

Figure 1 & 2: Photo from Silvertip Trail, facing downhill. Basecamp land on left-hand side of road  
Figure 1 source: SCR photograph  
Figure 2 source: Google Streetview

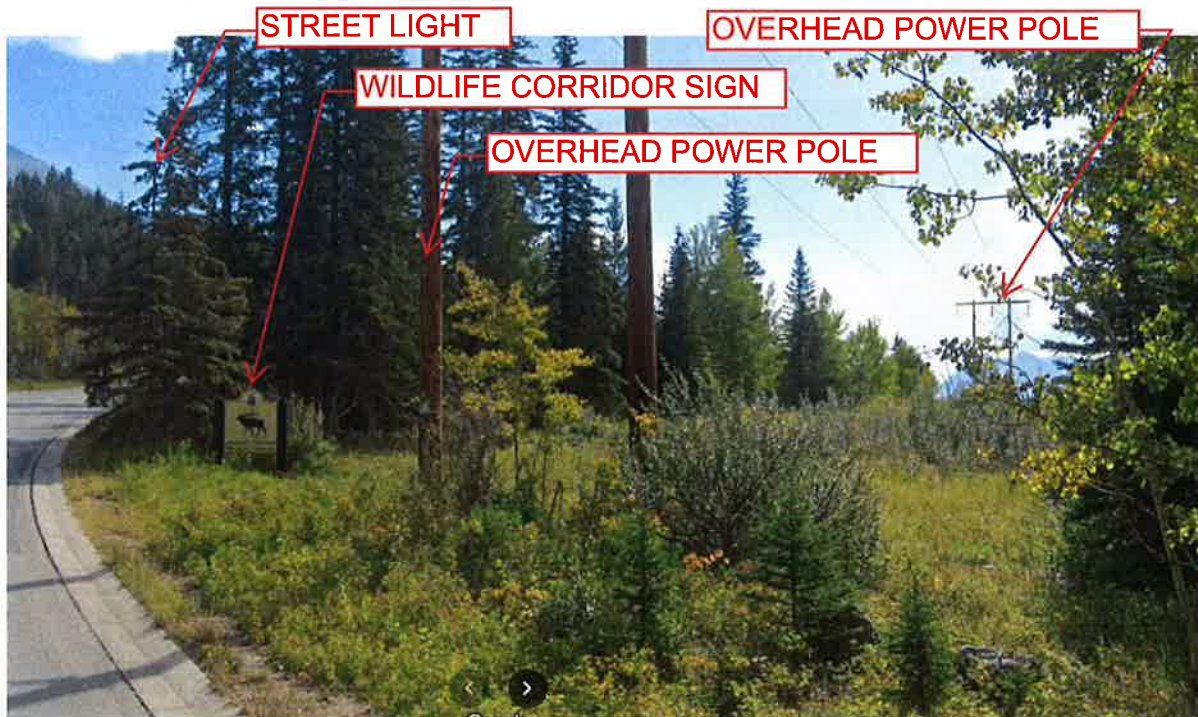
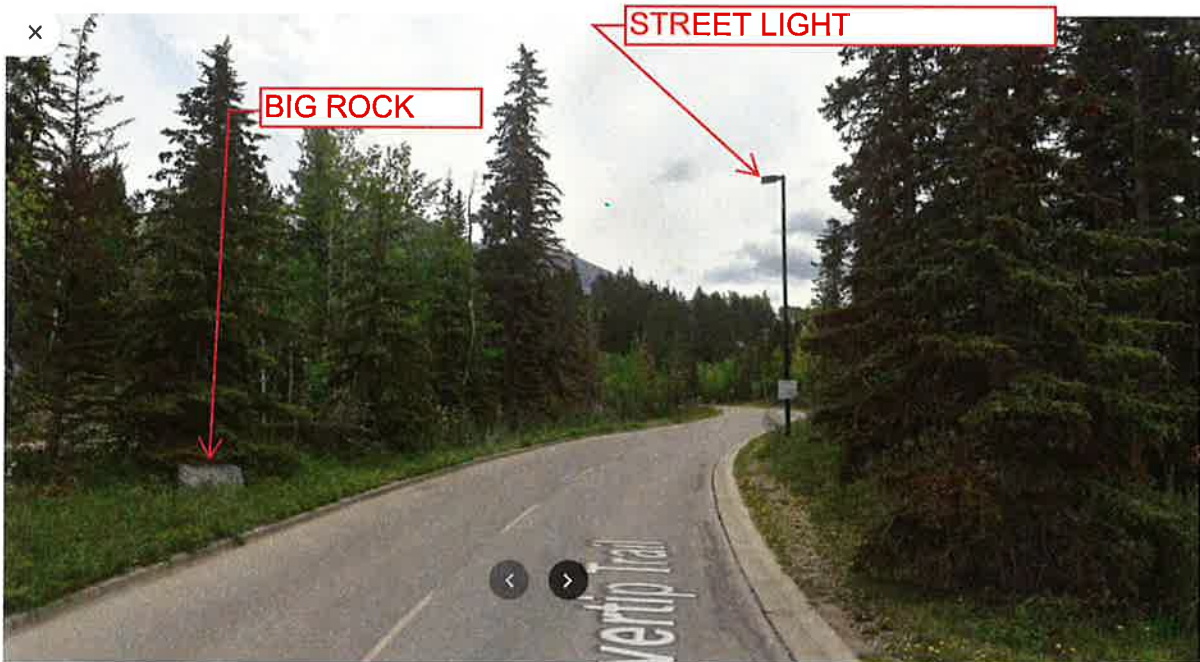
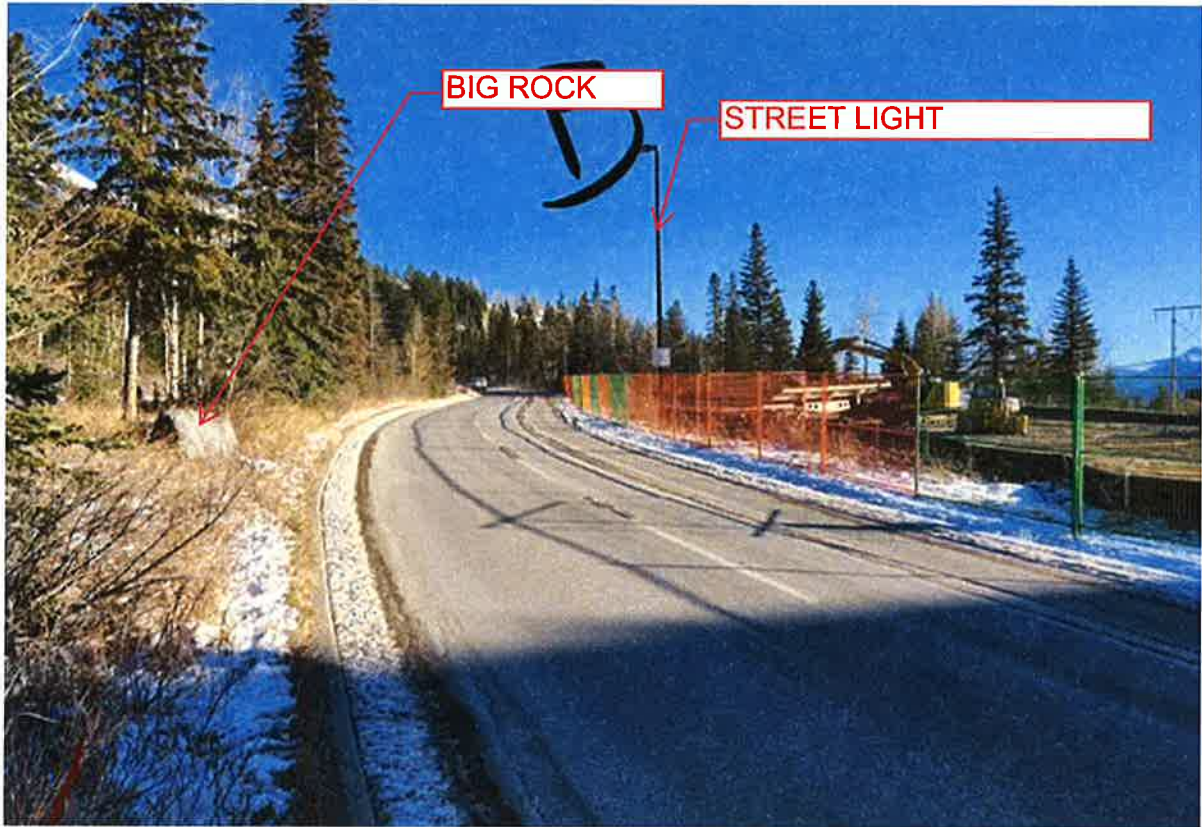


