It also outlines the public consultation process and provides an outline of the technical studies required to support the ARP land use concepts and policies.
- 1.6.4 **Restwell Trailer Park Area Structure Plan:** An Area Structure Plan (ASP) was adopted by the Town for the Restwell Trailer Park in 1982. The plan, which was prepared by the former Calgary Regional Planning Commission, proposed residential development in the form of cluster and stacked town homes with street access from South Canmore via 2nd Street and 4th Street. This plan was not implemented and it is proposed that the Spring Creek Mountain Village ARP replace the Restwell Trailer Park ASP as the guiding policy document for the area.

1.7 CONSULTATION PROCESS

A comprehensive consultation program was undertaken throughout the preparation of the ARP. Additional information on this program is included with the technical support documents submitted under separate cover. The consultation program had four main components:

- 1.7.1 **Website:** An internet website “restwellarp.com” has been established to post an extensive list of materials including the Terms of Reference, open house summary information, supporting technical information, maps, pictures and contact information. A comments section solicits feedback from Restwell residents and the general public.
- 1.7.2 **Restwell Residents Surveys and Public Open Houses:** To gather demographic information and determine residents’ opinion about the redevelopment, the owner of Restwell Trailer Park surveyed residents in May 2002. This was followed by a more extensive survey of residents conducted by The Praxis Group, as part of the Socio-economic Impact Assessment, in December 2002. Public consultation has been through open house discussion and presentations to Restwell residents and the general public.
- 1.7.3 **Study Team – Working Committee:** A Study Team committee consisting of representatives from the consulting team, Town of Canmore administration and Restwell residents was formed at the project outset. The committee met at strategic times to review the Terms of Reference, draft Development Principles and Concept Plans.

1.7.4 **Council Updates:** Council was updated on the progress of the study typically following each public open house.

1.7.5 **Key Dates:** The key consultation program dates are shown on Table 1 below.

TABLE 1: CONSULTATION PROGRAM

DATE	ACTIVITY
April 14/02	Restwell Residents - Presentation
September 15/02	Public Open House - Terms of Reference
October 8/02	Council Update
October 15/02	Terms of Reference approved by Council
January Feb./03	Draft Development Principles prepared
February 3/03	Study Team Committee Meeting
February 25/03	Public Open House - Development Principles
June 19/03	Study Team Committee Meeting
June 23/03	Public Open House - Concept Plan Presentation
June 24/03	Council Update
October 20/03	Study Team Committee (review of draft ARP)
November 6/03	Public Open House
February 26/04	Town Open House
April 13/04	Council Update
January 11/2010	Public Open House & Presentation by SCMV
January 12/2010	Public Meeting for SSRs
March 16/2010	Public Hearing – ARP Amendments
October 13/2015	Public Hearing – ARP Amendments
November 18/2020	Public Open House – ARP Amendments
May 12/2021	Public Open House – ARP Amendments
April 4, 2022	SCPOA (Property Owners Assoc) - ARP Amendments

1.8 TECHNICAL STUDIES

Several technical studies have been prepared to support the policies and land use concepts presented in the ARP. These studies do not form part of the formal Spring Creek Mountain Village ARP policy document adopted by Council but provide a comprehensive background analysis and recommendations on many aspects of the ARP. These studies include:

- Biophysical Inventory and Environmental Impact Statement, (Golder Associates Ltd. 2003)
- Geotechnical Analysis and Environmental Site Assessment (ESA), (Sabatini Geotechnical 2003)

- Visibility Impact Analysis, (Marshall Tittlemore Architects and Southwell Trapp & Associates Ltd., 2003)
- Spring Creek Mountain Village Transportation Impact Study, (Finn Transportation Consultants, 2003)
- ARP Public Consultation Report and Surveys, (Southwell Trapp & Associates Ltd., 2003)
- Servicing master plans - Storm, Sanitary and Water services, (Mountain Engineering Ltd. 2003)
- Socio-economic Impact Assessment, (Praxis 2003)
- Historical Resources Impact Assessment, (FMA 2002)
- Railway Traffic Noise Assessment (Faszer Farquharson and Associates Ltd., 2003)

2.0 ARP OBJECTIVES

The main objectives of the Spring Creek Mountain Village ARP are as follows:

- 2.1 To ensure the ARP is consistent with the provisions of the Municipal Government Act (MGA), and the Town's Municipal Development Plan,
- 2.2 To conduct a public consultation program which ensures that existing residents and the public are fully informed of the planning process and have the opportunity for formal and informal input to the guiding policies and development proposals,
- 2.3 To create a vibrant, innovative mixed use but predominantly residential neighbourhood through redevelopment of the Restwell Trailer Park lands.
- 2.4 To reduce urban sprawl and provide sustainability through efficient urban design and land usage,
- 2.5 To ensure that the development is fully integrated into the Canmore community and complements the downtown area,
- 2.6 To emphasize the open space system and the trail linkages within the site and to adjacent lands,
- 2.7 To provide a wide range of housing choices for different age groups and income levels,
- 2.8 To provide all Restwell mobile home residents an opportunity to transition from mobile homes to other forms of housing as redevelopment occurs, and
- 2.9 To help control the rising cost of housing by allocating a portion of the residential units onsite as Perpetually Affordable Housing (PAH).
- 2.10 To identify environmentally sensitivity areas and emphasize sustainability, protection, enhancement and public ownership of the important creeks and riparian areas through the creation of environmental reserves and municipal reserves where appropriate.

3.0 THE CONCEPT PLAN

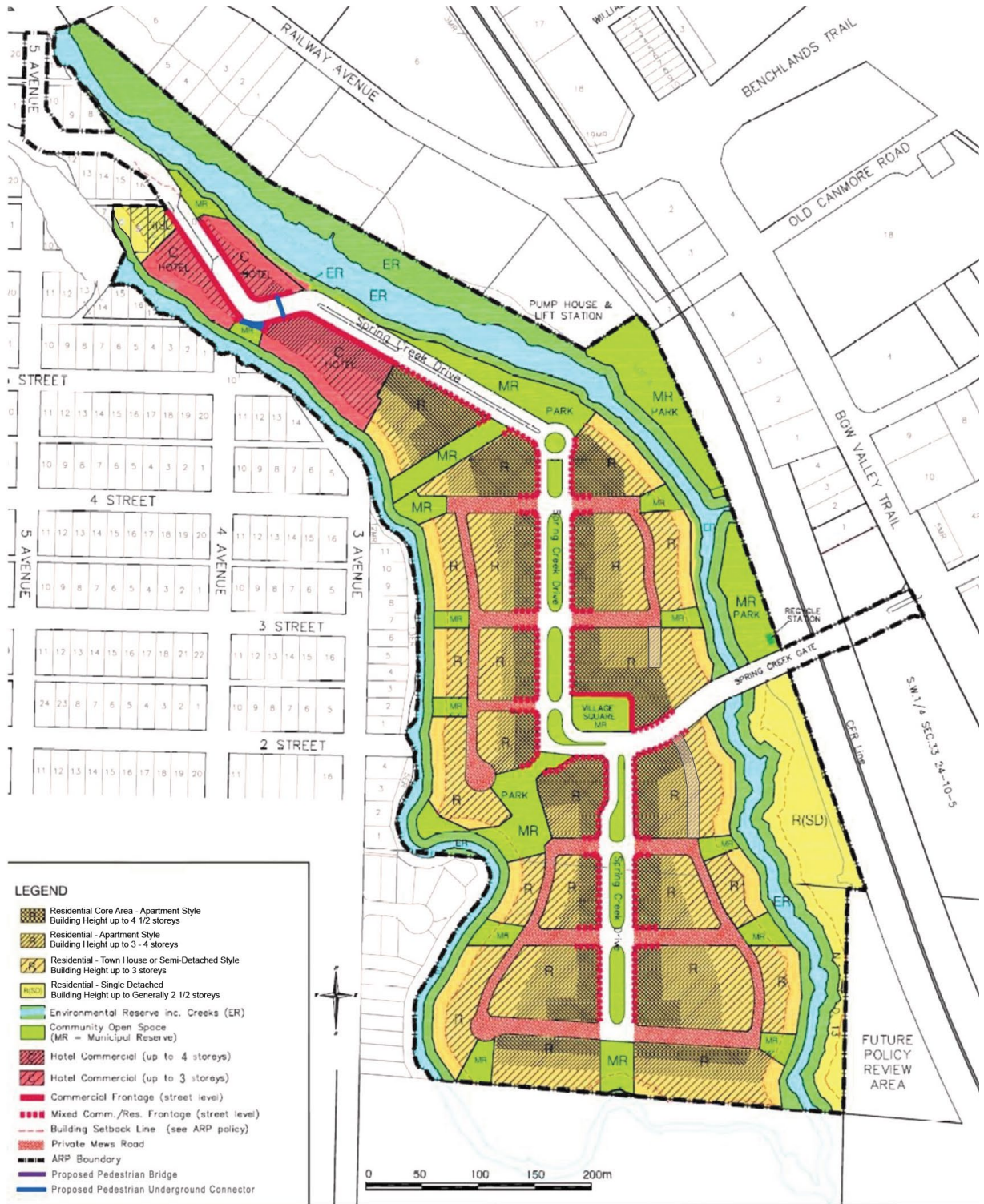
3.1 CONCEPT OVERVIEW

As illustrated in **Figure 3: Land Use Concept**, the ARP envisages a distinct new urban neighbourhood including a variety of residential, commercial and open space uses within a pedestrian orientated street network. The relatively large site area provides an opportunity for a variety of redevelopment opportunities to be staged over time while still accommodating mobile home residents during the transition. Future development will include a wider variety of housing options catering to a range of age and income levels. The ultimate population is expected to be in the 1,800 to 2,200 range developed over a 15 to 20 year time frame.

A key component of the plan is a new road access to the site from Bow Valley Trail which will intersect with the internal road system at the village square focal point. The central spine road (Spring Creek Drive) incorporates a unique linear boulevard green space which acts as a focus for the higher density residential and mixed use residential/commercial uses concentrated towards the central part of the site. East and west of the core the density and building heights diminish. Lower density semi-detached or townhouse style residential units closer to the perimeter and creeks are served by more intimate mews street. Significant view corridors have been considered in the land use distribution and street orientation. A small area of low density single detached housing is incorporated in the treed area on the east edge of the plan area south of the proposed new access from Bow Valley Trail.

The plan recognizes that Spring and Policeman's Creeks are the most important elements in the open space system. They provide a unique ambiance and defining edge to the main development area. A perimeter trail system is incorporated in the design concept to allow public enjoyment of the creek amenity and facilitate internal and external trail connections.

Based on the findings of the Biophysical Analysis, a considerable area has been identified as future Environmental Reserve including the creeks, creek banks and wetland areas in the northeast portion of the site adjacent to the existing boardwalk. These natural areas will be supplemented by a hierarchy of open spaces throughout the development as illustrated on the Concept plan.



SPRING CREEK MOUNTAIN VILLAGE
 AREA REDEVELOPMENT PLAN
 Figure 3: Land Use Concept

3.2 LAND USE AREAS

Table 2: Land Use Areas and Density: Table 2 shows the main land use categories by area and as a percentage of the total ARP area and the gross developable area. Environmental Reserve including creeks is approximately 23.7% of the total ARP area. Of the remaining developable lands, approximately 18.2% is open space including Municipal Reserve 14.2% and other open space 4%. The density portion of Table 2 shows the anticipate density in several ways including gross density for the entire ARP area and gross developable density which excludes environmental reserve lands. Densities with the hotel sites included and excluded are also provided.

TABLE 2: LAND USE AREAS AND DENSITY

SPRING GREEK MOUNTAIN VILLAGE								
LAND USE AREAS								
LAND USE	Hectares		Acres		% of ARP		% of Gross Dev	
GROSS ARP AREA	28.48	28.37	70.37	70.1	100.0%			
ENVIRONMENTAL RESERVE	3.92	3.88	9.68	9.59	13.8%	13.7%		
CREEKS	2.85		7.04		10.0%			
GROSS DEVELOPABLE	21.71	21.64	53.65	53.47	76.2%	76.3%		
MUNICIPAL RESERVE	3.07		7.59				14.2%	
OTHER OPEN SPACE	0.87		2.15				4.0%	
RESIDENTIAL (All Types)	11.88	11.82	29.36	29.21			54.7%	54.6%
COMMERCIAL (Hotel)	1.3	1.29	3.21	3.19			6.0%	
ROADS	4.59		11.34				21.1%	21.2%

SPRING CREEK MOUNTAIN VILLAGE: DENSITY CALCULATION										
	Amended Residential Units		Residential Units over ASP Total Area		Residential Units over Developable Area		(1) Residential Unit density excluding Hotel Sites		(2) Overall Density including Hotel Rooms	
DENSITY ANTICIPATED UNITS/Hectare (max.)	1000	1200	35.11	42.3	46.06	55.45	49.00	58.97	57.58	64.7
DENSITY ANTICIPATED UNITS/Acre (max.)	1000	1200	14.21	17.12	18.64	22.44	19.83	23.86	23.30	26.18

(1) Total Residential units divided by the gross developable area less the hotel sites

(2) Total Residential units and hotel rooms divided by the gross developable area

4.0 POLICY SECTION

4.1 GENERAL POLICIES

This section contains general policies or policies requiring special emphasis within the general ARP context. This is followed by specific policy sections related to the various socio-economic, environmental, land uses, transportation, utility servicing, phasing and implementation sections of the plan.

- 4.1.1 **Development Timeframe:** In order to help manage growth and its impacts on the community, the development shall be phased over a minimum of 15 years.
- 4.1.2 **Mixed Land Uses:** The redevelopment plan shall include a mix of land uses including residential, commercial and open space areas.
- 4.1.3 **Supporting Role for Downtown:** Redevelopment of the area should complement and support the existing Canmore downtown area.
- 4.1.4 **Visitor Accommodation:** The existing campground shall be replaced with other visitor accommodation uses over a phased 15 to 20 year time period.
- 4.1.5 **Staff Accommodation:** Future visitor accommodation shall provide for full time and seasonal staff housing needs at a minimum ratio of 1 unit per 4 staff or at a ratio consistent with any Town Policy on staff accommodation for other similar developments on Bow Valley Trail or Gateway District that is adopted by the Town of Canmore from time to time.
- 4.1.6 **Retail Commercial:** The retail commercial component may include local and specialized commercial uses related to the visitor accommodation or integrated with the residential uses within the higher density core area. Large scale retail commercial development and extensive parking lots will not be permitted.
- 4.1.7 **Community Facilities:** The redevelopment plan shall incorporate space for community facilities, recreational activities and social amenities including space for a private daycare facility.
- 4.1.8 **Residents' Association:** A Residents' Association will be formed for Spring Creek Mountain Village. The Association will enter into an agreement with the Town regarding maintenance of open space and other community facilities.

4.2 SOCIO-ECONOMIC POLICIES

The following policies relate specifically to the important socio-economic principles dealing with existing residents and the need to replace the loss of mobile home housing with alternative affordable housing stock on a stage by stage basis as redevelopment proceeds. Additional information is contained in the supporting Socio-economic Impact Assessment which has been prepared under separate cover.

4.2.1 Existing Residents: The developer shall make provisions to ensure that guidelines are established and adhered to which provide clear direction to existing residents on how their homes may be purchased, relocated or moved out of Restwell through the redevelopment and transition period. It will also support the principle of offering residents of Restwell the first opportunity for purchasing or renting new homes in Spring Creek Mountain Village. (The Guidelines for Existing Residents are included as Appendix A).

4.2.2 Perpetual Affordable Housing (PAH): Concurrent with the development in Spring Creek Mountain Village, the developer will make available a minimum of 5% of the maximum number of residential units for SCMV as PAH units. The provision of these units shall be in accordance with the Town of Canmore PAH Policy. The location of the PAH units should not be concentrated within one or two buildings but distributed throughout the various development stages and buildings. For each PAH unit provided and utilized as PAH, one additional market unit (a bonus unit) may be provided. PAH units and bonus units provided shall be excluded from the 1050 units permitted for the ARP area. The SCMV PAH/bonus unit policy will apply in SCMV irrespective of other Town bonus policies that may be adopted from time to time. The protocol for the provision of PAH housing shall be established in an agreement mutually acceptable to the Town and the Developer. This agreement shall include but is not limited to the following:

- A time frame for the offering of PAH units for sale.
- An initial PAH offering period for original (prior to Sept. 28, 2004) SCMV residents.
- Subsequent PAH offering period for sale to CCHC.
- Initial and resale pricing formulas.
- Phasing of PAH development.

4.2.3 Sense of Community: The redevelopment plan shall strive to maintain and enhance, where possible, the sense of community that exists today. This can be aided by creating a high quality, attractive, pedestrian scale environment and by development of community meeting places.

4.3 ENVIRONMENTAL POLICIES

The following environmental policies are designed to ensure that areas of environmental importance are identified and protected from future development. The analysis and recommendations contained in the Golder Associates Biophysical Inventory were used as the basis for this policy section. **Figure 4: Environmental Sensitivity** provides a summary map illustrating areas of high, medium and low sensitivity.

4.3.1 Environmental Protection: Priority shall be given to the protection of areas identified in the Golder Associates Biophysical Inventory as having High Environmental Sensitivities. These areas are identified in red on **Figure 4**. Protection should be achieved primarily through the designation of Environmental Reserves.

4.3.2 Development & Environmental Sensitivity: The density and type of development shall relate generally to environmental sensitivity as illustrated on **Figure 4**.

- High Sensitivity (red) = no development but rehabilitation if required.
- Medium Sensitivity (orange) = lower density development.
- Low Sensitivity (green) = higher density development.

4.3.3 Creek Protection: The protection and enhancement of the watercourses and riparian habitat of Spring and Policeman's Creeks shall be a priority. This area will include the Wolf Willow and Sedge Wetland vegetation community types in the vicinity of the existing boardwalk. This protection will also extend to sensitive fish habitat, particularly for spawning salmonids.

4.3.4 Creek Bank Re-habilitation: Creek bank stabilization and re-habilitation of existing disturbed riparian areas shall be undertaken where required. The plan should be designed to stabilize the creek banks, minimize erosion and silts entering the creeks, thus protecting spawning habitat. The rehabilitation plans shall be coordinated with the Town and phased as redevelopment proceeds.

4.3.5 South Canmore Local Habitat Patch: No trail link will be developed into the South Canmore Local Habitat Patch immediately south of the property. East west trail linkages shall be incorporated along the south edge of the ARP area as shown on the Concept Plan. Site and building design features on the south development edge shall be designed to minimize potential disturbance to wildlife in the habitat patch.

4.3.6 Creek Trail System: A comprehensive trail system generally parallel to the west edge of Policeman's Creek and the east edge of Spring Creek shall be developed at the beginning of each development stage.

4.3.7 Trail Location: To protect the creek bank and riparian areas from disturbance, the creek trails shall be setback several meters from the creek banks. The trail system should generally be within the creek bank environmental reserve strip but designed to form the transition between natural creek bank and adjacent public or private spaces. No trail shall be provided on the west side of Spring Creek. Where appropriate, educational signage should be installed to provide environmental information for the public and promote stewardship of these resources.

4.3.8 **Environmental Reserve:** Environmental Reserve will be taken at the time of subdivision generally as shown on the Concept Plan in Figure 3. Environmental Reserves will be a minimum of 7 meters and an average of no less than 8m from creek edges in areas designated as having a Low Sensitivity to development and a minimum of 10 m from creek edges in areas designated as having a Medium Sensitivity to development. All areas having a High Sensitivity to development will be designated as Environmental Reserve.

4.3.9 **Storm Water Runoff Control:** Storm water control and treatment to protect the creeks shall be a priority throughout the site.

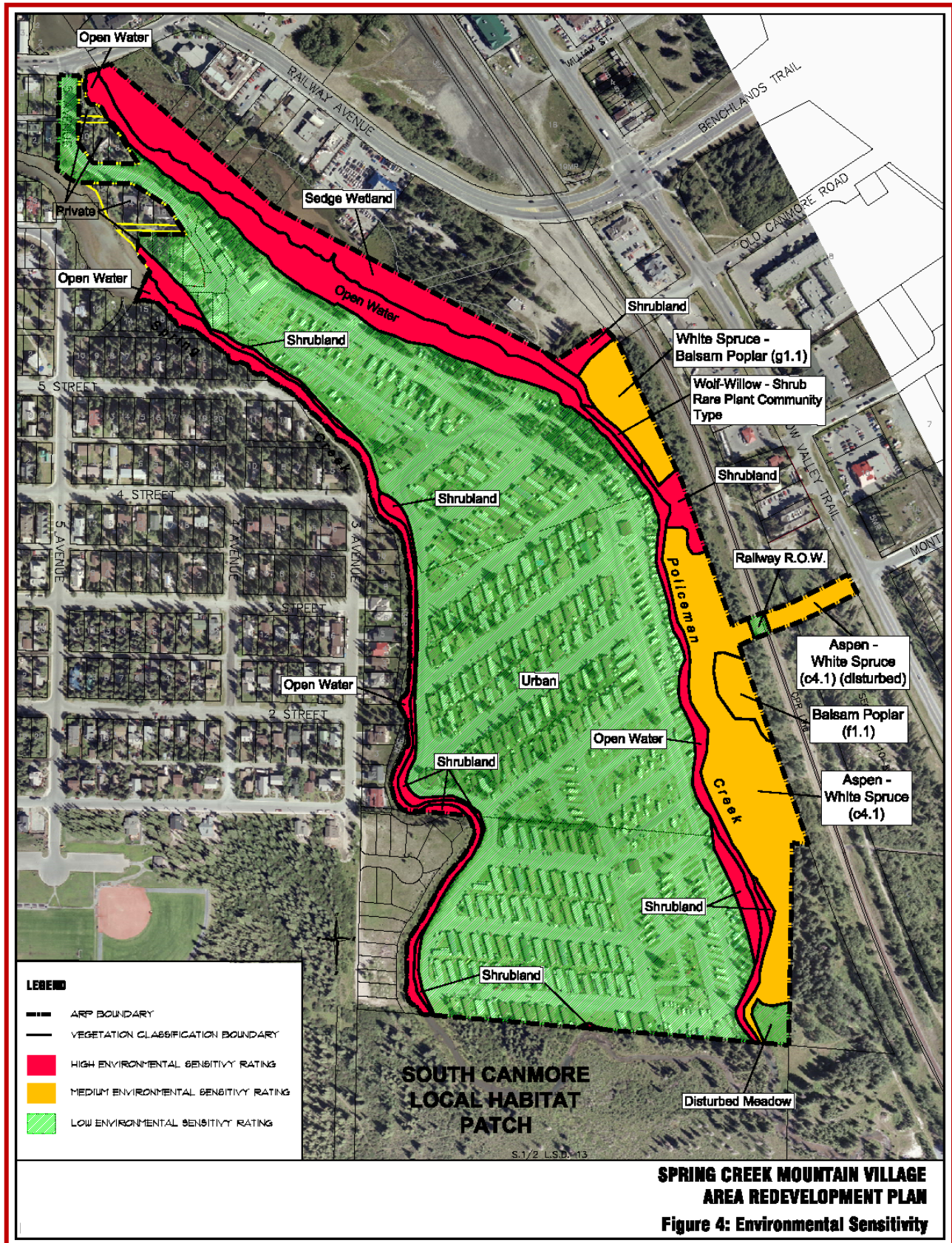
4.3.10 **Noise and Light Pollution:** Site and building design specifications shall be developed to minimize noise and light pollution into undeveloped areas.

4.3.11 **Sustainable Initiatives:** Green initiatives including the possibility of ground source heating will be supported and encouraged.

4.3.12 **Recycling Facility:** If a comprehensive community recycling program cannot be established by 2012 then a satellite recycling depot, accessible from Spring Creek Gate, shall be provided on the east side of Policeman's Creek generally as shown on Figure 3.

4.3.13 **CRD Staging Areas:** Staging areas for construction, renovation and demolition materials shall be established on a phased basis a redevelopment proceeds.

4.3.14 **Irrigation Initiatives:** Irrigation systems shall, where possible, use non-municipal water sources. A linked system using well water will be considered.



4.4 SERVICING AND ENGINEERING POLICIES

The purpose of this section is to identify key engineering and servicing related policies for the plan area. The site is presently serviced by a private water well system which will be phased out as redevelopment occurs. Many of the existing utility lines are in need of replacement and the provision of facilities for the retention and treatment of storm water will be required. The site will require up to 1.5 meters of fill in the central part of the site feathering to existing grades at the creek edges. A servicing Master Plan has been prepared for the study area and is included in the supporting technical information submitted under separate cover. **Figure 5: Utility Servicing**, summarizes the main utility features.

4.4.1 Phasing of Utilities: The phasing of development shall be done to minimize disruption to existing residents and to minimize overall costs. This includes keeping Restwell on the existing water and sewer system as long as possible. Private water & sewer facilities shall be eliminated on a staged basis as new development occurs.

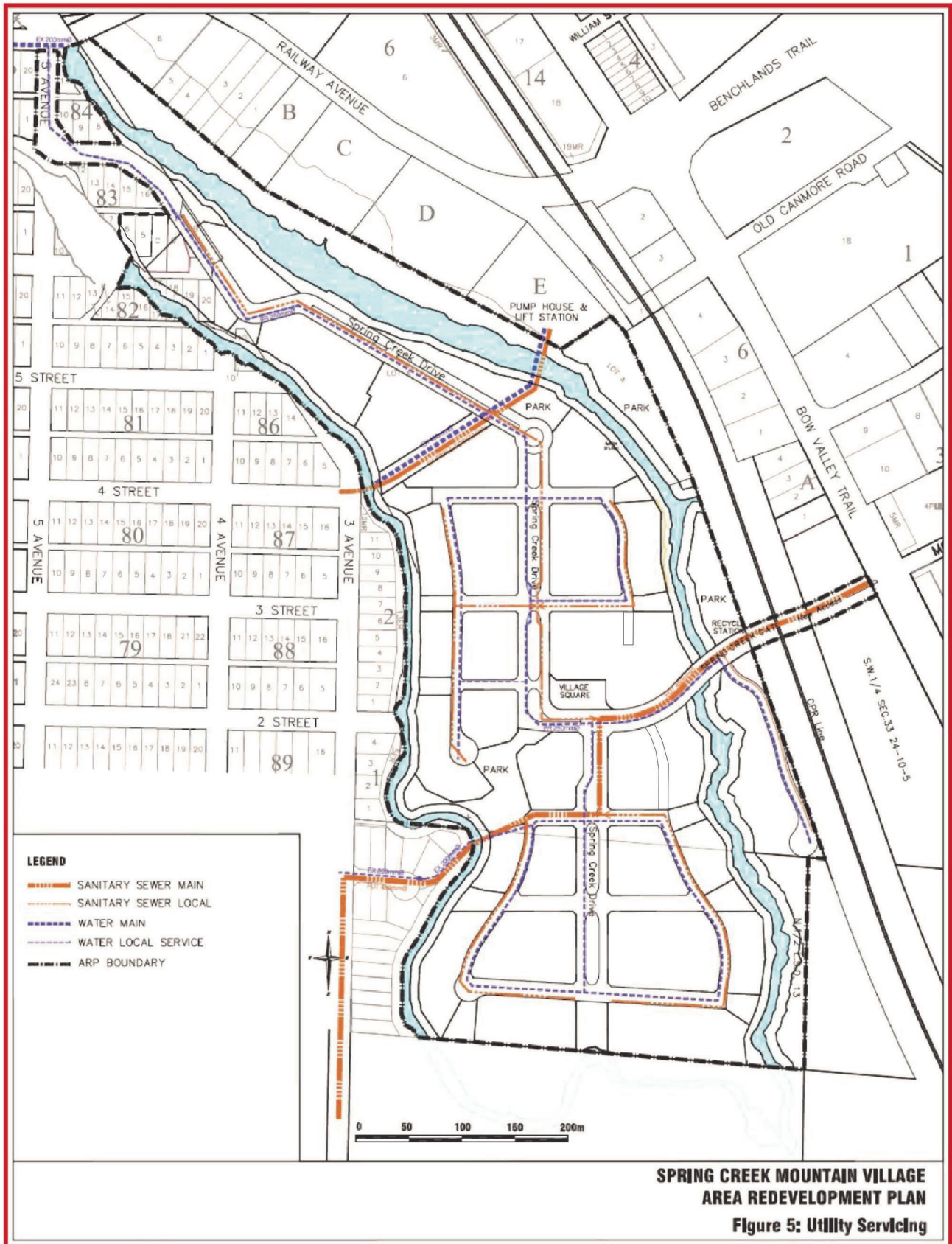
4.4.2 Well Monitoring: Existing water wells will be monitored as redevelopment proceeds to ensure that they meet Canadian Drinking Water Standards.

4.4.3 Engineering Cost Efficiencies: Redevelopment will make efficient use of existing or available infrastructure and facilities (water & sewer). Costs associated with this infrastructure should be investigated with the Town of Canmore and shared where possible to save costs for both parties if possible.

4.4.4 Offsite Levies: A new offsite levies district encompassing the ARP area will be developed that takes into account the additional capacity required for redevelopment of the ARP to proceed over and above capacity being used today by the existing development. This incremental cost will be collected by the Town through an offsite levy.

4.4.5 New Technologies: New/alternative technologies for pipe and trenching in high groundwater conditions will be investigated. Sewer servicing options such as low pressure, vacuum sewer and gravity systems will also be investigated.

4.4.6 Storm Water Storage & Treatment: The 100-year storm event must be stored on site and released at predevelopment rates. Contaminated storm water must be treated prior to discharge.



4.4.7 Site Grading: A site grading plan shall be developed for each phase and approved by the Town. Grading shall ensure that the main floors of all structures are above the 1:100 Year groundwater elevation and that parkade floor elevations are at or above the 1:20 Year groundwater elevation. On site fill shall not exceed 1.5 meters in the central portions of the site tapering to existing grade at the creek banks. Site grading of the site shall also consider the creation of low areas for stormwater storage.

4.4.8 Geotechnical Considerations: Road & servicing design shall take into account geotechnical concerns such as ground water and frost action. Future road design grades will be raised to accommodate these concerns.

4.4.9 Construction Management Plan: A Construction Management Plan will outline environmental protection measures prior to any construction and take into account mitigation suggestions contained in the Environmental Impact Statement and other related studies.

4.4.10 Shallow Utilities: The developer shall coordinate the shallow utility upgrade requirements with the various utility companies.

4.5 TRANSPORTATION POLICIES

The purpose of the transportation policy section is to provide for an innovative and coordinated transportation system capable of serving the proposed land use and density distribution. The system should ensure convenient site access and egress as well as efficient internal circulation of vehicles and pedestrians. A key principle of the system is a hierarchical road network that relates to the scale of adjacent development and reflects elements of the general grid pattern that exists in South Canmore. The transportation policies are supported by the analysis and recommendations contained in the Spring Creek Mountain Village Transportation Study. **Figure 6: Transportation,** illustrates the proposed vehicular access and internal road system.

4.5.1 New Entrance Road: A second and primary vehicular access road to the Plan area shall be constructed and functional before any major construction for redevelopment of the Plan area is commenced. All underground utilities required to service the Plan area and located within this access right-of-way shall be pre-installed at the time this access is constructed. The location of this access shall be from Bow Valley Trail generally as shown on the Concept Plan (**Figure 3**).

4.5.2 Emergency Access: Emergency vehicular access to the plan area will be satisfied by the second access provision noted in Policy 4.5.1.

4.5.3 Railway Crossing: A new rail crossing agreement shall be required with CPR to allow development of the new entrance road.

4.5.4 **Road System:** The internal road system may include public and private road options and shall allow for a future public transportation service loop through the site.

4.5.5 **Public Access and Utility Easements on Private Roads:** Any roads identified as private shall make provision for public access and utility easements.

4.5.6 **Road for Road Exchange:** Where existing public road rights of way are closed for redevelopment purposes these shall be provided to the developer at no cost provided they are replaced by an equal or greater dedication of public road within the ARP area.

4.5.7 **Innovative Street Design:** Innovative street design standards shall be encouraged within the Plan area. The standards set out in the Spring Creek Mountain Village Urban Design Guidelines shall be used as the basis for these standards. Final design details will be developed in conjunction with the Town of Canmore.

4.5.8 **Vehicular/Pedestrian Separation:** The separation of vehicular traffic from pedestrian and bicycle circulation will be considered in the urban design plan.

4.5.9 **Traffic Calming:** Traffic calming measures shall be incorporated to reduce vehicle speed, discourage shortcutting from Bow Valley Trail to Main Street and promote a safe pedestrian and cyclist friendly environment. Raised crossings at intersections on Spring Creek Drive and reduced speed limits shall be considered.

4.5.10 **Traffic Volumes:** Traffic counts at the access/egress points to Spring Creek Mountain Village shall be provided annually and the Traffic Impact Assessment report shall be updated by the applicant prior to the commencement of each subsequent stage of development. If during the redevelopment process traffic generation exceeds, or is projected to exceed, 3,000 vehicle trips per day at the 5th Avenue entrance prior to build-out based on the updated Traffic Impact Assessments, the ARP shall be revised to incorporate additional measures to restrict traffic flows at this intersection to 3,000 vehicle trips per day. This may include road design changes or a reduction in density.

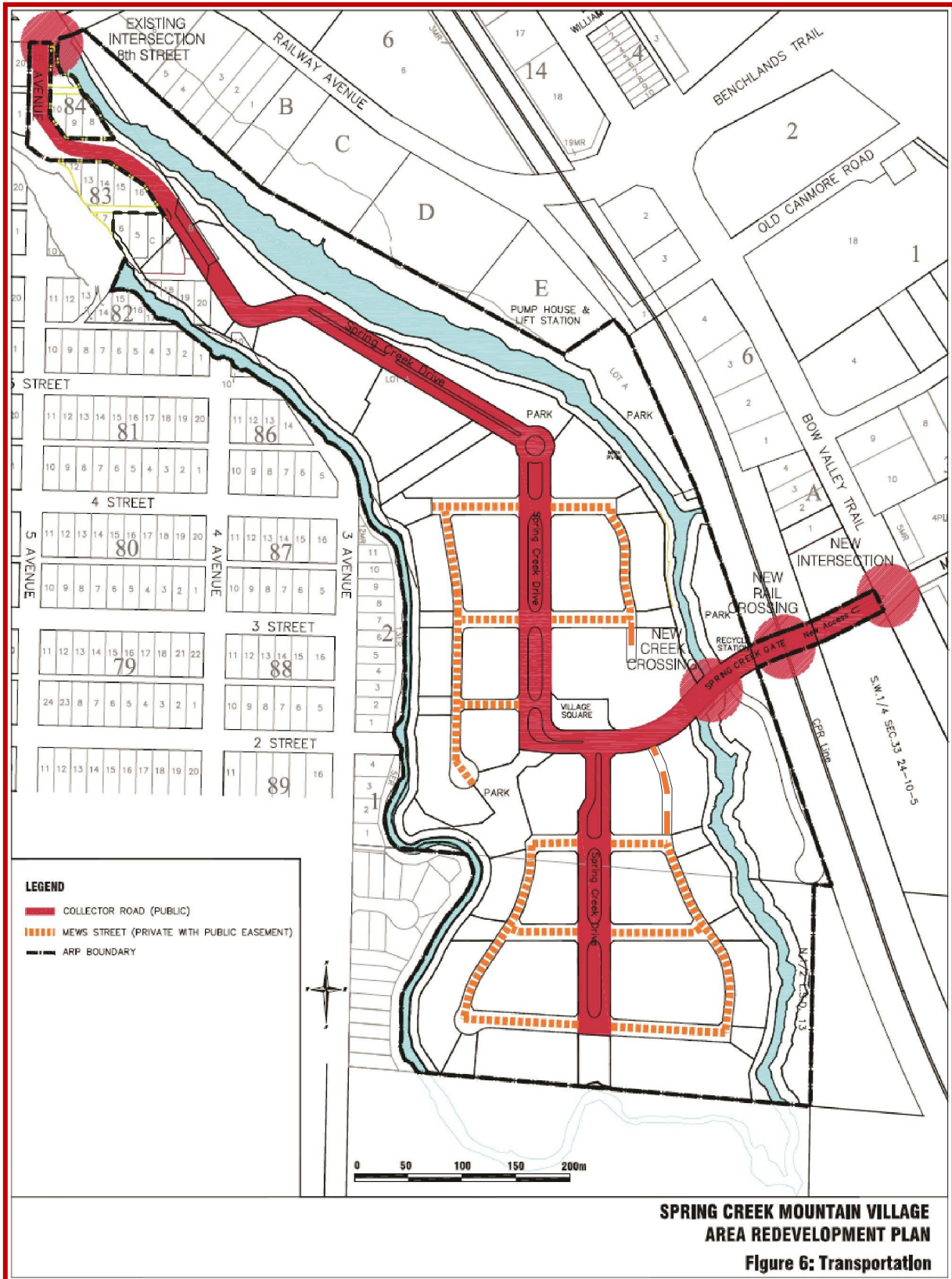
4.5.11 **Intersection Improvements:** Notwithstanding Policy 4.5.10, the developer shall be responsible for the cost of any improvements or upgrading of the 5th Avenue and 8th Street intersection that may be required as determined by the Town of Canmore. The developer will also be responsible for the construction of the new intersection improvements at the proposed Bow Valley Trail/Spring Creek Gate access required as a result of the SCMV development. The Town recognizes that additional traffic from Montane Road to the east will increase and that ultimate improvements to this intersection will be shared proportionately by contributing developments.

4.5.12 **Parking Provision:** Extensive areas of surface parking shall be avoided. Residential and visitor accommodation developments will be encouraged to provide underground or partially underground parking facilities integrated with the building design. Street parking shall be incorporated into the street design where feasible.

4.5.13 **Parking Standards:** Parking standards will be established at the Land Use Redesignation stage. Reduced parking standards may be considered for housing related to mature adult/seniors, Perpetually Affordable Housing and staff housing.

4.5.14 North Entry Road: The 5th Avenue access from the north shall be upgraded to better accommodate pedestrian and bicycle traffic. The street lighting style shall be consistent with the Spring Creek Mountain Village theme.

4.5.15 South East Access Linkage: With development of the low-density residential area in the southeast portion of the plan area, the Town will review the potential for a public access route and emergency access to the adjoining lands to the south (Shown as “Future Policy Review Area” on Figure 3). This access would allow for the continuation of the low-density residential development in this “Future Policy Review Area” while also providing an opportunity for the Town to obtain a dedicated access across the CPR tracks to the Sewage Treatment Facility.



4.6 LAND USE AND URBAN DESIGN POLICIES

The proposed redevelopment envisions a vibrant, sustainable community of rich social and urban texture, distinct but well connected to the wider area. The Land Use and Urban design policies are designed to provide a framework for the new built form. These policies are supported by the more detailed Spring Creek Mountain Village Urban Design Guidelines contained in Appendix B.

4.6.1 Efficient Use of Land: In order to make efficient use of the limited land base in Canmore, redevelopment shall allow for a significant increase in the intensity of use within the site. This increase would gradually occur as existing low-density mobile homes and campsite uses are replaced with new forms of residential and commercial development over a minimum 15-year phased redevelopment.

4.6.2 Mixed Uses: The future development of the Restwell lands shall include a mix of uses including residential, commercial and open space components. The plan should maximize the area's potential relative to the Downtown.

4.6.3 Focal Point: A neighbourhood focal point shall be incorporated into the plan generally as represented by the Village Square feature shown on the Concept Plan Figure 3. This activity point should incorporate residential, commercial and a public open space or community component. The road network and trail system should provide convenient access to this node.

4.6.4 Building Massing: As a general policy, lower, less dense development shall be located adjacent to the creeks with increased density including apartment style housing and taller buildings in the central part of the site.

4.6.5 Building Height: Detailed Building height regulations will be established at the Land Use Redesignation Stage. However, in the central part of the site or core area, building height shall not exceed 4½ storeys. Adjacent to Spring Creek and Policeman's Creek building height shall not exceed 2½ storeys generally, except for the Hotel Commercial areas which may exceed this height as illustrated in Figure 3. Maximum building height shall be measured from an approved site-regrading plan. Where the Development Authority is satisfied that the architectural integrity of a building would be enhanced, variances may be granted through the provisions established in the Town of Canmore Land Use Bylaw. [2015-17]

4.6.6 Building Design: The Spring Creek Mountain Village should develop its own sense of style and theme. The building and site design should reflect an alpine design character and be sensitive to the natural character of the site and its unique mountain setting.

4.6.7 Design for Safety and Security: Site design and landscaping should provide a comfortable pedestrian and cycling environment that supports safety and security by incorporating CPTED principles (Crime Prevention Through Environmental Design).

4.6.8 Architectural and Landscape Elements: The developer shall prepare landscape and architectural guidelines to be implemented with the first phase of

development. These guidelines may be modified as development proceeds but should retain a consistent theme.

4.6.9 Building Setbacks Adjacent to Creek Banks: ~~Buildings or structures shall be sited a minimum distance of 20 metres from the bank of both creeks. Due to site constraints a variance of up to 5 metres may be granted for the two most northerly hotel/commercial sites in Stage 1. At the discretion of Council, a variance of up to 6 metres may also be approved for the development of a structure for community use on municipal reserve lands in Stage 1. No setback variances will be granted in the remainder of the development.~~

Area-wide setback requirement: Buildings or structures shall be sited a minimum distance of 20 metres from the bank of both creeks. Due to the slope of the land adjacent to Spring Creek, Policeman's Creek and within the Village, landscaping, including terraced landscaping and retaining walls shall be permitted within this setback area.

Community structure setback requirement: At the discretion of Council, a variance of up to 6 metres may also be approved for the development of a structure for community use on municipal reserve lands in Stage 1.

Residential setback requirements for the northerly residential lots: Notwithstanding their lot registration date, a variance to the 20 metre creek setback for the two residential lots (Lot 1, Block 9, Plan 1810013; Lot 5, Block 83, Plan 1095F; Lot 6, Block 83, Plan 1095F) proposed in Stage 1, shall be considered in accordance with the town-wide variance requirements for waterbody setbacks as outlined in the Land Use Bylaw.

Northerly hotel/commercial sites in Stage 1 setback requirement: Due to lot depth, the minimum development setback shall be 15 metres for the two most northerly hotel/commercial sites. Site design (landscaping and pedestrian pathways) will complement the adjacent riparian area. Encroachments into this setback area shall be allowed for landscaping, retaining walls, patios, and outdoor health, wellness, and spa facilities up to the property line, and for decks projecting 1m from the building façade.

4.6.10 View Sheds: Important view sheds should be considered in the urban design and street orientation.

4.6.11 Floor Area Ratio: The overall Floor Area Ratio for the Spring Creek Mountain Village site may not exceed an overall average of 1.65. The Floor Area Ratio calculation is based on the net developable area, which excludes Creeks, ER, MR, Residents Association Open Space and Public Roads.

4.6.12 Pedestrian Bridges & Underground Corridors: To increase pedestrian mobility within the hotel commercial sites, pedestrian bridge corridors and underground pedestrian corridors may be utilized at the discretion of the approving authority as illustrated on Figure 3. **[2015-17]**

4.7 RESIDENTIAL DEVELOPMENT POLICIES

The policies below are designed to guide the implementation of the ARP residential component. The objective is to provide a range of housing choices for different age groups and income levels with an emphasis on a more compact urban form. To this end the plan encourages attached housing forms including a variety of apartment and townhouse styles. Single family and semi-detached homes will be accommodated in selected areas but will not be the predominant residential focus. **Figure 3: Land Use Concept**, shows the areas proposed for residential uses. Table 3 indicates the approximate residential density for the plan area.

4.7.1 Manufactured Housing Component: The existing manufactured housing component shall gradually be replaced as new development occurs.

4.7.2 Housing Choices: The redevelopment plan shall allow for a range of housing and lifestyle choices including apartments, seniors' apartments, townhouses, special needs housing, live/work studios, semi-detached and single detached housing.

4.7.3 Mixed Use Residential: Mixed-use residential with street front commercial designs shall be encouraged particularly in the central core and Village Square locations. Specific locations for these uses shall be specified at the land use designation stage.

4.7.4 Maximum Residential Units and Density: The maximum number of residential units within the site at build-out shall be 1050 plus PAH and any related bonus units with an absolute total not to exceed 1200 units.

4.7.5 Minimum Residential Units and Density: The minimum number of residential units within the site at build-out shall be 800 units.

4.7.6 Tourist Homes: Tourist Homes will be permitted within the ARP area and shall be identified by the developer at the Development Permit stage. Tourist Home permits will not be considered for units designated as staff or PAH. As a general guide the number of Tourist Homes should not exceed 300 units and shall be located within identified floors within apartment buildings or Townhouses adjacent to designated Tourist Home apartment buildings.

4.7.7 Low Density Housing East of Policeman's Creek: An area of low density single detached housing shall be considered on the east side of Policeman's Creek south of the proposed new access road from Bow Valley Trail as shown on the Concept Plan Figure 3. Creek setbacks, vehicular access, rail noise attenuation and tree preservation must be addressed at the subdivision stage. Subject to a Municipal Development Plan amendment, the Town may also consider a coordinated planning approach involving the adjacent land immediately south identified as a "Future Policy Review Area" on Figure 3: Land Use Concept. This area is presently outside the ARP boundary.

4.7.8 Low Density Housing North of Hotel Site: An area of existing single detached housing located north of the Hotel sites and east of Spring Creek Drive, as shown on the Concept Plan Figure 3, shall be re-developed with no more than two single detached homes. The lots shall retain R1 – Residential Detached District designation.

4.8 COMMERCIAL DEVELOPMENT POLICIES

The commercial policies address the scale, type and location of commercial development within the Plan area. The two main types of commercial development envisaged are: visitor accommodation in the form of boutique hotels with ancillary convention, service and retail components and local commercial and specialized street front retail or service orientated commercial distributed at locations along Spring Creek Drive and the Village Square. Flexibility will be maintained to allow the incorporation of studios and other live/work spaces especially along Spring Creek Drive. **Figure 3: Land Use Concept**, identifies the distribution of commercial uses.

4.8.1 **Commercial Use Mix:** The redevelopment plan shall include a mix of commercial land uses including hotel and local commercial retail and service components.

4.8.2 **Hotel Rooms:** Hotel and related commercial uses shall be located generally in the north portion of the plan area as on the Concept Plan. The number of hotel rooms shall not exceed ~~200~~ 250 unless a policy revision is approved by Council.

4.8.3 **Hotel Related Commercial** The hotel related commercial may include, convention facilities, restaurants and ancillary service and specialist retail components.

4.8.4 **Local Commercial:** The local commercial service and retail component will be limited to a maximum ~~950~~ 3000 sq. meters (~~approximately 10,000~~ 32,291.73 sq. ft.), with a 500 m² daycare bonus. This figure will be reviewed by the developer and the town administration with each development stage and increased if necessary.

4.8.5 **Flexible Commercial Frontage:** Building designs incorporating the flexibility of commercial/residential conversion shall be considered within the vicinity of the Village Square and in areas fronting on to Spring Creek Drive. (The Urban Design Guidelines provide additional information on this concept).

4.8.6 **Pedestrian Scale:** Commercial designs and related parking shall be orientated to a community pedestrian scale and integrated into the open space and trail network. Strong links to the downtown will be encouraged.

4.8.7 **Extensive Commercial Uses:** Large-scale commercial developments and extensive parking lots will not be permitted within the Plan area.

4.9 OPEN SPACE POLICIES

The open space policies are designed to ensure that important natural areas are preserved and that the new development areas are served by a diversity of active and passive open spaces linked with a comprehensive trail system. **Figure 7: Open Space and Trail System** identifies the proposed distribution of green space and the main trail system and external linkages.

4.9.1 Environmental Reserves: The Environmental Reserve areas will be established at the time of subdivision as described in Section 4.3.8.

4.9.2 Municipal Reserves: Except where Municipal Reserve dedication has already been provided or adjustments for deferred reserve caveats are required, 15 percent of the developable land (or equivalent park improvements) shall be established as Municipal Reserve. The allocation of Municipal Reserve in each phase may be greater or less than 15 percent provided the overall requirement is provided. The distribution of Municipal Reserve shall generally be as shown on the Open Space and Trails Plan Figure 7.

Key components of the Municipal Reserve open space provision shall include:

- a creek-side park along the north section of Spring Creek Drive,
- small parks at the east and west ends of the cross streets to provide a visual amenity, sitting areas and pedestrian connections to the perimeter trail system,
- a feature park at the south end of Spring Creek Drive to open vistas to the south and Three Sisters,
- a central park feature south west of the Village Square with trail connections to the perimeter trail system and links west to Millennium Park,
- lands east of Policeman's Creek and north of the proposed new easterly road access from Bow Valley Trail that may be combined with existing Town pump house and lift station site to create a regional creek-side park, and
- development of the pump house and lift station site as a park facility by the developer in accordance with Town standards. This provision will constitute the equivalent of a 0.8% municipal reserve credit plus any Deferred Reserve

Caveats owing by the developer effectively canceling them.

4.9.3 Other Open Spaces: The development of additional quasi-public or private open spaces including the widened linear median strip along Spring Creek Drive, and the Village Square lands.

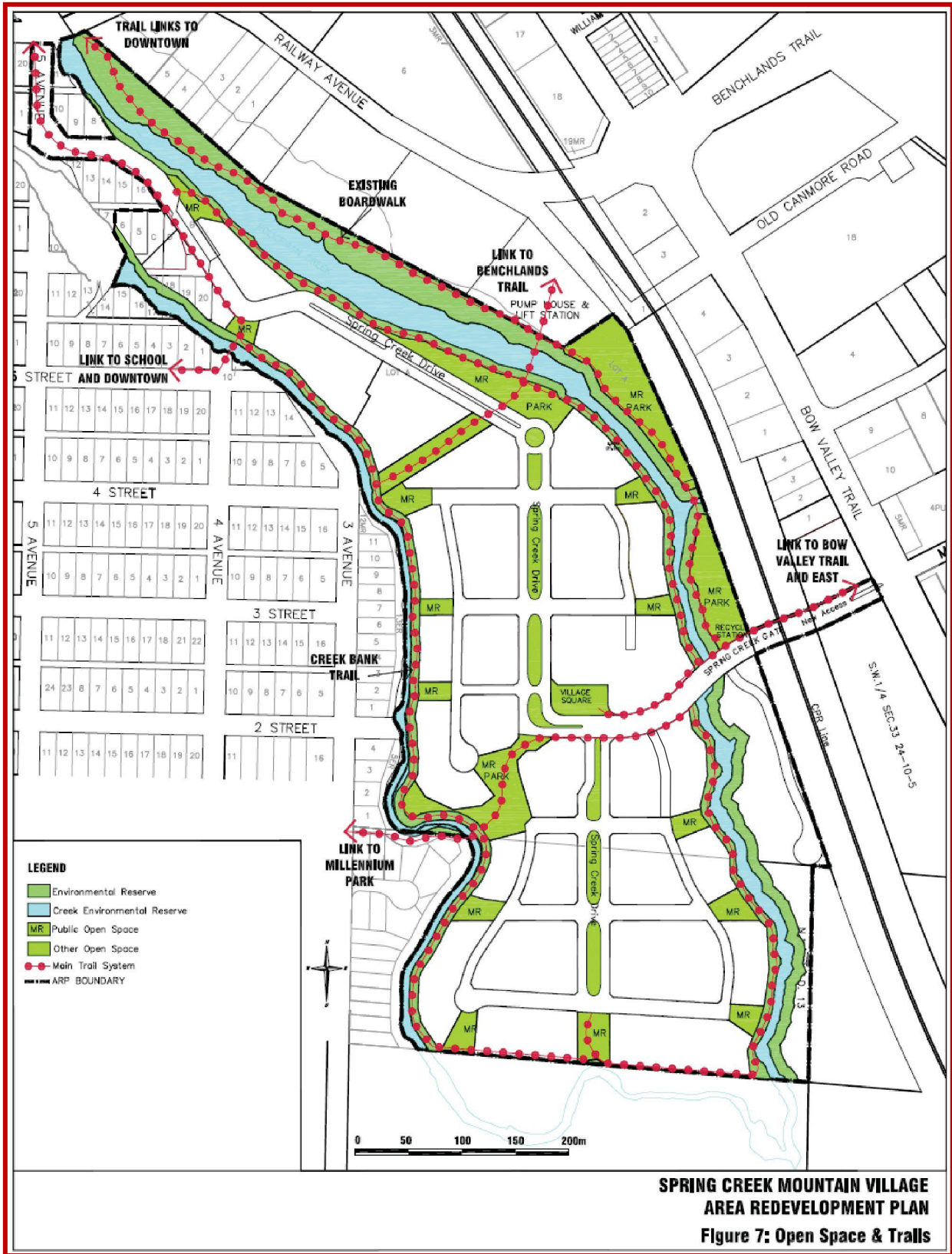
4.9.4 Open Space Maintenance: Prior to the issuance of the first Development Permit within the Plan area, the Developer will establish a Residents' Association for the ARP area. This Association will enter into a cost sharing arrangement with the Town regarding the maintenance of open spaces, trails and other community facilities. Should a cost sharing agreement not be reached, municipal reserve parks will be constructed and maintained in accordance with normal Town standards and schedules.

4.9.5 Trail Network: The plan shall include a formal trail network that creates a loop around the existing site and ties in unique features and amenities that will be incorporated into the development. The general alignment of the trail shall be as shown on **Figure 7**.

4.9.6 Trail Linkages: This trail network plan shall make alignment provision for external linkages at the following locations:

- east to Bow Valley Trail along the proposed new access route,
- northeast across Policeman's Creek to the existing boardwalk and Railway Avenue,
- north via the existing access at Fifth Avenue, and
- west to 3rd Avenue in the vicinity of First Street and Fifth Street.

4.9.7 Existing Boardwalk: The existing boardwalk on the east side of Policeman's Creek shall be retained and integrated into the overall trail network.



4.10 DEVELOPMENT STAGING

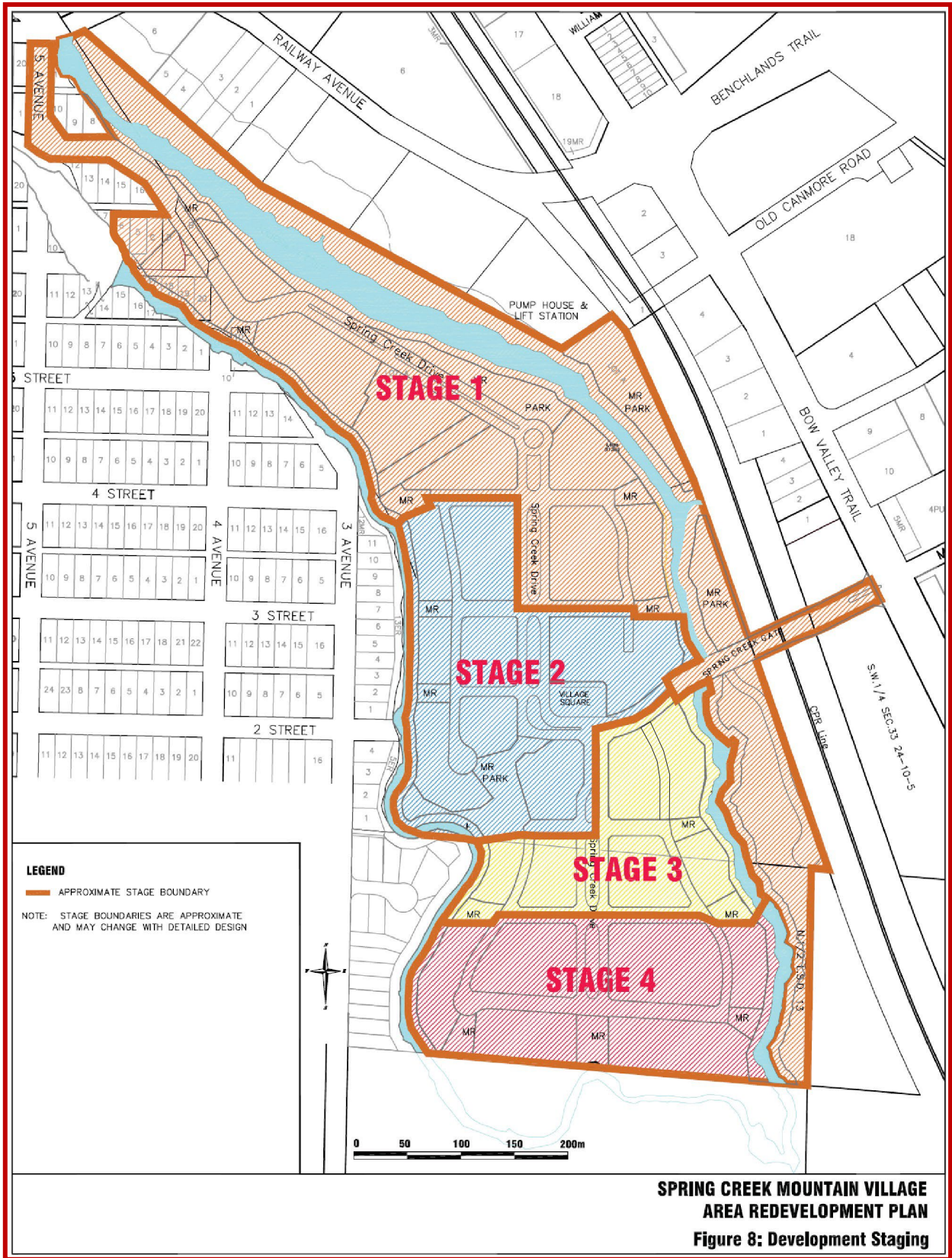
The development staging policies are designed to permit a logical sequence of development. Staging considerations include transportation and access requirements, utility infrastructure and the relocation and replacement over time of existing mobile homes and ancillary buildings. **Figure 8: Development Staging** shows a tentative redevelopment staging plan which may be revised over time depending on final servicing, transportation and construction requirements. **Table 4: Development by Stage** shows an approximate breakdown of the anticipated residential and commercial development by stage. These numbers may change depending on market conditions.

- 4.10.1 Development Staging:** The development will occur in four main stages generally as shown on Figure 8. The stage boundaries are considered approximate and may be revised as development proceeds without the need for a formal revision to the ARP. Each stage may contain several development phases.
- 4.10.2 Direction of Growth:** The staging sequence shall generally be from north to south. However, some relocation of homes in the central portion of the site may be advanced to permit construction and utilization of the new road access from Bow Valley Trail.
- 4.10.3 New Access Road:** A new vehicular and emergency access from Bow Valley Trail to the Plan area shall be included with Stage 1.
- 4.10.4 Age of Housing:** The newer mobile home housing stock located in the south west portion of the site shall be retained until the last stage of redevelopment.
- 4.10.5 Housing Replacement:** The staging sequence shall ensure that the proportion of PAH housing provided in each stage is consistent with a minimum of 5% PAH housing at build-out.
- 4.10.6 Infrastructure:** New development shall be serviced by connection to Town-owned infrastructure. Private water and sewer systems will be phased out and eventually eliminated. Utility upgrading and phasing shall be coordinated with the Town.
- 4.10.7 Open Space and Trail System:** Open space, trails and creek bank rehabilitation shall be completed for each stage within 2 years of completion of the subdivision Servicing Agreement.
- 4.10.8 Construction Timing:** Creek bank rehabilitation and some portions of the trail system may be advanced where practical.

4.10.9 Growth Management: The rate of growth within Spring Creek Mountain Village will be controlled by establishing minimum time frames for each development stage approval. This will be implemented through establishing a “not before” date for land use amendments in the Land Use Bylaw and is based on a maximum 80 units per year average

TABLE 4: ESTIMATED DEVELOPMENT BY STAGE

	Stage 1	Stage 2	Stage 3	Stage 4	TOTAL*
Area (approximate ha)	14.4	5.7	3.5	4.8	28.4
Residential Units					
Townhouses	24	52	19	44	139
Apartments	207	302	202	200	911
Single detached	7 10	0	0	0	10
Total	241	354	221	244	1060
# of Hotel rooms	200 250	0	0	0	200 250
Hotel related commercial (sq m)**	15000 2500				15000 2500
Max local commercial street front (sq m)	2000 310	10000 2085	480	400	3275
<i>* Total does not include PHA, and related bonus units, and includes daycare of 347m²</i>					
<i>** Excludes amenity areas and meeting rooms</i>					



4.11 PLAN IMPLEMENTATION

The following policies provide the framework for implementation of the Area Redevelopment Plan.

- 4.11.1 **Municipal Development Plan Amendment (MDP):** An amendment to the MDP will be required to allow visitor accommodation and other commercial components of the ARP to be incorporated. This amendment should be processed concurrently with the adoption of this Area Redevelopment Plan.
- 4.11.2 **Special Land Use District:** A Spring Creek Mountain Village Land Use District will be prepared by the developer in consultation with Town. This bylaw will be submitted to Council for approval and inclusion into the Town of Canmore Land Use Bylaw.
- 4.11.3 **Land Use Redesignation:** Land Use Redesignation will be required prior to further subdivision and redevelopment in the study area.
- 4.11.4 **Subdivision Process:** The normal Town of Canmore process of subdivision application and approval procedures shall be required for further subdivision of land and the creation of any new titles within the ARP area.
- 4.11.5 **Permits:** The normal Town of Canmore Development Permit process of application and approvals shall be required prior to the commencement of any development within the approved ARP.
- 4.11.6 **Interim use of Proposed MR and ER lands:** At the time of subdivision, some deferral of registration for Environmental Reserve or Municipal Reserve parcels will be considered by the Town in order to allow present uses to continue until such time as they are required for redevelopment.

APPENDIX A



SPRING CREEK MOUNTAIN VILLAGE GUIDELINES FOR EXISTING RESIDENTS

A1 TIMING FOR REDEVELOPMENT

1. Redevelopment will not require any resident who is currently (the date of ARP Approval) residing in the park to leave the park for a minimum of 15 years if they wish to remain. They are still bound by the Rules and Regulation as set out by Spring Creek and the Mobile Home Site Tenancies Act.

A2 RELOCATION OF EXISTING HOMES WITHIN SPRING CREEK

1. Relocation within the Park may be required with some of the existing homes to allow redevelopment projects to proceed.
2. A least 1 years notice will be provided to the resident if relocation within the park is required.
3. If relocation is required, Spring Creek, at their cost, will offer to move the home to an alternative site within the park provided the home is considered structurally capable of being moved.
4. If in the opinion of the Spring Creek (and subject to review by a professional engineer) there is doubt as to the structural integrity of the home for the purposes of relocation, the home will only be moved at the owners risk.
5. If the owner does not wish to risk moving a home which is considered structurally unsound, Spring Creek will offer the resident the opportunity to purchase or rent a replacement mobile home within the park from the inventory of used homes Spring Creek would have as of that date.
6. If the resident prefers to purchase a replacement home within the Park and a suitable unit is available, the resident will pay to Spring Creek the difference in the appraised value of the homes.
7. If the rental option is preferred, Spring Creek will purchase the existing home for appraised value by a professional appraiser less 10% of the value (standard real-estate commission in Spring Creek). Rental rates on the replacement home would be negotiated before purchase of the residents existing home.

A3 NEW HOUSING OPTION

1. Residents of the park who wish to relocate to new housing units that may be developed within the Spring Creek site will be given the first opportunity to purchase or rent (in the case of rental housing). Residents that want to purchase a new housing unit within Spring Creek will pay the difference between the market value of the new unit and the appraised value of their existing home. Spring Creek will offer for sale the new housing to existing residents for a period of 45 days prior to sale to the open market.

A4 HOMES FOR SALE WITHIN A REDEVELOPMENT AREA

1. If the home is in an area slated for redevelopment within a 5-year period and the Home Owner wishes to sell their unit on the existing site, Spring Creek can request the following:
 - a. That at the Home Owner expense they hire an appraiser of their choice to do an official evaluation.
 - b. That if Spring Creek and the owner are in agreement with the evaluation that Spring Creek will offer to purchase the home at the appraised value less 10% (Standard Commission)
 - c. If either the owner or Spring Creek are in disagreement with the evaluation Spring Creek will pay for a second appraisal. The average of the two appraisals, less 10%, will then be used as the offer to purchase.
 - d. If the offer is still refused then the Home Owner will be at liberty to sell the home on the open market with a caveat that the new owners would only be guaranteed a site somewhere in Spring Creek for their home until 2018. This is again conditional on the new owner not being in breach of Spring Creek's Rules & Regulations or the Mobile Home Site Tenancies Act

A5 REMOVAL OF A HOME FROM SPRING CREEK

1. If a Home Owner intends to remove their home from Spring Creek then the last 3 months site rent would be free. As long as the removal was not from a breach of the Rules & Regulations or Mobile Home Site Tenancies Act.



BYLAW 2021-23

A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO AMEND LAND USE BYLAW 2018-22

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

TITLE

1. This bylaw shall be known as “Land Use Bylaw Amendment – Spring Creek Mountain Village Amendments”

INTERPRETATION

2. Words defined in Bylaw 2018-22 shall have the same meaning when used in this bylaw.

AMENDS BYLAW 2018-22

3. Land Use Bylaw 2018-22 is amended by this bylaw.
4. That Section 15 be amended to re-designate the land identified in Schedule A of this Bylaw from MHP (Residential Manufactured Home Park District) to PD (Public Use District), ED (Environment District), and SCMV-CR (Spring Creek Mountain Village Comprehensive Residential DC District).
5. That Section 15 be amended to re-designate the land identified in Schedule A of this Bylaw from PD to SCMV-CR (Spring Creek Mountain Village Comprehensive Residential DC District).
6. That Section 15 be amended to re-designate the land identified in Schedule B of this Bylaw from R1 (Residential Detached District) to ED (Environment District), and, from R1 (Residential Detached District) to SCMV-C (Spring Creek Mountain Village Visitor Accommodation DC District).
7. Section 1.14.2.1 is amended by adding “c. Notwithstanding lot registration dates, the residential area in Spring Creek Mountain Village that is generally formed by Lot 1, Block 9, Plan 1810013; Lot 5, Block 83, Plan 1095F; and Lot 6, Block 83, Plan 1095F shall be allowed a 5m variance to the bank setback in accordance with 1.14.2.1b.” after subsection “b.”.
8. Section 14.19.2 is amended by adding “Health, Wellness, and Spa Facilities” between “Entertainment Establishments contained within a Visitor Accommodation building” and “Offices contained within a Visitor Accommodation building”.
9. Section 14.19.4 Regulations is amended to 14.19.5 and renumbering the subsequent sections accordingly, then adding as 14.19.4:

“Specific Definitions

Health, Wellness, and Spa Facilities: means a facility or facilities that provides personal or medical services such as treatments, therapies, massage treatments, alternative treatments, research, product development or sales, education, fitness centres or classes, assessments or other activities associated

with health, wellness, or spa services. For this use, the general operating hours will be between 8:00 AM and 9:00 PM.”

10. Section 14.19.5.4 is amended by removing all wording after “Top of Bank” and adding:

“Due to lot depth, the minimum development setback shall be 15m for the two most northerly hotel/commercial sites. Site design (landscaping and pedestrian pathways) will complement the adjacent riparian area. Encroachments into this setback area shall be allowed for landscaping, retaining walls, patios, and outdoor health, wellness, and spa facilities up to the property line, and for decks projecting 1m from the building façade.”.

11. Section 14.19.5.9 is amended by replacing “200” with “250”.

12. Section 14.19.5.10 is amended by adding “except that for this District, the following will be provided:” after “General regulations will apply” and removing the “employee housing” and “all units” rows in the table

13. Section 14.19.5.11 is amended by:

- a) Removing “consistent with Section 8, General Regulations, of the Town of Canmore Land Use Bylaw” and “The units identified as Employee Housing shall be encumbered with a restrictive covenant requiring that the units be used solely for the employee housing needs of the Visitor Accommodation units.”
- b) Adding “within or outside of Spring Creek Mountain Village” after “may be constructed at another location”.
- c) Replacing “constructed” with “provided”

14. Section 14.19.5 is amended by adding:

14.19.5.13 Excluding hotel room decks and balconies, all outdoor common or private hotel amenity spaces shall be designed to minimize the impacts of noise on adjacent residential areas to the satisfaction of the Development Authority.

15. Section 14.19.6 is amended by adding:

14.19.6.7 For the most northwesterly visitor accommodation development adjacent to Spring Creek (Plan 1810013; Block 9; Lot 2), the following uses shall not be permitted: Convention Facilities; Drinking Establishment; and Entertainment Establishment. This prohibition prevails over the general listing of Convention Facilities and Entertainment Establishment within a Visitor Accommodation building as a Permitted Use.

16. Section 14.19.9.1 is amended by removing “or a variance beyond the setback variances listed in subsection 14.19.4.4 of this District.” and adding “and any variance to the 15m creek setback established in section 14.19.4.3.” after “variances listed in Subsection 14.19.4.8”.

17. Section 14.27.4.8 is amended by replacing “3 ½” with “3-4” for Zone B, replacing “2 ½” with “3” for Zone C and adding “Generally” before “2 ½ storeys” for Zone D.
18. Section 14.27.4.10 is amended by:
 - a) adding “all Stages” after “residential units for”
 - b) removing “Stages 1,2 and 3”
 - c) adding ”970 including Perpetually Affordable Housing (PAH) Units and bonus units” after ”District is estimated to be”
 - d) removing “shall be 1000, plus PAH and any related bonus units, with”
 - e) adding “will have” before “an absolute total not to exceed”
 - f) replacing “1200” with “1000”
19. Figure 2 is amended to show unit ranges and commercial requirements for all stages
20. Figure 3 is amended to show updated public and private roads
21. 14.27.4.11 is amended to remove “Parking spaces:” and subsection “a.”, “b.” and “c.” and renumbering the subsequent sections accordingly.
22. 14.27.4.12 is amended by replacing the regulation with:

“If not already collected directly by the Town, traffic counts at the access and egress points to Spring Creek Mountain Village shall be provided annually and the Traffic Impact Assessment (TIA) report shall be updated by the applicant and submitted along with the third (3rd) and fifth (5th) development permit applications within Stage 4. If during the redevelopment process it is projected in a TIA that traffic generation on Spring Creek Drive at Main Street will exceed 3000 vehicle trips per day (VPD) prior to buildout based, the ARP or LUB or both shall be revised as appropriate to incorporate additional measures to restrict traffic flows at this access to 3,000 vehicle trips per day. This may include road design changes or a reduction in density for remaining developments or both. VPD is defined as the average daily vehicle traffic on Spring Creek Drive at Main Street as measured during an eight month period including dates between May 1st and October 31st in the most recent 12 month period of measurement.”
23. Section 14.27.5.3 is amended by removing “For each PAH unit provided, one additional market unit (a bonus unit) may be provided. PAH units and bonus units provided in this District shall be excluded from the 704 unit maximum permitted for this District. (Stages 1, 2 and 3 combined). The SCMV PAH/bonus unit policy will apply in SCMV irrespective of other Town bonus policies that may be adopted from time to time.”
24. Section 14.27.5.9 is amended by replacing “Stages 1, 2 and 3” with “all 4 stages”.
25. Section 14.27.6.6 is amended by replacing “A minimum of 25%” with “Where possible, part”, and “to a commercial unit safety code standard” with “to a 1 hour fire rating”.
26. Section 14.27.6.7 is amended by replacing “2,000 m2” with “3,000 m2”.
27. Section 14.27.7 is amended by adding “or Townhouses adjacent to designated Tourist Home apartment buildings.” after “identified floors within apartment buildings,”.
28. Section 14.27.10.1 is removed and renumbering the subsequent sections accordingly.

29. Section 14.27.10.2 is amended by adding “Development on Spring Creek Gate will be in an orderly manner and continue in a southerly direction.” After “provided until these parcels have been completed.”

ENACTMENT/TRANSITION

30. If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

31. This bylaw comes into force on the date it is passed.

FIRST READING: July 5, 2022

PUBLIC HEARING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

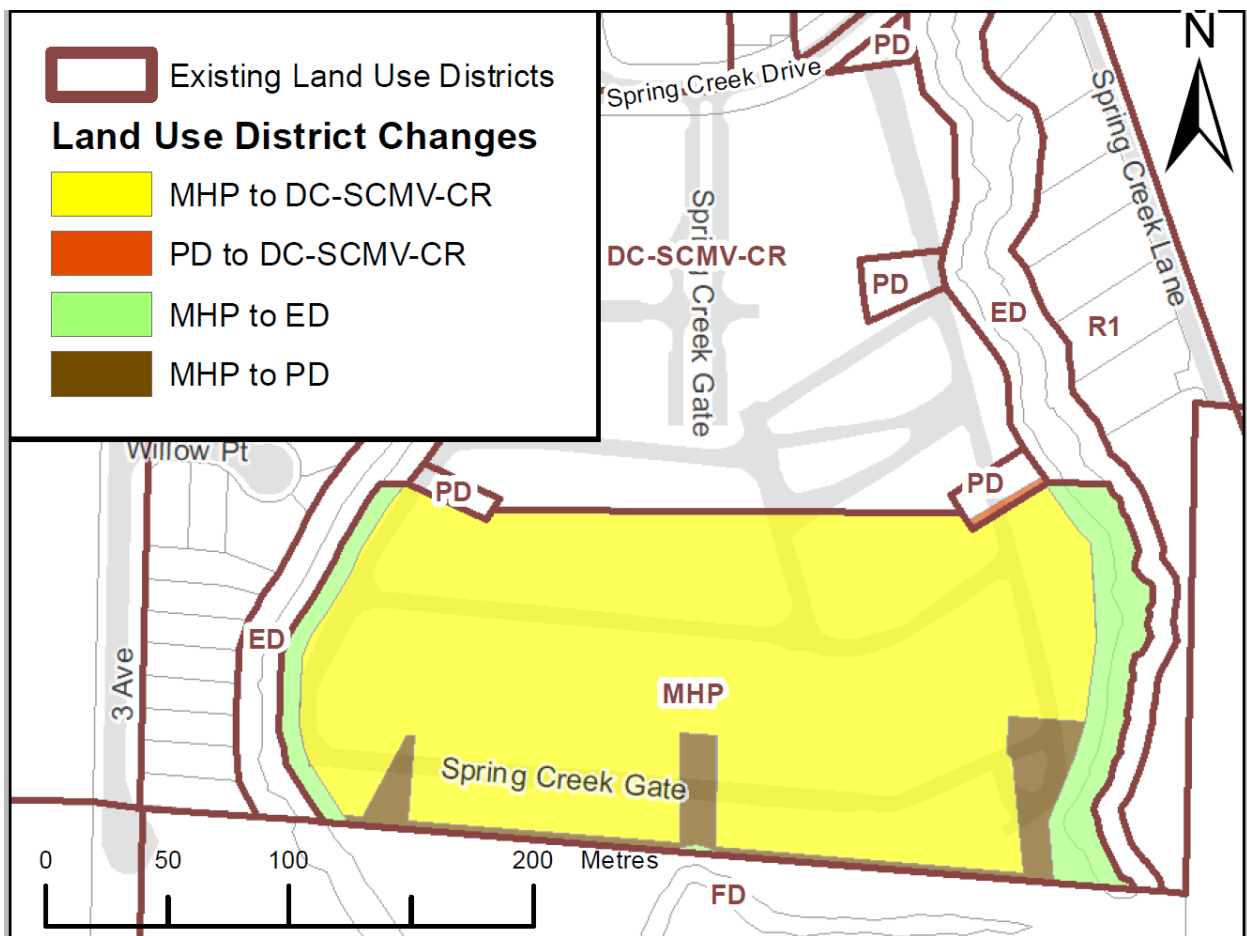
Sean Krausert
Mayor

Date

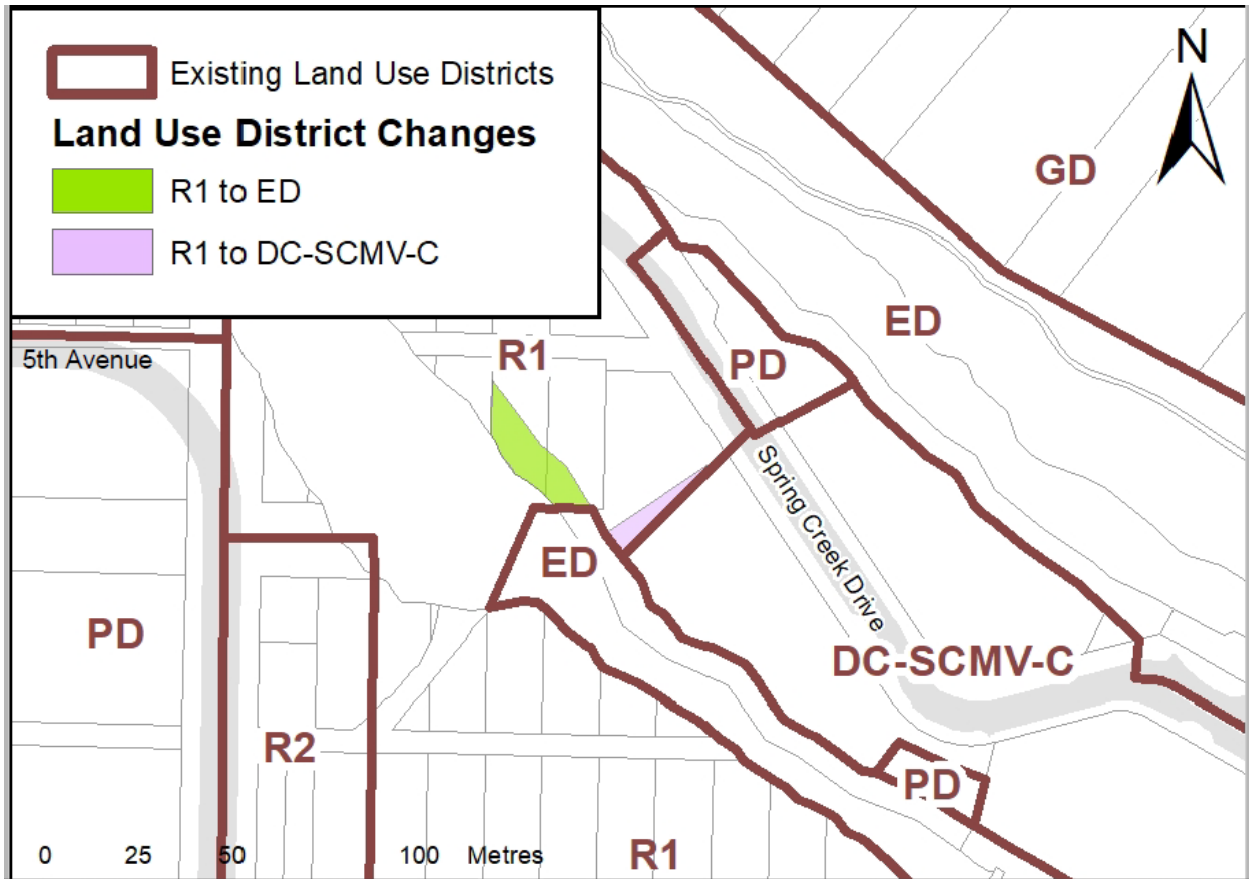
Cheryl Hyde
Municipal Clerk

Date

SCHEDULE A



SCHEDULE B



14.19 SCMV-C SPRING CREEK MOUNTAIN VILLAGE VISITOR ACCOMMODATION DC DISTRICT [25(Z)2005]

14.19.1 Purpose

The purpose of this district is to provide for visitor accommodation and associated limited scale commercial development in accordance with the policies and design guidelines set out in the Spring Creek Mountain Village Area Redevelopment Plan, and Urban Design Guidelines. The district will include a clearly identifiable pedestrian scale streetscape visually in keeping with the general theme of the Spring Creek Mountain Village area.

14.19.2 Permitted Uses

Convention Facilities contained within a Visitor Accommodation building

Convenience Store

Eating Establishments contained within a Visitor Accommodation building

Employee Housing

Entertainment Establishments contained within a Visitor Accommodation building

Health, Wellness, and Spa Facilities

Offices contained within a Visitor Accommodation building

Parks and Playgrounds

Personal Service Business (excluding pawnshops)

Public Utilities

Retail Stores ground floor (max. gross floor area 150m²)

Visitor Accommodation

14.19.3 Discretionary Uses

Accessory Building

Drinking Establishment contained within a Visitor Accommodation building

Public and Quasi-Public Buildings

Signs, Awnings and Canopies

14.19.4 Specific Definitions

Health, Wellness, and Spa Facilities: means a facility or facilities that provides personal or medical services such as treatments, therapies, massage treatments, alternative treatments, research, product development or sales, education, fitness centres or classes, assessments or other activities associated with health, wellness, or spa services. For this use, the general operating hours will be between 8:00 AM and 9:00 PM.

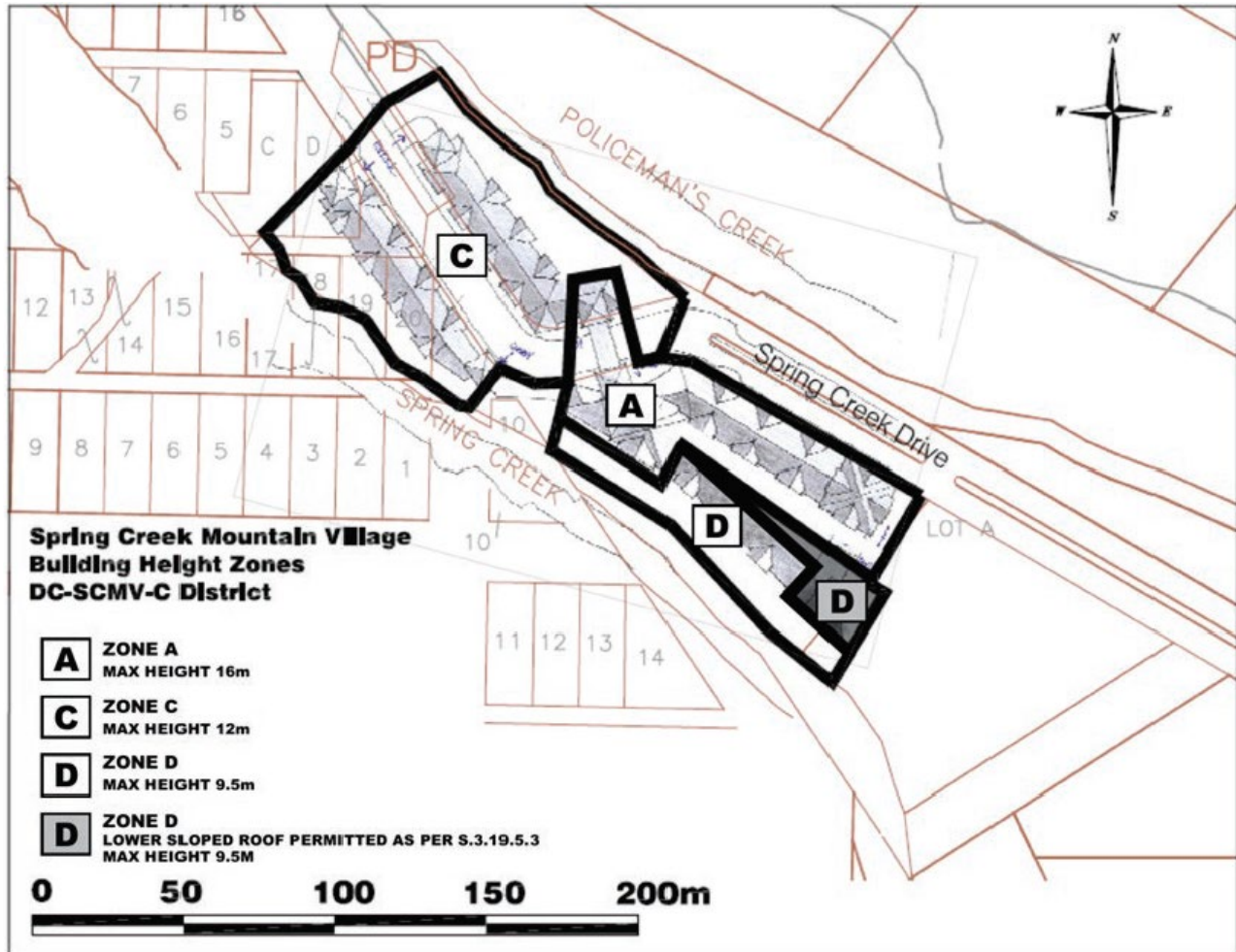
14.19.5 Regulations

14.19.5.1 The minimum site area shall be 500m².

14.19.5.2 The minimum side yard depth shall be 1.5m with building design in accordance with Section 3 of the SCMV Architectural and Landscaping Guidelines.

14.19.5.3 The minimum rear yard depth for development backing Spring Creek or Policeman's Creek Environmental Reserve shall be 6.0m.

- 14.19.5.4 Creek Setbacks: The minimum setback for buildings backing onto Spring Creek or Policeman's Creek shall be 20.0m, measured from the creek Top of Bank. ~~Due to site constraints a variance of up to 5 metres may be granted for the two most northerly hotel/commercial sites in Stage 1. At the discretion of Council, a variance of up to 6 meters may also be approved for the development of a structure for community use on municipal reserve lands in Stage 1. No setback variances will be granted in the remainder of the development.~~ Due to lot depth, the minimum development setback shall be 15m for the two most northerly hotel/commercial sites. Site design (landscaping and pedestrian pathways) will complement the adjacent riparian area. Encroachments into this setback area shall be allowed for landscaping, retaining walls, patios, and outdoor health, wellness, and spa facilities up to the property line, and for decks projecting 1m from the building façade.
- 14.19.5.5 The front property line of each entire block shall be the principal build-to-line with allowable variations as follows:
- a. A minimum of 25% of the main floor street frontage shall be set back 0.3m to 3.0m for facade articulation.
- 14.19.5.6 All sides of a block that front a public or private street shall be considered front property lines.
- 14.19.5.7 Height Zones: Maximum building heights within the Spring Creek Mountain Village Commercial District shall be in accordance with Figure 1. Architectural elements up to 12m in Zone D may be permitted.
- Zone A maximum height 16.0m (4 Storeys)
Zone C maximum height 12.0m (3 Storeys)
Zone D maximum height 9.5m (2 Storeys plus loft)
- 14.19.5.8 Building Height Measurement: Maximum building height shall be measured from the finished grades outlined in an approved site-regrading plan to the roof ridge line. Where the Development Authority is satisfied that the architectural integrity of a building would be enhanced, variances may be granted as outlined below:
- a. Height Zones A, B, and C: 20% of the building may exceed the maximum height by up to 10% and 5% of the building may exceed the maximum height by up to 20%.
 - b. Height Zone D: 10% of the building may exceed the maximum height by up to 10%.



14.19.5.9 Visitor Accommodation Units: the number of visitor accommodation units shall not exceed 250 units in this District unless a policy revision is approved by council.

14.19.5.10 Parking, Loading and Storage

Visitor accommodation guest rooms will be served by structured parking within each building block. Visitor accommodation related commercial parking will generally be on-street, but the Approving Authority must be satisfied that sufficient street parking is available to meet an average of 1 parking space per 46m² of commercial floor space. Loading for visitor accommodation buildings will be off-street and in accordance with Section 8 General Regulations. At the discretion of the Development Authority, Bus parking shall be provided at a ratio of 15 stalls to 1 bus stall.

Section 2, General regulations will apply **except that for this District, the following will be provided:**

Unit Type	Number of Parking Spaces	Type of Parking
Visitor Accommodation	1.0 per unit (car)	Private on-site
Employee Housing	1.0 per 1 bedroom unit	Private on-site
	1.5 per 2 bedroom unit	Private on-site
	2.0 per 3 bedroom unit	Private on-site

Visitor Accommodation related commercial	1.0 per 46m ²	on-street
All Units	required loading spaces	on-site

14.19.5.11 Employee Accommodation: Visitor accommodation operators shall provide for 25% of full time and seasonal staff housing needs ~~consistent with Section 8, General Regulations, of the Town of Canmore Land Use Bylaw,~~ or at a ratio consistent with any Town policy for staff housing for other similar developments on the Bow Valley Trail or Gateway Districts that is adopted by the Town of Canmore from time to time. ~~The units identified as Employee Housing shall be encumbered with a restrictive covenant requiring that the units be used solely for the employee housing needs of the Visitor Accommodation units.~~ Staff housing may be ~~constructed~~ provided at another location ~~within or outside of SCMV Spring Creek Mountain Village~~ subject to the approval of the Development Authority.

14.19.5.12 Notwithstanding any other provision of this Bylaw, if a variance is granted under subsection 14.19.4.4 of this district, then at-grade parking is not permitted within the 15.0m rear yard setback area, and the Development Authority is satisfied that the remaining setback area between the building and the top of bank will be landscaped in accordance with Section 12, Community Architectural and Urban Design standards.

14.19.5.13 ~~Excluding hotel room decks and balconies, all outdoor common or private hotel amenity spaces shall be designed to minimize the impacts of noise on adjacent residential areas to the satisfaction of the Development Authority.~~

14.19.6 General Design Requirements

14.19.6.1 Area Redevelopment Plan compliance: the development shall follow the planning principles and urban design guidelines set out in the spring creek Mountain Village Area Redevelopment Plan, September 2004.

14.19.6.2 Pedestrian Scale: Building design shall be orientated to a community pedestrian scale and integrated into a comprehensive open space and trail network as shown in Figure 7 of the approved ARP. Pedestrian bridge corridors and pedestrian underground corridors may be used onsite to encourage pedestrian mobility between the hotel sites.

14.19.6.3 Roof Design: roof design shall reflect function and the architectural requirement and tradition of providing sheltering roofs in a mountain environment. Minimum roof pitch shall be 8:12 for all visible portions of the roof and dormers; where a 8:12 roof slope for a real “working” roof is impractical due to the depth of the building, a lower slope may be used; lower slopes may also be used on smaller portions of roof such as dormers, canopies and gables; roof lines shall be articulated and larger structures shall incorporate a cascade of roofs to break up massing and add visual interest. A minimum 2:12 roof pitch shall be permitted in Zone D as illustrated on Figure 1.

14.19.6.4 Building Massing: Lower, less dense development shall be located within the identified Height Zone D with increasing massing through Height Zones C and A (see Figure 1)

14.19.6.5 Landscaping: Landscaping design and materials shall be in accordance with Section 11, Community Architectural and Urban Design Standards, of the Land Use Bylaw

14.19.6.6 Signage, Canopies and Awnings: Signage, canopies and awnings shall be in accordance with Section 9, Signage Standards and Regulations, of the Land Use Bylaw. Notwithstanding Section 9, ground floor businesses within this district are permitted to have signs located at the building frontage.

14.19.6.7 For the most northwesterly visitor accommodation development adjacent to Spring Creek (Plan 1810013; Block 9; Lot 2), the following uses shall not be permitted: Convention Facilities; Drinking Establishment; and Entertainment Establishment. This prohibition prevails over the general listing of Convention Facilities and Entertainment Establishment within a Visitor Accommodation building as a Permitted Use.

14.19.7 Wellhead Protection

Developments in this district shall conform to Subsection 7.4, Wellhead Protection Area Regulations, of the Land Use Bylaw.

14.19.8 Environmental Considerations

The environmental policies identified in the Spring Creek Mountain Village Area Redevelopment Plan Section 4.3 shall be implemented with each stage of development. The implementation process shall include as part of the subdivision servicing agreement the following plans:

- a. Construction Management Plan
- b. Creek Bank Reclamation Plan
- c. Landscaping Plan

14.19.9 Development Authority

14.19.9.1 The Council of the Town of Canmore shall be the Development Authority for any application that involves a variance to heights beyond the height variances listed in Subsection 14.19.4.8 ~~and any variance to the 15m creek setback established in section 14.19.4.3. or a variance beyond the setback variances listed in subsection 14.19.4.4 of this District.~~

14.19.9.2 The Development Authority for new commercial buildings over 500m² shall be the Canmore Planning commission.

14.19.9.3 The development authority for all other developments, including but not limited to signs and changes of use, shall be the Development Officer, unless the development officer chooses to refer these applications to the Canmore Planning Commission.

14.19.10 Sustainability Screening Report

A Sustainability Screening Report is required by the Town as part of the Development Permit application process for developments with a GFA of 500m² or more in accordance with Section 1, Administration, and the Town of Canmore Sustainability Screening Process.

14.27 SCMV-CR - SPRING CREEK MOUNTAIN VILLAGE COMPREHENSIVE RESIDENTIAL DC DISTRICT [22(Z)2009] [2019-18]

14.27.1 Purpose

to provide for the development of a comprehensively designed predominantly residential pedestrian urban neighbourhood that will accommodate a variety of residential dwelling types and mixed-use buildings (including limited commercial components) with a high standard of appearance and landscaping. the district will include clearly identifiable street types, development blocks and open space components following the pedestrian orientated design principles set out in the Spring Creek Mountain Village Area Redevelopment Plan and Urban Design Guidelines.

14.27.2 Permitted Uses

Apartments
Duplex Dwellings
Employee Housing
Home Occupations - Class 1
Long-Term Care Facility
Public Utilities
Parks and Playgrounds
Seniors Housing/Supportive Living Facility
Stacked Townhouses
Townhouses

14.27.3 Discretionary Uses

14.27.3.1 Discretionary Uses in All areas:

Accessory Development
Day Care Facilities
Home Occupations - Class 2
Public and Quasi-Public Buildings
Signs, Awnings and Canopies
Tourist Home (to a maximum 300 in the ARP area)

Discretionary Uses Street Level, Spring Creek Drive, Spring Creek Gate and Village Square only:

Athletic and Recreational Facilities
Arts and Crafts Studios
Cannabis Retail Store (maximum gross floor area 150m²)
Cultural Establishments
Drinking Establishments
Duplex Plus Dwelling
Convenience Stores
Eating Establishments
Liquor Stores (maximum gross floor area 75m²)
Live/Work Studios

Medical Clinics

Offices

Personal Service Business

Retail Food store (maximum gross floor area 1,100m²)

Retail Stores (maximum gross floor area 75m²)

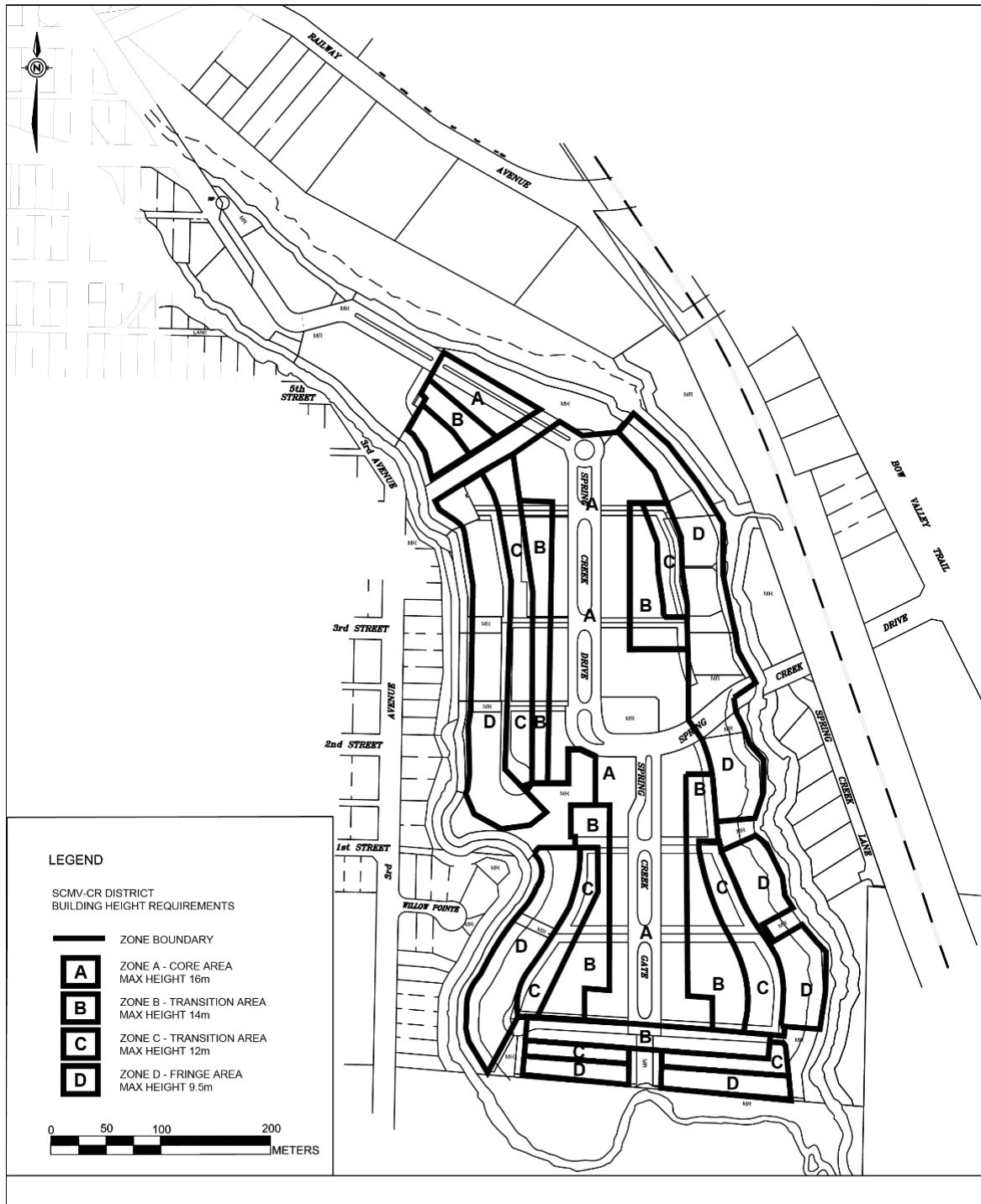
School, Commercial

14.27.4 Regulations

- 14.27.4.1 The minimum site area shall be 500.0m²
- 14.27.4.2 The minimum side yard depth shall be zero, except when adjacent to public space. Then it shall be 1.5m with building design in accordance with Section 3 of the SCMV Landscaping and Architectural Guidelines.
- 14.27.4.3 The minimum rear yard depth for development backing onto Spring Creek or Policeman's Creek shall be 6.0m.
- 14.27.4.4 The minimum setback for buildings backing onto Spring Creek or Policeman's Creek shall be 20.0m, measured from the creek bank.
- 14.27.4.5 The front property line of each entire building shall be the principal build-to-line with allowable variations as follows:
- a. 40% to 75% of the main floor block frontage shall be within 1.5m of the property line.
 - b. A minimum of 25% shall be set back between 1.5m and 3.0m for facade articulation.
 - c. No part of the main floor frontage shall be further than 3.0m from the property line.
 - d. Notwithstanding 14.27.4.5c, entry ways may be exempted from this requirement if they are obvious from the street and are distinct and prominent parts of the building.
- 14.27.4.6 Mews streets shall have a minimum driving lane width of 6.5m. the impact of garage doors should be minimized by varying door setbacks, size, design, textures and colours of finish materials in accordance with section 8 of the SCMV Landscaping and Architectural Guidelines. The minimum building setback for any building fronting onto a Mews street shall be 1.0m from the designated driving lane.
- For units with individual garages backing onto either spring creek or Policeman's Creek the driveways must have a minimum length of 6.0m to accommodate a second vehicular parking space. Where a double garage is provided, driveways may be less than 6.0m. The front of buildings shall be setback a minimum of 2.0m and a maximum of 6.0m from the designated driving lane.
- 14.27.4.7 All sides of a building that front a public street shall be considered front property lines.
- 14.27.4.8 Maximum building heights within the Direct Control Spring Creek Mountain Village Comprehensive Residential District shall be in accordance with Figure 1.
- Zone A maximum height 16.0m (4½ storeys) [2020-16]
 Zone B maximum height 14.0m (~~3½~~ 3 – 4 storeys) [2020-16]
 Zone C maximum height 12.0m (~~2½~~ 3 storeys) [2020-16]
 Zone D maximum height 9.5 (Generally 2½ storeys) [2020-16]

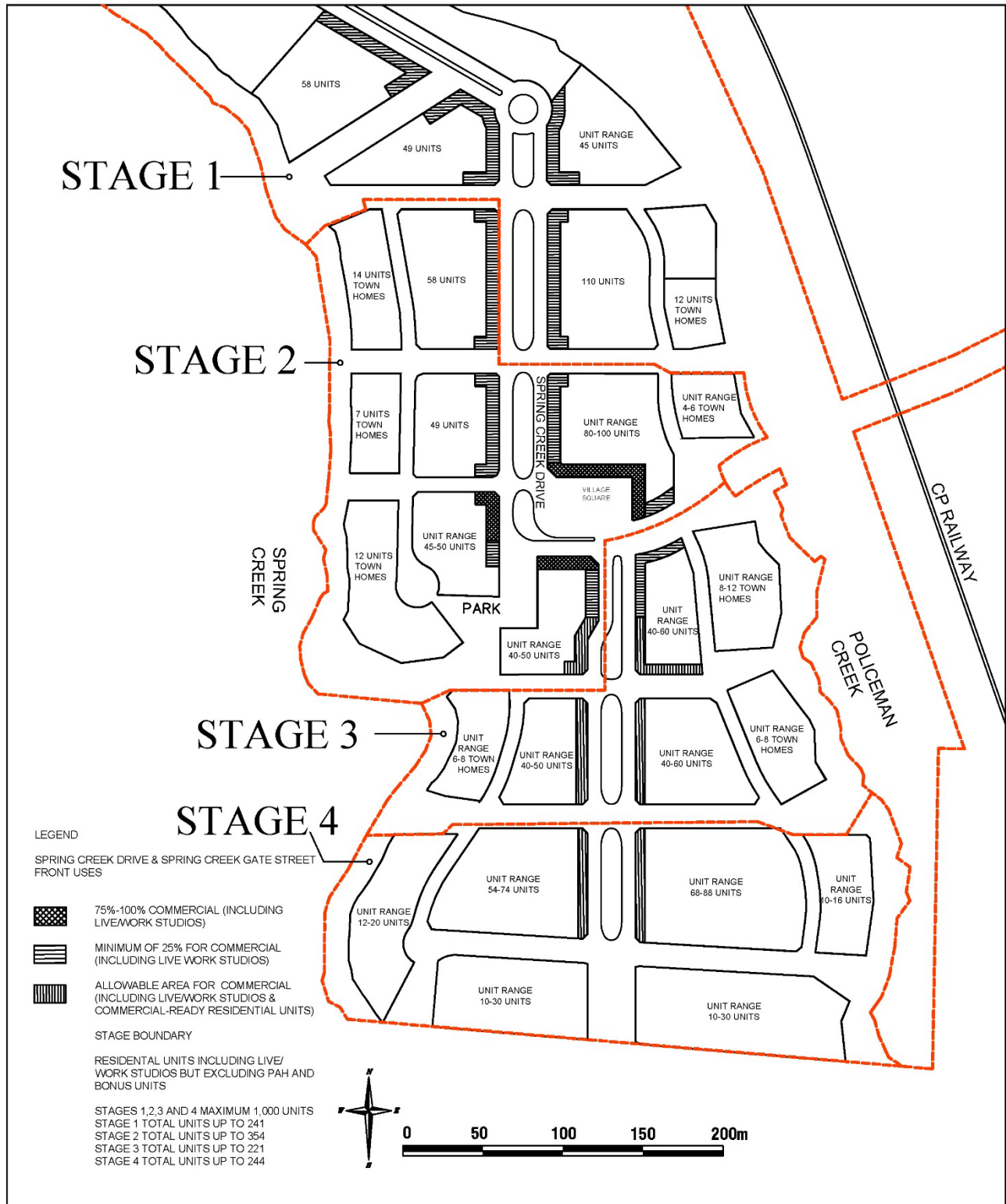
- 14.27.4.9 Maximum building height shall be measured from the finished grades established in an approved site-regrading plan to the roof ridge line. Where the Development Authority is satisfied that the architectural integrity of a building would be enhanced, variances may be granted to allow for additional roof articulation. the allowable variances are:
- a. Height Zones A, B and C: 20% of the building may exceed the maximum height by up to 10% and 5% of the building may exceed the maximum height by up to 20%.
 - b. Height Zone D: 10% of the building may exceed the maximum height by up to 10%.

Figure 1. Maximum Building Heights



14.27.4.10 The number of residential units for ~~all Stages~~ ~~Stages 1, 2 and 3~~ of this District is estimated to be **970 including Perpetually Affordable Housing (PAH) Units and bonus units**. For calculation purposes, 2 bedrooms will equal 1 unit for Senior Citizen Housing where the development includes lodge style units with communal dining facilities. Figure 2 shows the unit range for each residential block. The maximum number of residential units within the SCMV site at build out ~~shall be 1000, plus PAH and any related bonus units, with will have~~ an absolute total not to exceed ~~1200~~ **1000** units. The unit ranges in Figure 2 are estimates and may vary slightly as detailed design progresses at the discretion of the Development Authority.

Figure 2. Unit Range and Street Front Uses



14.27.4.11 Parking, Loading and Storage:

Residential Units and Tourist Homes will be served by structured parking within each building block. Townhouses and single-family units will have private spaces typically garages. Due to the abundance of street parking available on Spring Creek Drive, street front commercial uses will be permitted to use the public streets for their parking requirements. Live/work studios and convertible space along Spring Creek Drive will be treated in a similar way to residential apartments typically with structured parking for the residential component and street parking for the visitor/commercial component. Section 2, General Regulations will apply.

Parking spaces:

~~a. Residential Apartments, Town Homes, Tourist Homes and Live/Work Studios:~~

	Type of parking
0.75 per studio (bed-sitting-room)	Private on-site
1.0 per 1-bedroom unit	Private on-site
1.5 per 2-bedroom unit	Private on-site
2.0 per 3 or 4 bedroom unit	Private on-site
0.5 each additional bedroom above 4	Private on-site
0.15 visitor parking per dwelling unit	Private on-site

~~b. Residential PAH 80% of:-~~

1 per unit	Private on site
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~~c. Residential PAH 80% of:-~~

1 per unit	Private on site
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a. Spring Creek Drive Commercial

1.0 per 46m² on public street

b. Loading Spaces

All loading spaces related to residential apartments and street front commercial will be permitted on-street.

c. Parking Review at Development Permit Stage

Parking availability for commercial uses shall be reviewed with each related development permit to ensure adequate on-street parking is available. A Parking Management Plan may be required, at the discretion of the Town of Canmore, for the on-street parking located on the public road.

d. Monitoring of Parking Standards

With the land use redesignation for each development stage, the applicant may be required to provide a parking survey at the discretion of the Development Authority to monitor parking usage against the standards set out in this district. If a shortfall is identified the Development Authority may require an adjustment to the standards to make up for any identified shortfalls.

~~14.27.4.12 Prior to the approval of any subdivision application for Stage 3, the applicant in consultation with the Town of Canmore shall provide an updated Traffic Impact Assessment confirming compliance with the Spring Creek Mountain Village Area Redevelopment Plan. The assessment shall take into account at least eight consecutive months of traffic monitoring data, collected after December 31, 2018 at the of Spring Creek Drive – Main Street intersection. Where compliance is not demonstrated, changes in road design or densities may be required. [2019-18]~~

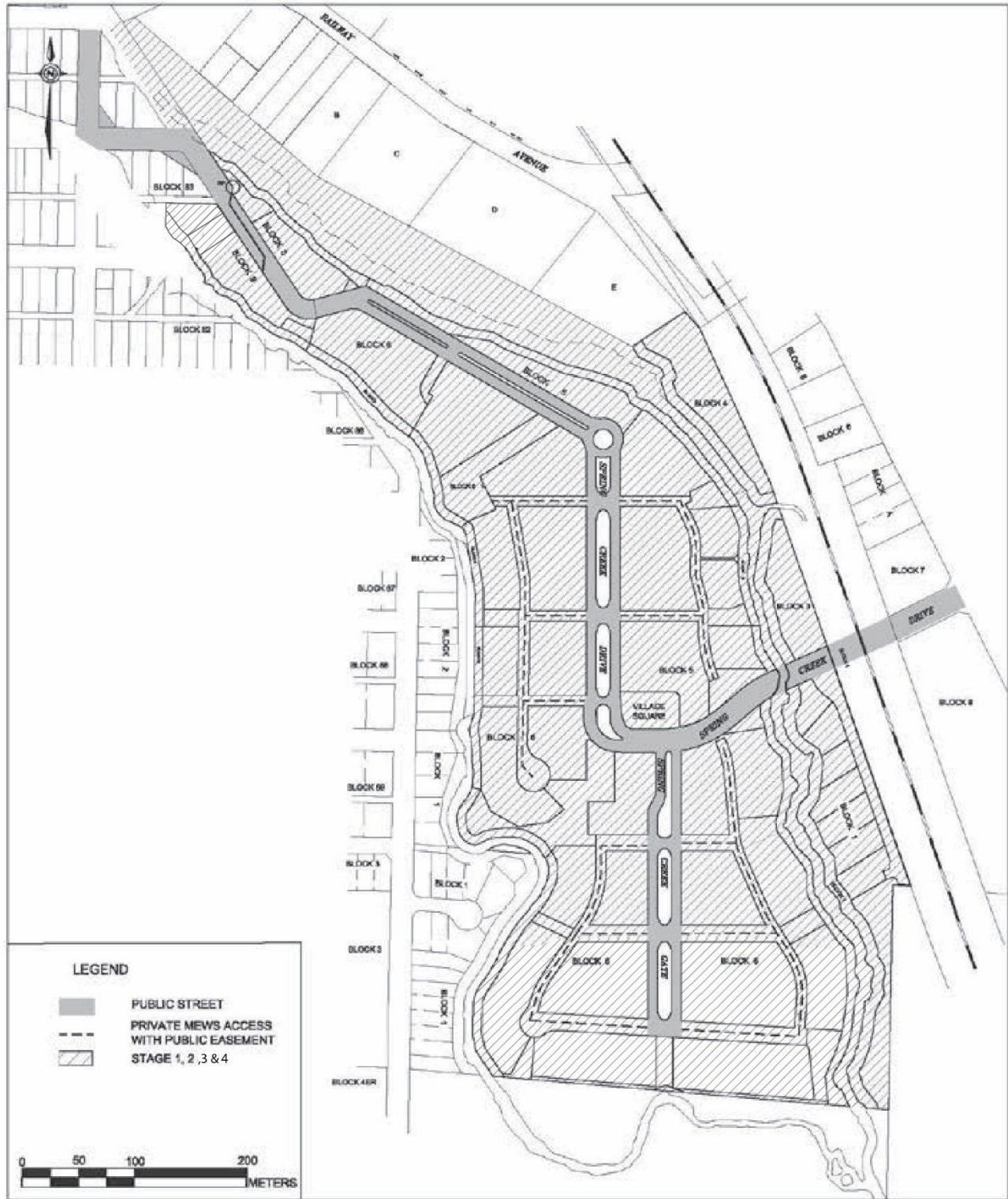
If not already collected directly by the Town, traffic counts at the access and egress points to Spring Creek Mountain Village shall be provided annually and the Traffic Impact Assessment (TIA) report shall be updated by the applicant and submitted along with the third (3rd) and fifth (5th) development permit applications within Stage 4. If during the redevelopment process it is projected in a TIA that traffic generation on Spring Creek Drive at Main Street will exceed 3000 vehicle trips per day (VPD) prior to buildout based, the ARP or LUB or both shall be revised as appropriate to incorporate additional measures to restrict traffic flows at this access to 3,000 vehicle trips per day. This may include road design changes or a reduction in density for remaining developments or both. VPD is defined as the average daily vehicle traffic on Spring Creek Drive at Main Street as measured during an eight month period including dates between May 1st and October 31st in the most recent 12 month period of measurement.

14.27.5 Additional Requirements

- 14.27.5.1 Landscape and Architectural Guidelines: The developer has prepared landscape and architectural guidelines which are registered on the subject titles. These guidelines may be modified as development proceeds but should retain a consistent theme.
- 14.27.5.2 Floor Area Ratio (FAR): The maximum FAR shall be in accordance with the policy statements contained within the Spring Creek Mountain Village Area Redevelopment Plan, September 2004. The overall FAR for the Spring Creek Mountain Village ARP area shall not exceed an overall average of 1.65. The FAR calculation is based on the net developable area, which excludes creeks, ER, MR, residents' association open space and public roads.
- 14.27.5.3 Perpetual Affordable Housing (PAH): Concurrent with the development of Spring Creek Mountain Village, the developer will make available a minimum of 5% of the maximum number of residential units for this District as PAH units. The provision of these units shall be in accordance with the Town of Canmore PAH Policy. The location of the PAH units should not be concentrated within one or two buildings but distributed throughout the various development stages and buildings up to the second floor. ~~For each PAH unit provided, one additional market unit (a bonus unit) may be provided. PAH units and bonus units provided in this District shall be excluded from the 704 unit maximum permitted for this District. (Stages 1, 2 and 3 combined). The SCMV PAH/bonus unit policy will apply in SCMV irrespective of other Town bonus policies that may be adopted from time to time.~~ The protocol for the provision of PAH housing shall be established in an agreement mutually acceptable to the Town and the Developer. This agreement shall include, but is not limited to, the following:
- a. A time frame for the offering of PAH units for sale
 - b. An initial PAH offering period for SCMV residents
 - c. Employees of Spring Creek Mountain Village
 - d. Subsequent PAH offering period for sale to CCHC
 - e. Initial and resale pricing formulas
 - f. Phasing of PAH development
- 14.27.5.4 Live/Work Studios: Live/Work Studios are Discretionary Uses and shall be restricted to street level locations for the studio part of the unit along Spring Creek Drive, Spring Creek Gate, and the Village Square. A Live/Work Studio is a residential unit, which also permits the

- street front ground floor portion of the unit to be used by the resident of the unit for their own personal commercial purpose. These Discretionary Uses may include business activities such as work or craft studios with direct sales to the general public, personal services, professional services, home office or other businesses where residents can work from their home and have public street frontage. Live/Work Studios shall be identified at the development permit stage and require that the residential portion of the unit be occupied by the owner or an employee of ancillary business.
- 14.27.5.5 Pedestrian Scale: Building design shall be orientated to a community pedestrian scale and integrated into a comprehensive open space and trail network as shown in Figure 7 of the approved Area Redevelopment Plan.
- 14.27.5.6 Roof Design: Roof design shall reflect the direction provided in the Landscape and Architectural Guidelines and support the function, architectural requirement and tradition of providing sheltering roofs in a mountain environment. Roof lines shall be articulated, and larger structures shall incorporate a cascade of roofs to break up massing and add visual interest. Minimum roof pitch shall be 8:12 for all visible portions of the roof and dormers. Lower roof slopes may be used, at the discretion of the Development Authority, and without a variance requirement, when this does not significantly add to the mass of the building.
- 14.27.5.7 Roof overhang encroachments up to 2.0m beyond the property line into the road Right of Way and Municipal Reserve for architectural elements in Height Zone A (Figure 1), may be granted where the Development Authority is satisfied that the architectural integrity of the building would be enhanced, and if applicable, the municipal reserve land would not be negatively impacted.
- 14.27.5.8 Building Massing: Lower, less dense development shall be located within the identified Fringe Area (Zone D) with increasing massing through the Transition Areas (Zones C&B) to the higher density core Area (Zone A).
- 14.27.5.9 Road System: The road system may include public and private roads. Roads identified as private shall make provision for public access. Utility easements will be provided where necessary. Gated roads shall not be permitted. Figure 3 shows the proposed public and private streets within ~~Stages 1, 2 and 3~~ all 4 stages and the overall Area Redevelopment Plan area. the construction access for this development will be restricted to Spring Creek Drive - Bow Valley Trail access only.

Figure 3. Public and Private Streets



- 14.27.5.10 Building Materials and Exterior Colours: Building materials and exterior colours shall be in accordance with Section 11, Community Architectural and Urban Design standards, of the Land Use Bylaw.
- 14.27.5.11 Landscaping: Landscaping design and materials shall be in accordance with Section 4 of the Spring Creek Mountain Village Landscape and Architectural Guidelines.
- 14.27.5.12 Signage, Canopies and Awnings: Signage, canopies and awnings shall be in accordance with Section 9, Signage Standards and Regulations, of the Land Use Bylaw.

14.27.6 Zone A (Core Area) and Zones B&C (Transition Areas) Design Requirements

- 14.27.6.1 Block Creation: All buildings shall front onto the streets creating defined 'blocks'.
- 14.27.6.2 Street Access: Wherever possible, main floor units shall have street access and addresses.
- 14.27.6.3 Block Interior Space: A minimum of 25% of the interior space of each block shall be contiguous, well-programmed and landscaped open space.
- 14.27.6.4 Spring Creek Drive Street Front (excluding Village square and adjacent buildings): A minimum 25% of the street level uses shall be Live/Work Studios or commercial in accordance with Figure 2.
- 14.27.6.5 Village Square: Commercial and Live/Work Studios shall comprise 75% to 100% of the street level frontage of the Village Square and adjacent buildings, in accordance with Figure 2.
- 14.27.6.6 Spring Creek Gate Frontage: ~~A minimum of 25%~~ Where possible, part of the street level uses shall be either commercial, live/work studios, or commercial-ready residential units, in accordance with Figure 2. The commercial-ready residential units shall be constructed ~~to a 1 hour fire rating to a commercial unit safety code standard~~, so they may be converted to a commercial space in the future, as market demands. The intent is for Live/Work studios and commercial uses to phase out as development extends south on Spring Creek Gate. This will keep the bulk of commercial services in the vicinity of the Village Square. A letter of verification confirming this design standard shall be required from the project architect as a condition of the Development Permit.
- 14.27.6.7 The total Local Commercial area at plan build out shall be no more than ~~2,000-m²~~, 3,000 m² excluding Live/Work units. This may be increased by an additional 500 m² to facilitate a Daycare.

14.27.7 Tourist Homes

The number of Tourist Homes shall not exceed 300 units within the entire ARP area. They shall be located within identified floors within apartment buildings, ~~or Townhouses adjacent to designated Tourist Home apartment buildings~~. Tourist Home locations shall be identified by the developer at the Development Permit stage. Tourist Home permits will not be considered for units designated as employee or perpetually affordable housing.

14.27.8 Wellhead Protection

Developments in this district shall conform to the Section 7.4, Groundwater Protection Overlay, of the Land Use Bylaw.

14.27.9 Environmental Considerations

The environmental policies identified in the spring creek Mountain Village Area Redevelopment Plan, Section 4.3, shall be implemented with each stage of development. The implementation process shall include as part of the subdivision servicing agreement the following plans:

- a. Construction Management Plan
- b. Creek Bank Reclamation Plan
- c. Landscaping Plan

14.27.10 Growth Management

~~14.27.10.1 This Bylaw will be amended from time to time to include future development stages. However, this Bylaw will not be amended to include further development stages beyond stage 3 before 2021. This requirement is designed to promote the orderly redevelopment of Spring Creek Mountain Village consistent with the Town of Canmore's Growth Management Strategy and allow flexibility to reflect changes in market conditions. This requirement supersedes all other previous requirements for the rate and pace of growth for Spring Creek Mountain Village.~~

~~14.27.10.1~~ Irrespective of Section 14.27.10.1, The Spring Creek Park Connector Trail and bridge shall be constructed prior to the issuance of a development permit for the first building any development of any buildings in Stage 3.

~~14.27.10.2~~ No development shall occur in Stage 4 until Stage 1 and Stage 2 are completed and construction completion certificates accepted by the Town of Canmore, with the exception of the existing residential parcel in Stage 1 (Legal: 1810013;9;1) two remaining hotel parcels in Stage 1 (Legal: 1810013;8;1 and 1810019;9;2) and two municipal reserve parcels (Legal: 1810013;9;3MR and 1810013;8;2MR). A temporary pedestrian trail system shall be provided until these parcels have been completed. **Development on Spring Creek Gate will be in an orderly manner and continue in a southerly direction.**

14.27.11 Evaluation Criteria for Previous Stages

Prior to the amendment of this Bylaw, the applicant in consultation with the Town of Canmore, shall provide an evaluation of the previous stage of development as part of the application process for the bylaw amendment. This evaluation shall include, but is not limited to, the following:

- a. Architectural and neighbourhood fit, including heights and setbacks which include any overshadowing of adjacent yards;
- b. A review of the density on the previous stage of development to ensure the appropriateness of the development to the site;
- c. A traffic impact analysis performed through monitoring of the previous stage of development;
- d. Sight lines from within the project as well as from outside the project;
- e. Flow of pedestrian traffic and vehicular traffic on adjacent neighbourhoods into south Canmore and impact on south Canmore residents;
- f. Pedestrian flows in South Canmore Habitat Patch; and,
- g. Review of Discretionary Uses in this District.

This evaluation will be used to guide all future land use amendments and mitigative measures as the project proceeds.

14.27.12 Development Authority

The Council of the Town of Canmore shall be the Development Authority for any application that involves a variance to heights beyond the height variances listed in Section 14.27.4 of this District. The Development Authority for all other applications shall be either the Development Officer or the Canmore Planning Commission.

14.27.13 Sustainability Screening Report

A Sustainability Screening Report is required by the Town as part of the Development Permit application process for developments with a GFA of 500m² or more in accordance with Section 1, Administration, and the Town of Canmore Sustainability Screening Process.

1.14 VARIANCE POWERS OF DEVELOPMENT AUTHORITY

.....

1.14.2 Variances to Setbacks from Waterbodies

1.14.2.1 The following setback variances may be granted by the Development Authority on lots registered on or before April 8, 1997:

- a. Commercial and Mixed-Use Buildings: A variance of up to 5.0 m to the bank setback may be granted to commercial and mixed use buildings if the Development Authority is satisfied that the remaining setback area between the building and the bank will enhance either riparian habitat or be landscaped in accordance with the requirements of Section 11: Community Architectural and Urban Design Standards, or both.
- b. Residential Buildings: A variance of up to 5.0 m to the bank setback may be granted to residential buildings if the variance is required in order to accommodate a residential building with a gross floor area of 325 m² or less or a floor area ratio of 0.35 or less. Residential buildings which do not meet either of these requirements shall not be eligible for a variance from the 20.0 m setback.
[2020-16]
- c. Notwithstanding lot registration dates, the residential area in Spring Creek Mountain Village that is generally formed by Lot 1, Block 9, Plan 1810013; Lot 5, Block 83, Plan 1095F; and Lot 6, Block 83, Plan 1095F shall be allowed a 5m variance to the bank setback in accordance with 1.14.2.1b.

APPENDIX I

Landscaping and Open Space Plan



Spring Creek



Conceptual Open Space Plan Extension

Submitted to Spring Creek Mountain Village
by IBI Group
March 15, 2019 | #112035

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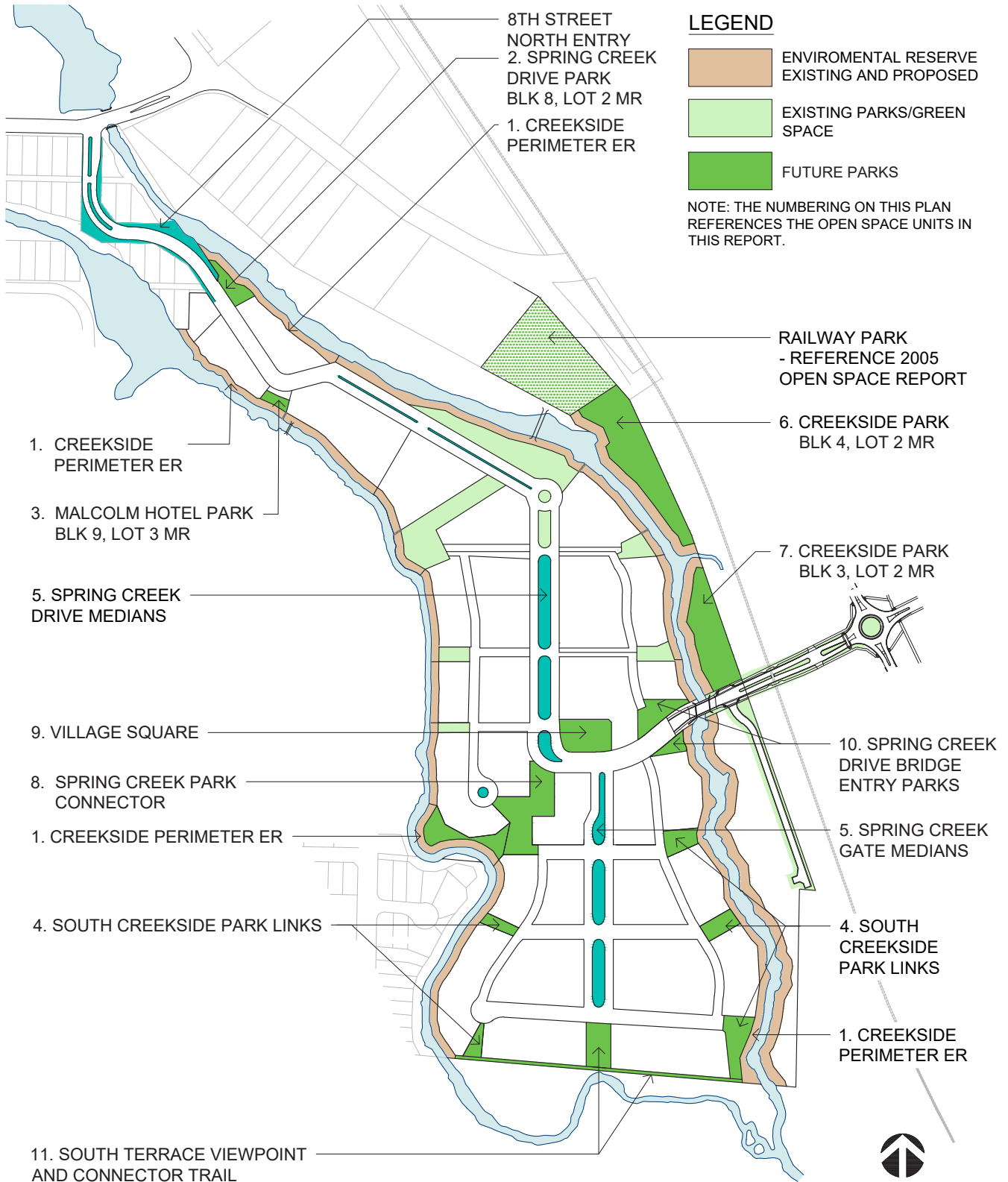
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● APPENDIX - ILLUSTRATIVE OPEN SPACE PLAN

Spring Creek

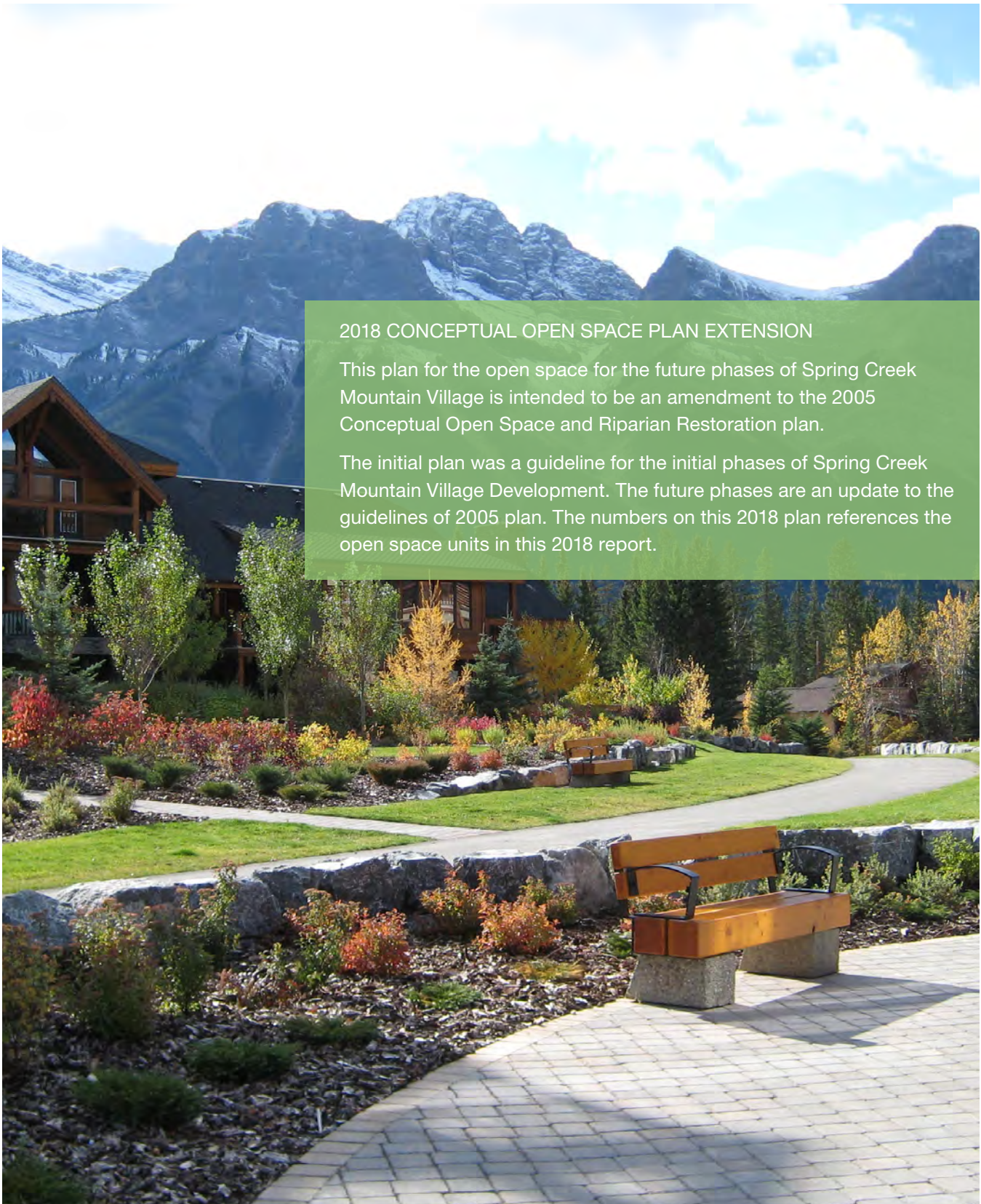
CONCEPTUAL OPEN SPACE PLAN EXTENSION

RFD and attachments as presented at first reading



FILE #: 112035





2018 CONCEPTUAL OPEN SPACE PLAN EXTENSION

This plan for the open space for the future phases of Spring Creek Mountain Village is intended to be an amendment to the 2005 Conceptual Open Space and Riparian Restoration plan.

The initial plan was a guideline for the initial phases of Spring Creek Mountain Village Development. The future phases are an update to the guidelines of 2005 plan. The numbers on this 2018 plan references the open space units in this 2018 report.



1 Creekside Perimeter ER

The Creekside Perimeter Environmental Reserve (ER) and trails will continue development as described in the 2005 report and match the existing development ERs. Updates to the 2005 report include:

- All plant material will adhere to the Town of Canmore current approved plant list for Environmental Reserves (ER).
- Due to current problems with drainage and ice on trails; the perimeter asphalt trail surface will slope towards the creek.



ER Adjacent to Waterfront Park



ER Adjacent to Cambrian Streamside Villas



2 Creekside Park – Block 8 – Lot 2 MR

A series of small parks connects the urban streetscape at each block to the perimeter creekside trail system. This park is one of these in this system.

This park will welcome visitors and residents to Spring Creek Mountain Village and demonstrate the interaction between the natural and urban environments.

OPEN SPACE AMENITIES:

2.1 Plant Material

- Rehabilitation of areas adjacent to ER area.
- Clean up of all disturbed areas.
- Additional planting adjacent to hotel to be coordinated with hotel site design and screen the side elevation of the hotel.
- Small maintained lawn area with boulder bench wall semi-circle.
- Seed mix as per Town of Canmore natural area seed mix.
- Tree and shrub species as per Town of Canmore guidelines.

2.2 Irrigation

- Watering to establish planting.
- Irrigation in MR.

2.3 Site Furnishings

- Custom bench design coordinated with Spring Creek Mountain Village urban design components.
- Animal Proof Waste Receptacles and dog bag dispensers. Located at all entry point to the trail system.
- Lighting. No site lighting in MR areas.
- Fencing. No fencing at property line of MR. Spring Creek Mountain Village property markers at all property corners.

2.4 Trails

- Trailhead to connect with Spring Creek Drive pedestrian surfacing.
- Provide a continuous gravel trail to connect the ER trail with the urban sidewalk system.
- Trail surface will delineate and protect natural areas.

2.5 Signage

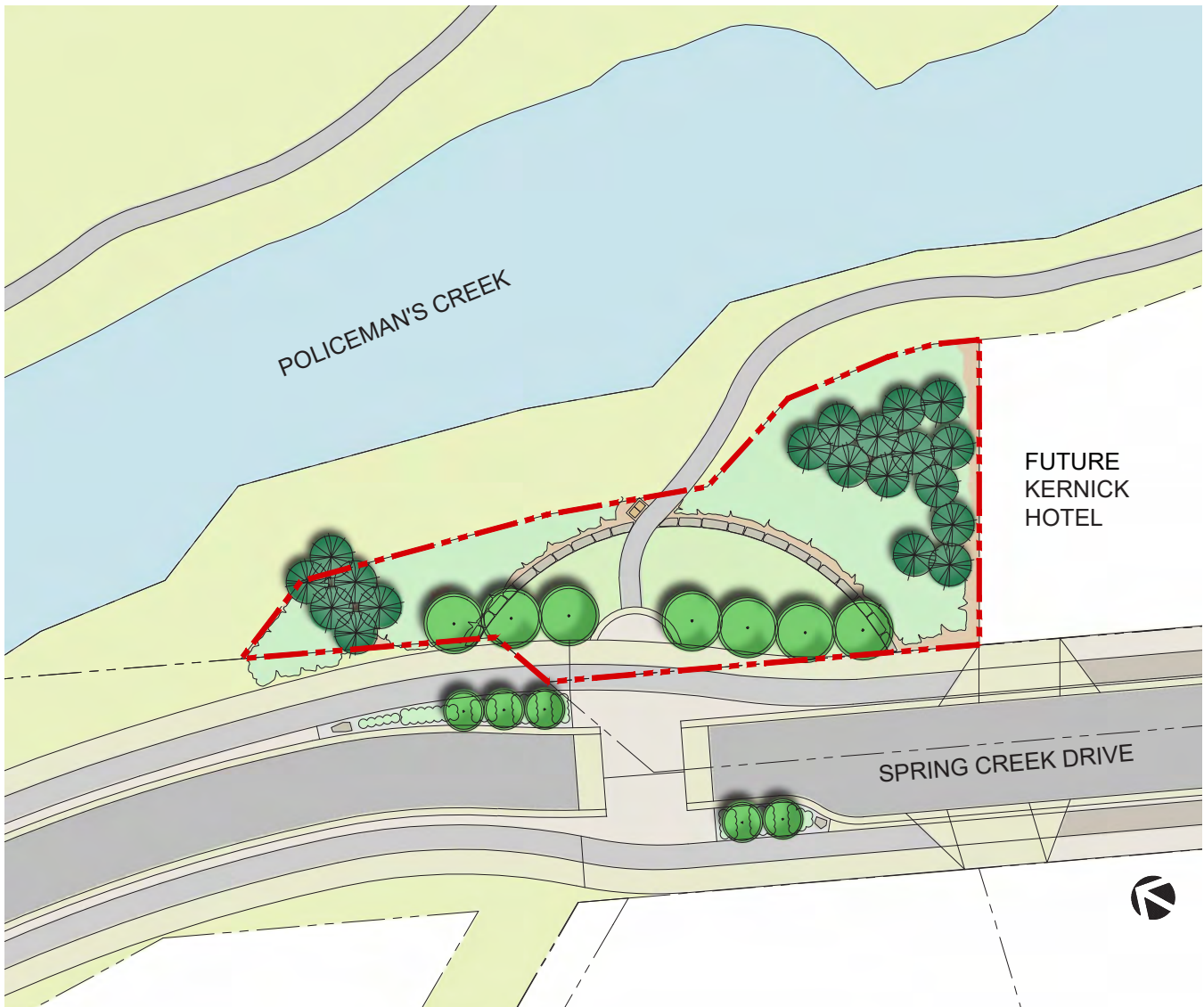
- Sign to restrict bicycle traffic at this entry to the perimeter trail. Coordinate the design of the sign with the Town of Canmore.

2.6 Rest Stops

- Concrete hard surface at rest stops coordinated with Spring Creek Mountain Village urban design components.
- Rock bench wall semi-circle at grass and natural area interface.



2 Creekside Park
Block 8 – Lot 2 MR



Conceptual Sketch of Block 8 - 2 MR



3 Creekside Park – Block 9 – Lot 3 MR

A series of small parks connects the urban streetscape at each block to the perimeter creekside trail system. This park is one of these in this system.

This small park is an important connection between the hotel sites. It is also at a sharp bend in Spring Creek Drive and allows an open vista to the Spring Creek park system. The park is also part of a critical pedestrian/bicycle automobile intersection.

OPEN SPACE AMENITIES:

3.1 Plant Material

- Rehabilitation of areas adjacent to ER area.
- Clean up of all disturbed areas.
- Additional planting adjacent to hotels to be coordinated with hotel site design.
- Seed mix as per Town of Canmore natural area seed mix.
- Tree and shrub species as per Town of Canmore guidelines.
- Limited areas of maintained grass.

3.2 Irrigation

- Watering to establish planting.
- Irrigation in MR.

3.3 Site Furnishings

- Bicycle parking at the view point plaza.
- Custom bench design coordinated with Spring Creek Mountain Village urban design components.
- Animal Proof Waste Receptacles and dog bag dispensers. Located at all entry point to the trail system.

- Lighting. No site lighting in MR areas. Potential for limited low level pedestrian lighting at view point plaza.
- Fencing. No fencing at property line of MR. Spring Creek Mountain Village markers at all property corners.

3.4 Trails

- The intersection provides an opportunity for a pedestrian viewpoint at the trail entry over the hotel tunnel.
- Provide a continuous 3.5m wide asphalt trail from the Spring Creek Drive urban sidewalk to the 5th Street pedestrian bridge. The perimeter trail south of the bridge connection to be a 2.5m wide asphalt trail.
- Trail surface will delineate and protect natural areas.
- Any vertical elements to be set back a minimum of 0.5m from the edge of the trail to accommodate cycling on the full pathway width and to permit full width of snow clearing.

3.5 Signage

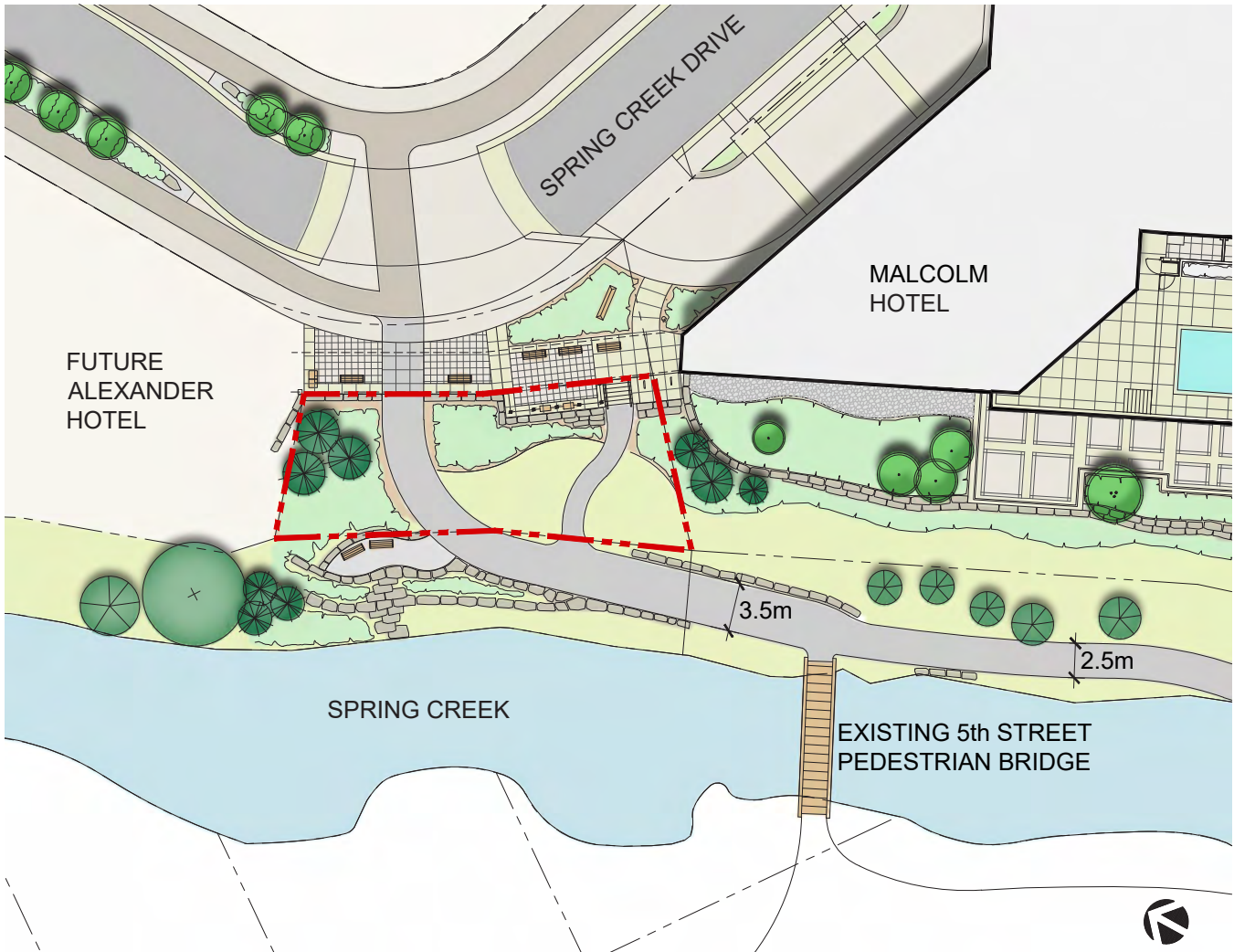
- Potential trail information sign at the viewpoint plaza. Signage to be waist height attached to handrail and provide information such as trail orientation, mountain vista and/or environmental interpretation.
- Signage design and signage standard design coordinated with Spring Creek Mountain Village urban design components.

3.6 Rest Stops

- Hard surface at rest stops coordinated with Spring Creek Mountain Village urban design components. Rest stop to limit pedestrian access to ER in front of future Malcolm hotel west addition.
- Rock bench wall and planter edge.



3 Creekside Park Block 9 – Lot 3 MR



Conceptual Sketch of Block 9 - 3 MR



4 South Creekside Park Links

A series of small parks connects the urban streetscape at each block to the perimeter creekside trail system. These parks will continue to be developed as per the parks in the initial phases.

OPEN SPACE AMENITIES:

4.1 Plant Material

- Rehabilitation of areas adjacent to ER area as per initial phases.
- Clean up of all disturbed areas as per initial phases.
- Additional planting adjacent to buildings to be coordinated with building site design.
- Seed mix as per Town of Canmore natural area seed mix.
- Tree and shrub species as per Town of Canmore guidelines.
- Some areas of maintained grass in specific locations.

4.2 Irrigation

- Watering to establish planting.
- Irrigation in MR.

4.3 Site Furnishings

- Custom bench design coordinated with Spring Creek Mountain Village urban design components.
- Animal Proof Waste Receptacles and dog bag dispensers. Located at all entry point to the trail system.
- Lighting. No site lighting in MR areas.
- Fencing. No fencing at property line of MR. Spring Creek Mountain Village property markers at all property corners.

4.4 Trails

- Provide a continuous 2.5m wide asphalt trail to connect the ER trail with the urban sidewalk system.
- Trail surface will delineate and protect natural areas.

4.5 Signage

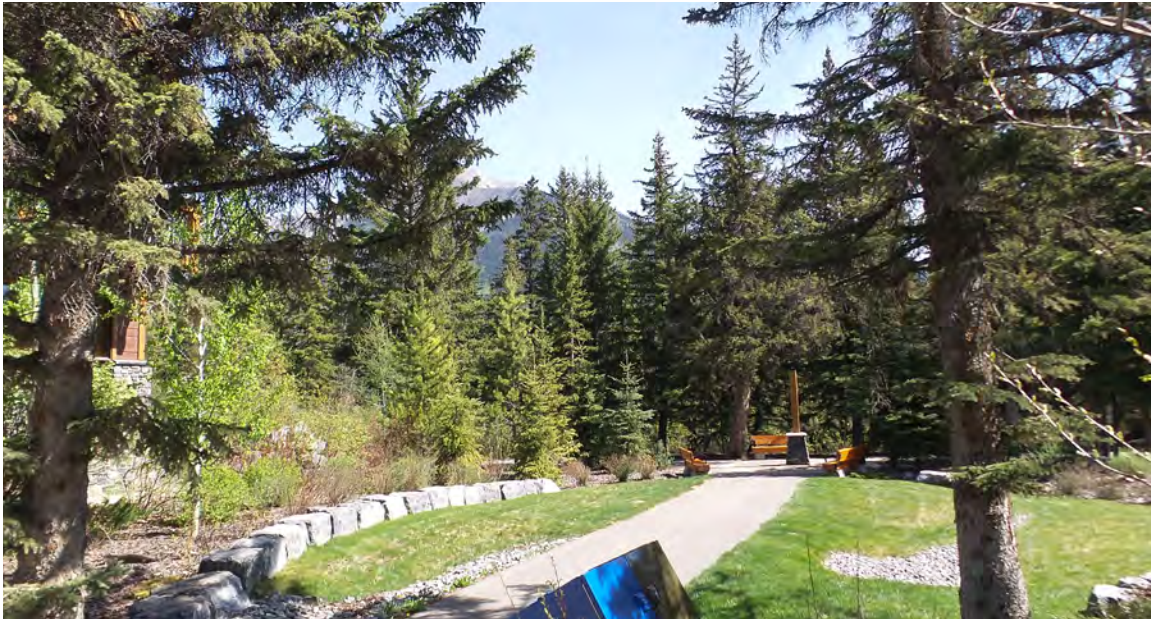
- Signage design and signage standard design coordinated with Spring Creek Mountain Village urban design components.
- Design of Landmark/trail marker at selected intersections coordinated with Spring Creek Mountain Village urban design components.

4.6 Rest Stops

- Concrete hard surface at rest stops coordinated with Spring Creek Mountain Village urban design components.
- Rock bench wall at selected locations.



4 South Creekside Park Links



Existing example: Park Link at Moraine Ridge / Cambrian Streamside MR



Existing example: Park Link at Moraine Ridge / Cambrian Streamside MR



5 Spring Creek Drive – Linear Parks in Median

The linear park centred on Spring Creek Drive is an important component of the open space system. The development of the medians will continue in the next phases of Spring Creek Mountain Village.

These streets, of 30.0 m right of way, feature a continuous, over 12.0 m wide, central linear park system. On each side of the linear park there is a single driving lane and a single parking lane followed by a 2.5 m sidewalk with buildings abutting it directly. Vehicles turning left can stack two-deep within the width of the linear park eliminating the need for an additional turning lane. The central island linear park will incorporate street lighting and hydrants and allow a variety of uses and landscaping forms to reduce the traffic noise within the right of way. The roadways should have ‘pedestrian bulbs’ at all intersections to reduce the crossing distance. Mid-block pedestrian crossings should be allowed. Pedestrian crossings should be designed as traffic calming devices and should feature surface changes. No driveways or parking access points will be allowed to connect to Spring Creek Drive.

reference: Spring Creek Mountain Village, Area Redevelopment Plan, Urban Design Guidelines, page 9.

These parks are intended as a flexible reserve of parkland for the residents. It is expected that the uses and planting will vary from block to block depending on residents’ preferences and that these parks could change character over time. In the linear parks, decorative landforms and sculpture gardens can be incorporated. Their planting material may include tall trees as well as shrubs, lawns, and perennials. Christmas light displays and summer flowerbed competitions can be accommodated easily. The linear parks should be programmed and maintained by the Community Associations affording the residents maximum opportunity for decision-

making and active participation. The system starts at the north end of the Drive, turns through the Village Square and terminates at the South view point.

reference: Spring Creek Mountain Village, Area Redevelopment Plan, Urban Design Guidelines, page 20.

OPEN SPACE AMENITIES:

5.1 Plant Material

- Planting adjacent to housing developments to be coordinated with the building site design plans.
- Tree and shrub species as per Town of Canmore guidelines.

5.2 Irrigation

- Watering to establish planting.
- Irrigation.

5.3 Site Furnishings

- Custom bench design coordinated with Spring Creek Mountain Village urban design components.
- Animal Proof Waste Receptacles and dog bag dispensers if required.
- Lighting. Site lighting coordinated with Spring Creek Mountain Village urban design components.
- Bollards coordinated with Spring Creek Mountain Village urban design components.

5.4 Trails

- A potential continuous hard surface pathway will connect the pedestrian bulbs at the intersections.
- The pedestrian bulbs surfacing and pedestrian crossings will be coordinated with Spring Creek Mountain Village urban design components.



5.5 Signage

- Signage design and signage standard design coordinated with Spring Creek Mountain Village urban design components.
- Design of Landmark/trail marker at intersections coordinated with Spring Creek Mountain Village urban design components.

5.6 Design Character

- The design layout of the linear parks will feature a variety of surfaces and textures to compliment the current design theme.

5.7 Artwork

- The design of each linear park will be coordinated with each adjacent development and will allow for unique features such as sculptures to be incorporated into each park.



Existing Example: Spring Creek Drive Median at Glacier Rock / Moraine Ridge



6 Creekside Park – Block 4 – Lot 2 MR

The area delineated by the Policeman’s Creek, the railway right of way, the Spring Creek Drive and the proposed Policeman’s Creek Park should remain in its natural state. The existing vegetation should be protected and creek edges rehabilitated where required. A narrow, rather informal pedestrian trail is proposed, set back from the creek edge by a minimum of 6.0 m. The trail surface is expected to be compacted gravel (or similar) and its precise alignment will be determined jointly by the developer and the town of Canmore through the landscape plan approval process.

reference: Spring Creek Mountain Village, Area Redevelopment Plan, Urban Design Guidelines, page 20.

Coordinate this park design with potential development of adjacent Railway Park.

OPEN SPACE AMENITIES:

6.1 Plant Material

- Protection of existing trees. Clear brush to a 3.0m setback from the trail on the creekside of the trail. Clear brush as directed on site between the trail and the CPR R/W for safety and security.
- Rehabilitation of areas adjacent to ER area.
- Clean up of all disturbed areas.
- Seed mix as per Town of Canmore natural area seed mix.
- Some areas of maintained grass at Power Line ROW.
- Tree and shrub species as per Town of Canmore guidelines.

6.2 Irrigation

- Watering to establish planting.
- Irrigation in MR adjacent to Railway Park only. No irrigation in rest of MR natural areas.

6.3 Site Furnishings

- Custom bench design coordinated with Spring Creek Mountain Village urban design components.
- Animal Proof Waste Receptacles and dog bag dispensers. Located at all entry points to the trail system.
- Potential Picnic Tables.
- Lighting. No site lighting in MR areas.
- Fencing. Fencing at CPR ROW.

6.4 Trails

- Provide a continuous 1.5m wide gravel/clay surface trail to connect with the urban sidewalk system.
- Trail to be carefully laid out between existing trees to minimize disturbance.
- Trail connection between Railway Park and Spring Creek Drive.
- Bridge over drainage course adjacent to Policeman’s Creek.

6.5 Signage

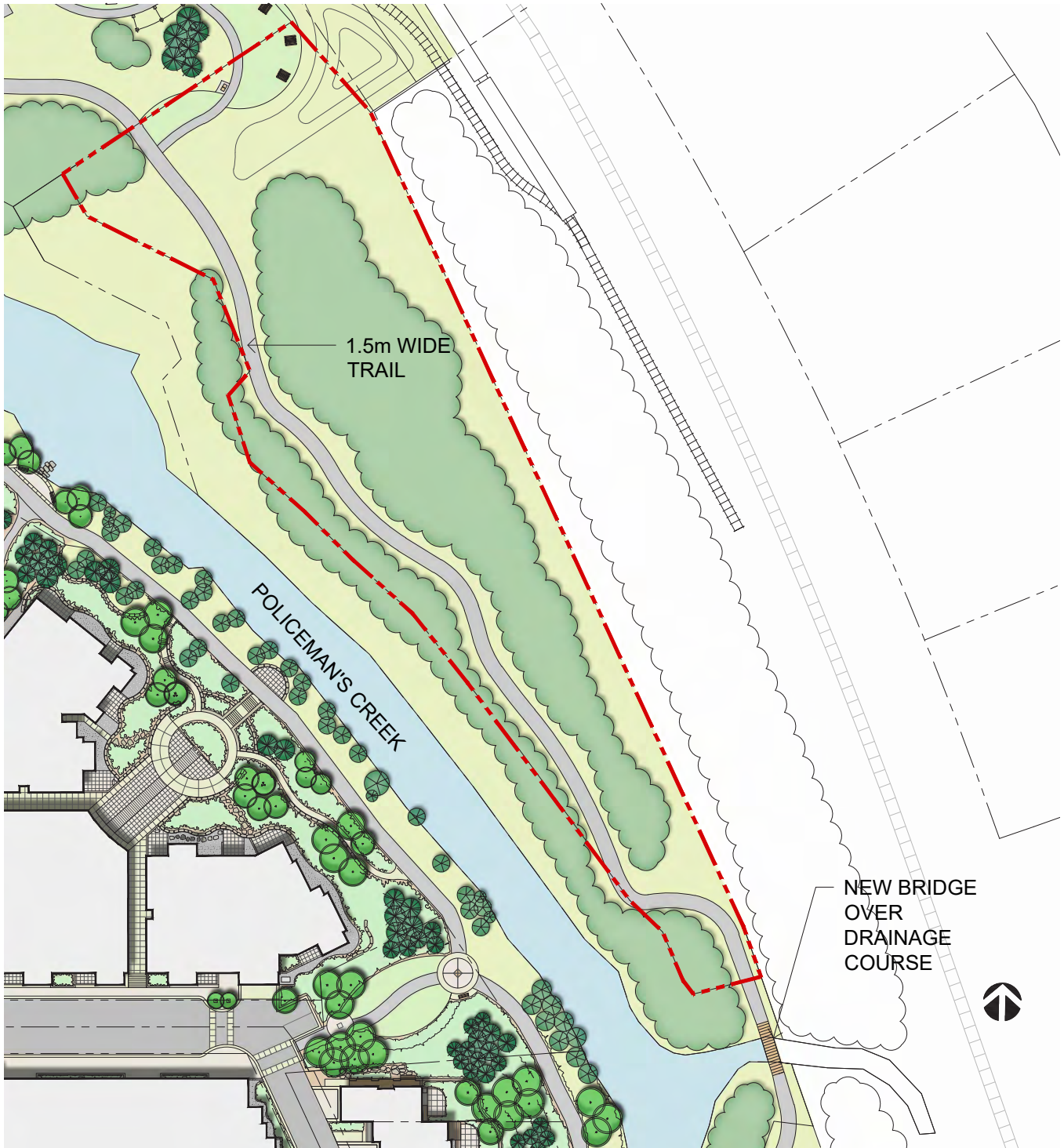
- Signage design and signage standard design coordinated with Spring Creek Mountain Village urban design components.
- Design of potential Landmark/trail marker at intersections coordinated with Spring Creek Mountain Village urban design components.

6.6 Rest Stops

- Potential concrete hard surface at rest stops coordinated with Spring Creek Mountain Village urban design components.



6 Creekside Park Block 4 – Lot 2 MR



Conceptual Sketch of Creekside Park - Block 4 - Lot 2 MR





7 Creekside Park – Block 3 – Lot 2 MR

The area delineated by the Policeman’s Creek, the railway right of way, the Spring Creek Drive and the proposed Policeman’s Creek Park should remain in its natural state. The existing vegetation should be protected and the creek edges rehabilitated where required. A narrow, rather informal pedestrian trail is proposed, set back from the creek edge by a minimum of 6.0 m. The trail surface is expected to be compacted gravel (or similar) and its precise alignment will be determined jointly by the developer and the Town of Canmore through the landscape plan approval process.

reference: Spring Creek Mountain Village, Area Redevelopment Plan, Urban Design Guidelines, page 20.

OPEN SPACE AMENITIES:

7.1 Plant Material

- Protection of existing trees. Clear brush to a 3.0m setback from the trail on the creekside of the trail. Clear brush as directed on site between the trail and the CPR R/W for safety and security.
- Rehabilitation of areas adjacent to ER area.
- Clean up of all disturbed areas.
- Seed mix as per Town of Canmore natural area seed mix.

7.2 Irrigation

- Watering to establish planting.
- No Irrigation in MR.

7.3 Site Furnishings

- Custom bench design coordinated with Spring Creek Mountain Village urban design components.

- Animal Proof Waste Receptacles and dog bag dispensers. Located at all entry points to the trail system.
- Lighting. No site lighting in MR areas.
- Fencing. Fencing at CPR ROW.

7.4 Trails

- Provide a continuous 1.5m wide gravel/clay surface trail to connect with the urban sidewalk system and Spring Creek Drive Bridge.
- Trail to be carefully laid out between existing trees to minimize disturbance.
- Trail connection between Railway Park and Spring Creek Drive.
- Bridge over drainage course adjacent to Policeman’s Creek.

7.5 Parking

- Access off Spring Creek Drive.
- Potential gravel parking for 6+/- cars and maintenance access for lift station.

7.6 Signage

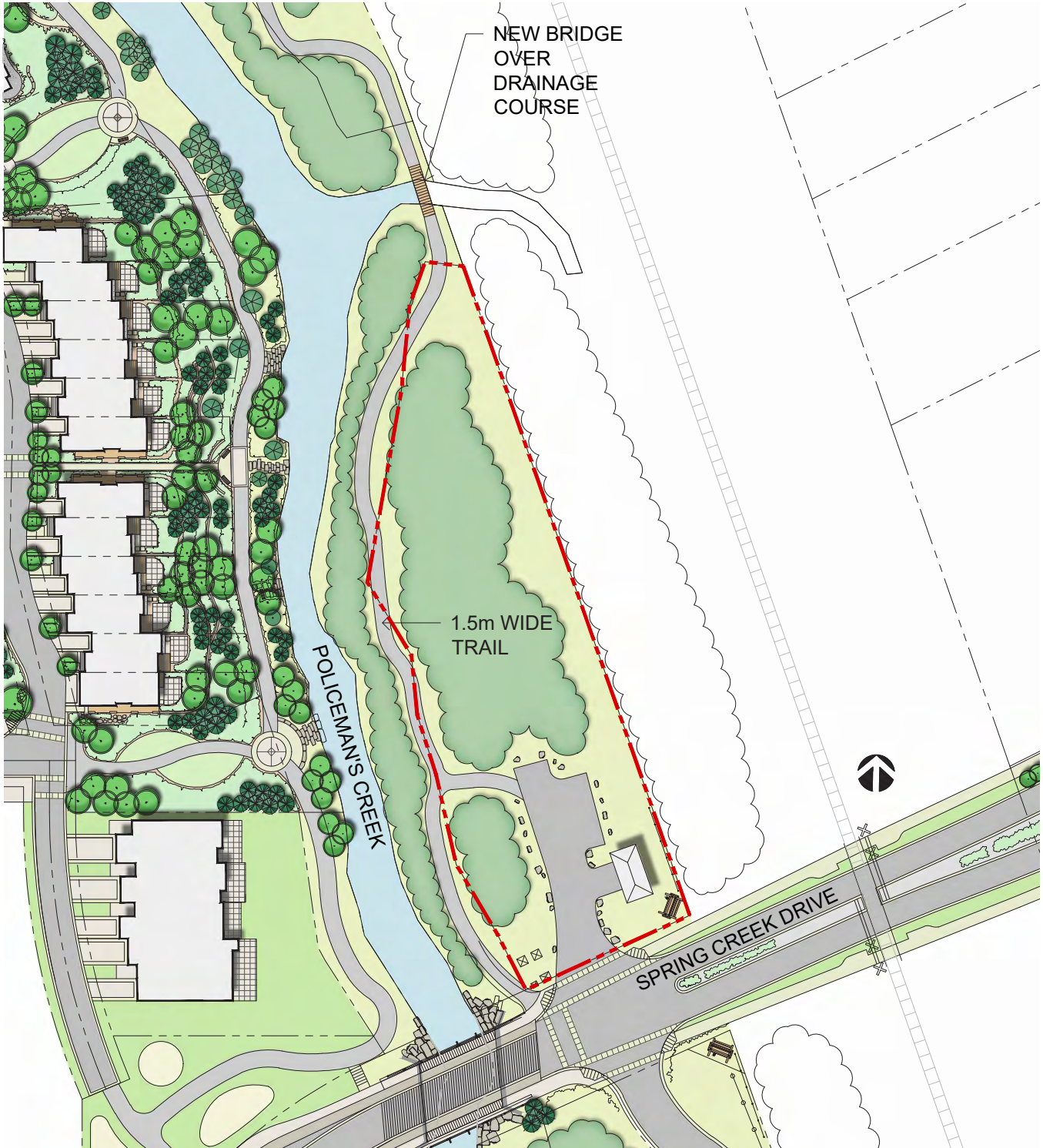
- Signage design and signage standard design coordinated with Spring Creek Mountain Village urban design components.
- Design of potential Landmark/trail marker at intersections coordinated with Spring Creek Mountain Village urban design components.

7.7 Rest Stops

- Potential concrete hard surface at rest stops coordinated with Spring Creek Mountain Village urban design components.



7 Creekside Park Block 3 – Lot 2 MR



Conceptual Sketch of Creekside Park - Block 3 - Lot 2 MR



8 Spring Creek Park Connector - Block 6 - Lot 21 MR

This is a major activity park that connects Spring Creek Drive and the Village Square to the perimeter parks system.

OPEN SPACE AMENITIES:

8.1 Landscape Design

- The park area adjacent to Spring Creek Drive is to become an urban park extension of the drive medians. This area of the park will act as a transition from the more urban Village Square to the natural perimeter parks system. The site lines along Spring Creek Drive and the visual termination at the park is also a significant design components for the park design and the architecture. The interface with the surrounding buildings is an important design consideration to accommodate pedestrians and allow for resident privacy.
- The middle area of the park offers opportunities for a tot lot, an all ages playground area, trail connections, and picnic and seating areas.
- Rehabilitation of areas adjacent to ER area.
- Clean up of all disturbed areas adjacent to ER.
- Seed mix adjacent to ER as per Town of Canmore natural area seed mix.
- Some areas of maintained grass.
- Planting design to be coordinated with the site design of the adjacent properties.
- Tree and shrub species as per Town of Canmore guidelines.

8.2 Irrigation

- Watering to establish planting.
- Irrigation to be provided.

8.3 Site Furnishings

- Playground equipment design and location to be coordinated with the space available and the adjacent land uses.
- Custom bench design coordinated with Spring Creek Mountain Village urban design components.
- Animal Proof Waste Receptacles and dog bag dispensers. Located at all entry points to the trail system.
- Lighting. No site lighting. Potential for limited low level pedestrian lighting along connector trail.
- Fencing. No fencing at property line of MR. Spring Creek Mountain Village markers at all property corners.

8.4 Pedestrian Circulation

- Provide a continuous 2.5m wide asphalt trail to connect the ER trail with the urban sidewalk system and multi-use trail to Spring Creek Gate.
- Trail surface in some areas will delineate and protect natural areas.
- Trail to provide connection and bridge over Spring Creek to MR on opposite side of creek.
- In some areas where the asphalt trail wanders away from the creek setback, a small gravel trail provides pedestrian access.

8.5 Signage

- Signage design and signage standard design coordinated with Spring Creek Mountain Village urban design components.
- Design of Landmark/trail marker at potential intersections coordinated with Spring Creek Mountain Village urban design components.
- Potential for a mountain village orientation map and interpretive sign.

8.6 Rest Stops

- Concrete hard surface at rest stops coordinated with Spring Creek Mountain Village urban design components.
- Potential rock bench wall separating maintained grass areas and natural areas.



8 Spring Creek Park Connector - Block 6 - Lot 21 MR



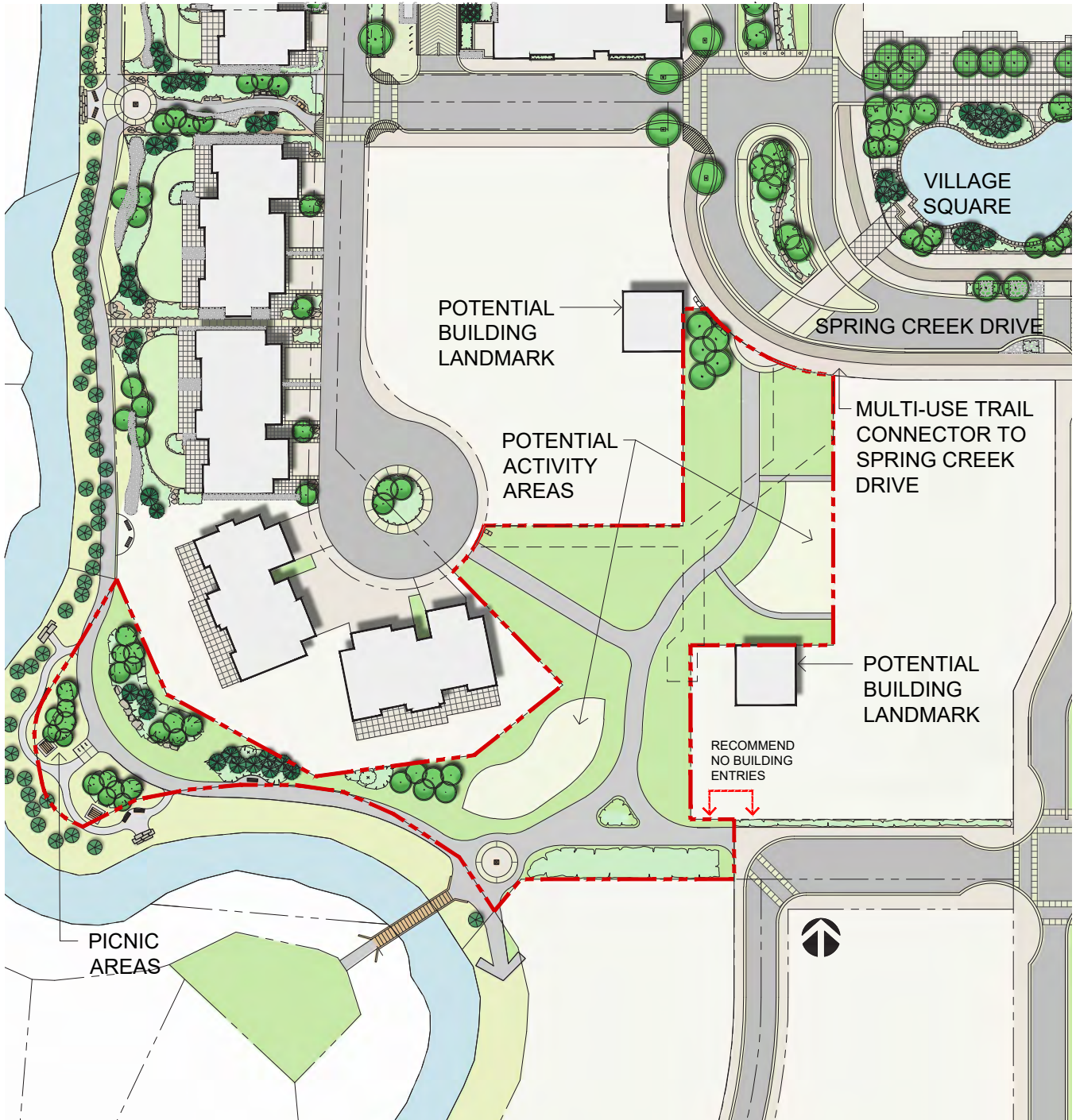
Park Example: Typical picnic areas with a mix of natural areas and occasional areas of maintained grass.



Park Example: New bridge over Spring Creek similar to bridge at Low Park.



8 Spring Creek Park Connector - Block 6 - Lot 21 MR



Conceptual Sketch of Park Connector - Block 6 - Lot 21 MR



9 Village Square

This is the main crossroad of the entire development where Spring Creek Drive intersects with Spring Creek Gate.

A one way, pedestrian friendly lane wraps around the Village Square providing access to the commercial functions on its North and East facades. It should have a driving lane access of 3.0 m. Bollards, pavement patterns and street furniture should be used to delineate vehicular access areas and to ensure pedestrian priority.

The center of the Square should be landscaped as an urban park and may be a skating rink or a water feature. This is the focal point of the area and is easily accessed by pedestrians from all sides and strongly connected to the park and trail system through the SW corner of the Square.

The intent is to create a pedestrian friendly, busy centre designed around the needs of pedestrians.

reference: Spring Creek Mountain Village, Area Redevelopment Plan, Urban Design Guidelines, page 11.

OPEN SPACE AMENITIES:

9.1 Landscape Design

- The Village Square is to be an urban park appropriate to the mountain setting and the surrounding architecture of the Square.
- The Square is intended to be an active urban space and the multi-purpose design should accommodate a variety of uses such as festivals, markets and space for residents and visitors to gather. The design should also encourage winter activities such as skating and protected areas for sitting.
- The interface with the surrounding buildings is an important design consideration to accommodate pedestrians and occasional automobile uses. The site lines along Spring Creek Drive and Spring Creek Gate with the visual termination at the Square are also significant design components for coordination with the park design and the architecture.

- Planting design to be coordinated with the site design of the adjacent properties.
- Tree and shrub species as per Town of Canmore guidelines.

9.2 Irrigation

- Water park service for winter ice-making to be considered.
- Watering to establish planting.
- Irrigation to be provided.
- Water source for irrigation and any proposed water feature to be the Spring Creek community irrigation system.

9.3 Site Furnishings

- Custom bench design and all site furnishings to be coordinated with Spring Creek Mountain Village urban design components.
- Animal Proof Waste Receptacles and dog bag dispensers. Located at all entry points to the Square.
- Lighting. Site lighting to compliment the adjacent buildings and to provide a pleasant ambiance in the park in evenings.
- Site furnishings to include bicycle racks. Consideration can be given to providing space for a dockless bike share parking.
- Fencing. No fencing at property line of MR.

9.4 Signage

- Signage design and signage standard design coordinated with Spring Creek Mountain Village urban design components.
- Design of potential Landmark/trail marker at Square to be coordinated with Spring Creek Mountain Village urban design components.
- Potential mountain village orientation map and interpretive sign.



9 Village Square

9.5 Pedestrian Areas

- The design intent is to create a pedestrian friendly urban plaza with the vehicular circulation subservient to the needs of the pedestrians.
- Vehicular access to the plaza area is restricted to authorized service vehicles only. The plaza surfacing to be designed in the manner that the pedestrian right of way takes precedent over vehicles.
- Pedestrian routes through Village Square to also consider this as an important connection between the bridge entry parks at Policeman’s Creek and the Spring Creek connector park.



Conceptual Sketch of Village Square



10 Bridge Entry Parks at Spring Creek Drive

Spring Creek Drive begins with two traffic lanes in each direction at the Village Square end. Narrow medians with hard landscaping and aligned central light standards should appear at both ends of this main entry road. Sidewalks should follow both sides of the roadway from the Village Square for about 20 m where they begin to be separated from the roadway by narrow strips of vegetation and trees. Sidewalks connect to the trail system on both sides of the bridge.

These two parks will welcome visitors and residents to Spring Creek Mountain Village and establish the transition from the natural to the urban environment.

OPEN SPACE AMENITIES:

10.1 Landscape Design

- An arrival or entry sculptural landmark or landscape environmental art form could be an important welcoming feature at the Bridge Entry Parks.
- Integrate the park design with the Spring Creek Drive boulevard landscape and sidewalk design. Provide street tree planting along Spring Creek Drive with separate sidewalks.
- The park design to incorporate park activity areas such as sitting areas, gazebo, or other landscape features.
- The site lines along Spring Creek Drive and the visual termination at the park is also a significant design component for the park design and the architecture. The interface with the surrounding buildings is an important design consideration to accommodate park activities and allow for resident privacy.
- Rehabilitation of areas adjacent to ER area.
- Clean up of all disturbed areas adjacent to ER.
- Seed mix adjacent to ER as per Town of Canmore natural area seed mix.

- Some areas of maintained grass.
- Planting design to be coordinated with the site design of the adjacent properties.
- Tree and shrub species as per Town of Canmore guidelines.
- Planting in landscape boulevard with structural soil tree trench specifications.

10.2 Irrigation

- Watering to establish planting.
- Irrigation to be provided.

10.3 Site Furnishings

- Custom bench design coordinated with Spring Creek Mountain Village urban design components.
- Animal Proof Waste Receptacles and dog bag dispensers. Located at all entry points to the trail system.
- Light Standards at Spring Creek Drive design coordinated with Spring Creek Mountain Village urban design components.
- Banners incorporated into light standard design.
- Lighting. No site lighting in MRs.
- Fencing. No fencing at property line of MR. Spring Creek Mountain Village property markers at all property corners.

10.4 Pedestrian Circulation

- These parks are at an important junction point between the perimeter trail system and the urban sidewalk system. Provide a careful and logical crosswalk location at Spring Creek Drive for the trail network.
- Provide a continuous 2.5m wide asphalt trail to connect the ER trail with the urban sidewalk system. Signage to limit bicycle use on west side of Policeman's Creek.
- 2.5m wide multi-use trail connector on south side of Spring Creek Drive.
- Trail to slope away from the creek.
- Trail surface in some areas will delineate and protect natural areas.



10.5 Signage

- Signage design and signage standard design coordinated with Spring Creek Mountain Village urban design components.
- Design of Landmark/trail marker at potential intersections coordinated with Spring Creek Mountain Village urban design components.
- Potential for a mountain village orientation map. Wayfinding signage to be included that highlights preferred cycling routes throughout Spring Creek Mountain Village.

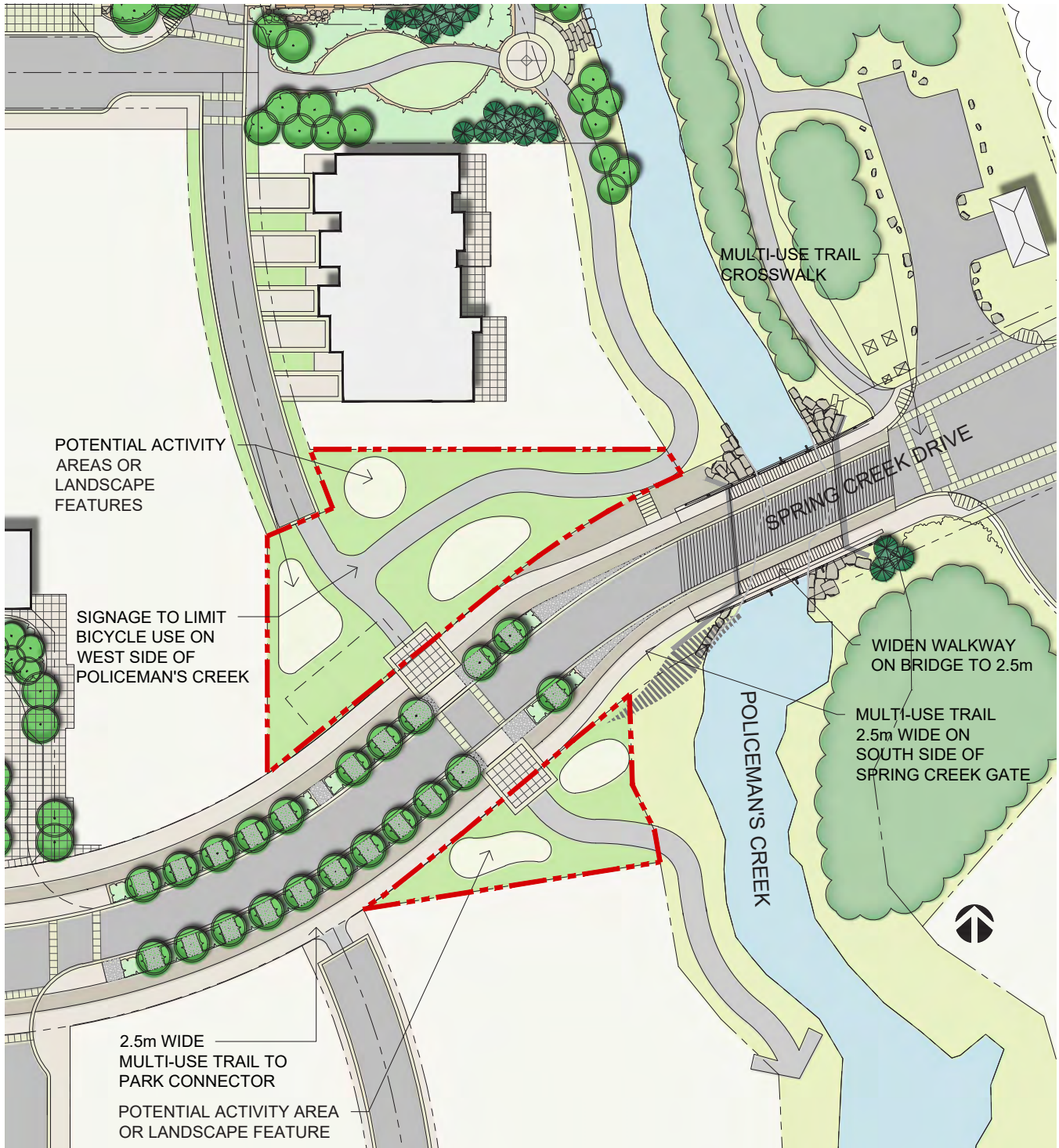
10.6 Rest Stops

- Concrete hard surface at rest stops coordinated with Spring Creek Mountain Village urban design components.
- Rock bench wall separating maintained grass areas and natural areas.





10 Bridge Entry Parks at Spring Creek Drive



Conceptual Sketch of Bridge Entry Parks at Spring Creek Drive



11 South Terrace Viewpoint

A series of small parks connects the urban streetscape at each block to the perimeter creekside trail system. This feature park is one of these in the system and acts as a terminus at the south end of Spring Creek Gate.

OPEN SPACE AMENITIES:

11.1 Plant Material

- This park will act as a transition from the more urban Spring Creek Gate to the natural perimeter parks system. The site line along Spring Creek Gate and the visual termination at the park is a significant design component for the park design and the adjacent architecture. The interface with the surrounding buildings is also an important design consideration to accommodate pedestrians and allow for resident privacy.
- Rehabilitation of areas adjacent to ER area.
- Clean up of all disturbed areas adjacent to ER.
- Seed mix adjacent to ER as per Town of Canmore natural area seed mix.
- Additional planting adjacent to housing developments to be coordinated with housing site design.
- Tree and shrub species as per Town of Canmore guidelines.

11.2 Irrigation

- Watering to establish planting.
- Irrigation in MR.

11.3 Site Furnishings

- Custom bench design coordinated with Spring Creek Mountain Village urban design components.
- Animal Proof Waste Receptacles and dog bag dispensers. Located at all entry point to the trail system.
- Lighting. No site lighting in MR areas.
- Fencing. No fencing at property line of MR. Spring Creek Mountain Village markers at all property corners.

11.4 Trails

- The intersection of the park and the perimeter trail system is an important intersection in the trail system. A viewpoint at this intersection will allow for spectacular views over the Spring Creek natural area and the surrounding mountain vista. This is an important link to connect the ER trail with the urban sidewalk system.
- Trail surface will delineate and protect natural areas.
- The MR connector trail to provide a continuous loop around the south area of the development linking the Spring Creek and Policeman's Creek ER trail system. Note that the layout of this trail may change depending upon the adjacent property future plans.

11.5 Signage

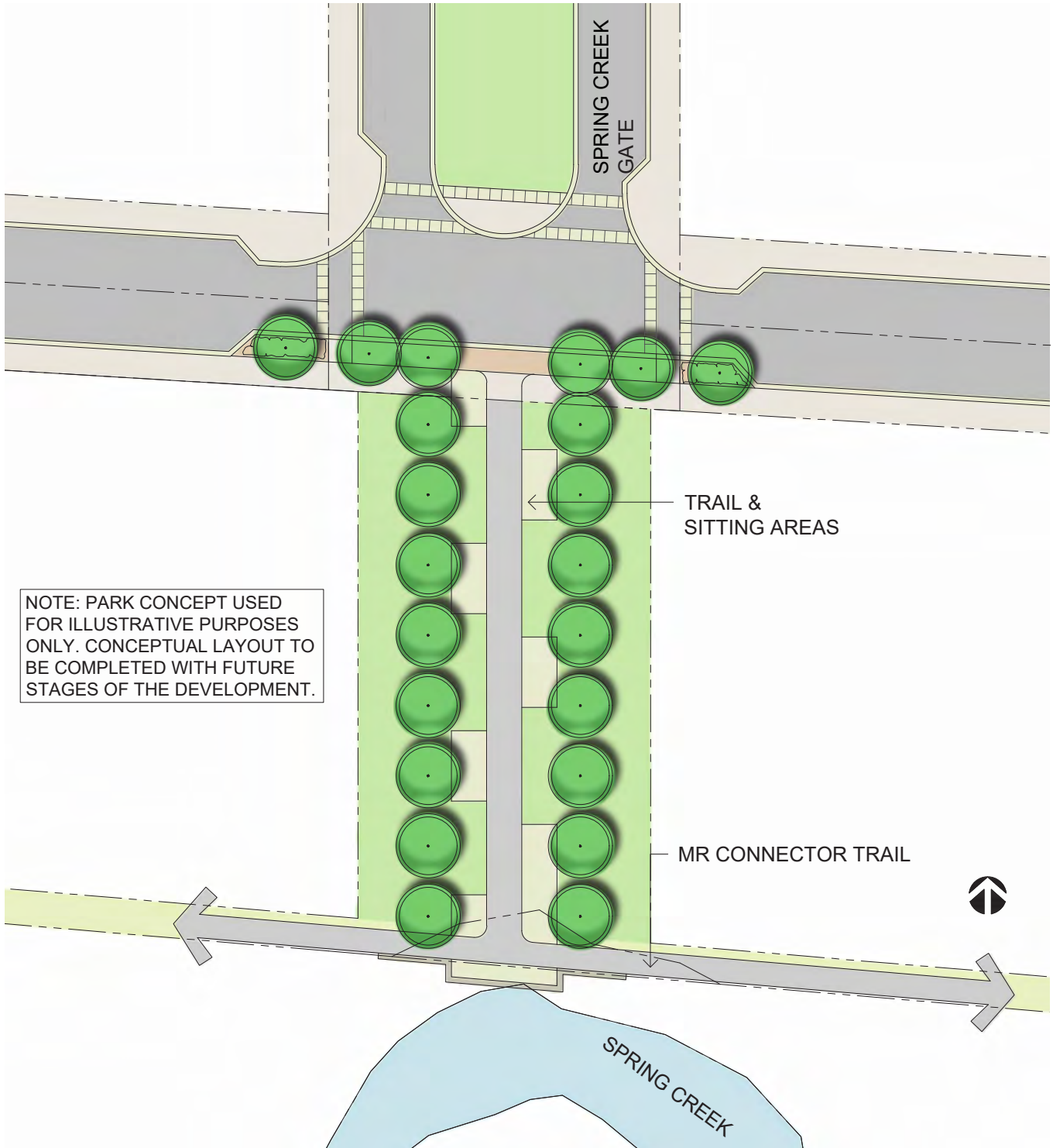
- Signage design and signage standard design coordinated with Spring Creek Mountain Village urban design components.
- Design of Landmark/trail marker at intersections coordinated with Spring Creek Mountain Village urban design components.
- Potential interpretive sign at viewpoint overlooking the natural area vista.

11.6 Rest Stops

- Concrete hard surface at rest stops coordinated with Spring Creek Mountain Village urban design components.
- Potential rock bench wall and guardrail at south viewpoint.



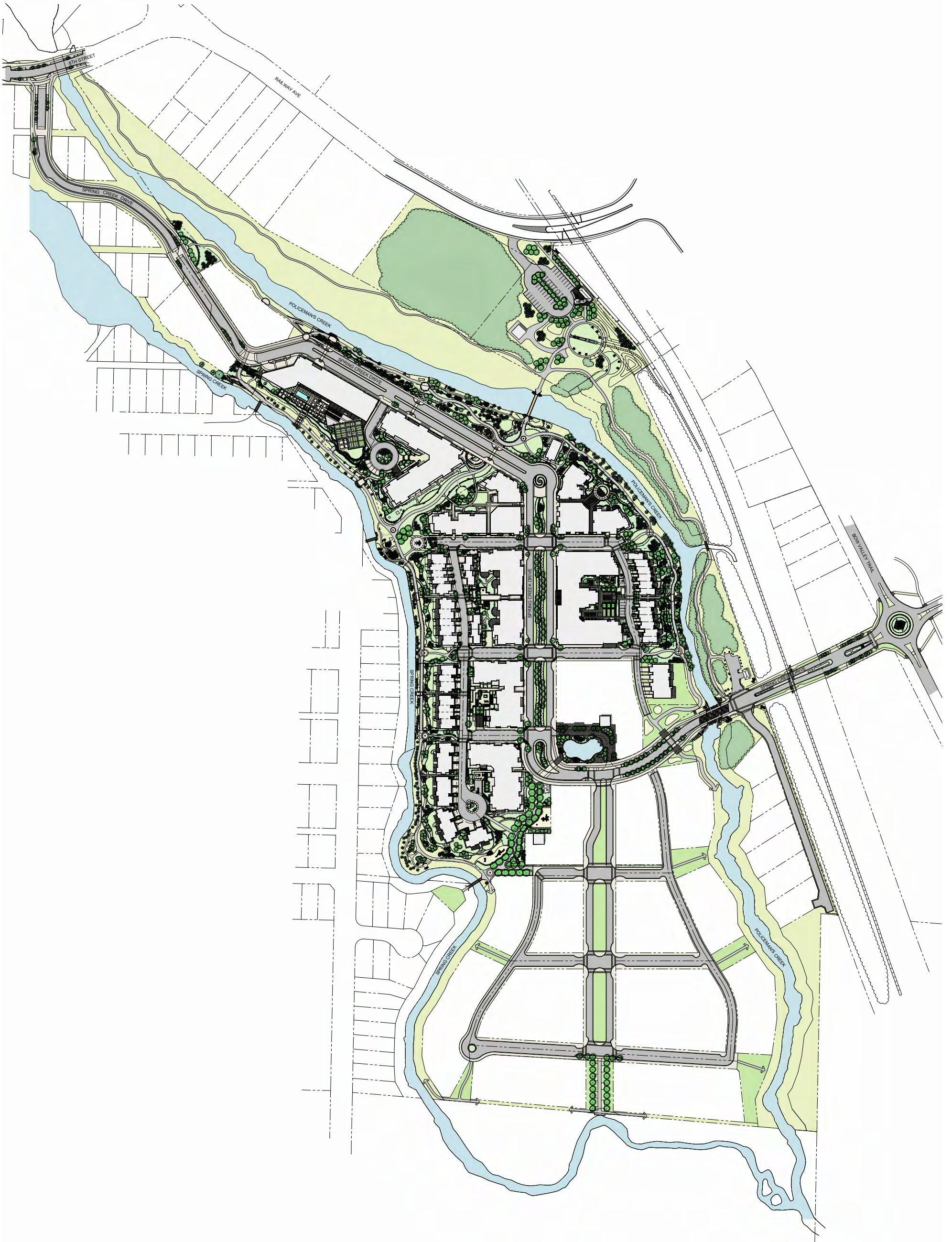
11 South Terrace Viewpoint



Conceptual Sketch of South Connector



Appendix



BYLAW 2021-22

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO
AMEND THE SPRING CREEK MOUNTAIN VILLAGE AREA REDEVELOPMENT
PLAN BYLAW 01-2003**

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

TITLE

- 1 This bylaw shall be known as the “Spring Creek Mountain Village Area Redevelopment Plan Amending Bylaw - General and Hotel-Related Updates.”

INTERPRETATION

- 2 Words defined in Bylaw 01-2003 shall have the same meaning when used in this bylaw.

AMENDS BYLAW 11-2012

- 3 Schedule A of Spring Creek Mountain Village Area Redevelopment Plan Bylaw 01-2003 is amended by this bylaw.
- 4 The Table of Contents is amended by, updating the page number for “Residential Development Policies” from “25” to “26”, updating the page number for “Open Space Policies” from “27” to “28”, and by removing “2002” from “Aerial Photograph 2002”.
- 5 Figures 1 through 8 are amended by updating the boundary shown on each Figure for the Area Redevelopment Plan.
- 6 Table 1 is amended by adding underneath “March 16, 2010”
 - a) “October 13/2015 Public Hearing – ARP Amendments,
 - b) “November 18/2020 Public Open House – ARP Amendments,
 - c) “May 12/2021 Public Hearing – ARP Amendments”, and
 - d) “April 4, 2022 SCPOA (Property Owners Assoc) – ARP Amendments”
- 7 Figure 3 is amended by changing
 - a) the number of storeys for the residential – apartment style area from “3 ½ storeys” to “3-4 storeys”, and
 - b) the number of storeys for the residential – townhouse style area from “2 ½ storeys” to “3 storeys”

- 8 Table 2 is amendment by changing
- a) “GROSS ARP AREA” from “28.37” to “28.48 hectares and “70.1” to “70.37” acres,
 - b) “ENVIRONMENTAL RESERVE from “3.88” to “3.92” hectares, “9.59” to “9.68” acres, and “13.7%” to “13.8%” percentage of ARP,
 - c) “GROSS DEVELOPABLE” from “21.64” to “21.71” hectares, “53.47” to “53.65” acres, and “76.3%” to “76.2%” percentage of ARP,
 - d) “RESIDENTIAL (all types) from “11.82” to “11.88” hectares, “29.21 to 29.36” acres, and “54.6%” to “54.7%” percentage of gross development,
 - e) “COMMERCIAL (Hotel) from “1.29” to “1.30” hectares, “3.19” to “3.21” acres,
 - f) ROADS from “21.2%” to “21.1%” percentage of gross development,
 - g) DENSITY ANTICIPATED UNITS/ hectares (max.) from “1200” to “1000” amended residential units, “42.3” to “35.11” residential units over ASP total area, “55.45” to “46.06” residential units over developable area, “58.97” to “49” residential unit density excluding hotel sites, and “64.7” to “57.58” overall density including hotel rooms, and
 - h) DENSITY ANTICIPATED UNITS/ acres (max.) from “1200” to “1000” amended residential units, “17.12” to “14.21” residential units over ASP total area, “22.44” to “18.64” residential units over developable area, “23.86” to “19.83” residential unit density excluding hotel sites, and “26.18” to “23.30” overall density including hotel rooms.
- 9 Section 4.6.9 is amended by removing all wording after “Adjacent to Creek Banks:” and adding:

“Area-wide setback requirement: Buildings or structures shall be sited a minimum distance of 20 metres from the bank of both creeks. Due to the slope of the land adjacent to Spring Creek, Policeman’s Creek and within the Village, landscaping, including terraced landscaping and retaining walls shall be permitted within this setback area.

Community structure setback requirement: At the discretion of Council, a variance of up to 6 metres may also be approved for the development of a structure for community use on municipal reserve lands in Stage 1.

Residential setback requirements for the northerly residential lots: Notwithstanding their lot registration date, a variance to the 20 metre creek setback for the two residential lots (Lot 1, Block 9, Plan 1810013; Lot 5, Block 83, Plan 1095F; Lot 6, Block 83, Plan 1095F) proposed in Stage 1, shall be considered in accordance with the town-wide variance requirements for waterbody setbacks as outlined in the Land Use Bylaw.

Northerly hotel/commercial sites in Stage 1 setback requirement: Due to lot depth, the minimum development setback shall be 15 metres for the two most northerly hotel/commercial

sites. Site design (landscaping and pedestrian pathways) will complement the adjacent riparian area. Encroachments into this setback area shall be allowed for landscaping, retaining walls, patios, and outdoor health, wellness, and spa facilities up to the property line, and for decks projecting 1m from the building façade.

- 10 Section 4.7.6 is amended by adding “or Townhouses adjacent to designated Tourist Home apartment buildings.” after “within apartment buildings”.
- 11 Section 4.7.8 is amended by adding “as shown on the Concept Plan Figure 3, shall be re-developed with no more than two single detached homes. The lots shall retain R1 – Residential Detached District designation.” after “east of Spring Creek Drive,”.
- 12 Section 4.8.2 is amended by adding “250” in place of “200”.
- 13 Section 4.8.4 is amended by, adding “3000” in place of “950”, removing “(approximately 10,000 32,291.73 sq. ft.)”, and adding “with a 500 m² daycare bonus.” after “3000 sq. metres”.
- 14 Table 4 is amended by changing
 - a) single detached from “7” to “10” under Stage 1 and Total*,
 - b) total from “238” to 241” under Stage 1 and “1057” to “1060” under Total*,
 - c) number of hotel rooms from “200” to “250” under Stage 1 and Total*,
 - d) hotel related commercial (sq ft)** from “(sq ft)” to “(sq m)” and from “15,000” to “2500” under Stage 1 and Total*,
 - e) after “related bonus units,” adding “and includes daycare of 347m²”.

ENACTMENT/TRANSITION

- 15 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 16 This bylaw comes into force on the date it is passed.

FIRST READING: July 5, 2022

PUBLIC HEARING:

SECOND READING:

THIRD READING:

Bylaw approved at first reading _____

Page 3 of 4

Approved on behalf of the Town of Canmore:

Sean Krausert
Mayor

Date

Cheryl Hyde
Municipal Clerk

Date

Bylaw approved at first reading _____

BYLAW 2021-23

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO
AMEND LAND USE BYLAW 2018-22**

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

TITLE

- 1 This bylaw shall be known as “Land Use Bylaw Amendment – Spring Creek Mountain Village Amendments.”

INTERPRETATION

- 2 Words defined in Bylaw 2018-22 shall have the same meaning when used in this bylaw.

AMENDS BYLAW 2018-22

- 3 Land Use Bylaw 2018-22 is amended by this bylaw.
- 4 That section 15 be amended to re-designate the land identified in Schedule A of this Bylaw from MHP (Residential Manufactured Home Park District) to PD (Public Use District), ED (Environment District), and SCMV-CR (Spring Creek Mountain Village Comprehensive Residential DC District).
- 5 That section 15 be amended to re-designate the land identified in Schedule A of this Bylaw from PD to SCMV-CR (Spring Creek Mountain Village Comprehensive Residential DC District).
- 6 That section 15 be amended to re-designate the land identified in Schedule B of this Bylaw from R1 (Residential Detached District) to ED (Environment District), and, from R1 (Residential Detached District) to SCMV-C (Spring Creek Mountain Village Visitor Accommodation DC District).
- 7 Section 1.14.2.1 is amended by adding “c. Notwithstanding lot registration dates, the residential area in Spring Creek Mountain Village that is generally formed by Lot 1, Block 9, Plan 1810013; Lot 5, Block 83, Plan 1095F; and Lot 6, Block 83, Plan 1095F shall be allowed a 5m variance to the bank setback in accordance with 1.14.2.1b.” after subsection “b.”.
- 8 Section 14.19.2 is amended by adding “Health, Wellness, and Spa Facilities” between “Entertainment Establishments contained within a Visitor Accommodation building” and “Offices contained within a Visitor Accommodation building”.
- 9 Section 14.19.4 Regulations is amended to 14.19.5 and renumbering the subsequent sections accordingly, then adding as 14.19.4:

“Specific Definitions

Health, Wellness, and Spa Facilities: means a facility or facilities that provides personal or medical services such as treatments, therapies, massage treatments, alternative treatments, research, product development or sales, education, fitness centres or classes, assessments or other activities associated

with health, wellness, or spa services. For this use, the general operating hours will be between 8:00 a.m. and 9:00 PM.”

- 10 Section 14.19.5.4 is amended by removing all wording after “Top of Bank” and adding:

“Due to lot depth, the minimum development setback shall be 15m for the two most northerly hotel/commercial sites. Site design (landscaping and pedestrian pathways) will complement the adjacent riparian area. Encroachments into this setback area shall be allowed for landscaping, retaining walls, patios, and outdoor health, wellness, and spa facilities up to the property line, and for decks projecting 1m from the building façade.”

- 11 Section 14.19.5.9 is amended by replacing “200” with “250”.

- 12 Section 14.19.5.10 is amended by adding “except that for this District, the following will be provided.” after “General regulations will apply” and removing the “employee housing” and “all units” rows in the table.

- 13 Section 14.19.5.11 is amended by

- a) removing “consistent with section 8, General Regulations, of the Town of Canmore Land Use Bylaw” and “The units identified as Employee Housing shall be encumbered with a restrictive covenant requiring that the units be used solely for the employee housing needs of the Visitor Accommodation units.”;
- b) adding “within or outside of Spring Creek Mountain Village” after “may be constructed at another location”; and
- c) replacing “constructed” with “provided”.

- 14 Section 14.19.5 is amended by adding

14.19.5.13 Excluding hotel room decks and balconies, all outdoor common or private hotel amenity spaces shall be designed to minimize the impacts of noise on adjacent residential areas to the satisfaction of the Development Authority.

- 15 Section 14.19.6 is amended by adding

14.19.6.7 For the most northwesterly visitor accommodation development adjacent to Spring Creek (Plan 1810013; Block 9; Lot 2), the following uses shall not be permitted: Convention Facilities; Drinking Establishment; and Entertainment Establishment. This prohibition prevails over the general listing of Convention Facilities and Entertainment Establishment within a Visitor Accommodation building as a Permitted Use.

- 16 Section 14.19.9.1 is amended by removing “or a variance beyond the setback variances listed in subsection 14.19.4.4 of this District.” and adding “and any variance to the 15m creek setback

established in section 14.19.4.3.” after “variances listed in Subsection 14.19.4.8”.

- 17 Section 14.27.4.8 is amended by replacing “3 ½” with “3-4” for Zone B, replacing “2 ½” with “3” for Zone C and adding “Generally” before “2 ½ storeys” for Zone D.
- 18 Section 14.27.4.10 is amended by
 - a) adding “all Stages” after “residential units for”;
 - b) removing “Stages 1,2 and 3”;
 - c) adding “970 including Perpetually Affordable Housing (PAH) Units and bonus units” after “this District is estimated to be”;
 - d) removing “shall be 1000, plus PAH and any related bonus units, with”;
 - e) adding “will have” before “an absolute total not to exceed”; and
 - f) replacing “1200” with “1000”.
- 19 Figure 2 is amended to show unit ranges and commercial requirements for all stages.
- 20 Figure 3 is amended to show updated public and private roads.
- 21 14.27.4.11 is amended to remove “Parking spaces:” and subsection “a.”, “b.” and “c.” and renumbering the subsequent sections accordingly.
- 22 14.27.4.12 is amended by replacing the regulation with

“If not already collected directly by the Town, traffic counts at the access and egress points to Spring Creek Mountain Village shall be provided annually and the Traffic Impact Assessment (TIA) report shall be updated by the applicant and submitted along with the third (3rd) and fifth (5th) development permit applications within Stage 4. If during the redevelopment process it is projected in a TIA that traffic generation on Spring Creek Drive at Main Street will exceed 3000 vehicle trips per day (VPD) prior to buildout based, the ARP or LUB or both shall be revised as appropriate to incorporate additional measures to restrict traffic flows at this access to 3,000 vehicle trips per day. This may include road design changes or a reduction in density for remaining developments or both. VPD is defined as the average daily vehicle traffic on Spring Creek Drive at Main Street as measured during an 8-month period including dates between May 1 and October 31 in the most recent 12-month period of measurement.”
- 23 Section 14.27.5.3 is amended by removing “For each PAH unit provided, one additional market unit (a bonus unit) may be provided. PAH units and bonus units provided in this District shall be excluded from the 704 unit maximum permitted for this District. (Stages 1, 2 and 3 combined). The SCMV PAH/bonus unit policy will apply in SCMV irrespective of other Town bonus policies that

may be adopted from time to time.”

- 24 Section 14.27.5.9 is amended by replacing “Stages 1, 2 and 3” with “all 4 stages”.
- 25 Section 14.27.6.6 is amended by replacing “A minimum of 25%” with “Where possible, part”, and “to a commercial unit safety code standard” with “to a 1 hour fire rating”.
- 26 Section 14.27.6.7 is amended by replacing “2,000 m²” with “3,000 m²”.
- 27 Section 14.27.7 is amended by adding “or Townhouses adjacent to designated Tourist Home apartment buildings.” after “identified floors within apartment buildings,”.
- 28 Section 14.27.10.1 is removed and renumbering the subsequent sections accordingly.
- 29 Section 14.27.10.2 is amended by adding “Development on Spring Creek Gate will be in an orderly manner and continue in a southerly direction.” After “provided until these parcels have been completed.”

ENACTMENT/TRANSITION

- 30 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 31 Schedules A and B form part of this bylaw.
- 32 This bylaw comes into force on the date it is passed.

FIRST READING: July 5, 2022

PUBLIC HEARING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

 Sean Krausert
 Mayor

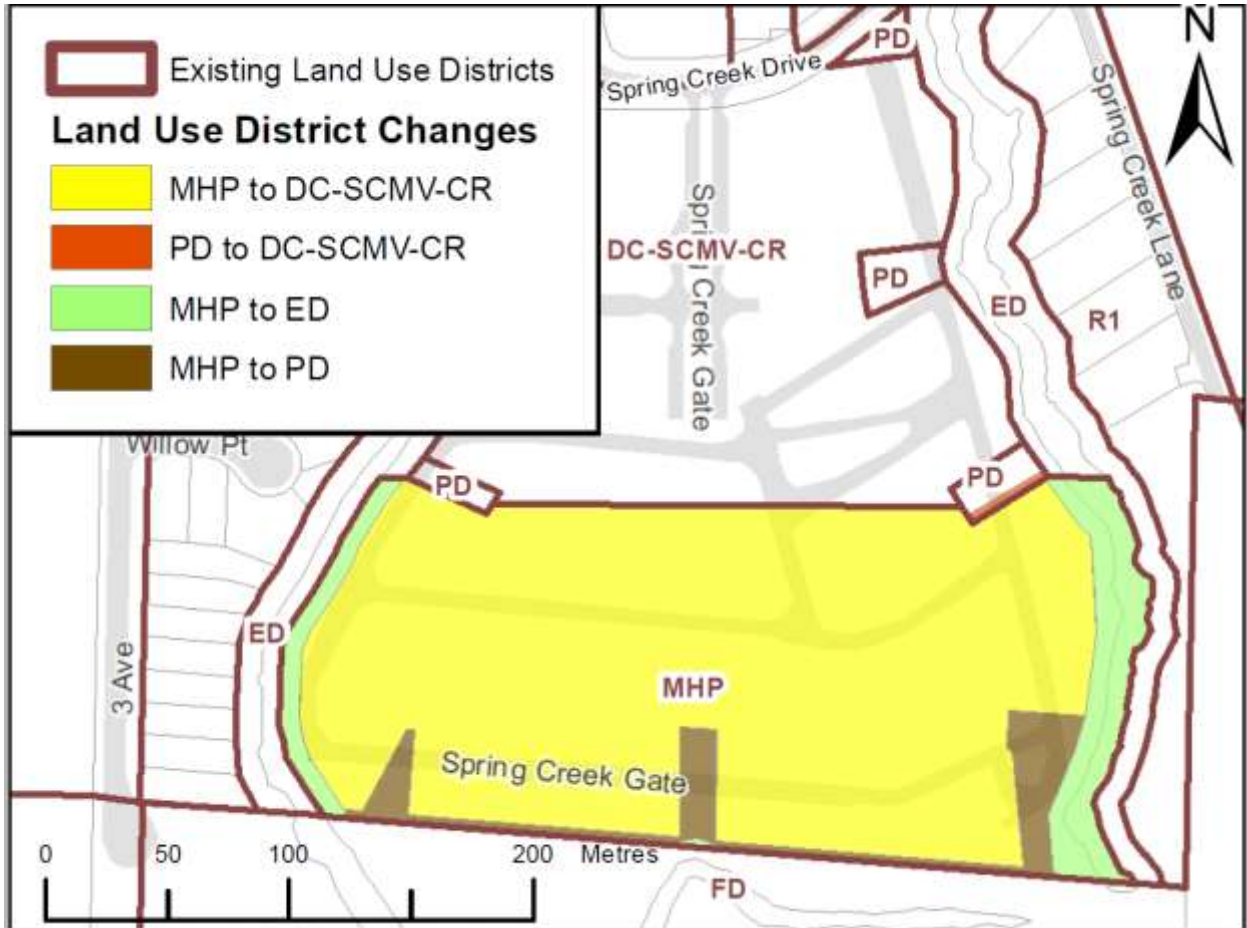
 Date

 Cheryl Hyde
 Municipal Clerk

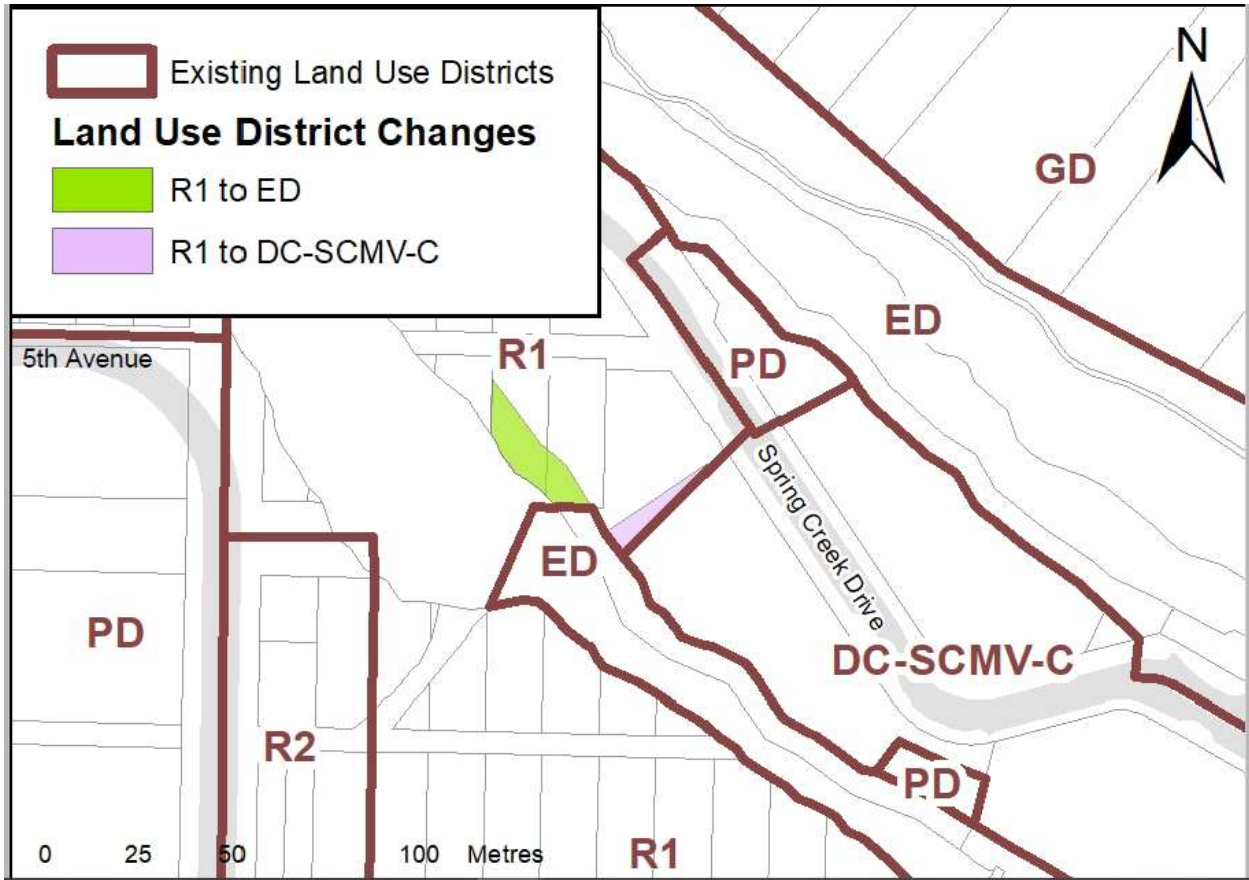
 Date

Bylaw approved at first reading _____

SCHEDULE A



SCHEDULE B





Request for Decision

DATE OF MEETING: August 16, 2022 **Agenda #:** G-2

TO: Council

SUBJECT: Community Standards Bylaw 2022-16

SUBMITTED BY: Caitlin Miller, Manager of Protective Services

- RECOMMENDATIONS:**
1. That Council give first reading to Community Standards Bylaw 2022-16.
 2. That Council give second reading to Community Standards Bylaw 2022-16.
 3. That Council give leave for third reading of Community Standards Bylaw 2022-16.
 4. That Council give third reading to Community Standards Bylaw 2022-16.

EXECUTIVE SUMMARY

The proposed Community Standards Bylaw promotes good neighbour relationships and addresses community concerns through the regulation of noise, untidy properties, the removal of snow and ice from sidewalks, graffiti, and wildlife attractants. This bylaw consolidates the Noise, Wildlife Attractant, and sidewalk clearing section of the Traffic and Road Use bylaws into one document. It also includes specific information on property maintenance to guide the enforcement of s. 545 and 546 of the Municipal Government Act (MGA) and provides a process for orders to be issued. The Community Standards bylaw provides clear and transparent expectations for matters that affect the community and neighbours.

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

- Noise Bylaw 11-97
- Wildlife Attractant Bylaw 2017-10 and Wildlife Amending Bylaw 2019-23-Fruit Trees
- Traffic and Road Use Bylaw 2020-03, Sections 87-89
- Motion 161-2022: That Council direct administration to include a prohibition on planting new wildlife attractant fruit-bearing vegetation in the community as part of the Community Standards Bylaw being developed by administration
- 2023-2026 Council Strategic Plan

DISCUSSION

The 2023-2026 Town of Canmore Strategic Plan focused on three main goals: livability, environment, and relationships. The proposed Community Standards bylaw meets the goals of the Strategic Plan in several ways. The bylaw will help foster an environment of safety and support the Town's commitment to protect people and property to ensure Canmore is a place where all residents can thrive. It will support Canmore's place as a recognized leader in managing human impact on our environment through some of the provisions within the bylaw. And lastly, this bylaw supports respectful, authentic relationships by focusing on the needs

and priorities voiced by residents and strengthening relationships within communities. The proposed Community Standards Bylaw sets expectations and parameters so that community members have a clear understanding on how to keep Canmore a safe and liveable community for all.

Many municipalities have shifted to creating community standards bylaws that consolidate individual bylaws to address community concerns, manage community expectations, and promote neighbourly relationships. Consolidated bylaws of this nature are simpler to administer, easier to update in response to evolving community concerns, and facilitate direct communication with the public by providing clear standards and expectations. Community Standards bylaws have become the best practice in good governance related to community concerns. Topics proposed to fall under this bylaw include noise, property maintenance, the removal of snow and ice from sidewalks, addressing graffiti and abatement, and providing clear guidelines on wildlife attractants. The topics of noise, wildlife attractants, and snow and ice on sidewalks are currently dispersed across multiple bylaws. Guidance on unsightly property (property maintenance) along with the topics of graffiti and human waste are currently lacking from Town bylaws. Consolidating these topics into one bylaw also gives the Town the ability to make amendments to current bylaws that are outdated or require changes that will help with enforceability and clarity.

Noise

In Canmore, residents have the right not to be disturbed by noise and the responsibility not to make noise that disturbs others. The Town's current noise bylaw is over 20 years old and requires amendments. The proposed Community Standards Bylaw addresses the regulation of noise through a combination of reasonable expectations and objective measurement. The bylaw states that unless otherwise authorized, noise which is likely to disturb the peace, enjoyment, comfort, or convenience of another individual is prohibited. The standard to which this bylaw is held during enforcement is that a reasonable person would not be disturbed by the noise. Consideration is given to the following when determining whether the sound is causing a disturbance: the type, volume, and duration of the noise; the time of day and the day of the week; the nature and use of the surrounding area; the sound level in decibels, if measured; and any other relevant factor given the circumstances. Enforcement of this bylaw can occur with or without measuring noise but does prohibit noise over 60 dBA at night in residential districts.

The proposed bylaw contains measurable noise thresholds for some specific situations. The proposed decibel levels and quiet hours were determined through a review of other municipalities' bylaws and the practice in nearby and like communities. The decibel readings promote a more enjoyable community and are consistent with other municipalities within the region. Though decibel readings may not apply to all noise complaints, it is one more tool that community peace officers can use when responding to an ongoing complaint. Additionally, it gives property owners and occupants a set of guidelines as to what noise levels are acceptable and during what part of the day. Again, not all noise complaints will meet the requirement of needing to be measured with a decibel reading, but rather this provides greater clarity for enforcement around continuous sound levels. The Municipal Enforcement department will be purchasing decibel readers and will be properly trained on how to use them to ensure they can enforce the affected sections of the bylaw.

The noise portion of this bylaw also ensures provisions for regular business activity, such as garbage collection, golf course turf maintenance, and the regular operations of newspaper or delivery services. The intent of the updated amendments is not to interfere with regular operations of essential business services. That said, business owners and operators have a responsibility to the community to ensure their regular operations do not create noise levels that impact the peace, enjoyment, comfort, or convenience of residents.

All members of the community have a responsibility to each other to ensure the peace, enjoyment, comfort and convenience of others is maintained.

Upon the Community Standards bylaw coming into force, the current Noise bylaw is repealed.

Snow and Ice

The clearing of snow and ice from sidewalks on private property has been included in this bylaw and removed from the Traffic and Road Use bylaw. Some of the wording within this section has been updated to match the language throughout the bylaw and to provide greater clarity for enforcement officers. The clearing of ice and snow from sidewalks is an important part of being a good neighbour and ensuring neighbourhoods remain safe and accessible.

Property Maintenance and Unsightly Property

Well-kept neighbourhoods increase quality of life, play an important part in crime prevention, and can help protect the environment and wildlife. Residents and owners should be able to enjoy their property within the community without being concerned about accumulation of waste, construction materials, and other potentially hazardous materials on neighbouring or adjacent properties.

While frustrating to neighbours and a cause of public safety risks, poorly maintained and unsightly properties can be challenging to enforce against. The MGA provides two general offenses to be enforced by municipalities – one concerning property maintenance (s.545) and one specifically dealing with unsightly or dangerous property (s.546). These overlapping provisions in the MGA create uncertainty for enforcement staff when it comes to determining if a breach has occurred and under which section.

The property maintenance part of the Community Standards Bylaw provides guidance on the interpretation and application of the MGA consistent with the Town's goals of a safe and livable community. By including the property maintenance section within the Community Standards Bylaw, the Town of Canmore is creating a definition of what property maintenance is expected to ensure a safe and liveable community for all. This part of the bylaw specifically addresses the accumulation of materials on property, outdoor storage of appliances and the maintenance of exterior structures. Ensuring that properties are well-maintained and in good repair are an important part of maintaining safe and liveable neighbourhoods.

Wildlife Attractants

Canmore continues to be a leader in managing human impacts on the environment. A significant aspect of this is managing wildlife attractants that would potentially increase human-wildlife interactions. The parts of the Community Standards Bylaw concerning wildlife attractants includes changes to the current bylaw to further clarify what represents a wildlife attractant, while simultaneously ensuring the terms are general enough that an expert-witness would not be required to effectively enforce this bylaw. According to Alberta Environment and Parks, fruit-bearing vegetation remain the biggest wildlife attractant within Canmore and continues to threaten wildlife-human coexistence. As directed by Council, the proposed bylaw prohibits the planting of proven wildlife attractant fruit-bearing vegetation. This will capture the active planting of native and non-native species planted by humans, but not pre-existing vegetation that was previously planted or is growing wild. Residents will still be required to remove any fruit that has born on their trees and bushes should they continue to have fruit-bearing vegetation on their property. While the definition of "wildlife attractant" is broad, the Town will continue to allow the planting of residential fruit and vegetable gardens.

Broadening the term “wildlife attractant” ensures there is greater flexibility within the bylaw to address emerging trends with wildlife should they develop a taste for other types of fruit or vegetables. Examples of proven wildlife attractants are listed within the bylaw for educational purposes. By no longer allowing fruit-bearing vegetation to be planted instead of not allowing them to bear fruit, the Town of Canmore is taking a bold stance on minimizing the occurrences of human-wildlife interactions.

The definition of wildlife attractant has been updated to include garbage, refuse, food, or food waste which gives enforcement officers another tool in helping minimize human-wildlife interactions.

Upon the Community Standards bylaw coming into force, the current Wildlife Attractant bylaw is repealed.

Graffiti

The act of applying graffiti can be difficult to enforce against as it is usually difficult to identify who committed the act. The Community Standards Bylaw clarifies that the responsibility to remove graffiti falls to the property owner or occupant of the premises. This puts the focus on remediation of unauthorized graffiti and ensures that the responsibility for removing graffiti is clear.

Human Waste

Human waste can pose a threat to the health and safety on the community and the environment when deposited improperly in public. Including these new provisions within the Community Standards Bylaw will enable Peace Officers to enforce against urination, defecation, and leaving human waste on municipal lands. The Town’s recent development of more public bathroom facilities supports our ability to provide enforcement on this issue.

Orders

Orders under the MGA are an additional enforcement tool that peace officers can take to address concerns with dangerous or unsightly property that may not be fully remediable through administrative penalties imposed by a municipality. Orders can require the responsible owner to take remedial action and can be registered on title to the property.

While the authority to issue Orders exists without a bylaw, the MGA provides little guidance for Peace Officers on what amounts to dangerous or unsightly property. The inclusion of guidance for the issuance of Orders in the Community Standards Bylaw will help the Town pursue remediation of properties that create ongoing concerns, ensure consistency during the issuance of Orders by Peace Officers, and help the Enforcement Appeals Review Committee when tasked with reviewing an Order. Provisions for review of Orders by the committee provides assurance of the process contemplated by the MGA before recourse to the courts. The Enforcement Appeal Review Committee Bylaw will be updated to include the ability to review Orders written under the Community Standards Bylaw.

ANALYSIS OF ALTERNATIVES

The following alternatives were considered in the development of this bylaw:

- 1) One alternative to a Community Standards Bylaw is to continue regulating noise, snow and ice removal, wildlife attractants under current, separate bylaws. This approach results in divergent approaches to law-making, is harder to administer, and complicates communication to the community at large. It would also leave gaps on new matters including property maintenance and graffiti.
- 2) With regards to the Noise Regulation portion of the proposed bylaw, not including the specific decibel level parameters with regards to continuous and non-continuous noise was considered. However, having the decibel readings provides a quantitative standard that can help in determining the severity of a problem and facilitate enforcement and was included in terms of acceptable overnight noise limits. There was significant discussion and consideration to include more decibel readings throughout the noise regulation portion of the bylaw. Though many municipalities include more decibel measurements within the noise sections of their bylaws, in practice, enforcement is often done through observation and witness statements. Engagement with other municipalities confirmed that they mostly use qualitative, objective standards to determine whether the noise emitted is enforceable. Even with decibel measurements within a bylaw, most noise complaints occur after 11:00 PM when there are typically no Peace Officers working. The RCMP is generally the agency to respond to noise complaints and they do not carry decibel readers. Enforcing only with decibel measurements was not advised as it creates confusion and therefore further decibel reading measurements were not included in the proposed bylaw.
- 3) Sections 13 through 26 of the proposed bylaw allow for certain activities that create noise to occur or not occur during designated times. Section 28 gives the CAO flexibility to apply provisions to these activities at their sole discretion. Consideration was given to remove section 28 from the bylaw and have Council decide each time there is a need for flexibility within the bylaw to address a specific concern at a specific site and amend the bylaw. Given the operational nature of these requests and lead time requirements to prepare bylaw amendments, Administration has kept section 28 in the draft bylaw.
- 4) The addition of provisions around nuisance fires was considered during the development of this bylaw. The current Fire Bylaw addresses unsafe fires in outdoor fire pits that pose imminent danger and has provisions to prevent the burning of undesirable or unsafe materials but does not address fires that may disturb the peace, enjoyment, comfort, or convenience of others. Inclusion of nuisance fires within the bylaw would give Peace Officers the tools to address complaints regarding outdoor fires in fire pits that demonstrate an impact on health or well-being of others by considering a variety of factors including proximity, duration, date and time of the outdoor fire, surrounding area, and the weather and ambient conditions when the outdoor fire is occurring. However, enforcement of nuisance fires is extremely difficult due to the subjective nature of how the fire impacts neighbours. So, outdoor fire pits will continue to be addressed through the Fire bylaw.

FINANCIAL IMPACTS

To enforce the noise sections of the bylaw, the Municipal Enforcement department would purchase one decibel reader priced at approximately \$750. This expenditure can be absorbed within the current Municipal Enforcement operating budget.

STAKEHOLDER ENGAGEMENT

The Manager of Protective Services has met with several community groups throughout the development of this bylaw, particularly around unsightly properties and noise regulation. Amongst these community groups there is significant support for a prescriptive bylaw that is more easily enforceable by Peace Officers.

Engagement with experts with Alberta Environment and Parks supported the notion that not allowing the planting of new fruit bearing vegetation is a logical step as trees are the key unnatural wildlife attractant within the Town of Canmore. They are supportive of the Town including this within their bylaw and commended the Town for being cutting edge in their approach and a place for other communities to look to as a resource.

The proposed bylaw was developed with feedback from the Supervisor of Municipal Enforcement, the Manager of Planning and Development, the Supervisor of Planning and Development, the Manager of Public Works, the Supervisor of Environment and Sustainability, the Supervisor of Streets and Roads, the Municipal Clerk, and the Town Solicitor.

This bylaw has been reviewed by the Town’s outside legal counsel for municipal enforcement matters.

ATTACHMENTS

- 1) Community Standards Bylaw 2022-16
- 2) Noise Bylaw 11-97
- 3) Wildlife Attractant Bylaw 2017-10
- 4) Traffic and Road Use Bylaw 2020-03 RedLine
- 5) Enforcement Appeal Review Committee Bylaw 2022-11 RedLine

AUTHORIZATION

Submitted by:	Caitlin Miller Manager of Protective Services	Date: <u>July 22, 2022</u>
Approved by:	Chelsey Richardson Manager of Finance	Date: <u>July 28, 2022</u>
Approved by:	Scott McKay General Manager of Municipal Services	Date: <u>July 27, 2022</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date: <u>August 10, 2022</u>

BYLAW 2022-16

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO
ESTABLISH COMMUNITY STANDARDS**

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

TITLE

- 1 This bylaw shall be known as the “Community Standards Bylaw.”

INTERPRETATION

- 2 In this bylaw,
 - a) “Concrete Mixer” means a machine that is capable of carrying concrete in a mixed or partially mixed form and pouring it at the location where it is to be used and which is mounted onto a trailer or the chassis of a Truck as defined herein;
 - b) “Construction” means the temporary process of building, constructing, repairing, deconstructing or demolishing any Structure, including landscaping, home repair, home renovations, property improvements, and any work in connection with those processes;
 - c) “Dangerous Wildlife” means species or individual animals that could cause serious bodily injury in the event of an aggressive encounter, including, but not limited to, bear, elk, cougar, coyote, wolf, or any wildlife species or individual animal deemed dangerous by a Peace Officer, fish and wildlife officer, or conservation officer;
 - d) “Daytime” means the period
 - i) beginning at 7:00 a.m. and ending at 10:00 p.m. of the same day on Weekdays, or
 - ii) beginning at 9:00 a.m. and ending at 10:00 p.m. of the same day on a Weekend;
 - e) Enforcement Appeals Review Committee means the committee that reviews Orders issued under sections 545 and 546 of the *Municipal Government Act* for the purpose of section 547 of the *Municipal Government Act*, and which performs other municipal enforcement review functions as provided by Enforcement Appeal Review Committee Bylaw 2022-11;
 - f) “Fruit” means the fleshy, seed-bearing structure of a flowering plant species and includes fruit and berries;
 - g) “Fruit Bearing Vegetation” means any vegetation that bears Fruit and is a Wildlife Attractant, including but not limited to
 - i) mountain ash trees,

- ii) crabapple trees,
 - iii) chokecherry, and
 - iv) buffalo berry;
- h) “Garbage Truck” means any vehicle equipped for transporting waste, refuse, or recyclable materials or any vehicle equipped to load, unload, and transport containers for handling waste, refuse, or recyclable materials;
- i) “Good Repair” means a condition where something is free from
- i) broken, damaged, missing, detached, or fallen parts,
 - ii) rot or other physical deterioration,
 - iii) openings which are not secured against trespassers, and
 - iv) openings which are not secured against the infiltration of air or precipitation.
- j) “Graffiti” means words, figures, letters, drawings, or stickers applied, scribbled, scratched, etched, sprayed, or attached on or to the surface of any Premises, Structure, or other property, without the owner’s consent, but does not include words, figures, letters, drawings, or stickers applied, scribbled, scratched, etched, sprayed, or attached on or to the surface of any vehicle;
- k) “Motorized Garden Tool” means any tool used for gardening or horticulture that is powered by an engine or motor, regardless of whether that mechanism is powered by compressed air, electricity, or a fossil fuel;
- l) “Motor Vehicle Parts” includes, but is not limited to, any motor vehicle part or collection of motor vehicle parts, or one or more vehicles that are dilapidated, derelict, or not in operable condition;
- m) “Non-Residential District” has the same meaning as in Land Use Bylaw 2018-22;
- n) “Nighttime” means the period
- i) beginning at 10:00 p.m. and ending at 7:00 a.m. on Weekdays, or
 - ii) beginning at 10:00 p.m. and ending at 9:00 a.m. on a Weekend;
- o) “Occupant” means the Person residing in or in apparent possession or control of Premises;
- p) “Outdoor Speaker System” means any sound amplification device that converts electrical impulses into sound, whether the device is independent or incorporated into a musical

instrument amplifier, radio, stereo, television, public address system, or other system which is positioned

- i) outside of a building,
 - ii) inside a building and within 2 metres of any opening in the building including a window or doorway, where it is directed outside of the building, or
 - iii) in a tent;
- q) “Owner” means
- i) in the case of land registered under the *Land Titles Act*, the owner of a fee simple estate or registered leasehold interest in a parcel of land,
 - ii) in the case of personal property, the registered owner,
 - iii) in the case of unregistered personal property, any person with lawful possession and control over the property;
- r) “Order” means an order issued pursuant to section 545 or section 546 of the *Municipal Government Act*;
- s) “Peace Officer” means
- i) a person appointed as a bylaw enforcement officer pursuant to the *Municipal Government Act*,
 - ii) a person appointed as a peace officer pursuant to the *Peace Officer Act* or
 - iii) a police officer;
- t) “Person” means any individual, firm, partnership, association, corporation, or other legal entity;
- u) “Point of Reception” means any location, be it a place of work or residence, where noise or Sound Levels are heard by an individual;
- v) “Power Tool” includes any tool powered by an engine or motor, regardless of whether that mechanism is powered by compressed air, electricity, or a fossil fuel;
- w) “Premises” includes any real property that may be owned, occupied, managed, or controlled by an Owner or Occupier, including parcels of land, any subdivisions of land or units of real property, and any Structures that may owned, occupied managed or controlled by an Owner or Occupier;

- x) “Public Place” means any Property, whether publicly or privately owned, to which members of the public have access as of right or by express or implied invitation, whether on payment of any fee or not;
- y) “Residential Area” or “Residential Areas” means any area, location, or parcel of land, that is zoned as a Residential Land Use District, a Direct Control District that lists residential use among its uses, or is otherwise zoned for a primary purpose of residential use under Land Use Bylaw 2018-22;
- z) “Sidewalk” means that part of a street, road, or highway that is adapted or designated for the use of pedestrians, including that part of a street, road, or highway between the curb line and the adjacent properties or, where there is no curb line, that piece of land between the edge of the street, road, or highway and the adjacent property line;
- aa) “Signaling Device” means any device that produces an audible sound used for the purpose of drawing an individual’s attention, including a horn, gong, bell, klaxon, or public address system;
- bb) “Sound Level”, unless otherwise defined in this bylaw, means the sound pressure measured in decibels using the “A” weighted network of a Sound Level Meter with fast response;
- cc) “Sound Level Meter” means any Type 2 or better integrating instrument that measures Sound Levels;
- dd) “Structure” means any building, extension from a building, garage, shed, shelter, fence, or other thing erected or placed in, on, over, or under land, whether or not it is movable or affixed to the land;
- ee) “Truck” means any vehicle that has a gross allowable maximum vehicle weight in excess of 5450 kilograms as listed on the government issued registration, regardless of the vehicle’s actual weight at a specific time, and includes a truck-tractor and tractor-trailer;
- ff) “Violation Tag” means a municipal tag or similar document issued by a Peace Officer in relation to an offence under this bylaw;
- gg) “Violation Ticket” means a ticket issued pursuant to the *Provincial Offences Procedures Act*, and the regulations thereunder;
- hh) “Weekday” means Monday, Tuesday, Wednesday, Thursday, and Friday;
- ii) “Weekend” means Saturday and Sunday;
- jj) “Wildlife” means any free-living species of vertebrate animal that is not a domesticated, escaped, or stray domestic animal;
- kk) “Wildlife Attractant” means any substance that could reasonably be expected to attract Wildlife, including, but not limited to, Fruit, garbage, refuse, food, food waste, and compost.

- 3 Where a bylaw references a Town staff position, department or committee, the reference is deemed to be to the current name that the staff position, department or committee is known by.

**PART 1
REGULATION OF NOISE**

- 4 This Part does not purport to regulate the cumulative effect of noise created by vehicular traffic on roads or aeronautical related activities of aircraft.

GENERAL PROHIBITIONS

- 5 Except as authorized by this bylaw, no Person shall make, cause, continue, or allow to be made, caused, or continued, any noise which is likely to disturb the peace, enjoyment, comfort, or convenience of another individual.
- 6 Except as authorized by this bylaw, no Owner or Occupier of a Premises shall make, cause, continue, or allow to be made, caused, or continued, any noise which emanates from the Premises and which is likely to disturb the peace, enjoyment, comfort, or convenience of another individual.
- 7 No Person shall permit a vehicle located on a Premises to emit noise which would disturb the peace, enjoyment, comfort, or convenience of another individual, including, but not limited to, noise from excessive engine revving and music or amplification equipment in the vehicle.
- 8 No Owner or Occupier of a Premises shall permit a vehicle located on the Premises to emit noise which emanates from that Premises, including noise from excessive engine revving and music or amplification equipment in the vehicle, is likely to disturb the peace, enjoyment, comfort, or convenience of another individual.
- 9 A person may be found guilty of a contravention of sections 5 to 8 whether or not the noise
 - a) is measured, or
 - b) if measured, exceeds any Sound Level limit prescribed by this bylaw.
- 10 In determining if a noise is likely to disturb the peace, enjoyment, comfort, or convenience of another individual, the following criteria may be considered:
 - a) the type, volume, and duration of the noise,
 - b) the time of day and day of week,
 - c) the nature and use of the surrounding area,
 - d) the Sound Level in decibels, if measured, and
 - e) any other relevant factor.

- 11 A Person shall not cause or permit any noise exceeding a Sound Level of 60 decibels (dBA) as measured at the property line of a property in a Residential Area between the hours of 10:00 p.m. and 7:00 a.m.
- 12 An Owner or Occupier shall not allow a property that they own or occupy to be used in a manner that results in noise coming from the property to exceed a Sound Level of 60 decibels (dBA) as measured at the property line of a property in a Residential Area between the hours of 10:00 p.m. and 7:00 a.m.

ACTIVITIES IN RESIDENTIAL AREAS

- 13 No Person in a Residential Area during the Nighttime shall operate or use
 - a) a lawn mower,
 - b) a Motorized Garden Tool,
 - c) a Power Tool outside of any building or Structure,
 - d) a snow clearing device powered by an engine of any kind, or
 - e) a motorized snow or leaf blowing device.
- 14 No Person shall load or unload a Truck, Concrete Mixer, or Garbage Truck in a Residential Area or within 150 metres of a Residential Area during the Nighttime.
- 15 Notwithstanding section 14, a Person may, at any time, unload a vehicle containing
 - a) fresh produce and perishable merchandise including milk products and baked goods, or
 - b) daily or weekly newspapers being delivered to vendors.
- 16 Notwithstanding section 14, a Person may load a Garbage Truck between 6:00 a.m. and 10:00 p.m. on any day.
- 17 A Person must not use a Signaling Device in a Residential Area during the Nighttime.
- 18 Notwithstanding section 13(a), (b), and (c), it is not an offence to use a Motorized Garden Tool, lawn mower, or other grass cutting device on a golf course between the hours of 5:30 a.m. and 9:00 a.m. on any day of the week.
- 19 Notwithstanding section 13(d) and (e), a person may operate a snow clearing device powered by an engine for the purpose of commercial and non-commercial removal of snow and ice from streets, parking lots and Sidewalks during the forty-eight-hour period following a snowfall, rain or freezing rain, subject to the authority of the chief administrative officer, in their sole discretion, to withdraw this exception on a site-specific basis.

CONSTRUCTION ACTIVITY

- 20 A Person shall not cause or permit any Construction activity on property they own or occupy
- a) between the hours of 10 p.m. and 7 a.m. on any Weekday and Weekend,
 - b) at any time on Sunday or statutory holiday, or
 - c) at any time contrary to a written notice issued by the chief administrative officer pursuant to section 22.
- 21 Notwithstanding section 20, a Person may on Sundays and statutory holidays conduct construction, alterations, or renovations on their own home and property, or by persons assisting them if the persons assisting do not receive financial compensation or any other compensation for their labour.
- 22 Subject to section 20, the chief administrative officer may, by written notice, direct that a person shall not cause or permit any Construction activity or certain types of Construction activity on property they own or occupy during the time specified in the written notice.
- 23 Prior to issuing a written notice pursuant to section 22, the chief administrative officer must consider
- a) the proximity of the Construction activity to adjacent properties,
 - b) the nature of the Construction activity occurring on the property,
 - c) the nature and use of adjacent properties,
 - d) the number and nature of previous complaints regarding the Construction activity occurring on the property received by the chief administration officer,
 - e) the intended schedule for completion of the Construction activity occurring on the property, including the potential impact of noise-restricted hours on the completion of the Construction activity, and
 - f) any other factor deemed relevant by the chief administrative officer related to the Construction activity occurring on the property.

OUTDOOR SPEAKER SYSTEMS

- 24 No Person shall operate an Outdoor Speaker System during the Nighttime on a parcel where the property line of the parcel is within 150 metres of a Residential Area.
- 25 Regardless of the time of day, an Outdoor Speaker System must always comply with the Sound Levels established in this bylaw.

EXEMPTIONS AND SCOPE

- 26 The prohibitions on noise in Part 1 of this bylaw do not apply to
 - a) emergency vehicles,
 - b) Construction in Residential Areas during the Daytime, except for Sundays, whether or not the Construction requires any Town permits,
 - c) the use of Motorized Garden Tools in Residential Areas where the tool is used during the Daytime and for less than three (3) hours during any given day,
 - d) work on a Town street or on a public utility carried out by the owner or operator of the public utility, or its contractors, and
 - e) any activity within the jurisdiction of the Government of Canada or the Province of Alberta.

- 27 Notwithstanding section 26, the chief administrative officer may apply any other provision of Part 1 to the activities in sections 13 to 25 on a site-specific basis in the chief administrative officer’s sole discretion.

- 28 The provisions contained in Part 1 shall not be interpreted to prevent
 - a) the ringing of bells in churches, religious establishments, and schools,
 - b) the sounding of any alarm or warning to announce a fire or other emergency,
 - c) the playing of a band in connection with a parade or special event allowed pursuant to any Town permit, or
 - d) the use of Signaling Devices on vehicles in their normal operation for the purpose of giving warnings to other vehicles or Persons.

PERMITS FOR EXEMPTIONS TO NOISE REGULATIONS

- 29 A Person may make a written application to the chief administrative officer for a noise exemption permit allowing for noise or Sound Levels that would otherwise violate this bylaw.

- 30 Applications made pursuant to section 29 must be made in writing in a form approved by the chief administrative officer.

- 31 The chief administrative officer may in their sole discretion
 - a) issue a noise exemption permit where the chief administrative officer determines that circumstances make it impractical for the applicant to comply with this bylaw,

- b) revoke any noise exemption permit where the chief administrative officer determines that the permit holder has not met the terms or conditions of the permit or taken sufficient measures to minimize noise or Sound Levels, and
- c) impose any conditions on the issuance or the use of the Noise Exemption Permit the chief administrative officer considers appropriate.

**PART 2
CLEARING OF SIDEWALKS**

- 32 The Owner or Occupant of any land adjacent to a Sidewalk shall remove, or cause to be removed, any ice or snow from all adjacent Sidewalks within forty-eight hours after the ice or snow was formed or deposited.
- 33 Whenever snow or ice is deposited or formed on a Sidewalk adjacent to a parcel of land that is the subject of a condominium plan, the condominium corporation associated with the parcel of land shall remove, or cause to be removed, the snow or ice from the Sidewalk within forty-eight hours after the ice or snow was formed or deposited.
- 34 In the event that the Owner or Occupant of land adjacent to a Sidewalk or a condominium corporation associated with land adjacent to a Sidewalk fails or neglects to remove and clear away all snow or ice from a Sidewalk within forty-eight hours, the chief administrative officer may cause the snow or ice to be removed from such Sidewalk, with all costs and expenses plus a 10% administration fee charged to the Owner, Occupant, or condominium corporation responsible for the removal of the snow or ice, and any unpaid costs or expenses shall be added to the tax roll for the land to be recovered in the same manner as other taxes pursuant to the provisions of the *Municipal Government Act*.
- 35 Any Person who has an awning, canopy, marquee, roof drainage controlled by eaves troughing, or other Structure extending from a portion of their Premises over a Sidewalk or other portion of a roadway shall keep the said awning, canopy, marquee, eaves troughing, or other Structure free from snow or ice so that it will not drip or fall upon the Sidewalk or roadway below.
- 36 The Owner or Occupant of Premises with an awning, canopy, marquee, roof drainage controlled by eaves troughing, or other Structure extending from the Premises, shall cause to be cleaned up any water from melting snow or ice that could otherwise drip onto the Sidewalk or roadway below, and take all necessary precautions to ensure that an icy or dangerous situation is not allowed to exist on the Sidewalk or roadway.
- 37 No Person operating a business Premises, to which entry or exit for vehicles is made by a crossing located between the curb and the private property line, shall allow mud, water, slush, ice, or icy frozen snow to remain on the public Sidewalk or roadway portion of the said crossing; but shall keep the same clean and clear of all such materials, liquids or substances as may be or become a hazard to pedestrians.

- 38 A Person may use a power-driven device to remove snow and ice from any portion of a Sidewalk for which that person is responsible for removing snow and ice under this bylaw, provided that the power-driven device is used in a way that will not injure or unduly interfere with any other person lawfully using the Sidewalk or injure the surface of the Sidewalk.
- 39 A Person who removes snow or ice from Sidewalks and or any public or private property shall not deposit the said snow or ice upon any roadway or Public Place without permission from the chief administrative officer to deposit the snow or ice upon the roadway or Public Place.
- 40 A Person who removes snow or ice from public or private Sidewalks and or public or private property shall not deposit said snow or ice
- a) in a manner that impedes storm sewer run off or blocks access to any storm sewer grate,
 - b) in the entranceway, ramps, or gated access to any fire hall, ambulance station, emergency vehicle lane, marked fire laned or in any other manner that interferes with the proper operation of and access of emergency vehicles,
 - c) in any area of the Sidewalk where the curb is depressed to allow for the passage of mobility aids,
 - d) on any physical infrastructure or amenity owned by the Town of Canmore including, but not limited, to bicycle racks and transit stops, or
 - e) generally upon any public street, road, highway or any Public Place unless expressly permitted by the chief administrative officer.

PART 3 PROPERTY MAINTENANCE

SCOPE

- 41 Part 3 applies to all Premises except for those located in industrial areas where outdoor storage has been approved under Land Use Bylaw 2018-22 for materials the accumulation of which would otherwise be prohibited under this Part.

ACCUMULATION OF MATERIALS

- 42 No Owner or Occupier of a Premises shall allow on the Premises, the accumulation of
- a) any material that creates unpleasant odors,
 - b) any material likely to attract pests or animals, whether or not defined as Wildlife, or
 - c) animal remains, parts of dead animals, or animal feces.

- 43 No Owner or Occupier of a Premises shall allow the outdoor storage of any toxic or hazardous substance, including but not limited to industrial fluids, automotive fluids, petroleum products, paints, and solvents in a manner that is open, exposed, or accessible by other Persons or animals.
- 44 No Owner or Occupier of a Premises shall allow the following to accumulate on the Premises in a manner that is visible to a Person viewing from outside the property:
- a) loose litter, garbage, or refuse,
 - b) bottles, cans, boxes, recyclable materials, or packaging materials,
 - c) household furniture or other household goods,
 - d) Motor Vehicle Parts,
 - e) parts of or disassembled machinery, equipment, or appliances,
 - f) yard waste, including grass, tree and hedge cuttings, leaves and other refuse,
 - g) any tree, shrub, other type of vegetation or any Structure, or
 - i) that interferes or could interfere with any public work or utility,
 - ii) that obstructs any Sidewalk adjacent to the Land,
 - iii) that impairs the visibility required for safe traffic flow at any intersection or roadway adjacent to the Land, or
 - iv) that reasonably interferes with the use and enjoyment of a neighbouring Premises or Public Place.
- 45 No Owner or Occupier of a Premises shall allow on the Premises the accumulation of building or landscaping materials, whether new or used, unless that Owner or Occupier can establish that a Construction activity on the Premises is actively underway or that the beginning of the Construction activity is imminent.
- 46 An Owner or Occupant of a Premises shall ensure that all building and landscaping materials stored on a Premises, are stacked or stored in an orderly manner.

APPLIANCES IN OUTDOOR LOCATIONS

- 47 No Owner or Occupant of a Premises shall place, cause, or permit the placement of a refrigerator, freezer, or other similar appliance in an outdoor location on Premises that they own or occupy unless effective measures have been taken to prevent the opening and closing of the appliance.
- 48 Without limiting the generality of section 47, effective measures for preventing the opening and closing of an appliance include, but are not limited to, the following:

- a) the removal of the door from the appliance,
 - b) the removal of the door handle mechanism if this prevents opening and closing of the door,
 - c) the removal of the door hinges,
 - d) the locking of the appliance, or
 - e) otherwise wrapping or containing the appliance so that the interior is inaccessible.
- 49 No Owner or Occupant of a Premises shall place, cause, or permit a refrigerator, freezer or other similar appliance to be placed in an outdoor location on the Premises where the appliance is visible to a Person viewing from outside the Premises.

MAINTENANCE OF EXTERIOR STRUCTURES

- 50 Any Structure shall be maintained in Good Repair and in a manner that does not contribute to health, safety, and fire hazards.
- 51 Every Person, Owner, or Occupant of a Premises shall ensure the following Structures are maintained in Good Repair:
- a) fences,
 - b) retaining walls, terraces, patios, and other hardscaping,
 - c) foundations and foundation walls,
 - d) exterior walls and exterior wall components,
 - e) roofs,
 - f) windows and window casings,
 - g) roofs and roof components,
 - h) doors and door frames,
 - i) exterior stairs, landings, porches, balconies, and decks, and
 - j) the protective and decorative finishes of all exterior surfaces of Structures.
- 52 If an Owner or Occupant fails to keep a Structure in Good Repair, the chief administrative officer may direct the Owner of the subject Premises to repair, rehabilitate, or replace or remove that portion of the Structure. Failure by the Owner to adhere to the direction of the chief administrative officer shall constitute an offence under this bylaw.

**PART 4
WILDLIFE ATTRACTANTS**

- 53 No Person or Owner, other than a Peace Officer or a Person appointed by the chief administrative officer who is acting in the course of their duties shall store, collect, handle, or dispose of Wildlife Attractants in such a way that the Wildlife Attractants are accessible to or may attract Wildlife.
- 54 No Person shall permit a Wildlife Attractant to be placed or remain in an outdoor location where the Wildlife Attractant is accessible to Wildlife.
- 55 No Owner or Occupant shall plant, install, place, or allow or cause to be planted, installed, or placed, any Fruit-Bearing Vegetation on any Premises under the ownership or occupation of the Owner or Occupier.
- 56 No Person shall feed, attempt to feed, or permit the feeding of Wildlife.
- 57 No Person shall feed any animal, whether domestic or wild, in a manner that is likely to attract Dangerous Wildlife.
- 58 Notwithstanding sections 56 and 57, a Person may place or permit the placement of an outdoor bird feeder containing bird feed, seeds, suet, nectar, or any other bird attractant between the dates of December 1 and March 31, provided that
- a) the bird feeder is suspended on a cable or other device in such a manner that it is inaccessible to Wildlife other than birds, and
 - b) the area below any bird feeder is kept free of accumulations of any Wildlife Attractants.
- 59 No Person shall place or permit the placement of outdoor bird feeders containing bird feed, seeds, suet, nectar, or any other attractant between April 1 and November 30 of each year.
- 60 Notwithstanding section 58, no Person or Owner shall place, or cause to be placed, on or near the property of that Person or Owner, any material or substance which has the effect of attracting pigeons.

**PART 5
GRAFFITI PREVENTION AND ABATEMENT**

- 61 No Person shall create or apply Graffiti on or to any
- a) Premises,
 - b) Structure, or
 - c) other property which is owned or occupied by another Person.

- 62 Every Owner or Occupant of a Premises shall ensure that Graffiti placed on their Premises is removed, painted over, or otherwise blocked from public view.

**PART 6
HUMAN WASTE**

- 63 No Person shall urinate, defecate, or deposit any human waste in any Public Place, other than a washroom.

**PART 7
ORDERS, ENFORCEMENT AND PENALTIES**

ORDERS

- 64 Every Order issued with respect to a contravention of this bylaw must
- a) indicate the Person to whom the Order is directed,
 - b) identify the property or Premises to which the Order relates by municipal address or legal description,
 - c) identify the date that it is issued,
 - d) identify how the property or Premises fails to comply with this bylaw,
 - e) identify the specific provisions of this bylaw that the property or Premises contravenes,
 - f) identify the nature of the remedial action required to be taken to bring the property or Premises into compliance with this bylaw or the *Municipal Government Act*, as applicable,
 - g) identify the time within which the remedial action required by the Order must be completed,
 - h) indicate that if the required remedial action is not completed within the time specified, the chief administrative officer may take whatever action or measures are necessary to remedy the contravention,
 - i) indicate that the expenses and costs of any action or measures taken by the chief administrative officer under this Section are an amount owing to the Town by the Person to whom the Order is directed,
 - j) indicate that the expenses and costs referred to in this section may be attached to the tax roll of the property if such costs are not paid by a specified time, and

- k) indicate that a review of the Order lies with the Enforcement Appeal Review Committee if an application for review is filed in writing with the municipal clerk within fourteen days of the receipt of the Order.

65 An Order issued pursuant to this bylaw may be served

- a) where the Person to whom the Order is directed is an individual,
 - i) by delivering it personally to the individual,
 - ii) by leaving it for the individual at their apparent place of residence with someone who appears to be at least 18 years of age,
 - iii) by delivering it by registered mail to the individual at the place of residence listed on the tax roll for the individual, or
 - iv) by delivering it by registered mail to the last address of the individual who is to be served as shown on the records of the Registrar of Motor Vehicle Services in Alberta;
- b) where the Person to whom the Order is directed is a corporation,
 - i) by delivering it personally to a director or officer of the corporation,
 - ii) by delivering it personally to any person apparently in charge of an office of the corporation at the address held out by the corporation to be its address, or
 - iii) by delivering it by registered mail addressed to the registered office of the corporation;
- c) where the Person to whom the Order is directed is a partnership or association,
 - i) through service on Persons who are partners in the partnership or members in the association;
- d) if, in the opinion of a person serving a Order, service of the Order cannot be reasonably effected, or if the person serving the Order believes that the Person subject to the Order is evading service, the person serving the Order may post the Order
 - i) at a conspicuous place on the Premises to which the Order relates,
 - ii) at the private dwelling place of the Person to whom the Order is directed, as shown on a certificate of the title pursuant to the *Land Titles Act* or on the municipal tax roll,
 - iii) at any other property owned by the Person to whom the Order is directed, as shown on a certificate of title pursuant to the *Land Titles Act* or shown on the municipal tax roll, or
 - iv) at any other Premises occupied by the Person to whom the Order is directed, and

- v) the Order shall be deemed to be served upon the expiry of 3 days after the Order is posted.

REVIEW BY COMMITTEE

- 66 The Person to whom an Order is directed or the Owner of a Premises to which an Order relates may request the Enforcement Appeals Review Committee to review the Order by making a written application for review within fourteen days of the date the Order is received.
- 67 Every Person who fails to comply with an Order issued pursuant to this bylaw which has not been rescinded or overturned by the Enforcement Appeals Review Committee commits an offence.

ENFORCEMENT AND PENALTIES

- 68 Any Person who contravenes any provision of this bylaw is guilty of an offence and upon conviction shall be liable for a minimum penalty in accordance with Schedule A of this bylaw, and not exceeding \$10,000.
- 69 Any Person who contravenes any provision of this bylaw for which a penalty is not set out in Schedule A of if this bylaw is liable to a minimum penalty of \$250.
- 70 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any person who a Peace Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- 71 A Violation Tag may be issued to such person
 - a) either personally, or
 - b) by mailing a copy to such Person at their last known or registered address.
- 72 The Person to whom a Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the Violation Tag.
- 73 If the penalty specified on a Violation Tag has not been paid within the prescribed time, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*.
- 74 Notwithstanding section 70 of this bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the *Provincial Offences Procedure Act*, as amended, to any person who a Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.
- 75 In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a Person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw.

**PART 8
ENACTMENT/TRANSITION**

- 76 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 77 Schedule A forms part of this bylaw.
- 78 Section 4 of Enforcement Appeal Review Committee Bylaw 2022-11 is amended
 - a) in subsection ii) by striking out “and”,
 - b) in subsection iii) by adding “and” at the end of the section, and
 - c) by adding the following after subsection iii):
 - iv) Community Standards Bylaw 2022-16.
- 79 Noise Bylaw 11-97 is repealed.
- 80 Wildlife Attractant Bylaw 2017-10 and Wildlife Amending Bylaw 2019-23 – Fruit Trees are repealed.
- 81 Sections 87 – 97 of Traffic and Road Use Bylaw 2020-03 are repealed.
- 82 This bylaw comes into force on the date it is passed.

FIRST READING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

Sean Krausert
Mayor

Date

Cheryl Hyde
Municipal Clerk

Date

Bylaw approved by: _____

SCHEDULE A**PENALTIES**

Section	Description	Penalty
5	Person cause a noise that disturbs the peace of another individual	\$250 – first offence \$500 – second offence \$1000 – third and subsequent offences
6	Owner/occupier allow noise to emanate from premise which disturbs the peace of another individual	\$250 – first offence \$500 – second offence \$1000 – third and subsequent offences
7	Person permit a vehicle located on a premise to emit noise which disturbs the peace of an individual	\$250 – first offence \$500 – second offence \$1000 – third and subsequent offences
8	Owner/occupier permit a vehicle located on a premise to emit noise which disturbs the peace of an individual	\$250 – first offence \$500 – second offence \$1000 – third and subsequent offences
11	Person cause or permit noise exceeding 60 decibels (dBa) in residential area between the hours of 10:00 p.m. and 7:00 a.m.	\$250 – first offence \$500 – second offence \$1000 – third and subsequent offences
12	Owner/occupier allow property they own or occupy to have noise exceeding 60 decibels (dBa) in residential area between the hours of 10:00 p.m. and 7:00 a.m.	\$250 – first offence \$500 – second offence \$1000 – third and subsequent offences
20	Person cause or permit construction activity during prohibited times	\$250 – first offence \$500 – second offence \$1000 – third and subsequent offences
25	Person operate outdoor speakers between the hours of 10:00 p.m. and 7:00 a.m.	\$250 – first offence \$500 – second offence \$1000 – third and subsequent offences
54	Person or Owner store, collect, handle or dispose of wildlife attractants so that they are accessible to or may attract wildlife	\$250 – first offence \$500 – second offence \$1000 – third and subsequent offences
55	Person permit wildlife attractant to be place or remain outdoors accessible to wildlife	\$250 – first offence \$500 – second offence \$1000 – third and subsequent offences
57	Person feed wildlife	\$250 – first offence \$500 – second offence \$1000 – third and subsequent offences
58	Person feed any animal in a manner that is likely to attract wildlife	\$250 – first offence \$500 – second offence

Section	Description	Penalty
		\$1000 – third and subsequent offences
59	Person place birdfeeder between April 1 and November 30	\$250 – first offence \$500 – second offence \$1000 – third and subsequent offences
62	Person apply graffiti	\$250 – first offence \$500 – second offence \$1000 – third and subsequent offences

1

TOWN OF CANMORE
PROVINCE OF ALBERTA
BYLAW 11 - 97

A BYLAW OF THE TOWN OF CANMORE IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF PROHIBITING, ELIMINATING OR ABATING NOISE.

WHEREAS the Municipal Government Act, S.A. 1994, c.M-26.1, as amended, provides that the Council of a Municipality may pass a By-law respecting the safety, health, and welfare of people and the protection of people and property; people, activities and things in, on or near a public place or place that is open to the public; and

WHEREAS the Highway Traffic Act, R.S.A. 1980, c.H-7, as amended, provides that the Council of a Municipality may make by-laws defining what constitutes objectionable Noise, devising a system or method of determining that Noise, and prohibiting the operation of Motor Vehicles which in any manner make objectionable Noise;

NOW THEREFORE THE COUNCIL OF THE TOWN OF CANMORE, in the Province of Alberta, duly assembled, enacts as follows:

Part 1 - SHORT TITLE

1. This By-law may be cited as the Town of Canmore "Noise Control By-law".

Part 2 - DEFINITIONS

2. In this By-law:
 - 2.1 "**Construction Equipment**" includes a riveting machine, concrete mixer, gravel crusher, steam shovel, dragline, backhoe, air or steam compressor, jack-hammer or pneumatic drill, tractor other than a tractor used in a Farming Operation, bulldozer, front-end loader, motor scraper, motor grader or any other tool, device, or machine of a noisy nature.
 - 2.2 "**Construction Noise**" means Noise caused by Construction Equipment.
 - 2.3 "**Council**" means the Council of the Town of Canmore.
 - 2.4 "**Holiday**" means any day declared as such by municipal, provincial or federal authority and includes Sundays.
 - 2.5 "**Manager**" means the Chief Administrative Officer of the Town of Canmore or his designate.
 - 2.6 "**Motor Vehicle**" means Motor Vehicle as defined in the Highway Traffic Act, R.S.A. 1980, c.H-7, as amended.
 - 2.7 "**Noise**" means any sound which either annoys or disturbs Persons, or which injures, endangers or detracts from the comfort, repose, health, peace or safety of Persons within the boundaries of the Town of Canmore.
 - 2.8 "**Off Highway Vehicle**" means an Off-Highway Vehicle as defined in the Off-Highway Vehicle Act, R.S.A. 1980, c.O-4, as amended.

NOISEB-1 DOC

- 2.9 **"Peace Officer"** means:
- 2.9.1 a Bylaw Enforcement Officer appointed by the Town pursuant to the Municipal Government Act, S.A. 1994 c.M-26.1, as amended.
 - 2.9.2 a member of the Royal Canadian Mounted Police
 - 2.9.3 a Special Constable pursuant to the Police Act , S.A. 1988, c.P. - 12.01 as amended and regulations.
- 2.10 **"Person"** includes an individual, partnership, corporation, trustee, executor, administrator, or other organization.
- 2.11 **"Town"** means the Municipal Corporation of the Town of Canmore in the Province of Alberta or the land lying within the corporate limits of the Town.
- 2.12 **"Violation Tag"** means a ticket or similar document issued by the Town pursuant to of the Municipal Government Act, S.A. 1994, c.M - 26.1, as amended.
- 2.13 **"Violation Ticket"** means a ticket issued pursuant to Part II of the Provincial Offences Procedure Act, S.A. 1988 c.P-21.5, as amended, and Regulations thereunder.

3. Part 3 - VIOLATIONS

- 3.1 Except to the extent permitted by this By-law, no Person shall cause or permit any other Person to:
- 3.1.1 cause a Noise within the Town;
 - 3.1.2 operate or permit any other Person to operate within the Town a Motor Vehicle which causes a Noise.
 - 3.1.3 operate or permit any other Person to operate within the Town, an Off-Highway Vehicle which causes a Noise.
- 3.2 No Person shall allow property under their ownership or control to be used in such a way that there is Noise originating from the property.
- 3.3 A Peace Officer may direct any Person who has caused or made a Noise, or any Person who owns or controls property from which Noise has originated, to abate or eliminate the Noise. Such a direction may be either verbal or written.
- 3.4 Where an activity which is not specifically prohibited by any federal, provincial or municipal laws or regulations, including this By-law, and which involves creating or making a sound which:
- 3.4.1 is or may become; or
 - 3.4.2 creates or produces or may create or produce a Noise, a Person engaging in such an activity shall do so in such a manner as to create as little sound as possible under the circumstances.

4. Part 4 - PERMITS AND NON-APPLICATION OF BY-LAW

- 4.1 The Manager may, upon written request, issue a permit to a Person for the purpose of suspending the provisions of this By-law, and the permit shall specify the dates, hours, and conditions during which Noise may occur.
- 4.2 Any such permit issued shall be produced to a Peace Officer upon demand.
- 4.3 Persons owning or controlling Construction Equipment, and Persons owning or controlling land on which Construction Equipment is being operated shall be exempt from the provisions of this By-law if:
- 4.3.1 the Noise is generated pursuant to work done in the normal manner to that industry;
- 4.3.2 the Noise is generated between the hours as authorized by and set out on Schedule "A" attached to and forming part of this By-law; and
- 4.3.3 all necessary federal, provincial and municipal permits, licenses and approvals have been obtained and the work is not contrary to any federal, provincial or municipal laws or regulations.
- 4.4 This By-law does not apply:
- 4.4.1 to work carried on by the Town or its agents, contractors, servants or employees, acting within the scope of their agency, contract, or employment as the case may be; or
- 4.4.2 to the performance of work by any Person on land zoned as Heavy Industrial District (M-3) or General Industrial District (M-2) pursuant to the Town of Canmore Land Use By-law as amended, if:
- 4.4.2.1 the Noise is generated pursuant to work done in the normal manner to that end; and
- 4.4.2.2. the work is authorized pursuant to the Land Use By-law, as amended, and does not otherwise contravene any federal, provincial, or municipal laws or regulations.
- 4.4.3 to Persons using domestic equipment, including lawnmowers, snow blowers, garden tillers and built-in vacuum cleaners which are vented to the outside, and Persons owning or controlling property upon which such equipment is used if:
- 4.4.3.1 the Noise is of a temporary or intermittent nature;
- 4.4.3.2 the equipment is properly maintained and operated in a normal manner for that type of equipment; and

4.4.3.3 the Noise occurs between the hours of 7:00 a.m. and 10:00 p.m., Monday to Friday; and between the hours of 9:00 a.m. and 10:00 p.m. on Saturdays, Sundays and holidays.

4.4.4 to Persons using air conditioning and cooling units in either domestic or commercial use if the units appear to be properly maintained and are operated in a normal manner.

4.4.5 to Persons on Sundays and statutory holidays conducting construction, alterations, or renovations on their own home and property, or by persons assisting them as long as the persons assisting do not receive financial compensation, or any other compensation for their labour.

5. Part 5 - AUTHORIZATION TO INSPECT

5.1 A Peace Officer may enter any land, building or premises for the purposes of an inspection to determine if this bylaw is being complied with.

6. Part 6 - PENALTIES

6.1 Any Person who contravenes any provisions of this By-law by:

- (a) doing something he is prohibited from doing;
- (b) failing to do something he is required or requested to do; or
- (c) doing something in a manner different from that in which he is required or permitted to do so by this By-law

is guilty of an offence and liable upon Summary Conviction to:

6.1.1 a minimum fine of One Hundred Dollars (\$100.00) for the first offence;

6.1.2 a minimum fine of Five Hundred Dollars (\$500.00) for a second and subsequent offences; and

6.1.3 a maximum fine of Twenty Five Hundred Dollars (\$2,500.00).

6.2 Any Person found in default of payment of any fine pertaining to this By-law is liable to imprisonment for a period of not more than one year.

7. Part 7 - VIOLATION TAGS

7.1 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any Person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this By-law.

7.2 A Violation Tag may be issued to such Person:

7.2.1 either personally, or

7.2.2 by mailing a copy to such person at his last known post office address.

- 7.3 Where a contravention of this By-law is of a continuing nature, further Violation Tags or Summons may be issued by a Peace Officer, provided that no more than one Violation Tag, or Summons shall be issued for each calendar day that the contravention continues.
- 7.4 Where a Violation Tag is issued pursuant to this By-law the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Town of Canmore the penalty specified on the Violation Tag.
- 7.5 Nothing in this By-law shall prevent a Peace Officer from issuing a Violation Ticket for the mandatory Court appearance of any Person who contravenes any provision of this By-law.

8. Part 8 - VIOLATION TICKET

- 8.1 If the penalty specified on a Violation Tag is not paid within the prescribed time period, then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, S.A. 1988, c.P-21.5.
- 8.2 Notwithstanding Section 7.1 of this By-law, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, S.A. 1988, c.P-21.5, as amended, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this By-law.

9. Part 9 - SEVERABILITY PROVISION

- 9.1 Should any provision of this By-law be invalid, then such provision shall be severed and the remaining By-law shall be maintained.

10. Part 10 - REPEAL OF BY-LAW

- 10.1 By-law ⁸²13-92 is hereby repealed.

11. Part 11 - EFFECTIVE DATE

- 11.1 This By-law shall come into effect upon third and final reading.

Read a first time this 13 day of MAY, 1997.

Read a second time this 13 day of MAY, 1997.

Read a third time this 27 day of MAY, 1997.


MAYOR


MUNICIPAL SECRETARY


BY-LAW NO. 11 - 97

SCHEDULE "A"

HOURS DURING WHICH CONSTRUCTION NOISE IS PERMITTED

Weekdays	Sundays/Statutory Holidays
7:00 am - 10:00 p.m. Monday - Saturday	Not allowed



BYLAW 2017-10

Office Consolidation Current as of August 26, 2019

A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO REGULATE WILDLIFE ATTRACTANTS

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

1: TITLE

- 1.1. This bylaw shall be known as the “Wildlife Attractant Bylaw.”

2: INTERPRETATION

- 2.1. Words which have been defined in the *Municipal Government Act*, or the *Interpretation Act* as amended shall have the same meaning when used in this bylaw unless otherwise defined in Section 2.
- 2.2. For the purposes of this bylaw, a substance is considered something that may attract dangerous wildlife if it is a food substance or other edible substance accessible to wildlife.
- 2.3. In this bylaw:

"wildlife attractant" means any substance that could be reasonably expected to attract dangerous wildlife.

"dangerous wildlife" means bear, cougar, coyote or wolf; or a wildlife species deemed dangerous by a Peace, Fish and Wildlife or Conservation Officer.

"violation tag" means a municipal tag or similar document in a form approved by the Town, authorized under the *Provincial Offences Procedures Act* as amended, issued for any offence in which a penalty may be paid out of court in lieu or appearing to answer a summons.

"violation ticket" means a ticket issued pursuant to the *Provincial Offences Procedures Act*, as amended, and the regulations thereunder.

3: PROVISIONS

- 3.1 No person or owner other than a Peace Officer or a person appointed by the CAO who is acting in the course of their duties shall store, collect, handle or dispose of wildlife attractants in such a way that the wildlife attractants are accessible to or may attract dangerous wildlife.
- 3.2 No person or owner of a parcel of land shall permit a wildlife attractant, including but not limited to fruit from a crabapple or mountain ash tree or shepherdia (buffaloberry) bush, or otherwise located on a parcel of land, to accumulate on the tree, bush or ground.
Amended 2019-08-26 by Bylaw 2019-23
- 3.3 No person or owner shall feed, attempt to feed or permit the feeding of dangerous wildlife and must not feed other animals in a manner that is likely to attract wildlife.

3.4 Notwithstanding section 3.3, a person or owner may place or permit the placement of an outdoor bird feeder containing bird feed, seeds, suet, nectar or any other attractant provided that:

- a) the bird feeder is suspended on a cable or other device in such a manner that it is inaccessible to wildlife other than birds and
- b) the area below any bird feeder is kept free of accumulations of any wildlife attractants.

3.5 Notwithstanding Section 3.4, no person or owner shall place or permit the placement of outdoor bird feeders containing bird feed, seeds, suet, nectar or any other attractant between April 1st and November 30th of each year.

3.6 Notwithstanding Sections 3.4 and 3.5, no property owner and no person shall place, or cause to be placed, on or near the property of that person, any matter which has the effect of attracting pigeons.

4: ENFORCEMENT AND PENALTIES

4.1. Any person or owner who contravenes any provision of this bylaw is guilty of an offence and is liable for a minimum penalty in accordance with Schedule A of this bylaw, and not exceeding \$10,000.

4.2. Any person or owner who contravenes any provision of this bylaw for which a penalty is not set out in Schedule A of this bylaw is liable for a minimum penalty of \$250.

4.3. For the purposes of this bylaw, an act or omission by an employee or agent of a person is deemed also to be an act or omission of the person if the act or omission occurred in the course of the employee's employment with the person, or in the course of the agent exercising the powers or performing the duties on behalf of the person under their agency relationship.

4.4. If a partner in a partnership is guilty of an offence under this bylaw, each partner in that partnership that authorized the act or omission that constitutes the offence or assented to or acquiesced or participated in the act or omission that constitutes the offence is guilty of the offence

4.5. A peace officer is hereby authorized and empowered to issue a violation tag to any person or owner, who a peace officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.

4.6. The violation tag shall state:

- a) the name of the accused;
- b) the nature of the offence;
- c) the penalty payable for the offence; and
- d) and the time period within which the penalty must be paid to avoid issuance of a violation ticket.

- 4.7. The person to whom a violation tag is issued may, in lieu of being prosecuted for the offence, pay to the Town of Canmore the penalty specified on the violation tag.
- 4.8. If the penalty specified on a violation tag has not been paid within 14 days, then a peace officer is hereby authorized and empowered to issue a violation ticket pursuant to the *Provincial Offences Procedure Act*, as amended.
- 4.9. Notwithstanding section 4.8 of this bylaw, a peace officer is hereby authorized and empowered to immediately issue a violation ticket pursuant to the *Provincial Offences Procedure Act*, as amended, to any person who a peace officer has reasonable grounds to believe has contravened any provision of this bylaw.
- 4.10. A violation tag or ticket may be issued to such person or owner:
- a) either personally; or
 - b) by mailing a copy to such person or owner at their last known address.
- 4.11. Where a contravention of this bylaw is of a continuing nature, further violation tags may be issued by the peace officer, provided however, that no more than one violation tag shall be issued for each day that the contravention continues.

5: ENACTMENT/TRANSITION

- 5.1. If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 5.2. Schedule A forms part of this bylaw.
- 5.3. This bylaw comes into force on the date it is passed.

FIRST READING: May 2, 2017

SECOND READING: May 2, 2017

THIRD READING: May 2, 2017

DATE IN FORCE: May 4, 2017

OFFICE CONSOLIDATION

This document is a consolidation of a bylaw with one or more amending bylaws. Anyone making use of this consolidation is reminded that it has no legislative sanction. Amendments have been included for convenience of reference only. The approved bylaws should be consulted for all purposes of interpreting and applying the law.

Bylaws included in this consolidation:

2017-10	Wildlife Attractant Bylaw
2019-23	Amending Bylaw Fruit Trees

SCHEDULE A

Amended 2019-08-26 by Bylaw 2019-23

Penalties

Minimum Penalty: \$250 unless otherwise specified below.

Section	Description	Minimum Specified Penalty
3.3	Feeding Wildlife	\$500.00
3.2	Failure to remove fruit	\$250.00
3.4	Bird feeder or bird feed/nectar accessible to wildlife	\$250.00



BYLAW 2020-03

A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO CONTROL AND REGULATE TRAFFIC, PARKING, AND THE USE OF ROADS AND PUBLIC PLACES

WHEREAS the *Traffic Safety Act RSA 2000 Chapter T-6* as amended authorizes council to make bylaws that are not inconsistent with that Act; and

WHEREAS the *Municipal Government Act RSA 2000 Chapter M-6* as amended authorizes council to pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; people, activities and things in, on or near a public place or place that is open to the public; and transport and transportation systems;

NOW THEREFORE The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts:

TITLE

1. This bylaw shall be known as the Traffic and Road Use Bylaw.

INTERPRETATION

2. Words which have been defined in the Traffic Safety Act and its regulations, the Municipal Government Act, and/or the Interpretation Act shall have the same meaning when used in this bylaw unless otherwise defined in section 3. A glossary of these words is attached as Schedule B; where there is a discrepancy between the glossary and a provincial statute, the definition in the statute shall apply.
3. In this bylaw,
 - (a) "bicycle" means:
 - (i) any cycle propelled by human muscular power upon which a person may ride, regardless of the number of wheels that the cycle may have; and
 - (ii) a pedal electric bicycle.
 - (b) "controlled spaces" means that portion of a street or parking lot where parking is subject to payment and regulation in accordance with the applicable traffic control device or permitting in accordance with this bylaw.
 - (c) "curb" means the concrete or asphalt edge of a roadway or the division point between the roadway and a boulevard or sidewalk.
 - (d) "cycle crossing" means a crossing designated exclusively for the use of people riding bicycles or anyone permitted by this bylaw to use an exclusive bicycle lane.

- (e) "dispose" means discharge, dump, place, throw, drop, discard, abandon, spill, leak, pour, emit, or empty.
- (f) "dwelling unit" has the same meaning as set out in the Town of Canmore Land Use Bylaw as amended.
- (g) "multi-use crossing" means a crossing designated for pedestrians and people riding bicycles.
- (h) "multi-use trail" means:
 - (i) any asphalt pathway or natural trail or pathway under the control of the Town; and
 - (ii) any concrete sidewalk designated as a multi-use trail by a traffic control device.
- (i) "occupant" means the person residing or carrying on business within any premises, as a lessee of the owner or pursuant to a licence of occupation granted by the owner.
- G) "pedal electric bicycle" means a bicycle where the rider's pedaling is assisted by a small electric motor which is activated by a sensors only when the bicycle is pedaled.
- (k) "private property" means land owned in fee simple, held under a lease, sub-lease or license of occupation and is controlled by an individual or business.
- m** "public place" means any land owned or leased by the municipality, other than a highway, that the public is ordinarily entitled or permitted to use and includes:
 - (i) parks, as defined in the Parks Bylaw, as amended,
 - (ii) parking lots, and
 - (iii) land developed, used or managed by the Town for public utilities.
- (m) "recreational vehicle or recreation trailer" means a motor vehicle or trailer designed or used for travel with temporary living accommodation for vacations or camping purposes.
- (n) "special event" means any activity or event that is open to, or intended to attract, the general public;
- (o) "Town" means the Town of Canmore in the Province of Alberta or the land lying within the corporate limits of the Town, as the context requires.
- (p) "violation tag" means a municipal tag or similar document issued by a peace officer in relation to an offence under this bylaw,

- (q) "violation ticket" means a ticket issued pursuant to the Provincial Offences Procedures Act, as amended, and the regulations thereunder.
- (r) "written permission" means the explicit approval of the chief administrative officer through a written permit or agreement.

PART 1: TRAFFIC

OPERATION OF VEHICLES

- 4. No person shall operate a vehicle on a sidewalk, pathway, or trail, except where:
 - (a) there is a lane or prepared crossing,
 - (b) written permission has been granted from the Town, or
 - (c) operation is permitted elsewhere in this bylaw.
- 5. No person shall drive a vehicle into any intersection or crosswalk unless there is sufficient space to allow the vehicle to clear the intersection or crosswalk.
- 6. No person shall drive a vehicle on a roadway with more than one vehicle in tow, except for a truck combination consisting of a truck tractor and two trailers, one of which is attached to the other, where the arrangement complies with all the requirements of the *Traffic Scife!J Ad*, as amended.
- 7. No person shall operate a commercial passenger bus with a capacity to carry more than 24 people on a roadway other than on a roadway designated by the chief administrative officer, unless operated on the most direct and practicable route between the passenger loading location and the nearest approved roadway.
- 8. Any vehicle in a funeral procession, except the lead vehicle, may during daylight hours enter an intersection without stopping if:
 - (a) The vehicle's headlamps and hazard warning lamps are alight;
 - (b) The vehicle is travelling immediately behind the vehicle in front of it in the funeral procession so as to form a continuous line of traffic;
 - (c) The lead vehicle in the funeral procession is showing a purple flashing light; and
 - (d) The passage into the intersection can be made in safety.

HEAVY AND OVERSIZED VEHICLES

- 9. Unless issued written permission from the Town, no owner of a vehicle or driver shall:
 - (a) Operate a vehicle, other than a recreational vehicle, v.rith a registered gross vehicle weight rating in excess of 4,500 kilograms on a roadway which is not designated as a truck route by the chief

administrative officer, unless operated on the most direct and practicable route between the delivery, pick-up or other location concerned and the nearest truck route;

- (b) Park a vehicle, other than a recreational vehicle, with a registered gross vehicle weight rating in excess of 4,500 kilograms on a roadway which is not designated as a truck parking zone by the chief administrative officer, unless it is:
 - (i) parked for the purposes of delivering or collecting goods to or from a premises for a duration of less than four hours; or
 - (ii) parked for construction purposes in accordance with the Land Use Bylaw, as amended.
- (c) Operate a vehicle which exceeds a length of 23 metres, a height of 4.1 metres, or a width of 2.6 metres on a roadway which is not designated as a truck route by the chief administrative officer, unless the vehicle is:
 - (i) operated on the most direct and practicable route between the delivery, pick-up or other location concerned and the nearest truck route; or
 - (ii) operated in accordance with section 43 of this bylaw.

10. No person shall apply or engage engine retarder brakes within the limits of the Town.

BICYCLES

11. No person over the age of 12 shall ride a bicycle on a sidewalk unless:

- (a) A traffic control device indicates otherwise, or
- (b) That person is accompanying a person 12 years of age or younger.

11.1 No person shall ride a bicycle on a sidewalk on Main Street from 8 Avenue to 6 Avenue.

12. Bicycles are permitted on multi-use trails.

13. A person riding a bicycle on a sidewalk or multi-use trail shall yield the right of way to pedestrians

14. A person riding a bicycle through a multi-use or cycle crossing shall yield the right-of-way to vehicles unless right-of-way is otherwise indicated by a traffic control device.

15. No person shall operate any electrically powered vehicle on a sidewalk or multi-use trail unless otherwise authorized by this bylaw.

16. No person shall store items other than bicycles and bicycle accessories in bicycle lockers.

17. No person shall store items in a bicycle locker for a period longer than 24 hours.

18. No person shall store a bicycle on a bicycle rack for a period longer than 72 hours.
19. Notwithstanding anything to the contrary contained in this or any bylaw, a Peace Officer may operate a bicycle while on duty on a highway or public place where the use of bicycles by the general public is prohibited or restricted.

EXCLUSIVE BICYCLE LANE

20. Only persons operating bicycles and non-motorized vehicles are permitted in exclusive bicycle lanes with the exception of:
 - (a) a pedestrian on foot crossing the exclusive bicycle lane;
 - (b) a pedestrian using a mobility aid;
 - (c) a person operating an emergency vehicle;
 - (d) a person operating a vehicle operated by the Town for Town purposes; or
 - (e) a person operating a vehicle which has received authorization from the chief administrative officer to be operated, stopped or parked in an exclusive bicycle lane.
21. Notwithstanding section 20, a person may drive a vehicle across an exclusive bicycle lane:
 - (a) to enter or exit from adjacent driveways or intersecting streets; or
 - (b) to enter or exit from existing parking structures, on-street parking spaces or parking lots adjacent to an exclusive bicycle lane.
22. A person other than a pedestrian who is about to enter onto a roadway or sidewalk from an exclusive bicycle lane or multi-use trail must yield before entering the roadway or sidewalk, unless the intersection is marked with a stop sign.
23. A person using an exclusive bicycle lane in accordance with section 20 must yield the right of way to a pedestrian crossing in a designated crosswalk.

OTHER VEHICLES

24. No person over the age of 12 shall roller skate, in-line skate, skateboard or ride a scooter or other non-motorized vehicle on a sidewalk unless:
 - (a) A traffic control device indicates otherwise, or
 - (b) That person is accompanying a person 12 years of age or younger.
25. Use of roller skates, in-line skates, skateboards, scooters and other non-motorized vehicles are prohibited on multi-use trails.

26. A person using roller skates, in-line skates, skateboards, scooters or other non-motorized vehicles on a sidewalk or multi-use trail shall yield the right of way to pedestrians.
27. No person shall cling to or attach himself or his conveyance to a vehicle on a highway or within a public place.

PEDESTRIANS

28. No pedestrian shall cross a roadway at a point where a traffic control device prohibits such crossing.
29. A pedestrian who is crossing an exclusive bicycle lane at any point other than in a crosswalk must yield the right of way to bicycles.
30. A pedestrian shall not stand or be in any other position on a highway so as to obstruct the entrance to a building, unless that pedestrian is participating in or assembled to watch a special event for which written permission has been issued pursuant to this bylaw.

PART 2: PARKING

GENERAL PARKING RESTRICTIONS

31. Unless required or permitted by this bylaw, by written permission, by a traffic control device, or in compliance with the directions of a peace officer, or to avoid conflict with other traffic, no owner of a vehicle or driver shall leave a vehicle stopped:
 - (a) where a traffic control device prohibits stopping or parking;
 - (b) for any period longer than is designated and marked by the applicable traffic control device;
 - (c) in the entranceway, ramps, or gated access to any fire hall, ambulance station, emergency vehicle lane, marked fire lane or in any other manner so as to interfere with the proper operation of and access of emergency vehicles;
 - (d) where the vehicle will, in any way, interfere with the use of a doorway intended as a fire or emergency exit, or marked on the exterior as a fire or emergency exit;
 - (e) upon any land owned by the Town which is used as a playground, a recreation area, a public park, a grassed or seeded boulevard, or a multi-use trail;
 - (f) in any parking space upon Town owned property where such space has been reserved for vehicles operated by Town employees;
 - (g) on any Town owned or operated parking lot in contravention of the prohibitions stated on any traffic control devices posted in said parking lots;
 - (h) if the vehicle has a wheelbase greater than 270 centimetres, in a parking space designated for "small cars only;"

- (i) in front of or within 7 metres of the side of any animal proof waste or recycling container;
 - (j) in any bus stop, taxi stand, passenger loading zone, or in any other place or area where a traffic control device indicates that parking is restricted to a certain class of vehicles, unless the vehicle is a member of the exempt class
 - (k) in any loading zone marked by a traffic control device, except any commercial vehicle lawfully engaged in loading or unloading merchandise;
 - (l) unless for an emergency, for the purpose of servicing or repairing the vehicle, or
 - (m) in excess of 72 consecutive hours on a highway.
32. Unless required or permitted by this bylaw, by written permission, by a traffic control device, or in compliance with the directions of a peace officer, or to avoid conflict with other traffic, no owner of a vehicle or driver shall leave a vehicle stopped:
- (a) on a sidewalk;
 - (b) on a crosswalk or on any part of a crosswalk;
 - (c) within 5 metres from the near side of a marked crosswalk;
 - (d) within 5 metres from any fire hydrant, or when the hydrant is not located at the curb, within 5 metres from the point of the curb nearest the hydrant;
 - (e) at an intersection nearer than 5 metres to the projection of the corner property line immediately ahead or immediately to the rear, except when the vehicle is parked in a space where a parking meter or other traffic control device indicated parking is permitted;
 - (f) within an intersection other than immediately next to the curb in a "T" intersection;
 - (g) within 5 metres on the approach to a stop or yield sign;
 - (h) within 1.5 metres from an access to a garage, private road, or driveway or a vehicle crossway over a sidewalk;
 - (i) on any bridge or in any underpass or on the approaches to either of them; or
 - (j) on the roadway side of a vehicle that is parked or stopped at the curb or edge of roadway.
33. No owner of a vehicle or driver shall leave a vehicle standing in a parking space designated as being for the use of disabled persons without having a placard issued by the Motor Vehicles Branch of the Alberta Government as a vehicle operated or used by the identified disabled person;

34. An owner of a vehicle or driver parking a vehicle in a parking space designated by painted lines shall ensure the vehicle remains wholly within the limits of the parking space designated by the painted lines.
35. A person being in charge or control of a new or used car dealership, garage, service station, radio shop or other premises where repairs or installations are made to vehicles for compensation, shall not leave, cause or suffer or permit to be left on any roadway or public place a vehicle which is left in his possession for carrying out of repairs or making installations or for any other purpose whatsoever.
36. No owner of a vehicle or driver shall park a vehicle in an alley except:
 - (a) while engaged in the loading or unloading of goods from a commercial vehicle for a period not exceeding 30 minutes;
 - (b) while engaged in the load or unloading of goods or passengers from a vehicle other than a commercial vehicle, for a period not exceeding 5 minutes, provided that the vehicle concerned does not obstruct the safe passage of other vehicles or persons along the alley; or
 - (c) where authorized by a traffic control device.
37. No owner of a vehicle or driver shall load or unload goods or merchandise across a sidewalk or boulevard into a premise where alternate, non-obstructing loading and unloading facilities for the premise have been provided.
38. No operator or owner of a taxicab shall leave a taxicab unattended in a taxi stand for longer than ten minutes.
39. No owner of a vehicle or driver shall park a passenger bus with a capacity to carry more than 15 people on a highway within the town except at such locations as have been designated by a traffic control device.
40. No owner of a vehicle or driver shall park or leave his vehicle at a standstill with the engine running or idling anywhere within the Town for more than 5 minutes.
41. \):/here parallel parking is allowed, a person shall park their vehicle with:
 - (a) the sides of the vehicle parallel to the curb or edge of the roadway; and
 - (b) the right hand wheels of the vehicle not more than 500 millimetres from the right hand curb or edge of the roadway or;
 - (c) in the case of a one-way highway where parking on either side is permitted, with the vehicle wheels closest to a curb or edge of the roadway not more than 500 millimetres from that curb or edge and with the vehicle facing the direction that travel is authorized for that highway.

42. No person shall park a vehicle or permit a vehicle to be parked on private property without the permission or authorization of the owner of the private property or a person having lawful possession or control of the private property.

RECREATIONAL VEHICLES AND TRAILERS

43. No owner of a vehicle or driver shall park a recreational vehicle or a recreational trailer attached to a motor vehicle between midnight and 8 a.m. on a roadway or public place other than a campground unless:
 - (a) it is parked on the area of the street immediately adjoining the owner or operator's place of residence;
 - (b) it is parked for a period no longer than 36 consecutive hours;
 - (c) it has not been parked in an area of the street immediately adjoining the owner or operator's place of residence at any time during the preceding 48 hour period.
44. No owner of a vehicle or driver shall park a recreational vehicle or a recreational trailer attached to a motor vehicle on a roadway in such a manner as to constitute a hazard to other persons.
45. No owner of a vehicle or driver shall extend any projections from a recreational vehicle or recreational trailer while parked on a roadway.
46. No owner of a vehicle or driver shall leave parked on any roadway or public place between midnight and 8 a.m. a trailer, a semi-trailer or mobile equipment attached to a vehicle where the length of the two vehicles combined exceeds 10 metres.
47. No owner of a vehicle or driver shall leave parked on any roadway or public place a trailer, a semi-trailer, mobile equipment or any vehicle which has been detached from the vehicle which is used to draw it.
48. When attached to the vehicle which is used to draw it, the trailer, semi-trailer or mobile equipment shall be deemed to be a part of the vehicle and subject to the regulations and provisions of this bylaw and the *Traffic Safety Act*, as amended.

CONTROLLED SPACES

49. When parking in a controlled space, the owner or driver of a vehicle shall register for the use of the controlled space immediately after parking in accordance with the instructions on the payment terminal or given by the cellular phone payment service or other payment service as may be designated by the Town.
50. Where parallel parking is permitted, a vehicle or combination of a vehicle and attached trailer may be parked in two adjoining controlled spaces, both parallel to the curb, if the owner or driver of the vehicle has registered for two controlled spaces.

51. No owner or driver of a vehicle shall leave the vehicle stopped in a controlled space:
- (a) without registering or making any required payment,
 - (b) for longer than the period of time for which payment is made; or
 - (c) contrary to the terms and conditions of any permit or pass issued for parking in a controlled space.

PARKING PERMITS

52. A vehicle for which a valid and subsisting parking permit has been issued may be parked in a controlled space and be exempt from sections 49 and 51 provided the vehicle is parked in accordance with the conditions of the permit and in the zone for which the permit was issued.
53. A person who:
- (a) resides in a dwelling unit on a parcel of land or directly adjacent to a parcel of land where controlled spaces have been designated, or
 - (b) owns, but does not reside in, a dwelling unit on a parcel of land or directly adjacent to a parcel of land where controlled spaces have been designated, or
 - (c) meets the eligibility requirements of any overnight parking or reasonably comparable program established by the Town,
 - (d) is eligible to apply to the Town for a parking permit.
54. A person applying for a parking permit must submit an application to the chief administrative officer on a form supplied by the Town.
55. The chief administrative officer is authorized to create parking permit regulations including but not limited to:
- (a) maximum number of permits per dwelling unit;
 - (b) parking permit fees;
 - (c) types and sizes of vehicles for which a permit will be granted;
 - (d) programs for overnight parking established by the Town;
 - (e) locations that permit holders are permitted to park; and
 - (f) duration and expiry of permits.

56. The chief administrative officer, upon being satisfied that:
- a) either
 - i) a person resides on a parcel of land or directly adjacent to a parcel of land where controlled spaces have been designated, or
 - ii) owns, but does not reside in, a dwelling unit on a parcel of land or directly adjacent to a parcel of land where controlled spaces have been designated, or
 - iii) meets the eligibility requirements of any overnight parking or reasonably comparable program established by the Town, and
 - b) that meets the requirements as set out in this Bylaw and the regulations established by the chief administrative officer,

may issue a parking permit for the vehicle owned or operated by that person.

57. Any person who relies on a permit has the onus of proving that he or she was the holder of valid and subsisting permit.

EXCEPTIONS TO PARKING RESTRICTIONS

58. The provisions of this bylaw relating to stopping or parking of vehicles and the restriction of idling vehicles do not apply to any of the following vehicles while being used in work requiring that the vehicle be stopped or parked and idling:
- (a) emergency vehicles;
 - (b) vehicles used in conjunction with the servicing of public utilities including telephone systems, electric systems, natural gas systems and cable vision systems;
 - (c) municipal and other government public works vehicles; or
 - (d) towing service vehicles.
59. The provisions of this bylaw relating to stopping or parking vehicles in controlled spaces do not apply to municipal government vehicles.
60. Where the operator of a vehicle stops, stands or parks pursuant to section 58, contrary to other provisions of this bylaw, they shall take due precautions to indicate the presence of such vehicle on a highway while so parked or stopped.
61. The provisions of this bylaw relating to the restriction of idling vehicles do not apply to a refrigeration vehicle, delivery vehicle, or taxi that, while in use for its commercial purpose, complies with the stopping and parking requirements of this bylaw.

PART 3: HIGHWAY USE AND MAINTENANCE

GENERAL HIGHWAY USE

62. No person shall stop or restrict pedestrians, cyclists or vehicles in the lawful use of a highway or public place, unless written permission has been issued authorizing use of a highway or public place, or a portion of either.

63. No person shall undertake any of the following activities on any portion of a highway or public place unless authorized by the Land Use Bylaw, as amended, or by written permission:
 - (a) placement of any building materials or building tools or machinery or construction device,
 - (b) parking, leaving, standing, or stationing a mobile crane or other mobile building construction machine,
 - (c) leave standing a portable garbage or recycling container,
 - (d) placement of scaffolding,
 - (e) excavation/breaking up the surface of a roadway or public place,
 - (f) placement of a pole or a guywire, or other means of support for a pole,
 - (g) placement of a vending machine,
 - (h) placement of a sign,
 - (i) commercial filming,
 - G) a special event,
 - (k) the sale or offer for sale of any goods or services,
 - O) busking, and
 - (m) installation of sidewalk seating/cafe.

64. Where an activity requires the partial or complete closure of a highway or public place, the applicant may, at the discretion of the chief administrative officer, be required to:
 - (a) pay all costs incurred by the Town in connection with the activity, including advertising, signage, barricading and labour; and
 - (b) provide evidence of general liability insurance coverage for a minimum amount of two million (\$2,000,000) dollars to cover any loss, claim, liability, or damage of any kind which is suffered by

any person using the roadway or public place by reason of the existence or presence of the activity, under which the Town shall be named an additional insured.

65. Notwithstanding section 63, a utility company may proceed with an excavation prior to obtaining written permission in emergency situations where services must be restored to the public.
66. No person shall distribute advertising material on any portion of a highway or public place.

SIGNS

67. Unless a receptacle or structure has been provided for the express purpose of posting of notices or advertising, as in the case of a kiosk or notice board, no person shall post, exhibit, or cause to be posted or exhibited, any notice, bill, placard, pamphlet, leaflet, notice, or printed matter to or on any highway or public place including:
 - (a) a building or structure of any nature that is the property of the Town;
 - (b) any traffic control device; or
 - (c) a bridge, fence, post, sign post, roadway light pole, electric pole, railing, monument, overpass, or receptacle of any kind that is the property of the Town.
68. Subject to any contrary provisions in the Land Use Bylaw, no sign shall:
 - (a) obstruct the free and clear vision of vehicular or pedestrian traffic,
 - (b) be located or display any colours, where it may interfere with or be confused with a traffic control device,
 - (c) be attached to any Town signpost or traffic control device, or
 - (d) otherwise create a traffic hazard.

PROTECTION OF SURFACES

69. No owner of a vehicle or driver shall drive, operate, or permit any tractor, tracked vehicle or machinery of any kind with cleats, with or without lugs attached to such vehicle, upon a highway unless proper means are taken to protect the highway or prevent any damage to the highway.
70. No person shall tamper with or remove a manhole cover or valve cover from a highway.
71. A registered owner or operator of a vehicle shall not permit engine or transmission fluids, or vehicle fluids of any type, from being discharged onto a highway or public place. If such a discharge occurs, the registered owner of the vehicle shall remove the fluid from the highway or public place promptly.

72. A vehicle found to be leaking engine, transmission or other chemical fluids or fluids of any type shall be deemed to constitute a danger to public safety and may be removed by the Town without notice and taken to a place of storage, and returned to the owner upon payment of any costs for removal and storage.
73. No person shall direct a flow of water onto or across any portion of a highway from a private property adjacent to a highway.
74. No person shall permit or allow soaps or solvents, petroleum products, mud, dirt, or other construction debris to be tracked or drained onto a roadway from their business premises, or property that they own or lease.
75. No person shall wash vehicles so as to result in mud, slush, or any non-biodegradable substance upon any town highway
76. No person, in the course of developing private land, shall alter the existing grade of an adjacent highway unless authorized by written permission.

PRIVATE PROPERTY OBSTRUCTIONS

77. No person shall place an electrical cord, hose, chain, or other similar obstruction upon or across any portion of a highway.
78. No person shall place or dispose of any material on any portion of a highway, unless the material consists of sand, gravel, or de-icer placed only upon an icy portion of a sidewalk to minimize the danger of slippery conditions.
79. An owner of a dwelling unit or commercial unit within a structure shall be deemed responsible for any object disposed of from within the premises of such unit onto any portion of a highway adjacent to the premises.
80. The owner or occupant of any private property adjacent to a highway shall not allow any hedge, shrub or tree which may overhang from such property to interfere with pedestrians or the sight-line of vehicular traffic lawfully using such highway.
81. An owner or occupant of any private property shall be liable for damage to municipal infrastructure caused by the roots of any hedge, shrub, or tree planted on property owned or occupied by him.

DRIVEWAYS

82. Every owner or occupant of a premises who, for the purpose of entering the premises, is required to drive a vehicle across a sidewalk or boulevard, or both, where no crossing is constructed, shall obtain written permission and cause a crossing to be constructed at the expense of the owner or occupant.
83. No owner or occupant shall prepare, construct, commence or attempt to prepare or construct a driveway between the roadway and his own property, whether such driveway is merely excavated,

built-up, filled or strengthened \With rock or gravel, paYed with concrete or asphalt, or any other preparation unless written permission is received prior to commencement of the work.

84. No owner or occupant shall paint, damage, cut away, break or remove any portion of a curb or sidewalk without written permission.
85. No owner or occupant shall use a boulevard as a driveway without written permission.

SHOPPING CARTS

86. All retail outlets or stores of any nature that provide shopping carts shall:
 - (a) not permit a person to remove such shopping cart from the legal boundaries of the parking lot or the property where such retail outlet or store is located, and
 - (b) have the name of such retail outlet or store displayed on each shopping cart for identification purposes, and
 - (c) ensure any shopping cart abandoned outside of the retail or store property is returned to the store within twenty-four (24) hours of being notified by the Town to do so.

CLEARING OF SIDEWALKS

~~87. For the purposes of sections 88 through 97:~~

~~(a) "sidewalk" includes any area of the sidewalk where the curb is depressed to allow for the passage of mobility aids.~~

~~88. The owner or occupant of any private property adjacent to a sidewalk shall remove, or cause to be removed, any ice or snow from all adjacent sidewalks within forty eight hours after the ice or snow was formed or deposited.~~

~~89. Whenever snow or ice is deposited or forms on a sidewalk adjacent to a parcel of land that is the subject of a condominium plan, the condominium corporation associated with the parcel of land shall remove, or cause to be removed, the snow or ice from the sidewalk within forty eight hours after the ice or snow was formed or deposited.~~

~~90. In the event that the owner or occupant of private property or condominium association fails or neglects to remove and clear away all snow or ice from a sidewalk within forty eight (48) hours, the Town may cause the snow or ice to be removed from such sidewalk and afterwards add the cost of the remedial work plus a 10% administration fee to the tax roll of the said parcel of land.~~

~~91. Any person who has an awning, canopy, marquee, roof drainage controlled by eavestroughing or other encroachment extending from a portion of his or her premises over a sidewalk or other portion of a roadway shall endeavor to keep the said awning, canopy, marquee, eavestroughing or other encroachment free from snow or ice so that it will not drip upon the sidewalk or roadway below.~~

~~92. The property owner shall cause to be cleaned up any water from melting snow or ice on any awning, canopy, marquee, roof drainage controlled by eavestroughing or other encroachment of the sidewalk, and take the necessary precautions to ensure that an icy or dangerous situation is not allowed to exist on the roadway or sidewalk.~~

~~93. No person operating a business premises, to which entry or exit for vehicles is made by a crossing located between the curb and the private property line, shall allow mud, water, slush, ice or icy frozen snow to remain on the public sidewalk or roadway portion of said crossing; but shall keep same clean and clear of all such matters, liquids or substances as may be or become a hazard to pedestrians.~~

~~94. A person may, in such a way as not to injure or unduly interfere with any other person lawfully using the sidewalk, use a power driven device that is sufficiently light and of such construction that it will not injure the surface of the sidewalk to remove snow or ice from any portion of the sidewalk from which he is required to remove it by the provision of this bylaw.~~

~~95. A person who removes snow or ice from public or private sidewalks and or public or private driveways shall not deposit said snow or ice upon any roadway or public place, unless that person is removing snow and ice from a sidewalk identified by the chief administrative officer.~~

~~96. A person who removes snow or ice from public or private sidewalks and or public or private driveways shall not deposit said snow or ice in a manner that impedes storm sewer run off or blocks access to any storm sewer grate.~~

~~97. A person who removes snow or ice from public or private sidewalks and or public or private driveways shall not deposit said snow or ice:~~

~~(a) in the entranceway, ramps, or gated access to any fire hall, ambulance station, emergency vehicle lane, marked fire lane or in any other manner so as to interfere with the proper operation of and access of emergency vehicles;~~

~~(b) in any area of the sidewalk where the curb is depressed to allow for the passage of mobility aids, or;~~

~~(c) on any Town owned amenity including but not limited to bicycle racks and transit stops.~~

BOULEYARD MAINTENANCE

~~98.87.~~ The owner or occupant of any private property adjacent to a boulevard that is sown to grass or where there is grass growing naturally shall cut such grass at such regular intervals as are necessary to keep the boulevard in a tidy and attractive condition and shall control weeds.

~~99.88.~~ No owner or occupant of private property adjacent to a highway shall plant any trees, plants, or shrubbery of any nature on the boulevard without first obtaining written permission.

PART 4: AUTHORITY AND ENFORCEMENT

DELEGATION OF AUTHORITY

~~100.89.~~ The chief administrative officer is authorized to:

- (a) prescribe speed limits;
- (b) temporarily close any portion of a highway or public place as deemed necessary;
- (c) locate traffic control devices;
- (d) designate portions of sidewalks as multi-use trails;
- (e) designate multi-use crossings and cycle crossings, and shall mark these crossings with traffic control devices;
- (f) designate any portion of a highway or public place as an exclusive bicycle lane;
- (g) establish time limits for parking;
- 01) establish parking zones for the exclusive use of special classes of vehicles which, without restricting the generality of the foregoing, may include taxis, buses, and disabled persons' vehicles;
- (i) designate parking spaces on any street or in any parking lot as controlled spaces and cause to be installed a payment terminal, or offer cellular phone payment, or any other designated method of payment, for the payment for the use of the space;
- G) designate fees and any method of payment for the use of controlled spaces;
- (k) designate routes for vehicles or classes of vehicles;
- 0) restrict the weight of vehicles;
- (m) issue written permission for:
 - (i) oversize weight or oversized vehicles;
 - (ii) special events and any other use of a roadway or a public place that may temporarily interrupt normal traffic or pedestrian movement;
 - (iii) the construction of driveway access; and
 - (iv) excavations;

- (n) schedule roadway cleaning, snow removal, line painting, or any other roadway maintenance program as may be necessary;
- (o) remove, impound, or dispose of any signs or any other objects located on Town highways, boulevards, or sidewalks; and
- (p) alter, or cause to be altered, the grade of any roadway at any time; and relocate or relay any poles or utility services of any type.

~~101-90.~~ 101-90. A peace officer, when enforcing the provisions of the Traffic Safety Act, as amended, or this bylaw, may place an erasable chalk mark on the tread face of a tire on any parked or stopped vehicle without such peace officer or the Town incurring any liability for doing so.

~~102-91.~~ 102-91. No person shall remove an erasable chalk mark placed under section 101 while the vehicle remains parked in the location where it was marked.

~~103-92.~~ 103-92. Any vehicle parked in a temporary no parking zone prior to the placement of a traffic control device prohibiting parking may be removed and impounded by the Town 72 hours after the placement of the traffic control device.

~~104-93.~~ 104-93. A peace officer may remove and impound, or cause to be removed and impounded, any vehicle or trailer parked or left at a standstill in contravention of this bylaw or when emergency conditions may require such removal from a roadway.

~~105-94.~~ 105-94. Pursuant to sections 103 and 104, any vehicle or trailer may be removed by a towing company contracted by the Town to perform such services to a place designated by the chief administrative officer, where it will remain impounded until claimed by the owner or his authorized agent.

~~106-95.~~ 106-95. A peace officer may seize and impound for a period not exceeding 30 days a bicycle, roller skates, in-line skates, skateboards, scooters and other similar vehicles:

- (a) used or operated in contravention of this bylaw or the *Traffic Safety Act*, as amended; or
- (b) deemed by a peace officer to be lost or abandoned.

~~107-96.~~ 107-96. A peace officer may seize and impound any of the following when displayed on a roadway or public place in contravention of this bylaw or the Traffic Safety Act, as amended:

- (a) any goods or structures related to the sale of goods, and
- (b) any sign, notice, or other object.

~~108-97.~~ 108-97. Any item seized and impounded in accordance with this bylaw or the Traffic Safety Act, as amended will be returned to the owner upon payment of the fee specified in Schedule A.

~~109-98.~~ 109-98. The Town will dispose of any item not claimed within 30 days.

~~110~~.99. Fees charged in accordance with section 108 of this bylaw shall be in addition to any penalty paid in lieu of prosecution.

VIOLATIONS AND ENFORCEMENT

~~111~~.100. Any person who contravenes the provisions of this bylaw is guilty of an offence and shall be liable for a minimum penalty in accordance with Schedule A of this bylaw, and not exceeding \$10,000.

~~112~~.101. Any person who contravenes any provision of this bylaw for which a penalty is not set out in Schedule A of this bylaw is liable to a minimum penalty of \$250.

~~113~~.102. If a vehicle is involved in an offence referred to in this bylaw, the owner of that vehicle is guilty of an offence.

~~114~~.103. A peace officer is hereby authorized and empowered to issue a violation tag to any person, who a peace officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.

~~115~~.104. A violation tag may be issued to such person:

- (a) either personally; or
- (b) attached to the vehicle in respect of which an offence is alleged to have been committed; or
- (c) by mailing a copy to such person at their last known address.

~~116~~.105. The person to whom a violation tag is issued may, in lieu of being prosecuted for the offence, pay to the Town the penalty specified on the violation tag.

~~117~~.106. If the penalty specified on a violation tag has not been paid within the prescribed time, then a peace officer is hereby authorized and empowered to issue a violation ticket pursuant to the Provincial Offences Procedures Act, as amended.

~~118~~.107. Notwithstanding Section 114 of this bylaw, a peace officer is hereby authorized and empowered to immediately issue a violation ticket pursuant to the Provincial Offences Procedures Act, as amended, to any person who a peace officer has reasonable grounds to believe has contravened any provision of this bylaw.

~~119~~.108. In the case of an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day, or part of a day, on which it continues and a person guilty of such an offence is liable to a fine in an amount not less than that established by this bylaw.

~~120~~.109. Upon the failure by any person to comply with the provisions of this bylaw, the Town may proceed in accordance with the Municipal Government Act, as amended and perform any corrective measures required. All costs incurred may be recovered from the person specified in the violation

tag and shall be deemed a debt due to the Town by the person specified in the violation tag. Debts due may be charged against the property concerned as a special lien to be recovered in like manner as property taxes.

~~121.110.~~ If, in the opinion of the chief administrative officer, a contravention of this bylaw requires immediate action, the Town may perform any work necessary to address the contravention of this bylaw without prior notice and all costs incurred by the Town will be payable by the person alleged to have contravened this bylaw.

~~122.111.~~ The imposition of a fine either by issuance of a violation tag or by summary conviction in court shall not relieve any person so fined from any liability to pay to the Town any expenses arising from any damage caused by that person to Town property, including any costs incurred in having work performed by the Town where authorized by this bylaw.

~~123.112.~~ A person other than the owner or operator of a vehicle shall not remove any violation tag or notice placed on or affixed to the vehicle by a peace officer in the course of his duties.

ENACTMENT /TRANSITION

~~124.113.~~ Should any provision of this bylaw be found to be invalid by a court of law it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

~~125.114.~~ Schedule A forms part of this bylaw.

~~126.115.~~ Bylaws 2014-06 and 2017-20 hereby repealed.

~~127.116.~~ This bylaw comes into force on March 9, 2020.

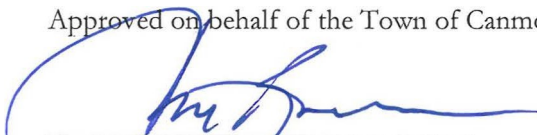
FIRST READING: March 3, 2020

SECOND READING: March 3, 2020

THIRD READING: March 3, 2020

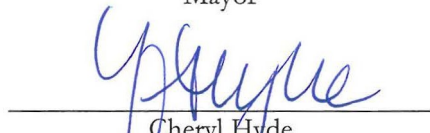
DATE IN FORCE: March 10, 2020

Approved on behalf of the Town of Canmore:



John Borrowman
Mayor

March 10
Date



Cheryl Hyde
Municipal Clerk

March 5, 2020
Date

SCHEDULE A- FEES AND SPECIFIED PENALTIES**Seizing and Impoundment Fees**

Non-motorized, self-propelled wheeled device	\$50.00
Sign	\$50.00
Other Items	\$50.00
Vehicle: Towing	as specified by Tow Operator
Vehicle: Impoundment	as specified by Impoundment Operator

Specified Penalties

Section	Description	If paid within 7 days of offense	Minimum Specified Penalty
11	Ride Bicycle on Sidewalk	n/a	\$90
11.1	Ride Bicycle on Main Street	n/a	\$90
16	Store unlawful items in locker	n/a	\$90
17	Use locker longer than 24 hours	n/a	\$90
18	Use a bicycle rack longer than 72 hours	\$45	\$90
20	Stopping, parking or operating in a bicycle lane	\$45	\$90
22	Failing to yield before entering roadway or sidewalk	\$45	\$90
24	Skateboard on Sidewalk	n/a	\$90
28	Jaywalking	n/a	\$50
29	Pedestrian fail to yield right of way when crossing exclusive bicycle lane	n/a	\$45
31	General parking	\$45	\$90
32	General parking	\$40	\$78
34	Park outside painted lines	\$45	\$90
36	Park in alley	\$45	\$90
37	Load/unload vehicle unlawfully	n/a	\$90
39	Park bus where not permitted	\$125	\$250
40	Allow vehicle to idle	\$45	\$90
41	Parallel parking	\$40	\$78
42	Parking on private property	\$45	\$90
43	Park RV or a recreational trailer attached to motor vehicle between midnight and 8 a.m.	\$45	\$90
46	Attached trailer exceeding size limit	\$45	\$90
47	Unattached trailer	\$45	\$90
51(a)	Park in controlled space v.-ithout making payment	\$45	\$90
51(b)	Park in controlled space for longer than payment made	\$45	\$90
51(c)	Park in controlled space contrary to condition of permit	n/a	\$90
67	Post illegal notice	n/a	\$90

SCHEDULE B - GLOSSARY

This glossary is provided for information and does not form part of Bylaw 2020-03.

"alley" means a narrow highway intended chiefly to give access to the rear of buildings and parcels of land;

"boulevard" means that part of a highway in an urban area that

- a) is not a roadway, and
- b) is the part of sidewalk that is not especially adapted to the use or ordinarily used by pedestrians;

"commercial vehicle" means a vehicle operated on a highway by or on behalf of a person for the purpose of providing transportation but does not include a private passenger vehicle.

"crosswalk" means

- a) that part of a roadway at an intersection included within the connection of the lateral line of the sidewalks on opposite sides of the highway measured from the curbs, or, in the absence of curbs, from the edges of the roadway; or
- b) any part of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by line or by other markings on the road surface;

"development" means:

- a) an excavation or stockpile and the creation of either of them;
- b) a building or an addition to, or replacement or repair of a building and the construction or placing in, on, over or under land of any of them;
- c) a change of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the use of the land or building; or
- d) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in or is likely to result in a change in the intensity of use of the land or buildings.

"emergency vehicle" means

- a) a vehicle operated by a police service or peace officer service as defined in the Police Act or Peace Officer Act,
- b) a fire-fighting or other type of vehicle operated by the fire protection service of a municipality,
- c) an ambulance operated by a person or organization providing ambulance services,
- d) a vehicle operated as a gas disconnection unit of a public utility,
- e) a vehicle designated by regulation as an emergency response unit.

"highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestle way, or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles; and includes:

- a) a sidewalk, including a boulevard adjacent to the sidewalk;
- b) if a ditch lies adjacent to and parallel with the roadway, the ditch, and
- c) if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be.

"off-highway vehicle" means any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when specifically designed for such travel:

- a) 4-wheel drive vehicles,
- b) low pressure tire vehicles,
- c) motor cycles and related 2-wheel vehicles,
- d) amphibious machines;
- e) all terrain vehicles;
- f) miniature motor vehicles;
- g) snow vehicles;
- h) minibikes, and
- i) any other means of transportation that is propelled by any power other than muscular power or wind,

but does not include

- a) motor boats, or
- b) any other vehicle exempted from being an off-highway vehicle by regulation.

"owner" means

- a) in respect of unpatented land, the Crown,
- b) in respect of other land, the person who is registered under the Land Titles Act as the owner of the fee simple estate in the land,
- c) in respect of any property other than land, the person in lawful possession of it, and
- d) the persons who owns a vehicle and includes any person renting a vehicle or having the exclusive use of a vehicle under a lease that has a term of more than 30 days or otherwise having the exclusive use of a vehicle for a period of more than 30 days.

"park" when prohibited, means allowing a vehicle to remain stationary in one place, except

- a) while actually engaged in loading or unloading passengers, or
- b) when complying with a direction given by a peace officer or traffic control device.

"peace officer" means a bylaw enforcement officer appointed by the chief administrative officer to do any act or perform any duties under this bylaw and includes a member of the Royal Canadian Mounted Police and, when authorized, a peace officer under the Peace Officer Act.

"pedestrian" means

- a) a person on foot, or
- b) a person in or on a mobility aid,
- c) and includes those persons designated by regulation as pedestrians.

"person" includes a corporation and the heirs, executors, administrators or other legal representatives of a person;

"power bicycle" means a vehicle that is a power-assisted bicycle under the Motor Vehicle Safety Regulations (Canada)(C.R.C., c.1038)

"roadway" means that part of a highway intended for use by vehicular traffic.

"registered gross vehicle weight" means

- a) the total weight in kilograms registered on the certificate ownership for the vehicle, or
- b) combination of vehicles that may or may not include the load.

"sidewalk" means the area between the curb lines or lateral lines of a roadway and the adjacent property lines improved for the use of pedestrians.

"recreational vehicle" means a motor vehicle designed or used for travel with temporary living accommodation for vacations or camping purposes;

"traffic control device" means any sign, signal, traffic island, marking or device placed, marked or erected, under the authority of the Traffic Safety Act or of this bylaw, for the purpose of regulating, warning or guiding traffic; and includes devices, whether manually, electrically, or mechanically operated, by which traffic is directed to stop and to proceed;

"trailer" means a vehicle so designed that it:

- a) may be attached to or drawn by a motor vehicle or tractor, and
- b) is intended to transport property or persons,

and it includes any vehicle defined by regulation as a trailer but does not include machinery or equipment solely used in the construction or maintenance of highways;

"vehicle" means a device in, on, or by which a person or thing may be transported or drawn on a highway includes a combination of vehicles but does not include a mobility aid.

BYLAW 2022-11

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF ESTABLISHING AN ENFORCEMENT APPEAL REVIEW
COMMITTEE**

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

TITLE

- 1 This bylaw shall be known as the “Enforcement Appeal Review Committee Bylaw.”

INTERPRETATION

- 2 Where a bylaw references a Town staff position, department or committee, the reference is deemed to be to the current name that the staff position, department or committee is known by.

ESTABLISHMENT

- 3 The Enforcement Appeal Review Committee is hereby established.

AUTHORITY

- 4 The committee is authorized to:
 - a) review written orders, notices and decisions issued under section 545 or section 546 of the *Municipal Government Act*; and
 - b) hear appeals of written orders, notices or decisions issued by community peace officers, or relevant bylaw’s enforcement authority, pursuant to:
 - i) Animal Control Bylaw 10-2011 section 31 Nuisance Dogs and section 37 Vicious Dogs,
 - ii) Business Registry Bylaw 2015-02 section 9 Inspection and Enforcement, ~~and~~
 - iii) Taxi Bylaw 13-2010 sections 45(b) and 45(d) ~~;~~ and
 - iv) Community Standards Bylaw 2022-16.
- 5 In determining a review under section 4(a) the committee shall act in accordance with section 547(2) of the *Municipal Government Act*.
- 6 In determining a review under section 4(b) the committee may confirm, vary, substitute, or cancel the written orders, notices or decisions.

MEMBERSHIP

- 7 The committee is comprised of
 - a) two members of council,

- b) the general manager of municipal services; and
 - c) the chief administrative officer.
- 8 The chief administrative officer is the chair of the committee.
- 9 The chair may delegate any of their powers, duties, or functions under this bylaw to any individual.
- 10 Council appoints the council members who will serve on the committee at council's annual organizational meeting.
- 11 If a vacancy occurs before council's annual organizational meeting, council may appoint a replacement for the remainder of the term.

APPLICATION FOR REVIEW HEARING

- 12 A person may request a review or submit an appeal to the committee on any matter within the committee's authority as set out in section 4 of this bylaw.
- 13 The request for review or appeal must be in a form approved by the committee chair.
- 14 Unless otherwise specified in this bylaw or another enactment, the request for review or appeal must be received by the committee chair no later than 14 days after the date the written order or written notice is received by the applicant.
- 15 A request for review of a written order under section 546 of the *Municipal Government Act* must be submitted within 7 days after the order is received, as set out in section 547(2) of the *Municipal Government Act*.
- 16 Unless specified in another enactment:
- a) the committee must hold a review hearing within 30 days of receiving the application; and
 - b) the chair must notify the applicant of the date of the review hearing at least 7 days before the hearing.

WITHDRAWING AN APPEAL

- 17 A notice made by an appellant to withdraw an appeal must be made in writing and submitted to the committee chair before the hearing begins.
- 18 A withdrawal of an appeal must be unequivocal and unconditional.

REVIEW HEARING PROCEDURE

- 19 Public notice of a review hearing shall be provided on the Town's website at least 24 hours prior to the meeting.

- 20 The committee conducts its review hearings in public except where authorized by the *Municipal Government Act* to close a meeting to the public.
- 21 The chair shall appoint members to form a panel to conduct the review hearing as follows:
 - a) appeals pursuant to section 31 of Animal Control Bylaw 10-2011 shall be heard by a 1-member panel consisting of the general manager of municipal services;
 - b) appeals pursuant to section 37 of Animal Control Bylaw 10-2011 shall be heard by a 3-member panel that excludes the general manager of municipal services;
 - c) reviews pursuant to section 9 of Business Registry Bylaw 2015-02 shall be heard by a 3-member panel;
 - d) appeals pursuant to sections 45(b) and s.45(d) of Taxi Bylaw 13-2010 shall be heard by a 1-member panel consisting of the general manager of municipal services;
 - e) reviews pursuant to s. 545 and s. 546 of the *Municipal Government Act* shall be heard by a 3-member panel;
 - f) should the general manager of municipal services be unavailable to conduct hearings outlined in 21(a), the chief administrative officer will conduct the hearing.
- 22 Panels have any or all the powers, duties and responsibilities of the committee and a decision of a panel is the decision of the committee.
- 23 For a 3-member panel, if the chair is not available then the members of the panel will appoint a chair of the review hearing from amongst themselves prior to the commencement of the review hearing.
- 24 Quorum is one for a 1-member panel and three for a 3-member panel.
- 25 The following persons are entitled to make submissions at the review hearing:
 - a) the applicant;
 - b) if the order or notice is in respect of a property and the applicant is not the owner of the property, the owner of the property; and
 - c) the person who issued the order or notice.
- 26 The chair of the panel, in their sole discretion, may permit any other person to make verbal submissions at a review hearing and may set limits on the time and content of the presentation.
- 27 The chair of the panel shall provide an overview of the hearing procedure at the start of the hearing.

- 28 The panel may ask questions of the hearing participants.
- 29 Matters are decided by majority vote.
- 30 A decision must be read into the record before a review hearing adjourns unless otherwise directed by the chair of the committee in which case the committee must make a decision within 5 business days, which decision shall also be read into the record.

MEETING RECORDS

- 31 An agenda package containing all documents submitted in relation to a review hearing shall be made available to committee members at least three days prior to a meeting and, subject to any exceptions to disclosure under the *Freedom of Information and Protection of Privacy Act*, made available to the public at least one day prior to a meeting.
- 32 Minutes are prepared for every committee meeting and contain the following:
 - a) the date, time and location of the meeting;
 - b) the names of all committee members present;
 - c) the name of anyone other than a committee member who participated in the meeting; and
 - d) the decision of the committee, including the written reasons of the majority.
- 33 Questions and debate are not recorded in the minutes.
- 34 Minutes are public documents.
- 35 Minutes are approved and signed by the committee chair.
- 36 Any member may request a correction to the minutes after they are approved by the committee chair and are deemed adopted at the discretion of the committee chair.

CONSEQUENTIAL AMENDMENTS

- 37 Animal Control Bylaw 10-2011 is amended:
 - a) by repealing section 2(g);
 - b) in section 39, by adding “in writing” after declaration and by striking out “CAO in accordance with the rules and procedures set forth in this Bylaw” and substituting “Enforcement Appeal Review Committee”; and
 - c) by repealing sections 40, 41, 42, and 43.
- 38 Business Registry Bylaw 2015-02 is amended:

- a) in section 10.1, by striking out “Town’s chief administrative officer” and substituting “Enforcement Appeal Review Committee”;
- b) by repealing section 10.2; and
- c) in section 10.3, by striking out “chief administrative officer” and substituting “Enforcement Appeal Review Committee”.

39 Taxi Bylaw 13-2010 is amended:

- a) in section 51 and 52, by striking out “Chief License Inspector in accordance with the rules and procedures set forth in this Bylaw” and substituting “Enforcement Appeal Review Committee”; and
- b) by repealing sections 53, 54, and 55.

ENACTMENT/TRANSITION

40 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

41 This bylaw comes into force on the date it is passed.

FIRST READING: July 5, 2022

SECOND READING: July 5, 2022

THIRD READING: July 5, 2022

Approved on behalf of the Town of Canmore:

Sean Krausert
Mayor

Date

Cheryl Hyde
Municipal Clerk

Date



Request for Decision

DATE OF MEETING: August 16, 2022 **Agenda #:** G-3

TO: Council

SUBJECT: Clean Energy Improvement Tax Amending Bylaw 2022-21

SUBMITTED BY: Amy Fournier, Energy and Climate Action Coordinator

RECOMMENDATION: That Council give first reading to Clean Energy Improvement Tax Amending Bylaw 2022-21 and schedule a public hearing for September 6, 2022.

EXECUTIVE SUMMARY

This amending bylaw is being brought forward for Council to approve minor administrative edits to the Clean Energy Improvement Tax Bylaw 2020-26.

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

Bill 10, An Act to Enable Clean Energy Improvements, was introduced in the Alberta Legislature on April 12, 2018, to enable municipalities to establish a Clean Energy Improvement Program (CEIP). CEIP intends to make it more affordable for Albertans to upgrade their residential and commercial properties to improve energy efficiency or add renewable energy, through municipal financing paid back via property taxes. The provincial legislation requires that municipalities pass Clean Energy Improvement Tax Bylaws to deliver a local CEIP program.

Clean Energy Improvement Tax Bylaw 2020-26 was passed on December 1, 2020.

DISCUSSION

When Bylaw 2020-26 was passed, the Program Administrator of CEIP, as designated by the Minister of Environment and Parks, was the Municipal Climate Change Action Centre (MCCAC). This has since been changed to the Alberta Municipal Services Corporation (operating as Alberta Municipalities). As Administration is working through the detailed design and funding mechanisms of the local CEIP, in preparation for public launch in the coming months, the bylaw is now being updated to reflect that change. As detailed in the attached tracked changes version of Bylaw 2020-26, the following changes are also being made at this time, mainly to provide greater clarity, as well as consistency with provincial legislation.

- Updating language in the bylaw to align with Section 390.3 of the *Municipal Government Act* (Clean Energy Improvement Tax).
- Edits to provide clarity in the relationship between Alberta Municipalities and municipalities delivering CEIP.
- Addition of a Definitions and Interpretation section.
- Change in the maximum interest rate to match the accompanying CEIP Borrowing Bylaw (2022-20).

- Change in the program details to align with provincial regulation, specifically around the CEIP loan repayment being based on the estimated useful life of each of the improvements, as opposed to the weighted average.

The Clean Energy Improvement Tax Bylaw enables both a residential and commercial/non-residential CEIP. Administration is currently working towards launching the residential program in the coming months. A commercial/non-residential program will be developed at a future date.

ANALYSIS OF ALTERNATIVES

No alternatives have been considered.

FINANCIAL IMPACTS

Even though there are no direct financial impacts from the proposed Clean Energy Improvement Tax Bylaw Amending Bylaw, there are financial impacts to the residential Clean Energy Improvement Program as highlighted in the report that is seeking Council’s approval for the borrowing bylaw for this program.

STAKEHOLDER ENGAGEMENT

The changes in the amending bylaw were made in consultation with Finance and Alberta Municipalities staff.

ATTACHMENTS

- 1) Clean Energy Improvement Tax Bylaw 2022-21
- 2) Clean Energy Improvement Tax 2020-26

AUTHORIZATION

Submitted by:	Amy Fournier Energy and Climate Action Coordinator	Date: <u>July 15, 2022</u>
Approved by:	Palki Biswas Manager of Finance	Date: <u>July 26, 2022</u>
Approved by:	Andreas Comeau Public Works Manager	Date: <u>July 26, 2022</u>
Approved by:	Whitney Smithers General Manager of Municipal Infrastructure	Date: <u>July 27, 2022</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date: <u>July 27, 2022</u>

BYLAW 2022-21

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO
ESTABLISH A CLEAN ENERGY IMPROVEMENT PROGRAM**

WHEREAS the purpose of a municipality is to foster the well-being of the environment and provide services, facilities or other things that, in the opinion of Council, are necessary or desirable for all or a part of the municipality;

WHEREAS the Clean Energy Improvement Program is a financing program in Alberta that uses municipal financing to enable the implementation of clean energy improvements to eligible residential, non-residential, and/or not designated industrial properties, through the use of a local taxation mechanism that provides security for repayment of the financing;

WHEREAS the Alberta Municipal Services Corporation (operating as Alberta Municipalities) has been designated by the Minister of Environment and Parks to be the Program Administrator for the Clean Energy Improvement Program and support municipalities in Alberta that finance clean energy improvements;

WHEREAS the Council of a municipality must pass a Clean Energy Improvement Tax Bylaw to establish a Clean Energy Improvement Program pursuant to Section 390.3 of the *Act*;

WHEREAS the Council of the Town of Canmore wishes to enable financing for clean energy improvements for eligible properties in their municipality;

NOW THEREFORE, the Council of the Town of Canmore, duly assembled, enacts as follows:

TITLE

- 1 This bylaw shall be known as the “Clean Energy Improvement Tax Bylaw.”

DEFINITIONS AND INTERPRETATION

- 2 In this bylaw,
 - a) “*Act*” means the *Municipal Government Act*;
 - b) “Agreement” means a Clean Energy Improvement Agreement entered into between the municipality and an Owner whereby the Owner agrees to pay an amount required to cover the costs of financing each clean energy improvement approved by the Program Administrator, in accordance with Section 390.4 of the *Act*;
 - c) “Owner” means, collectively, the registered owners of property in the municipality;
 - d) “Program” means a Clean Energy Improvement Program as described in the *Act* and *Regulation*;

- e) “Program Administrator” means the Alberta Municipal Services Corporation (operating as Alberta Municipalities), or provincially designated Program Administrator as defined in the *Regulation*;
- f) “*Regulation*” means the *Clean Energy Improvements Regulation*.

PROVISIONS

- 3 An Owner of an eligible property within the municipality may apply to the Program Administrator to seek financing for clean energy improvements to their property.
- 4 Participation in the Program is limited to eligible properties, defined as a property located within the municipality that is designated as residential, non-residential, or not designated industrial property, but does not include designated industrial property or government owned properties.
- 5 The Owner of a tax-exempt property is responsible to pay all principal and interest of the Program costs in accordance with the Agreement.
- 6 The chief administrative officer is hereby authorized to impose a Clean Energy Improvement Tax, in respect of each clean energy improvement made to a property, where the municipality has entered into an Agreement with the Owner(s) of that property.
- 7 The Clean Energy Improvement Tax shall be voluntarily levied against a property subject to an Agreement to raise revenue to pay the amount required to recover the costs of those clean energy improvements, including principal and interest, to do so between the municipality and the Owner.
- 8 The Owner(s) must meet the criteria defined by the Program Administrator and municipality to be eligible to participate in the Clean Energy Improvement Program.
- 9 For a clean energy improvement to be eligible, it must be an installation that is permanently affixed to the eligible property which
 - a) will increase energy efficiency or the use of renewable energy on that property,
 - b) must be listed as an eligible upgrade on the Program Administrator’s website, and be agreed to in writing by the municipality within the Agreement,
 - c) is not less than three thousand (\$3000) dollars in project value, and
 - d) does not exceed \$50,000 in project value for residential or \$500,000 for non-residential or not designated industrial property.
- 10 The most recent amount of the annual tax authorized by a bylaw under Section 353 (property tax) of the *Act* and imposed on the property, must be greater than, or equal to, the total annual clean energy improvement tax payment(s).

- 11 The annual clean energy improvement tax payment is calculated in accordance with the formula

$$\frac{A + B + C}{D}$$

Where: A is the capital cost of undertaking the clean energy improvement,
B is the total cost of professional services needed for the clean energy improvement,
C is the total of all incidental costs, and
D is the lesser of the probable lifetime, calculated in years, of the improvement or the maximum financing term established by the municipality.

- 12 An Owner may submit one application per year.
- 13 An Owner may apply for the Program
- a) by submitting an application to the Program Administrator , including any required supporting documentation, and by following all program requirements as outlined by the Program Administrator, and
 - b) by paying any required application fee.
- 14 For the purpose of the Program, the sum of project amounts, as they are approved, shall be borrowed by the municipality through a financial institution and/or other sources as set out in a borrowing bylaw.
- 15 The amount borrowed by the Owner shall have a maximum rate of interest of up to 7% to a maximum term of 25 years, with the repayment term based on the estimated useful life of the improvement(s).
- 16 The principal and interest owing under the borrowing by the municipality will be paid using the revenue from the annual Clean Energy Improvement Tax payments made by the approved project recipients through to the municipality.
- 17 The Clean Energy Improvement Tax will be imposed on the property that is subject to an Agreement, after the signing of the Agreement.
- 18 If an owner wishes to repay the Clean Energy Improvement Program financing early, the amount owing will be calculated at the time of the request, based on principal and interest remaining and the terms of the financing being used for the project(s).
- 19 Any project(s) approved under the Clean Energy Improvement Program must be completed within the time limit as set out under the Agreement.

ENACTMENT/TRANSITION

- 20 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

Bylaw approved by: _____

21 Clean Energy Improvement Tax Bylaw 2020-26 is repealed.

22 This bylaw comes into force on the date it is passed.

FIRST READING:

PUBLIC HEARING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

Sean Krausert
Mayor

Date

Cheryl Hyde
Municipal Clerk

Date



BYLAW 2020-26

A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO ESTABLISH A CLEAN ENERGY IMPROVEMENT PROGRAM

WHEREAS the purpose of a municipality is to foster the well-being of the environment and provide services, facilities or other things that, in the opinion of Council, are necessary or desirable for all or a part of the municipality;

WHEREAS the Clean Energy Improvement Program is a financing program that uses municipal financing to facilitate the implementation of clean energy improvements to residential and/or commercial properties, through the use of a local taxation mechanism, to provide security for repayment of the financing;

WHEREAS the Municipal Climate Change Action Centre (“MCCAC”) has developed a Clean Energy Improvement Program (“CEIP”) to support municipalities in Alberta finance clean energy improvements;

WHEREAS MCCAC is the Program Administrator, designated by the Minister, for the Clean Energy Improvement Program;

WHEREAS the Council of a municipality must pass a Clean Energy Improvement Tax Bylaw to establish a Clean Energy Improvement Program pursuant to Section 390.3 of the *Municipal Government Act*, R.S.A. 2000, c. M-26 (“the Act”);

WHEREAS the Council of the Town of Canmore wishes to enable financing for clean energy improvements for eligible properties in their municipality by using MCCAC’s CEIP Program.

NOW THEREFORE, the Council of the Town of Canmore, duly assembled, enacts as follows:

TITLE

1. This Bylaw shall be known as the “Clean Energy Improvement Tax Bylaw”, of the Town of Canmore.

PROVISIONS

2. A property owner of an eligible property within the Municipality can apply to the Program Administrator to seek financing for a clean energy improvement of their property.
3. Participation in the Program is limited to eligible properties, defined as a property located within the Municipality that is designated as residential, commercial, non-profit, or multi-unit residential (>5 units), but does not include designated industrial property or government owned properties.
4. An applicant of a non-profit property that is tax exempt would be responsible to pay any and all principal and interest of the Clean Energy Improvement Program costs, as per the Clean Energy Improvement Agreement.

5. The Chief Administrative Officer, or designate, of the Town of Canmore is hereby authorized to impose a Clean Energy Improvement Tax, in respect of each clean energy improvement made to a property, where the municipality has entered into a Clean Energy Improvement Agreement with the owner(s) of that property.
6. The Clean Energy Improvement Tax will be voluntarily levied against a property when there is a Clean Energy Improvement Agreement, to raise revenue to pay the amount required to recover the costs of those clean energy improvements, including principal and interest, to do so between the municipality and the property owner.
7. The Property owner(s) must meet the criteria defined by the Program Administrator and Municipality to be eligible to participate in the Clean Energy Improvement Program.
8. For a clean energy improvement to be eligible, it must be an installation that is affixed to the eligible property which:
 - (a) will result in improved energy efficiency or the production of renewable energy;
 - (b) must be listed as an eligible upgrade on the Program Administrator’s website, and be agreed to in writing by the Municipality within the Agreement;
 - (c) is not less than three thousand (\$3000) dollars in project value;
 - (d) does not exceed \$50,000 for residential, \$500,000 for commercial, \$50,000 for non-profit, and \$100,000 for multi-unit residential (>5 units), in project value.
9. The most recent amount of the tax authorized by a bylaw under Section 353 (property tax) of the *Municipal Government Act* and imposed on the property, must be greater than, or equal to, the annual Clean Energy Improvement plan annual payment, calculated in accordance with the following formula:
$$\frac{A + B + C}{D}$$

Where A is the capital cost of undertaking the clean energy improvement;
B is the total cost of professional services needed for the clean energy improvement;
C is the total of all incidental costs;
D is the probable lifetime, calculated in years, of the improvement.
10. The Clean Energy Improvement Agreement will be as set out as under Section 390.4 of the Municipal Government Act, and as amended.
11. The period over which the cost of each eligible clean energy improvement will be spread, to a maximum, over the probable lifetime of the improvement. The repayment amount will not exceed the taxation amount for the property in question. For multiple upgrades on one property, a weighted average of the probable lifetimes of each upgrade, will be utilized.
12. A property owner may submit one application per year.
13. The property owner(s) can apply for the program:

Bylaw approved by: ST JB

- (a) By submitting an application to MCCAC for the Clean Energy Improvement Program, including any required supporting documentation, and following all program requirements as outlined by MCCAC;
 - (b) By paying any required application or administration fees.
14. That for the purpose of the Clean Energy Improvement Program, the sum of project amounts, as they are approved, will be borrowed through a financial institution or other sources to be set out in a borrowing bylaw.
 15. The annual maximum amount to be allocated by the municipality towards the Clean Energy Improvement Program is \$400,000 for residential and \$1,000,000 for non residential.
 16. The annual borrowed amount will have a maximum rate of interest of five percent (5%), a maximum term of twenty five (25) years, with the repayment term based on the weighted average of the lifespan of the improvement(s).
 17. The principle and interest owing under the borrowing will be paid using the proceeds from the Clean Energy Improvement Tax and payment made by the approved project recipients through to the Municipality on the annual improvement levy.
 18. A Clean Energy Improvement Tax will be imposed on the property that is subject to a Clean Energy Improvement Agreement, directly after the signing of the Clean Energy Improvement Agreement.
 19. In the event that an owner wishes to repay the Clean Energy Improvement Program financing early, the amount owing will be calculated at the time of the request, based on principle and interest remaining and the terms of the financing being used for the project(s).
 20. Any project(s) approved under the Clean Energy Improvement Program must be completed within the time limit as set out under the agreement.

ENACTMENT/TRANSITION

21. If any clause in this Bylaw is found to be invalid, it shall be severed from the remainder of the Bylaw and shall not invalidate the whole Bylaw.
22. This Bylaw comes into force on the date it is passed.

FIRST READING: November 3, 2020

PUBLIC HEARING: December 1, 2020

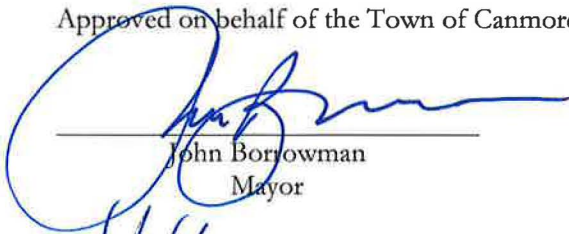
SECOND READING: December 1, 2020

THIRD READING: December 1, 2020

DATE IN FORCE: December 3, 2020

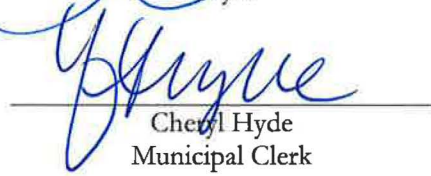
Bylaw approved by: CT JB

Approved on behalf of the Town of Canmore:



John Borrowman
Mayor

December 3, 2020
Date



Cheryl Hyde
Municipal Clerk

December 3, 2020
Date

Bylaw approved by: CH JB



Request for Decision

DATE OF MEETING: August 16, 2022 **Agenda #:** G-4

TO: Council

SUBJECT: Borrowing Bylaw 2022-20 for Clean Energy Improvement Program

SUBMITTED BY: Palki Biswas, Manager of Finance

RECOMMENDATION: That Council give first reading to Borrowing Bylaw 2022-20.

EXECUTIVE SUMMARY

In the fall of 2020, Council approved the Clean Energy Improvement Tax Bylaw, which would authorize the Town of Canmore to proceed with the clean energy improvement program, a financing program that facilitates the construction and installation of qualified clean energy improvement to eligible properties.

The Clean Energy Improvement Program (CEIP) bylaw outlines the intent of the Town to make a borrowing for the purpose of financing clean energy improvements and authorizes Council to impose, with respect to each clean energy improvement, a clean energy improvement tax to raise revenue to pay the amount borrowed by the Town to fund improvements. The bylaw enables both a residential and commercial/non-residential CEIP. Administration is currently working towards launching the residential program in the coming months. A commercial/non-residential program will be developed at a future date.

Over the course of up to a four-year period, the Town will borrow funds totaling up to \$1,500,000 from a financial institution and the Green Municipal Fund, a program delivered by the Federation of Canadian Municipalities (FCM) and funded by the Government of Canada, to finance approved eligible clean energy improvements.

The borrowing terms recommended for the project will exceed five years, therefore the proposed bylaw must be advertised between first and second readings for a period of two consecutive weeks.

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

At the regular meetings on November 3, 2020, and December 1, 2020, Council gave endorsement to the program and the CEIP Tax Bylaw (2020-26).

DISCUSSION

The program enables municipalities to offer competitive financing to property owners for energy efficiency and renewable energy upgrades. With CEIP, up to 100% of project costs are covered. Once upgrades are installed and approved, repayment is made through the property owner's municipal property tax bill. Property financing is tied to the property, not the property owner.

The Alberta Municipal Services Corporation (AMSC) is the designated program administrator in Alberta. AMSC has provided guidance to the Town of Canmore on the projected costs for the program start-up and implementation over four years. Projected CEIP uptake is based on a market study conducted by AMSC and the funding of this program is planned as follows:

Funding Source	Description	Amount	Percentage of Total Budget (%)
Green Municipal Fund	Grant	\$ 540,986	27
Green Municipal Fund	Loan (<i>interest free</i>)	1,081,974	53
Town of Canmore	Debt Financing	405,740	20
TOTAL		\$ 2,028,700	100%

The aggregate amount of the *interest free* loan and grant from FCM will be equal to approximately \$1,622,960 which is equivalent to eighty percent (80%) of eligible program costs. Over the course of a four-year period, the Town will be debt financing the remaining \$405,740 or twenty percent (20%) of the program costs from a financial institution.

This Borrowing Bylaw is for the residential program funding only. When a borrowing bylaw is approved, it ensures compliance with the Municipal Government Act and the Government of Alberta’s lending policy, thus allowing the debenture borrowing to proceed. For the project to start Administration must bring the bylaw to Council. The debenture is not drawn until actual expenditures warrant the need for debt funding. Depending on the timing of the CEIP launch, the actual debenture will be drawn in 2023.

The debenture bylaw approval process has set timelines. To ensure a valid borrowing bylaw, the following process is being followed.

- **August 16th** – Bylaw First Reading
- August 25th - Advertised (week 1)
- September 1st - Advertised (week 2)
- September 16th - 15-day petition period deadline
- **October 4th** – Bylaw Second and Third Readings
- November 4th - Valid bylaw (if no application is made to Court of Queen’s Bench)

ANALYSIS OF ALTERNATIVES

Rather than fund the program through debt financing, Council could direct Administration to fund the work through another funding source, such as Reserves.

This is not recommended as the costs of servicing (principal and interest) owing under the borrowing will be paid using the proceeds from the Clean Energy Improvement Tax and any other payments that may be made by the property owners with respect to the applicable Eligible Clean Energy Improvements, therefore cost neutral to the Town.

FINANCIAL IMPACTS

FCM Loan: The *interest free* loan of \$1,081,974 will be received from FCM over the course of 4 years of implementation of the CEIP. The term of the loan will start on the initial loan disbursement date and end 300 months (25 years) after the initial loan disbursement date.

Town Debt Financing: The Town will be debt financing the remaining \$405,740 from a Line of Credit with Bank of Montreal at prime rate. The prime rate will vary depending on the time of the actual debenture draw, not expected to occur until sometime in 2023. It is impossible to know the prime rate that will be in effect on the date of borrowing, so this draft bylaw proposes a maximum interest rate of 7% to allow room for any prime rate changes between now and when the debenture is taken.

STAKEHOLDER ENGAGEMENT

N/A

ATTACHMENTS

- 1). Borrowing Bylaw 2022-20 Clean Energy Improvement Program (CEIP)

AUTHORIZATION

Submitted by:	Palki Biswas Manager of Finance	Date: <u>July 25, 2022</u>
Approved by:	Robyn Dinnadge Acting General Manager of Corporate Services	Date: <u>July 27, 2022</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date: <u>July 27, 2022</u>

BYLAW 2022-20

A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO INCUR INDEBTEDNESS BY THE ISSUANCE OF DEBENTURE(S) IN THE AMOUNT OF UP TO \$1,500,000 FOR THE PURPOSE OF FINANCING THE CLEAN ENERGY IMPROVEMENT PROGRAM

WHEREAS the Council of the Town of Canmore has decided to issue a bylaw pursuant to the *Municipal Government Act* to authorize the financing of the Clean Energy Improvement Program; and

WHEREAS plans and program details have been prepared and the total cost of the first four years of the program is estimated to be \$2,041,000; and

WHEREAS the Council of the Town of Canmore estimates the following contributions will be applied to the program:

Debentures	\$1,500,000
Grant	<u>541,000</u>
Total Cost	\$2,041,000

WHEREAS in order to complete the program, it will be necessary for the Town of Canmore to borrow the sum of \$1,500,000 for a period not to exceed twenty-five years, from the Federation of Canadian Municipalities and another authorized financial institution, by the issuance of debentures and on the terms and conditions referred to in this bylaw; and

WHEREAS the principal amount of the outstanding debt of the Town of Canmore at December 31, 2021 is \$39,929,639 and no part of the principal or interest is in arrears; and

WHEREAS all required approvals for the program have been obtained and the program is in compliance with all acts and regulations of the Province of Alberta,

NOW THEREFORE the Council of the Town of Canmore, duly assembled, enacts as follows:

CITATION

- 1 This bylaw may be cited as “Borrowing Bylaw 2022-20 Clean Energy Improvement Program”

PROVISIONS

- 2 Over the course of up to a four-year period, and in the form of a line of credit or other loan instrument, the Town will borrow funds totaling up to one million five hundred thousand dollars (\$1,500,000) from a financial institution and the Green Municipal Fund, a program delivered by the Federation of Canadian Municipalities and funded by the Government of Canada, in order to finance approved Eligible Clean Energy Improvements.

- 3 The proper officers of the Town of Canmore are hereby authorized to issue debenture(s) on behalf of the Town of Canmore for the amount and purpose as authorized by this bylaw, namely the Clean Energy Improvement Program.
- 4 The borrowed amount will have a maximum rate of interest of 7%, a maximum term of 25 years, and repayment terms included principal and interest, plus other fees or charges applicable to the borrowing.
- 5 The principal and interest owing under the borrowing will be paid using the proceeds from the Clean Energy Improvement Tax and other payments that may be made by the property owners with respect to the applicable Eligible Clean Energy Improvements.
- 6 The indebtedness shall be contracted on the credit and security of the Town of Canmore.
- 7 The net amount borrowed under the bylaw shall be applied only to the program specified by this bylaw.
- 8 This bylaw comes into force on the date it is passed.

FIRST READING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

Sean Krausert
Mayor

Date

Cheryl Hyde
Municipal Clerk

Date



Request for Decision

DATE OF MEETING: August 16, 2022 **Agenda #:** G-5

TO: Council

SUBJECT: Increasing Membership of the Subdivision and Development Appeal Board

SUBMITTED BY: Whitney Smithers, GM of Municipal Infrastructure

- RECOMMENDATION:**
1. That Council give first reading to Subdivision and Development Appeal Board Amending Bylaw 2022-19.
 2. That Council give second reading to Subdivision and Development Appeal Board Amending Bylaw 2022-19.
 3. That Council give leave for third reading of Subdivision and Development Appeal Board Amending Bylaw 2022-19.
 4. That Council give third reading to Subdivision and Development Appeal Board Amending Bylaw 2022-19.

EXECUTIVE SUMMARY

Administration is recommending that Council increase the maximum number of people appointed to the Subdivision and Development Appeal Board (SDAB). Appeals filed with SDAB have increased recently. The current volumes place considerable burden on the members of SDAB and can overwhelm the capacity of the SDAB to work within the time frames mandated in the Municipal Government Act (MGA). Additional members will allow meetings to be scheduled in a timely manner and allow members to alternate attendance between meetings to make workloads more manageable.

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

Bylaw 2019-06 establishes Canmore’s Subdivision and Development Appeal Board.

DISCUSSION

The current Town of Canmore Subdivision and Development Appeal Board Bylaw provides for a minimum of four and a maximum of six members, in addition to one member of Council. Quorum for a meeting is three voting members. While this does allow for attendance at SDAB meetings to alternate among members, recently, the volume of appeals being heard by SDAB has resulted in significant demands on members time, having to attend meetings and write decisions (see Figure 1).

FIGURE 1 – NUMBER OF APPEALS FROM 2018-2022	
<u>YEAR</u>	<u>NUMBER OF APPEALS</u>
2018	11
2019	5
2020	7
2021	1
2022 (TO DATE)	11

As such, Administration is proposing that Council amend Bylaw 2019-06 to increase the maximum to ten public members, with a minimum of three and a maximum of 5 members convened to hear an appeal. It is also recommended that the bylaw allow for two vice-chairs instead of one.

Increasing the number of members will help to minimize the demand on current members; making the tasks of being a board member less burdensome and support greater flexibility in the scheduling of meetings. In turn, this will facilitate efficient turnaround times on appeal decisions, which benefits all parties involved in an appeal. No changes are being proposed to the number of members required for quorum. Wording has also been added to limit the number of members that can sit at any given hearing to no more than five.

ANALYSIS OF ALTERNATIVES

Council could decide to keep the number of SDAB members as articulated in the Bylaw currently. This is not advised as it would not address the challenges presented by the current volume of appeals.

FINANCIAL IMPACTS

SDAB members receive an honorarium for their time; however, as the addition of members would not affect the number of hearings, this is not considered to be a material impact.

STAKEHOLDER ENGAGEMENT

The SDAB Chair and Vice-Chair were made aware of this proposed change and are both in support.

ATTACHMENTS

- 1) SDAB Bylaw 2019-06 red-lined
- 2) SDAB Amending Bylaw 2022-19

AUTHORIZATION

Submitted by:	Whitney Smithers General Manager Municipal Services	Date: <u>July 25, 2022</u>
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Approved by:	Sally Caudill Chief Administrative Officer	Date: <u>July 27, 2022</u>
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BYLAW 2019-06

Office Consolidation Current as of January 13, 2022

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, FOR
THE PURPOSE OF ESTABLISHING SUBDIVISION AND DEVELOPMENT APPEAL
BOARD**

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

TITLE

- 1 This bylaw shall be known as the “Town of Canmore Subdivision and Development Appeal Board Bylaw.”

INTERPRETATION

- 2 In this bylaw,
 - a) “Act” means the *Municipal Government Act, RSA 2000, Chapter M-26*, as amended;
 - b) “Board” means the Town of Canmore Subdivision and Development Appeal Board as established pursuant to this bylaw;
 - c) “Clerk” means a designated officer appointed by resolution of council as a Clerk pursuant to section 627.1 of the Act;
 - d) “Development Authority” means the Town of Canmore Development Authority as established by bylaw;
 - e) “Member” means a voting member of the Town of Canmore Subdivision and Development Appeal Board appointed pursuant to this bylaw;
 - f) “Pecuniary Interest” means pecuniary interest as defined by section 170(1) of the Act;
 - g) “Subdivision Authority” means the Town of Canmore Subdivision Authority as established by bylaw;
 - h) “Town” means the Town of Canmore.
- 3 Where a bylaw references a Town staff position, department or committee, the reference is deemed to be to the current name that the staff position, department or committee is known by.

ESTABLISHMENT

- 4 The Town of Canmore Subdivision and Development Appeal Board is hereby established.

AUTHORITY

- 5 Subject to and in accordance with the provisions of the Act, the Board shall hear and make determinations in respect of appeals brought in respect of
 - a) decisions of a Subdivision Authority which are to be heard by the Board pursuant to section 678(2) of the Act,
 - b) orders, decisions or development permits made or issued by a Development Authority pursuant to section 685 of the Act, and
 - c) such other matters as the Board may now or may hereafter be required to hear by the Act or by bylaw of the Town.
- 6 The Board, when hearing an appeal respecting a subdivision application or order relating to a subdivision matter, must act in accordance with section 680 of the Act.
- 7 The Board, when hearing an appeal respecting a development permit or order related to a development matter, must act in accordance with Section 687 of the Act.

MEMBERSHIP AND TERM

- 8 The Subdivision and Development Appeal Board shall consist of a minimum of five and a maximum of ~~seven~~eleven Members
 - a) a minimum of four and a maximum of ~~six~~ten Members shall be public members appointed to the Board by resolution of council, and
 - b) only one Member shall be a member of Council appointed by resolution of Council.
- 9 Council shall appoint Members at council's annual organizational meeting.
- 10 Members shall be appointed for either
 - a) one-year terms that commence on January 1 and end on December 31, or
 - b) two-year terms that commence on January 1 and end on December 31 of the following year.
- 11 The number of consecutive years served by a public Member shall not exceed six.
- 12 Despite subsection 11, if a public Member reaches the maximum number of years of service, they may conclude the current term for which they have been appointed.

ELIGIBILITY

- 13 To be eligible for public membership on the Board, a person must
 - a) *Repealed 2021-19*

- b) be a resident of Canmore, and
 - c) be at least eighteen years of age.
- 14 A public Member is not eligible for continuing a term on the Board and/or for reapplying for the next subsequent term on the Board if the Member
- a) fails to attend three consecutive meetings of the Board, unless that absence is caused by illness or is authorized in advance by the chair with notice of and reasons for the member's absence (the sufficiency of such reasons to be determined by the Chair in his or her sole discretion), or
 - b) ceases to meet the eligibility requirements set out in this bylaw.
- 15 Town employees and members of the Canmore Planning Commission are ineligible to be Members.

REMUNERATION

- 16 Members are eligible to claim per diems for attending the following municipal business:
- a) training required under the Subdivision and Development Appeal Board Regulation, and
 - b) meetings of the Board.
- 17 Members shall be compensated per diem rates at the rate set out for councillors in the Council Remuneration Policy adopted by resolution of Council.

RESIGNATIONS AND REMOVALS

- 18 Any public Member may resign from the Board at any time by sending written notice to the Clerk who shall inform Council and the Board Chair.
- 19 If a vacancy occurs before Council's annual organizational meeting, Council may appoint a replacement for the remainder of the term.
- 20 Council may remove a Member at any time.

QUORUM AND APPOINTMENT OF CHAIR AND VICE CHAIR

- 21 Three voting Members shall constitute a quorum.
- 22 A chair and ~~two vice-chair vice-chairs~~ shall be selected each calendar year by a majority vote of Members at the first meeting in the new year.
- 23 In the event of absence or inability of the chair to preside at a meeting, ~~the vice-chair a vice-chair~~ shall preside.
- 24 In the event of absence or inability of both the chair and a vice-chair to preside at a meeting, the Members present shall elect one of its Members to preside as chair for that meeting.

MEETING PROCEDURES

25 Public notice of a meeting will be provided on the Town's website at least 24 hours prior to the meeting.

25.1 Appeals shall be heard by a panel consisting of a minimum of 3 and a maximum of 5 Members.

25.2 Panels have any or all the powers, duties, and responsibilities of the Board and a decision of a panel is the decision of the Board.

26 The Board may postpone a decision to a specific date and time where the circumstances require it.

26.1 If a notice to withdraw an appeal is received after the hearing date has been set, the Board shall open the hearing to determine whether or not the appeal will continue.

2021-16; 2022-01

27 The chair shall be responsible with respect to all things required to be carried out by the Board under the *Act* to see that they are carried out in accordance with the provisions of the *Act*, and

- a) is empowered to rule that evidence presented is irrelevant to the matter in issue and to direct the members to disregard the evidence,
- b) may limit a submission if the chair determines it to be repetitious,
- c) when a meeting is postponed, may announce the date, time and place for the continuation of the meeting and such announcement shall be deemed adequate notice thereof, and
- d) when a meeting is postponed but the time and place for the continuation of the meeting is not fixed, shall announce that notice of the continuation of the meeting will be sent to those persons leaving their name and address with the Clerk. Thereafter, only those persons leaving their name and address shall be entitled to notice of the continuation of the meeting.

2021-16

28 The chair shall

- a) maintain order and decorum and may, if necessary call a member to order,
- b) determine who has a right to speak,
- c) ensure all members who wish to speak to a motion have spoken, ensure that the members are ready to vote, and subsequently call the vote,
- d) rule when a motion is out of order, and
- e) ensure persons in the gallery maintain quiet and order and may, if necessary, provide for the removal of those who do not comply.

- 29 Members shall not
- a) speak with the appellant or any other parties prior to the appeal, or
 - b) discuss the item being appealed with anyone, including other Members, outside the hearing.
- 30 When a Member has a Pecuniary Interest with respect to an appeal under consideration, the Member must disclose the nature of the Pecuniary Interest prior to any discussion on the matter, abstain from voting on the matter, and leave the room in which the meeting is being held until discussion and voting on the matter are concluded.
- 31 A Member who, for any reason, is unable to attend the whole of the hearing of an appeal shall not participate in the Board's deliberations or decision on that appeal.
- 32 When a Member does not vote on a matter pursuant to section 30 or 31, the abstention and reasons therefore shall be recorded in the minutes.
- 33 After hearing all submissions, the Board may deliberate and reach its decision in a meeting closed to the public.
- 34 No member of the Development Authority shall be present at a Board meeting closed to the public.
- 35 A decision of the majority vote of Members present shall be deemed to be a decision of the whole Board.
- 36 A tied vote is defeated.
- 37 A Member shall not make any public statements (including verbally, in writing or via electronic media), on matters relating to an appeal before the Board, either before or after a hearing, except those statements authorized by the Board through the Chair.
- 38 Council shall authorize the appointment of one or more Clerks, who shall
- a) be authorized to sign on behalf of the Board any order or decision issued by the Board,
 - b) notify all members of the Board of the arrangements for the holding of each meeting and other meetings of the Board,
 - c) prepare and maintain a record of the proceedings,
 - d) prepare the Board's written orders for signature and transmittal, and
 - e) issue any order or decision of the Board to all affected parties and persons.

- 39 The Clerk or chair may make a verbal announcement of the Board decision at the conclusion of the meeting of an appeal, but the verbal decision is neither final nor binding on the Board, and no rights are conferred upon any party by the Board's decision until notice of the decision has been given in accordance with the Act.

MEETING RECORDS

- 40 Agendas shall be made available to Board members at least three days prior to a meeting, and made available to the public at least one day prior to a meeting.
- 41 The Clerk shall keep a record of each meeting that includes
- a) the notice of appeal,
 - b) the date, time and location of the meeting,
 - c) the names of all Members present,
 - (c.1) the names of all Town staff present, 2022-01
 - d) a list of witnesses that gave written evidence at the meeting, 2022-01
 - e) all written arguments presented at the meeting,
 - f) a list of witnesses that gave verbal evidence presented at the meeting, 2022-01
 - g) any motions made at the meeting, along with the results of the vote on the motion,
 - h) the evidence the Board considered and that which it did not, also known as the findings of facts, and
 - i) the decision of the Board, including reasons.
- 41.1 Questions and debate shall not be recorded in the minutes. 2022-01
- 41.2 Minutes of the meeting shall be adopted by motion at the next hearing convened. 2022-01
- 41.3 Any member may request a correction to the minutes before they are adopted; corrections are deemed adopted when the motion to adopt the minutes has carried. 2022-01
- 41.4 Approved minutes shall be signed by the chairp and the recording secretary who were present at the meeting where the minutes were taken, wherever practicable. Where not practicable, the minutes shall be signed by the current presiding officer and recording secretary. 2022-01
- 42 The chief administrative officer is authorized to provide for streaming video and video recording of any meeting.
- 43 The video recording provided by the chief administrative officer may be used to determine the accuracy of a portion of the minutes.

WITHDRAWING AN APPEAL

- 43.1 A notice made by the appellant to withdraw an appeal must be made in writing and submitted to the SDAB Clerk
 - a) before the hearing begins, or
 - b) after the close of the hearing but before the Board issues its decision.

2022-01
- 43.2 A notice made by the appellant to withdraw an appeal may be made verbally if the notice is made during the hearing.

2022-01
- 43.3 *Repealed 2022-01*
- 43.4 A withdrawal of an appeal must be unequivocal and unconditional.
- 43.5 Withdrawals submitted by e-mail will be accepted in accordance with the timing outlined in section 43.1.

2021-16

REFUNDING AN APPEAL FEE

- 43.6 A refund of the appeal fee shall only be granted if the appeal is withdrawn prior to the scheduling of the hearing.

2021-16

ENACTMENT/TRANSITION

- 44 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 45 Bylaws 18-2011 and 2017-32 are repealed.
- 46 This bylaw comes into force on the date it is passed.

FIRST READING: January 8, 2019

SECOND READING: January 8, 2019

THIRD READING: January 8, 2019

OFFICE CONSOLIDATION

This document is a consolidation of a bylaw with one or more amending bylaws. Anyone making use of this consolidation is reminded that it has no legislative sanction. Amendments have been included for convenience of reference only. The approved bylaws should be consulted for all purposes of interpreting and applying the law.

Town of Canmore Bylaw 2018-21 Subdivision and Development Appeal Board Bylaw

Bylaws included in this consolidation:

2019-06 Subdivision and Development Appeal Board Bylaw 2019-06

2021-16 Subdivision and Development Appeal Board Bylaw Amendment Appeal Withdrawals

2021-19 Committee Omnibus Amendment 2021-19 Citizenship Requirement

2022-01 Subdivision and Development Appeal Board Bylaw Amendment Meeting Procedures and Records

BYLAW 2022-19

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO
AMEND SUBDIVISION AND DEVELOPMENT APPEAL BOARD BYLAW 2019-06**

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

TITLE

- 1 This bylaw shall be known as the “Subdivision and Development Appeal Board Bylaw Amendment – Membership Increase.”

INTERPRETATION

- 2 Words defined in Bylaw 2019-06 shall have the same meaning when used in this bylaw.

PROVISIONS

- 3 Bylaw 2019-06 is amended by this bylaw.
- 4 Section 8 is amended
 - a) by striking out “seven” and substituting “eleven,” and
 - b) in subsection (a), by striking out “six” and substituting “ten.”
- 5 Section 22 is amended by inserting “two” between “chair and” and “vice-chair” and by striking out “vice-chair and substituting “vice-chairs”.
- 6 Section 23 is amended by striking out “the vice-chair” and substituting “a vice-chair”.
- 7 Section 24 is amended by inserting “a” between “chair” and “vice-chair”.
- 8 The following is added after section 25:
 - 25.1 Appeals shall be heard by a panel consisting of 3 a minimum of three and a maximum of 5 Members.
 - 25.2 Panels have any or all the powers, duties, and responsibilities of the Board and a decision of a panel is the decision of the Board.

ENACTMENT/TRANSITION

- 9 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 10 This bylaw comes into force on the date it is passed.

Bylaw approved by: _____

August 16 2022 Regular Council Meeting 9 a.m.

Page 2 of 3

Page 328 of 357

FIRST READING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

Sean Krausert
Mayor

Date

Cheryl Hyde
Municipal Clerk

Date



Request for Decision

DATE OF MEETING: August 16, 2022 **Agenda #:** H-1

TO: Council

SUBJECT: Amendment to Assessment Appeal Fees: 91B Three Sisters Drive

SUBMITTED BY: Megan Dalrymple, Assessment Review Board Clerk

RECOMMENDATION: That Council uphold the 2022 complaint fees for the tax rolls at 91B Three Sisters Drive at \$650 per tax roll for fourteen of the assessment complaints filed for a total of \$9,100.

EXECUTIVE SUMMARY

The complainant for fourteen (14) assessment appeals (Tax Rolls # 19447 – 19454, 19456, 19460, 19461, 19466, 19467, 19478) is requesting that Council adjust the complaint filing fee so that only one fee is charged for their similar assessment appeals. The complainant intends to make a request that the Assessment Review Board (ARB) combine all appeals into one lead tax roll and to apply the hearing evidence and decisions to the remaining thirteen rather than hearing fourteen separate appeals. All the fourteen tax rolls are nearly identical in assessed value, municipal address, and are under the same ownership.

Administration *does not support* reducing the appeal fees given that this would negatively impact the Town's ability to recover the costs associated with administering these appeals. For most assessment appeals, the maximum filing fees as prescribed by the Municipal Government Act (MGA) do not adequately cover the time and resources required of the Municipality and the ARB Members. Additionally, the complaint fees are refunded in full to the complainants in all scenarios except for if a complainant is unsuccessful at the hearing.

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

Resolution 13-2021 identifies the current Assessment Complaint Fee Schedule.

Section 481(1) of Alberta's MGA states that Council may set the complaint fees.

Alberta Regulation (AR) 201/2017 Schedule 2 of Alberta's MGA Matters Relating to Assessment Complaints (MRAC) Regulation lists the Complaint Fees for non-residential property can be set "up to \$650".

Resolution 265-2017 Council amended the 2017 complaint fees for Condo. Corp. # 0211484 to a total filing fee of \$250 for all 39 assessment complaints filed. The appeals were for 39 parking stalls in the same building, under the same ownership and of similar assessed value.

DISCUSSION

In April 2022, CORE Hospitality Canmore Limited, represented by their director, filed official assessment complaints for fourteen timeshare units at 91B Three Sisters Drive. The complaints were filed within the 60-day Customer Review Period and in accordance with the required complaint procedures. As each of the tax rolls under appeal were classified as non-residential, Resolution 13-2021 indicates a \$650 appeal fee per tax roll. Given that the total appeal fees would reach \$9,100 for the fourteen tax rolls, all under the same ownership, property address, of similar assessed value, and are proposed to be heard as one combined hearing, the complainant has submitted a request to amend the assessment appeal fees requesting that only one appeal fee of \$650 be payable (see attachment # 2).

The complainant states that they are a small non-profit organization facing a substantial tax increase for these properties. They have reasoned that the number of properties multiplied by the appeal fees as set becomes a significant financial burden. They intend to request, as a preliminary matter at the first hearing, that the ARB consider all appeals together, as they are similar properties of similar assessed values, at the same municipal address, and with identical evidence submissions. Historically, the ARB members are agreeable to this kind of request. If approved, only one hearing would be held and all evidence and testimony carried over from the lead file. Correspondence with the complainant and respondent has thus far been packaged under one lead tax roll, thus causing little additional administrative work.

While there are often efficiencies gained in consolidating multiple related appeals into one hearing, it does remain a decision of the ARB, and it is not always possible for the Town to forecast the amount of work that will go into an appeal from the outset. In September 2017, in response to a similar request, Council amended the 2017 complaint fees for Condo. Corp. # 0211484 to a total filing fee of \$250 for all 39 appeals. The appeals were for 39 parking stalls in the same building, under the same ownership and of similar assessed value. Administration did support the amended filing fee at that time given that the tax rolls were essentially treated as one appeal and were heard by the ARB in one hearing. However, following the hearing the complainant appealed the ARB decision to the Alberta Court of Queen's Bench (ABCQB), resulting in significant legal fees for the Town. The \$250 appeal filing fee was insufficient to cover the administration time and costs of ARB members related to the original hearing, let alone the significant internal costs associated with the additional steps in the proceedings that followed.

The entire structure required to support the ARB appeal process is generally costly and time-consuming for the Town. Board members need to be appointed and scheduled, their required training is paid for by the Town, the costs of representing the municipality are built into the annual contract costs paid to the assessor regardless of how many hearings end up moving forward each year, and there is significant internal administration work that needs to occur regardless of the number of individual hearings that occur. Similar to other user pay areas of the Town, the base rate fees are intended to pay for the infrastructure to support the services.

It should be noted that for all assessment appeals, the appeal fees are refunded in full if:

- The complainant withdraws the appeal prior to the hearing with an amended assessment confirmed by the assessor; or
- The complainant withdraws the appeal at least two weeks prior to the hearing without a change to the assessment; or
- The complainant is successful at a hearing and the assessment is amended by the ARB.

ANALYSIS OF ALTERNATIVES

Administration is NOT recommending any of the following alternatives, but Council may choose to:

- Consolidate the appeal fees to a single appeal fee of \$650 as requested by the Complainant given that the workload to the Town is reduced compared with the fourteen independent appeals.

This could leave the Town at risk of reduced cost recovery for the ARB services.

The motion for this alternative would read: *“That Council direct Administration to consolidate the appeal fees to a single appeal fee of \$650.”*

- Amend the appeal fees to at least \$1,500 or more, which would help the Town to recover some of the costs for the ARB services.

On average, an assessment appeal that is followed through from the original filing to the written decision prepared by the board members of a hearing would cost the municipality approximately \$1,170. This would include the remuneration for the three board members as well as the ARB Clerk but does not include any other administrative costs. In the case where multiple tax rolls are consolidated into one hearing, the combined costs could be estimated at approximately \$1,500. These costs are based on a very typical, standard hearing. The final costs are dependent on the complexity of the file, the amount of correspondence with the parties, and the number of files being heard by the board on a given day. Additionally, this estimate would not include any expenses occurred in legal fees or follow up hearings, as was the case with the 2017 parking stall appeals, which can drive the cost of the proceedings up significantly.

The motion for this alternative would read *“That Council direct Administration to amend the appeal fees to \$1,500 as an estimate to cover some of the cost of ARB services.”*

FINANCIAL IMPACTS

The filing fees as charged totalled \$9,100 for the fourteen appeals. For most assessment appeals, the maximum filing fees as prescribed by the MGA do not adequately cover the time and resources required of the Municipality and the ARB Members. When costs are not recovered through the filing fees, they are instead borne by all Canmore taxpayers, rather than being applied directly to those property owners appealing their assessments.

If Council were to support the first amendment alternative, a refund of \$8,450 would need to be issued to the complainant given that the required total filing fee has been paid in full. Also based on an estimate of \$1,500 of municipal expenses anticipated for these appeals, this would result in \$850 of uncollected fees related to this specific hearing.

If Council were to support the second amendment alternative, a refund of \$7,600 would need to be issued to the complainant given that the required total filing fee has been paid in full.

In most scenarios, the appeal fees are already refunded to the complainant, such as if the appeal is withdrawn at least two weeks prior to the hearing without a change, withdrawn prior to the hearing with a confirmed amendment from the assessor, or if the complainant is successful at the hearing. The only scenario in which the fees would not be refunded is if the complainant were to be unsuccessful in their hearing.

STAKEHOLDER ENGAGEMENT

Administration has been in contact with the complainant as part of the process.

ATTACHMENTS

- 1) Resolution 13-2021, identifying the current Assessment Complaint Fee Schedule
- 2) Request submitted by the Complainant

AUTHORIZATION

Submitted by:	Megan Dalrymple Assessment Review Board Clerk	Date: <u>July 26, 2022</u>
Approved by:	Palki Biswas Manager of Finance	Date: <u>July 26, 2022</u>
Approved by:	Robyn Dinnadge Acting General Manager of Corporate Services	Date: <u>August 4, 2022</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date: <u>July 27, 2022</u>

CARRIED UNANIMOUSLY

8-2021 Moved by Mayor Borrowman that Council give third reading to Revised Land Use Bylaw Amendment 2020-16 Omnibus Update.

CARRIED UNANIMOUSLY

3. Off-Site Levy Bylaw 2020-27

9-2021 Moved by Mayor Borrowman that Council give second reading to Off-Site Levy Bylaw 2020-27.

CARRIED UNANIMOUSLY

10-2021 Moved by Mayor Borrowman that Council give third reading to Off-Site Levy Bylaw 2020-27.

CARRIED UNANIMOUSLY

Meeting Break 11:26 – 11:40 a.m.

H. NEW BUSINESS

1. Request for Tax Penalty Refund: Tax Rolls #14093, 19362, 17680, 19406, 80326

11-2021 Moved by Mayor Borrowman that Council uphold the property tax penalties for Roll #14093 & #19362 in the amounts of \$252.36 and \$240.15, respectively.

CARRIED UNANIMOUSLY

12-2021 Moved by Mayor Borrowman that council forgive the property tax penalties for Roll # 17680, 19406, 80326 in the amount of \$365.01 total.

CARRIED UNANIMOUSLY

2. Amendment to Assessment Appeal Fees

13-2021 Moved by Mayor Borrowman that Council:

1) approve fees for an assessment complaint as follows:

- \$50.00/tax roll for Residential properties of 3 dwellings or fewer
- \$650.00/tax roll for Multi-Family Residential of 4 or more dwellings
- \$650.00/tax roll for Non-Residential units

and that the Assessment Review Board may, at their discretion, refund all or a portion of the complaint fee, and

2) rescind the Resolution 266-2017, Complaint Fee Schedule.

CARRIED UNANIMOUSLY

3. 2021 Capital Projects for Early Approval

14-2021 Moved by Mayor Borrowman that Council approve the following 2021 capital projects as presented:

- ENG21-03 Stoneworks Creek Phase II,
- UTI21-03 South Bow River Loop Feeder Main – Construction Phase 2,
- UTI21-04 Water Main Connection Upgrade – Old Canmore Road,
- FAC21-08 New Fire Hall – Enabling Works,

Minutes approved by: CTT JB

Core Hospitality Canmore Ltd.
91B Three Sisters Drive, Canmore, Alberta T1W 3A1

July 22, 2022

Town of Canmore
902 7th Avenue
Canmore, Alberta T1W 3K1

Attn: Town Council

Re: Municipal: 91B Three Sisters Drive, Canmore, multiple units
Legal: Condominium Plan 0612198, Units 1, 2, 3, 4, 5, 6, 7, 8, 10, 14, 15, 20, 21, 32
Roll #: 19447, 19448, 19449, 19450, 19451, 19452, 19453, 19454, 19456, 19460, 19461, 19466, 19467, 19478

To Whom It May Concern:

We write to request a reduction of the appeal fee with respect to the above noted 14 properties (the "Properties").

Core Hospitality Canmore Ltd. has filed an appeal of the 2022 Assessment for the Properties. The appeal fee charged was \$650.00 per unit, resulting in a total appeal fee of \$9,100.00.

The Properties are all within the same complex, the basis for the appeal is the same for all Properties, and the disclosure being provided will be identical. We have requested a consolidated hearing through the Assessment Review Board to reduce the administrative burden and time expended for all parties on this matter. We now request that the financial burden be likewise reduced, by consolidating the appeal fee.

The Properties comprise a Timeshare resort located at 91B Three Sisters Drive, Canmore. Each of the Properties are identical unit types, located in the same building for the same business purpose. The property taxes for each of the Properties increased by the same amount (from \$1,232.58/roll last year to \$4,729.74/roll this year).

We therefore contend that the Properties should not be treated separately in this appeal.

The Timeshare is operated as a small non-profit organization, that does not generate significant revenue, and cannot currently capitalize from the Properties due to its obligations to the timeshare members. We have already been hit with tens of thousands of dollars in unexpected costs due to the 283% tax increase this year, and we are now being asked to pay 14 appeal fees for a singular complaint. We feel that the \$9,100.00 appeal fee is overly harsh and disproportionate under the circumstances. Thus, we ask that you please grant our request for a reduced appeal fee.

Thank you for your consideration.

Sincerely,


Director
Core Hospitality Canmore Ltd.

Phone: 
Fax: 
Email: 



Request for Decision

DATE OF MEETING: August 16, 2022 **Agenda #:** H-2

TO: Council

SUBJECT: Major Event Grant Policy

SUBMITTED BY: Eleanor Miclette, Manager of Economic Development

RECOMMENDATION:

1. That Council approve the Major Event Grant Policy as presented.
2. That Council allow retroactive applications for major events that have already taken place in 2022.

EXECUTIVE SUMMARY

In March of 2022 Council approved amendments to the Community Grant Policy to allow community organizations and non-profit organizations to apply for funding to support local and regional events. At the same time, Council directed administration to come back with a stand-alone Major Event Grant Policy to specifically address grant funding of National and International Events. The proposed major event grant program will be managed by the Economic Development Department and funded through business license revenue. Grant applications will be reviewed by an internal Major Event Grant Selection Committee made up of members of administration.

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

49-2022 That Council direct administration to return with a recommendation for a Major Event Grant Program.

DISCUSSION

Background and History

While preparing the approved amendments that were made to the Community Event Grant Program in March 2022, public feedback indicated that this program did not meet the needs of large National and International events for the following reasons:

1. Planning for major events typically happens three years in advance and often require multi-year funding commitments
2. Earlier grant funding approval allows event producers to use the funding to support application fees, hiring of staff resources, and other supports required for advance planning and the delivery of the event

Administration had subsequent meetings with local major event organizers to review criteria, challenges, and opportunities. The proposed Major Event Grant policy was created based on engagement with internal and external stakeholders.

The definition used to describe a Major Event are events that:

- a) have a limited duration;
- b) generate national and/or international participants/audiences;
- c) increase local tourism;
- d) have the strong possibility of impacting municipal operations; and
- e) generate international/national media coverage.

Grant Process and Parameters

Major events can have notable impacts on the Canmore community. The proposed application evaluation criteria are intended to encourage applicants to design and deliver major events that align with the livability, environment, and relationship goals outlined in Council's 2023-2026 Strategic Plan, the Regenerative Tourism Framework, and the goals of the Economic Development Department as stated in the Economic Development Strategic Plan.

Under the proposed grant program, multi-year funding applications for up to \$15,000 per year for a maximum of three years will be accepted. In addition to direct financial support, grant applications can also request in-kind use of Town facilities to carry out activities which enhance the event's community benefit as defined by the policy's evaluation criteria. Additional Town of Canmore services and supports required for event execution (for example, Streets and Roads staff time for barricade setup) are not eligible to be provided in-kind and instead will be invoiced in alignment with the cost recovery pyramid in the Community Event Policy.

In cases where multi-year funding commitments are made, funding in the second and third years is contingent upon the Town receiving proof of successful bids (if applicable), and grantee adherence with all interim reporting requirements. Following the delivery of a major event, organizers will provide the Town with an economic impact assessment and final report to demonstrate how the event achieved the community benefits outlined in their grant application.

Under the draft policy, an Internal Administration Major Event Grant Selection Committee is tasked with the grant review. The committee will consist of a subset of members currently sitting on the Community Event Review Committee and will include members of the Arts & Events, Public Works (Streets & Roads and/or Parks), Engineering, and Economic Development departments. This structure will allow administration to assess the timing of events in relation to other events, weigh the municipality's ability to support the event if requested, anticipate staff resource requirements, and create appropriate work plans. Events must submit their event applications as part of the Event Permitting Process in the year of execution.

Policy Implementation and Retroactive Funding

It has taken administration longer to finalize the policy than anticipated and because of this delay, 2022 events have not been able to access funding. Administration recommends that Council direct administration to retroactively review 2022 major event grant applications and allocate funding regardless of whether the event has already taken place or not. Taking this step will mitigate unexpected funding gaps experienced by event organizers. Retroactive funding would only be considered in 2022.

While the 2022 budget allocation for the Major Event Grant is \$25,000, Administration will review this amount annually and make recommendations to Council as part of the normal budget process.

ANALYSIS OF ALTERNATIVES

N/A

FINANCIAL IMPACTS

The grant budget was approved through the annual municipal budget process and includes \$25,000 from the Economic Development budget for 2022.

STAKEHOLDER ENGAGEMENT

Economic Development collected feedback from the following departments: Facilities, Public Works, Engineering, and Recreation.


Representatives from the Alberta World Cup, Mountain Bike World Cup, Biathlon World Cup were also consulted while developing this policy.

ATTACHMENTS

- 1) Major Event Grant Policy (Draft)

AUTHORIZATION

Submitted by:	Eleanor Milette Manager of Economic Development	Date: <u>July 26, 2022</u>
Approved by:	Chelsey Richardson Manager of Financial Services	Date: <u>July 28, 2022</u>
Approved by:	Scott McKay GM of Municipal Services	Date: <u>July 29, 2022</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date: <u>August 9, 2022</u>

	<h1>Council Policy</h1>
Policy Title:	Major Event Grant
Policy Number:	ED-002
Date in Effect:	

POLICY STATEMENT

- 1 The Town of Canmore Major Event Grant Program (“the Grant”) is established to provide funding to Canmore-based not-for profit societies. Funding will support the planning and delivery of national and international events that elevate Canmore as a world class destination, create destination awareness and promote regenerative tourism, and align with the Town’s livability, environment, relationship, and economic development goals.

PURPOSE

- 2 The Grant is intended to provide funding support to the organization and execution of national and international level events that have an overall positive impact on the community as it relates to the Town’s strategic goals.

DEFINITIONS

- 3 In this policy,
 - a) “Not-for-Profit Societies” means registered legal entities in which all profit is reinvested into the organization to further their mission;
 - b) “Major Events” are events that
 - i) have a limited duration,
 - ii) generate national and/or international participants/audiences,
 - iii) increase local tourism,
 - iv) have the strong possibility of impacting municipal operations, and
 - v) generate international/national media coverage;
 - c) “Economic Impact Assessment” means the estimated economic impact of event on local economy including, but not limited to, total cost of events, spectator admission and total numbers, total number of hotel rooms and number of nights, average cost of hotel room, restaurants visits, and environmental impact.

Policy approved by: _____

GRANT INFORMATION

4. Maximum funding available is \$15,000 per year for a limit of three years for a maximum grant of \$45,000, subject to ongoing budget approval.
5. Granting of in-kind facility rentals shall be considered for the purpose of carrying out activities which enhance the event's community benefit as defined by the evaluation criteria set out in this policy.
6. Town of Canmore service and supports requests are calculated using the Master Fee Schedule and the appropriate multiplier from the Cost Recovery Pyramid in Community Event Policy AE-002 and will be invoiced separately.
7. Approved multi-year grants shall be reviewed annually. The municipality may end an existing grant agreement without notice if the grant recipient no longer meets eligibility criteria or the purpose of the grant.

ELIGIBILITY

8. Eligible projects under the Grant include the organization and execution of Major Events in sport, recreation, arts, and culture that are recognized by the respective governing bodies as national and international level events.
9. Only Not-for-Profit Societies are eligible to apply.
10. Applicants must make separate application for each Major Event.
11. Organizations must demonstrate good financial standing.
12. Applications shall not be considered eligible if
 - a) the application does not adhere to all relevant Town of Canmore policies,
 - b) the application is incomplete,
 - c) application documentation is submitted after the posted deadline,
 - d) the event is considered a local or community event and funded under Community Grant Policy CSD-001, or
 - e) the applicant has not met the responsibilities of a previously provided Town of Canmore grant.
13. Eligible applications are reviewed and ranked by the internal administration Major Event Grant Selection Committee based on the evaluation criteria.

Policy approved by: _____

EVALUATION CRITERIA

14. Applications shall be evaluated and scored against the following criteria:

- a) Elevating Canmore as a World Class Destination
 - i) how the event draws national and international participants, visitors, and media attention to showcase the best of what Canmore has to offer, and
 - ii) how the event offers an experience-based, authentic celebration of Canmore's mountain lifestyle.
- b) Environment and Sustainability
 - i) initiatives taken to reduce the environmental impact of the event,
 - ii) education of participants and spectators on ways they can reduce their environmental impact, and
 - iii) how the event works to create a thriving destination that regenerates and heals resources.
- c) Livability
 - i) is accessible, inclusive, and affordable,
 - ii) promotes an inclusive and safe event, and
 - iii) is relevant to the culture and identity of the community of Canmore.
- d) Relationships
 - i) demonstrates a meaningful approach to living in Right Relations and inclusion of First Nations and Metis, and
 - ii) works in partnership with the municipality, business community, and Not-for-Profit Societies to build mutually beneficial outcomes.
- e) Proof of Good Standing and Past Performance
 - i) past compliance with policy, procedure, regulations, and deadlines,
 - ii) the organization can show that it is in good financial standing, and all fees have been paid, and
 - iii) all application and Town of Canmore grant reporting deadlines have been met.

Policy approved by: _____

- f) Economic Impacts to the Town
 - i) the economic benefit criteria are considered more heavily outside of high seasons/periods (June – September and holidays), and
 - ii) identifies positive impacts on the local economy.

RESPONSIBILITIES

15. Upon accepting funding from the Town of Canmore and signing a letter of agreement, successful grant applicants must
 - a) spend the funding within the allocated time frame unless an extension is granted in writing,
 - b) submit a final report to the Town of Canmore no more than 90 days after the execution of the event unless an extension is granted in writing,
 - c) show proof of acknowledgement of the Town of Canmore as event partner/sponsor, and
 - d) for multi-year funding agreements, submit an interim report one year after funding is approved that includes
 - i) an overview of monies spent to date,
 - ii) if applicable, proof of successful bid assignment to Canmore, and
 - iii) a brief progress report.

16. The final report must include
 - e) a copy of a board-approved financial statement,
 - f) an Economic Impact Assessment of the event on the Canmore community, and
 - g) a high-resolution photo of the event that can be shared publicly.

17. The entire grant amount must be returned to the Town of Canmore if
 - h) funding has not been spent within the approved timeline,
 - i) the applicant no longer meets the eligibility requirements set out in this policy, or

Policy approved by: _____

- j) funding has not been spent on eligible expenses as outlined in the grant agreement.
18. Town of Canmore administration is responsible for the overall management of the grant program including
- k) annually advertising grant competition details,
 - l) overseeing the Major Event Grant Selection Committee,
 - m) administering the application process,
 - n) using discretion to approve applications to extend the term of an awarded grant,
 - o) reporting awarded projects and the process used for allocating grant dollars to Council,
 - p) reporting the project outcomes to Council, and
 - q) reporting unused project funds to Council.
19. The internal administration Major Event Grant Selection Committee is responsible for
- r) reviewing and ranking all Grant applications against the criteria of eligibility set out in this policy,
 - s) selecting Grant applications that meet the criteria of eligibility, and
 - t) determining the proportion of the Council-approved budget that will be awarded to each successful applicant.
20. Council is responsible for
- u) approving the budget for the Grant, and
 - v) allocating unused project funds that they wish directed somewhere other than reserves.

POLICY REVIEW

21. This policy will be reviewed by Council on or before August 30, 2026.

Policy approved by: _____

RELATED DOCUMENTS

- Event Grant Procedure
- 2023-2026 Town of Canmore Strategic Plan
- Community Event Policy AE002
- Major Event Grant Criteria of Eligibility Ranking Matrix
- Regenerative Tourism Strategy
- Economic Development Strategic Plan

ATTACHMENTS

None

REPEALS POLICY: None

AUTHORIZATION:

Sean Krausert
Mayor

Cheryl Hyde
Municipal Clerk

REVISION HISTORY

Action	Date	Council Motion	Notes
Approved	Yyyy.mm.dd		

Policy approved by: _____



Request for Decision

DATE OF MEETING: August 16, 2022 **Agenda #:** H-3

TO: Council

SUBJECT: Family Connection Centre Position Reclassification

SUBMITTED BY: Lisa Brown, Manager of Community Social Development

RECOMMENDATION: That Council approve the reclassification of the Family Connection Centre positions (Hub Program Assistant to a Program Coordinator and the Caregiver Capacity Builder to a Family Support Worker).

EXECUTIVE SUMMARY

The Family Connection Centre (FCC) operates both Family Resource Network (FRN) Programs and Social Connection (SC) Programs for the Town of Canmore. FRN programs are funded primarily by a provincial operating grant, where SC programs are funded by the municipality. The FRN operating grant is a fixed amount that is not increased to accommodate cost of living or program adjustments. When the FRN program was implemented, the municipality has committed to funding the SC program and staffing and supplementing the FCC budget to keep program staff on the municipal staffing grid. Council is not usually asked to make decisions on position reclassifications. However, this reclassification for a Provincially funded program and will have an impact on future budgets.

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

March 9, 2020

Council workshop to examine the Town's overarching vision and community values around social planning and programming. Council's perspective is that the Town will set service-delivery level and through the municipal budgeting process will allocate both grant and municipal funding to meet this service level.

March 24, 2020

That Council authorize Administration to enter into a contract with the Province for the delivery of a FRN.

That Council transfer \$56,000 of the Town of Canmore funded portion of Bow Valley Parent Link's 2020 approved budget to the new FRN department to fund 2020 operational expenses in excess of the provincial grant revenue.

Since the initial approval in 2020, the municipal portion of the FCC budget, which includes funding for both FRN and Social Connection programs, is approved by Council as part of the budget approval process.

DISCUSSION

In early 2000's the Town of Canmore accepted provincial contract funding to operate three Parent Link centres across the Bow Valley (Banff, Canmore, Exshaw). This provincial funding ended on March 31, 2020, and all provincial Parent Link programs were closed. Through a competitive Expression of Interest process, the Town of Canmore applied for and was awarded a FRN grant funding, which was to start April 1, 2020. FRN grant funding was also awarded to the Town of Banff and Closer to Home (Calgary). Collectively these organizations make up a collaborative group called the Bow Valley Family Resources Network. As per the funding agreement the entire network must work together in support of child development and early intervention across the Bow Valley.

The Canmore FRN grant was approximately \$132k less than the Parent Link grant and required a larger scope of services. For instance, Parent Link served families with children 0-6 years of age whereas the FRN must serve families with children 0-18yrs of age. In addition, the FRN grant provides funding for child development and early intervention services, whereas Parent Link funding was only for child development. The Canmore FRN grant is for the provision of three child development/early intervention services: Hub services (information and referral services); Caregiver Capacity Building services (parent education services); and Child Development Services (family support and whole family one on one support). Canmore was not awarded funding for social connection programs (stay and play programs). In 2022, the Town provided \$58,000 in operational funding to maintain Canmore's social connection programs.

Program Evaluation

To support the transition from Parent Link services to FRN programs, Administration contracted a researcher from Ambrose University's Canada Poverty Institute to complete a program evaluation and recommend potential amendments to better serve community and participants. An interim overview of actions from an initial recommendation report was presented to council in February 2021, at a Committee of the Whole Meeting. Program amendments that have been completed to date include:

- 1) The team lead position was reclassified into a supervisor position
- 2) Clear information-sharing processes and key messages for all Bow Valley network organizations were created
- 3) A consistent data collection process was initiated
- 4) FRN and Social Connection programs were rebranded to the Family Connection Centre
- 5) An Early Year's Alliance was formed to connect all childhood development organization

In addition, the evaluation report recommended an increased focus on age-specific programming, supervision, and accountability. To meet this recommendation, administration is proposing that two provincially funded positions are reclassified:

Reclassify Hub Program Assistant to Hub Coordinator:

As a program assistant, this position works with the casual program assistants (3 casual positions) to support program delivery. This position is also responsible for data collection and data entry, which is required to meet the provincial data requirements.

There is opportunity to expand this position to include increased program supervision. The Hub Coordinator will lead, organize, and support the casual program assistant positions, as well as coordinate all FCC services

to ensure program timelines are met. In addition, the Hub Coordinator position will be professionally developed as part of the program’s supervisor succession plan.

This reclassification will provide additional program support to direct service staff and will ensure that the FCC has a strong leadership succession plan.

Reclassify Caregiver Capacity Builder to Family Support Worker

Currently FCC provides two FRN key services: Child Development (filled by a Family Support Worker) and Caregiver Capacity Building (filled by a Parent Educator), and both positions serve families with children 0-18 years of age. The concern is that the skill and knowledge required to support families with young children is different than what is needed to support families with teens.

There is opportunity to reclassify the Caregiver Capacity Builder position to a second Family Support Worker and amend both roles to target different age groups. One Family Support Worker will provide both parent education and whole family one-on-one support to families with children who are 0-6 years of age, and one Family Support worker will provide services to families with children 7-18 years of age.

ANALYSIS OF ALTERNATIVES

Positions and job duties can remain as is.

If the positions are not reclassified, there is a risk that it will be difficult to attract and hire staff who have a broad enough skill-base (for example, families with children 0-18 years of age). In addition, the FCC program’s supervisor succession plan will not be as robust without the Hub coordinator position.

FINANCIAL IMPACTS

Due to the current position vacancies (which has resulted in a wage surplus), there will be no budget impact anticipated in 2022.

In 2023 and onward, program budget increases will be the result of the Town’s salary grid as well as cost of living increases. When Administration presented the 2022 budget to Council, we anticipated that the municipal contribution would be \$62k in 2023 and \$64k in 2024. If Council approves this reclassification, the anticipated municipal contribution will increase by almost \$7k in 2023 to \$69k and by \$6k in 2024 to \$70k.

Below is a description of the Family Connection Centre budget and the impact of anticipated position reclassifications:

Family Connection Centre	2022	2023	2024
Provincial Grant	\$359,838	\$359,838	\$359,838
Other Community Grants*	\$27,650	\$15,000	\$15,000
Municipal Contribution (before reclassification)	\$58,336	\$62,311	\$64,167
Percent Contribution (before reclassification)	14%	15%	15%
Municipal Contribution (after reclassification)	\$58,336	\$69,075	\$70,457
Percent Contribution (after reclassification)	14%	16%	16%

**FCC regularly seeks additional grant funding to expand programs and meet community needs. For example, Crossway Victory Thrift store provides grant funding to support additional social connection programs.*

The municipality also provides this Provincially funded program with a variety of corporate supports that are not accounted for in this funding table.

STAKEHOLDER ENGAGEMENT

Community Social Development and the Family Connection Centre consulted the Human Resources department on position descriptions and reclassifications.

ATTACHMENTS

N/A

AUTHORIZATION

Submitted by:	Lisa Brown Manager of CSD	Date: <u>July 25, 2022</u>
Approved by:	Palki Biswas Manager of Finance	Date: <u>July 26, 2022</u>
Approved by:	Scott McKay General Manager of Municipal Services	Date: <u>July 29, 2022</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date: <u>July 29, 2022</u>



Request for Decision

DATE OF MEETING: August 16, 2022 **Agenda #:** H-4

TO: Council

SUBJECT: Appropriateness of Indigenous Place Names

SUBMITTED BY: Sally Caudill, CAO

RECOMMENDATION: That Council direct administration to send a letter to the Stoney Nakoda Nation requesting their input on renaming Indian Flats and Teepee Town.

EXECUTIVE SUMMARY

Multiple staff and community members have asked about the appropriateness of two location names within the Town of Canmore boundaries. A discussion at the recent Stoney Nakoda Cultural Awareness Training provided to the Towns of Canmore and Banff indicated that the Stoney consultation office has a significant workload and minimal staff capacity, so engaging in the renaming of these areas are not a priority at this time. To support the Stoney consultation office in managing workload, administration is recommending sending a formal letter to the Stoney Nakoda Nation so that they are formally aware of our interest in renaming when they have the appropriate time and capacity to engage with us.

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

Council approved the Town of Canmore commitments to Truth and Reconciliation in 2017. The commitments and our actions were updated in 2021.

DISCUSSION

Both Town staff and members of the Canmore and Stoney Nakoda community have raised concerns about the appropriateness of the names for the areas in Town know as Indian Flats (and the adjacent road) and Teepee Town. Administration has discussed these names with Stoney Nakoda elders and with members of the Stoney Nakoda Consultation Office and there has been mixed reaction to those concerns. That said, these discussions have been ad hoc and not part of any formal ask or action from the Town.

In late June, the Stoney Consultation Office provided Stoney Cultural Awareness to the Councils and senior staff from the Towns of Canmore and Banff and Administration specifically raised the question about these place names and if a process of renaming should occur. Consultation staff indicated that due to a high workload volume, they are currently prioritizing engagement around place naming when a redevelopment is occurring or when a place name is highly offensive, like what occurred for the recent renaming of Bald Eagle Peak, which is visible from Canmore but located within the M.D. of Bighorn.

Based on the discussion at this training, Administration would like to formally notify the Stoney Nakoda Nation of our interest in properly engaging with them to undertake an appropriate process for renaming. This will prevent further ad hoc requests, which can add to workload for the consultation office, and allow

Stoney Nakoda staff to contact us if and when renaming these spaces is a priority for them and they are properly resourced to engage with us.

ANALYSIS OF ALTERNATIVES

The Town could rename these areas ourselves. However, given the history of well-meaning non-Indigenous people rushing to take action without proper consultation, advancing the renaming ourselves could violate the principle of “nothing about us without us.” Instead of repeating the mistakes of the past, Administration recommends that we formally notify the Stoney Nakoda of our interest in renaming and then wait for them to initiate next steps.

FINANCIAL IMPACTS

N/A

STAKEHOLDER ENGAGEMENT

Administration has sent email correspondence on this issue to the Stoney Consultation Office in the past. A discussion on place names and renaming also occurred at the Stoney Cultural Training that occurred in June that has resulted in this report coming to Council.

ATTACHMENTS

N/A

AUTHORIZATION

Submitted by: Sally Caudill
Chief Administrative Officer Date: July 25, 2022



Request for Decision

DATE OF MEETING: August 16, 2022 **Agenda #:** H-5/K-1

TO: Council

SUBJECT: Court of Queen’s Bench of Alberta decision re. “Staircase Lands” (Three Sisters Mountain Village Properties Ltd. v. Canmore, 2022 ABQB 511)

SUBMITTED BY: Adam Driedzic, Town Solicitor

- RECOMMENDATION:**
1. That Council implement the decision of the Court of Queen’s Bench of Alberta through one of the following actions:
 - a) acquiring the lands; or
 - b) redesignating the lands; and
 2. That Council, having decided to acquire or redesignate the lands, direct administration to report on detailed options for implementing the chosen alternative.

EXECUTIVE SUMMARY

The Staircase Lands are a single parcel of land privately owned by Three Sisters Mountain Village Properties Ltd. (TSMVPL), located along Three Sisters Drive, between Peaks Drive and the access road to Quarry Lake. The name “Staircase Lands” is an informal name resulting from the legal boundaries of the land creating multiple triangles that resemble a staircase. The parcel is subject to split zoning under Land Use Bylaw 2018-22 (the “Land Use Bylaw”), in which the lower portion of the lands closest to Peaks Drive is zoned Future Development District and the upper portion closest to the Quarry Lake access road is zoned Natural Park District.

In 2021, TSMVPL applied to the Court of Queen’s Bench of Alberta for an order that the Town either acquire or redesignate the upper triangle currently zoned as Natural Park District. These remedies were sought under Section 644 of the Municipal Government Act (MGA) which concerns land designated for public use. The Court held that the current designation of upper triangle of the Staircase Lands as Natural Park District fell within this provision of the MGA and has ordered the Town to either acquire or redesignate this part of the Staircase Lands. Administration is recommending that Council decide on one of these two options to implement the court decision and to provide direction on details. Administration has considered the option of appealing this court decision and does not recommend this option.

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

The only current legislative instrument of Council that was subject to the litigation is the Land Use Bylaw which provides the districts for the Staircase Lands. A “district” under the Land Use Bylaw is equivalent to “designation” of the lands for the purpose of the court case and “zoning” in lay terms.

The part of the Staircase Lands closest to Peaks Drive is designated as Future Development District. The part of the Staircase Lands closest to the Quarry Lake access road, known as the upper triangle, is designated as Natural Park District. The upper triangle was designated as Natural Park District under Land Use Bylaw 2022-10 and Land Use Bylaw 09-99 with some differences in the details of the Natural Park District in Bylaw 2018-2022 as compared to the former Land Use Bylaws.

TSVMPL served the Town with the filed court application on June 17, 2021. Administration retained external legal counsel to preserve the Town's rights in the litigation. Administration briefed Council in camera on options for disposing of the litigation on July 6, 2021, and Council received advice from litigation counsel in camera on January 25, 2022. No resolutions of Council were sought or made to alter the response commenced by administration, and litigation counsel proceeded to the court hearing.

Administration is asking Council to decide on next steps in the litigation as they concern land acquisition or amendments to a bylaw, which are under the authority of Council.

Multiple plans, policies and directions of Council were not the subject of the litigation but are applicable to Council's decisions on next steps and are discussed below. These instruments, as amended, include:

- Municipal Development Plan (2016)
- Land Transaction Policy (EX-007, June 26, 2017)
- Quarry Lake Concept Plan (2020)
- Designated Officers Bylaw (2014-17)
- Open Space and Trails Plan (2021)

DISCUSSION

The court decision

The court application concerned Section 644 of the MGA, which falls within the Planning and Development part of the Act under the heading "acquisition of land designated for public use". Section 644 provides that, if land is designed under a land use bylaw for use or intended use as a municipal public building, school, facility, park or recreational facility, and the municipality does not own the land, then the municipality must either purchase the land or designate it for another use.

A court application based on section 644 is sufficiently uncommon that this may be the first reported decision. Given the lack of precedents the decision relies heavily on statutory interpretation of the MGA and the Land Use Bylaw. A court order directing a municipality to acquire or redesignate land is also uncommon and in this case was entirely based on Section 644 of the MGA.

Planning and policy context

The court decision was based on specific legal questions regarding section 644 of the MGA and the Land Use Bylaw, with little consideration of the broader municipal planning context. This was appropriate for the nature of the court application.

Multiple directions, plans, and policies of Council are applicable to Council's decision on next steps in the litigation as there are uncertain planning intentions concerning the Staircase Lands. Acquiring or redesignating the lands is not counter to any of Council's current plans, policies or directions other than the disputed

zoning of the upper triangle of the Staircase Lands and can serve to implement some of these current directions of Council.

The Municipal Development Plan (MDP) identifies the Staircase Lands for Private Recreation, in contrast to the Quarry Lake area which the MDP identifies for Open Space. These identifications in the MDP do not align exactly with the districts in the Land Use Bylaw, which is often the case when statutory instruments are developed at separate times. The MDP contains few direct mentions of Quarry Lake and there are no other statutory plans for this area. One of the few mentions of Quarry Lake in the MDP is the Bike Trail Project cited in the 2018 MDP update as an example of managing human use to maintain integrity of wildlife habitat (s.7.1.8). Neither Quarry Lake nor the Staircase Lands are identified as Wildlife Corridors or Habitat Patches, which leaves more discretion in future use of this area.

The Open Space and Trails Plan (2021) is a non-statutory plan approved by Council. It does not expressly provide for the acquisition of private land in this area of Canmore, however, it contemplates:

- Quarry Lake links (4.3.6)
- Acquisition of Open Space (5.2.2)
- The Rundlevue/Quarry Lake (4.3.5)
- Trail network consolidation and designation of new trails (Figure 4.2.4)

The map in the Open Space and Trails Plan shows the main connector trail through the Staircase Lands from Quarry Lake parking to the Peaks of Grassi Pathway (p.27). The bus stop at the Homesteads crosswalk is at the edge of the Staircase Lands and connected to the Peaks of Grassi and Quarry Lake by this trail through the Staircase Lands which is identified in the Open Space and Trails Plan. There are no easements planned for this connector and the landowner may prohibit trespassing.

The Quarry Lake Concept Plan (2020) is approved by Council. It mostly concerns infrastructure enhancements on the Quarry Lake lands however it shows greenspace and trails beside the access road.

Council has also directed a transaction to obtain easements in favor of the Town over paved pathways on lands owned by TSMVPL in exchange for the discharge of Deferred Reserve Caveats. This includes the paved pathway from the Homesteads to Peaks of Grassi on the Future Development part of the Staircase Lands. This easement transaction is finalized at this time.

ANALYSIS OF ALTERNATIVES

A. Acquire the land

Authority to acquire land: The Town's ability to acquire land comes from the natural person power provided to the municipality as a corporation under the MGA. Town decisions to acquire land are guided by the Land Transaction Policy (the "Policy"). The Policy requires a Council resolution to acquire land unless otherwise authorized by the MGA. Section 4 of the Policy provides that land purchasing decisions will be based on obtaining best value for money; however, section 3.2 of the Policy provides that additional or different requirements of the MGA shall prevail. The MGA circumstances provided by Section 3.2 include land designated for public use under the Land Use Bylaw. Unlike the sale of Town lands, the Policy does not require that there be community benefits from an acquisition of land in a manner that departs from the general requirements of the Policy due to additional requirements of the MGA.

The court order to comply with requirements of the MGA will prevail over the general requirements of the Policy and administration could acquire land on behalf of the Town for the purpose of implementing the court decision, without a Council resolution or assessment of community benefits. However, section 5.1 of the Designated Officers Bylaw provides that a Council resolution is required for agreements that commit the Town to expenditures beyond the fiscal year and this is foreseeable with an unconventional land transaction related to legal proceedings.

As the other option to implement the court decision through redesignating the lands requires a decision of Council and the authority of administration to acquire land without a Council resolution is uncertain, administration is proposing that any decision to acquire the land be directed by a Council resolution after having considered the planning context and any community benefits of acquiring the lands.

Use of lands: The lands are subject to development constraints discussed below respecting their monetary value. If resolving to acquire the lands, Council should assume that the optimal use of the lands will be comparable to the uses in the current designations of Future Development District and Natural Park District. Administration has not explored the feasibility of land remediation to enable other uses.

Amount of lands: The Court has only ordered acquisition of the upper triangle of the Staircase Lands currently zoned Natural Park District. Acquiring the entire Staircase Lands would do more to advance Councils' plans and policies discussed above, as it could:

- secure the main trail connecting the Peaks shown in the Open Space and Trails Plan, which further serves the Homesteads bus stop;
- secure the paved pathway from Homesteads to Peaks of Grassi, for which the easement agreement is currently unfinalized, and could allow the easement to be modified by future development in any event;
- secure the open space buffer and trails around Quarry Lake contemplated in the Quarry Lake Concept Plan; and
- bring the municipally-enabled bike trails into a connected network under single land ownership.

The above benefits will not be fully achieved by acquiring only the upper triangle as ordered by the Court as the full connectivity of trails and open space in the area involves the lower portion of the Staircase Lands.

Nature of transaction: Administration is not in position to advise on whether all or part of the Staircase Lands may be acquired through a voluntary agreement for purchase and sale, or if it would require further court or expropriation proceedings to set the price and complete the transaction. Acquiring the lands, either in whole or in part, will require discussion between litigation counsel on the disposal of open litigation and may require returning to court for clarification on details as contemplated in the court decision. If resolving to acquire the lands, Council should accept these uncertainties and provide direction to administration on next steps.

Specific questions about this option and the potential next steps will include legal advice and opinions and other exceptions to disclosure under the Freedom of Information and Protection of Privacy (FOIP) Act and should be delivered in camera.

B. Redesignate the land

There are multiple options for redesignating the lands, however, the outcome must serve to implement the court order and Council will be more constrained in its decision than is the case with a conventional Land Use Bylaw amendment. A Land Use Bylaw amendment can be assumed to require a public hearing.

Redesignate as Future Development

- meets the direction of the court,
- achieves single zoning over the parcel,
- has an uncertain planning impact, or a presumptively negative impact due to lack of planning reasons for the decision,
- has uncertain alignment with current plans and policies,
- aligns with identification of the area for Private Recreation in MDP, however this use in the MDP is not binding and is not precluded by part of Staircase Lands being Natural Park, and
- results in no certainty of development due to physical constraints and discretionary uses.

New designation on Natural Park portion

- maintain split zoning,
- is the least onerous option,
- results in Future Development remaining on the lower part of the Staircase Lands and a new designation on the upper triangle, and
- requires planning consideration for advice as to whether or not this option is recommended and if it is recommended, what the preferred designation and implications are.

New designation on entire parcel

- requires redesignating the entire parcel to a district other than Future Development or Natural Park, and
- requires planning consideration for advice as to whether or not this option is recommended and if it is recommended, what the preferred designation and implications are.

Alter details of Natural Park District respecting purpose, uses or regulations

- is not recommended,
- may result in negative impact and unintended consequences,
- would also apply to Quarry Lake,
- is unsupported by any plans or planning reasons, and
- would be done only for the purpose of disposing of litigation, however it is unclear if this option will meet the direction of the Court.

With any redesignation

- Staircase Lands will remain private land,
- the landowner will retain responsibility for liabilities associated with use,
- the landowner will retain authority to control access and enforce against trespassing,
- trail connectivity from Quarry Lake access road to Homesteads bus stop to Peaks of Grassi Trail will not be secured,

- the landowner will bear the responsibility for bringing future subdivision and development applications in the conventional manner, and
- public concerns regarding use of the parcel may continue.

C. Appeal the decision of the Alberta Court of Queen's Bench to the Alberta Court of Appeal

Not recommended by administration. Reasons can be provided but will include legal advice and opinions and other exceptions to disclosure under the FOIP Act and should be delivered in camera.

FINANCIAL IMPACTS

Before considering the financial costs of the options for next steps it is important to note that because the Court decision was in favour of TSMVPL they will be awarded costs based on Schedule C. These costs are anticipated to be approximately \$5k but a bill of cost has yet to be provided to the Town's legal counsel.

Costs associated with next steps

A. Acquire the Land

The Town has obtained a formal market value appraisal of the Staircase Lands which provides a breakdown for the upper and lower portions and the entire parcel. The appraisal found that

- the land was acquired by TSMVPL in 2013 as part of the larger receivership sale of 1,495 acres for \$12,500,000 (\$8,361.00 per acre);
- the 2022 assessment for the subject parcel is \$88,000; and
- the appraised values of the Staircase Lands are:
 - Natural Park land 8.50 acres @ \$7,500/acre = \$63,750,
 - Future Development land 12.26 acres @ \$12,500/acre = \$153,250,
 - total Staircase Lands - \$217,000 - Equates to \$10,453/acre = \$217,000.

The appraisal considered the municipal planning and development context including the MDP, the current zoning, and undermining. It found topography and undermining created high constraints, indicating that the optimal use of the land is a low intensity use such as park or open space with minimal surface building or development, an optimal use that is relatively consistent with the current zoning.

The appraisal concluded that, "an optimal program of utilization would be the continued use as natural park or open space throughout. There is potential for low intensive recreational uses with limited building development on the southern 12.26 acres of the parcel, but the physical constrains of the lands may make any such development unfeasible."

The 2022 capital project budget for TSMVPL litigation can be used for land acquisition to dispose of this litigation. Sufficient funds are available for the land and associated transaction costs that may include further legal proceedings, provided that the land cost is relatively consistent with the appraised value. This budget is for multiple litigations, and Council will need to prioritize its spending or approve further funds in due course.

Consideration of the financial, human resource, and administrative costs of a land acquisition should include the need for ongoing costs of managing land and associated infrastructure. These costs have not been

assessed at this time. More information is needed before the financial impacts of acquisition can be fully assessed.

The motion for this option would be: that Council direct administration move forward with acquiring the upper triangle of the Staircase Lands (or entire Staircase Lands).

B. Redesignate the Land

Redesignating the land is a relatively low-cost option. It should significantly limit the hard costs of further litigation on this matter, provided that the redesignation meets the intentions of the court order and section 644 of the MGA. It will also avoid costs of land ownership and management going forward.

The Land Use Bylaw amendment application will need to be led by the municipality. This will involve human resources administrative costs to prepare proposed amendments and administer atypical Council proceedings that should be assumed to involve a public hearing.

The motion for this option would be: that administration bring a Land Use Bylaw amendment to redesignate the upper triangle of the Staircase Lands.

C. Appeal to the Court of Appeal

No assessment is included as this option is not recommended.

The motion for this option would be: that Council direct administration to appeal the Court of Queen’s Bench decision in Three Sisters Mountain Village Properties Ltd. V. Canmore, 2002 ABQB 511.

STAKEHOLDER ENGAGEMENT

Internal stakeholder engagement has been limited to senior administration. No external stakeholder engagement has been conducted as this remains open litigation.

ATTACHMENTS

N/A

AUTHORIZATION

Submitted by: Adam Driedzic
Town Solicitor Date: July 29, 2022

Approved by: Sally Caudill
Chief Administrative Officer Date: August 10, 2022