Figure 3 & 4. Photo from Silvertip Trail, facing uphill. Basecamp land on right-hand side of road. Photo taken under the Overhead Power Lines

Figure 3 source: SCR photograph

Figure 4 source: Google Streetview



Figures 5&6: Photo from Silvertip Trail, facing Uphill. Just past the Wildlife Corridor signage. Basecamp land on right-hand side of road

Figure 5 source: SCR photograph

Figure 6 source: Google Streetview



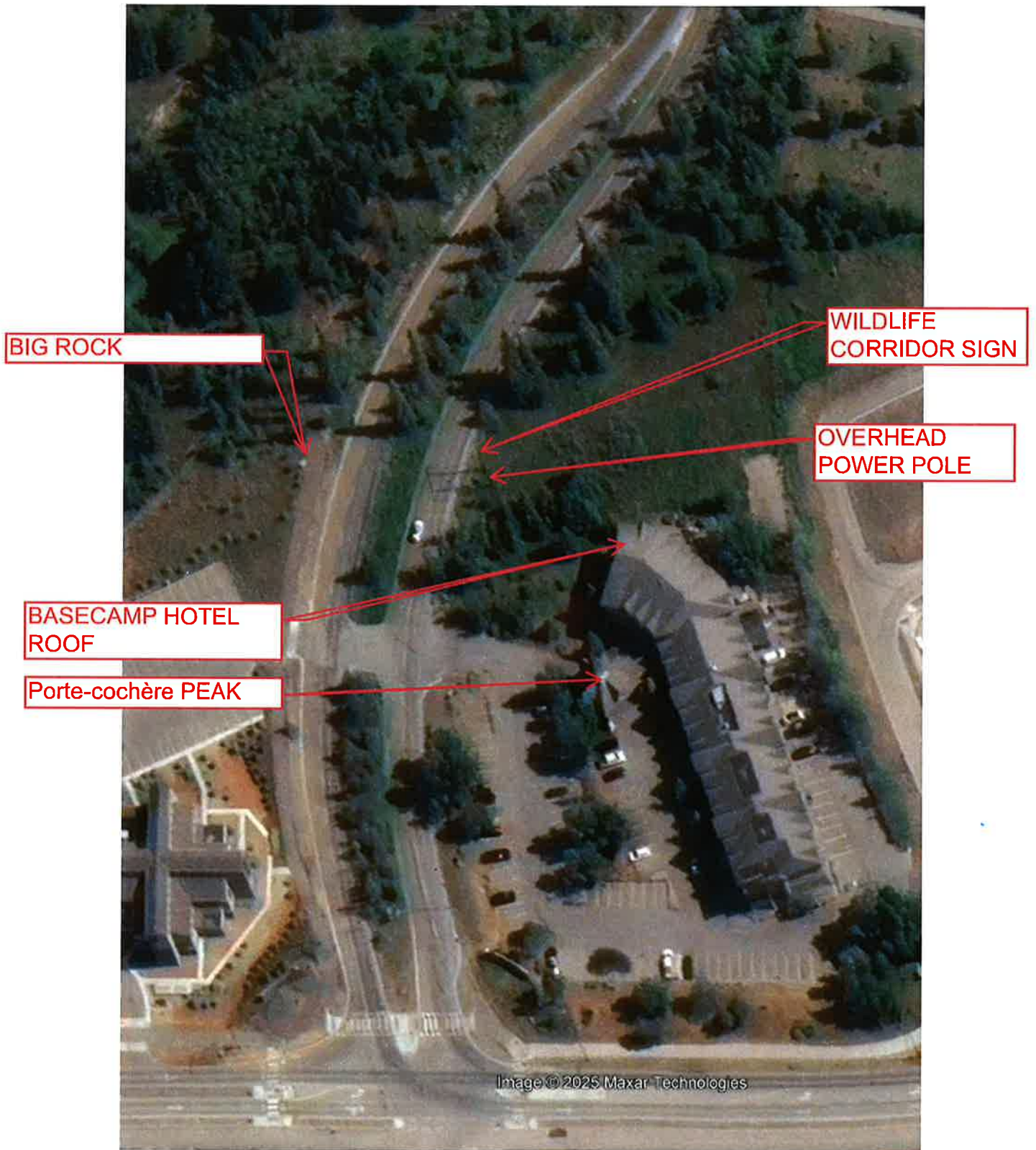


Figure 8: Aerial view of Basecamp lands August 2022. Source: Google Earth

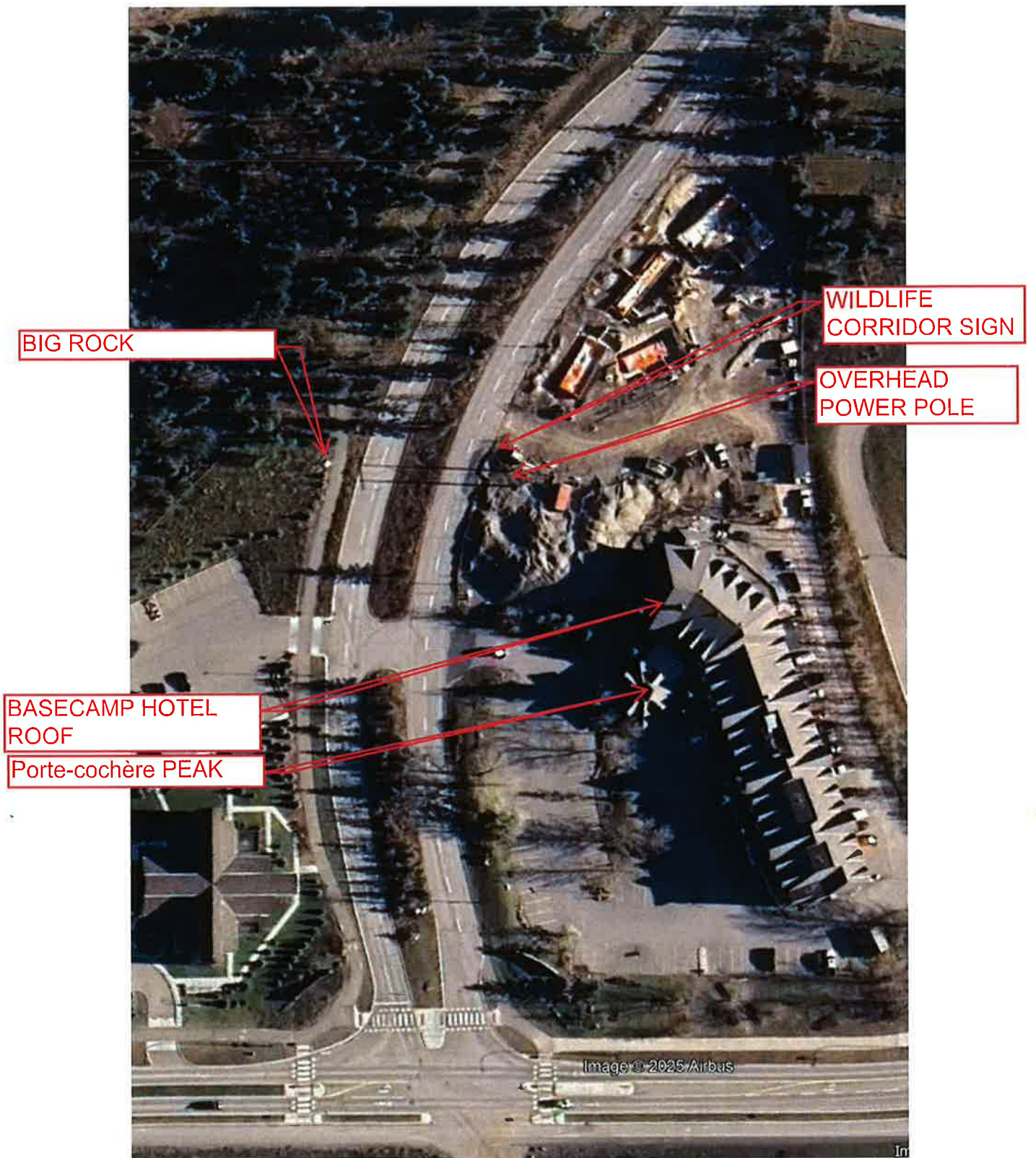
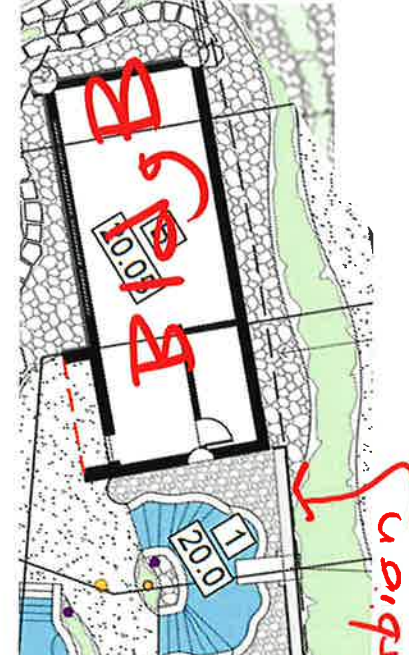
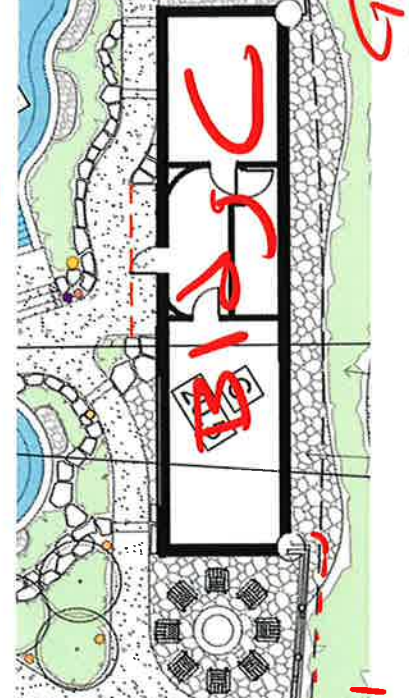
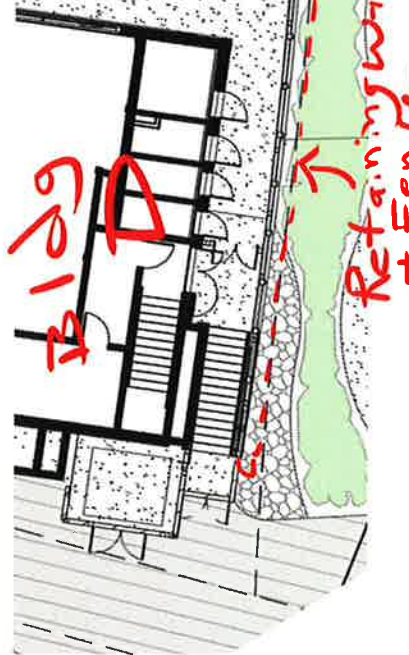
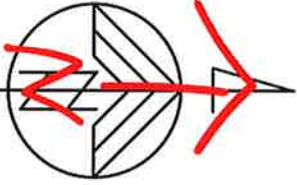
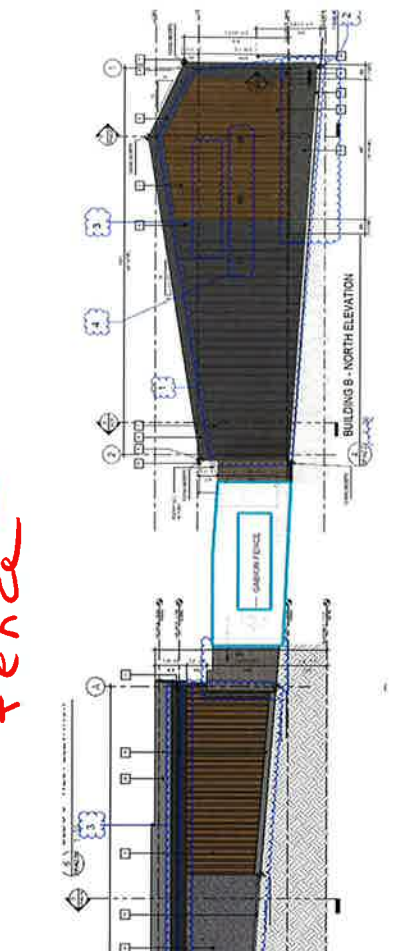
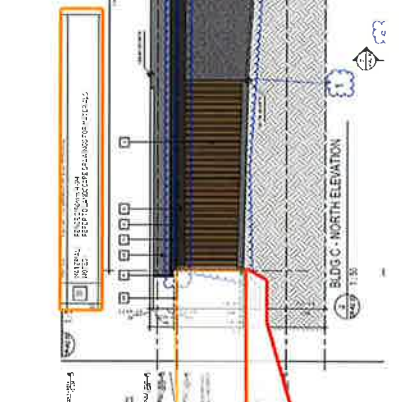
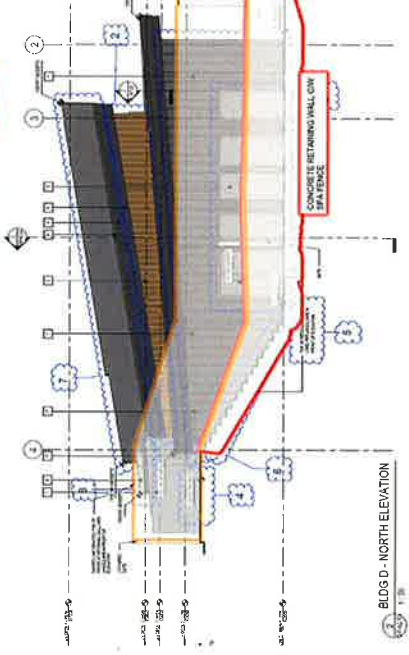


Figure 7: Aerial view of Basecamp lands October 2024. Source: Google Earth

PROJECT  
NORTH



Gabion Fence



BLDG D - NORTH ELEVATION

BLDG C - NORTH ELEVATION

BLDG B - NORTH ELEVATION





Submissions of Stone Creek Resorts Inc.

---



**SUBMISSIONS OF THE APPELLANT, STONE CREEK RESORTS INC.**

**Appeal of Amended DP for Nordic Spa (PL20240362)  
1 Silvertip Trail, Canmore**

1

Submissions of Stone Creek Resorts Inc.

---

**I. INTRODUCTION AND BACKGROUND**



2

### Leave Application - Conditions Under Review

1. Prior to the release of the Development Permit, the applicant shall enter into a Development Agreement with the Town of Canmore to do the following:

a. Construct or pay for the construction of the municipal improvements, infrastructure and services required by the development, which may include but shall not be limited to:

- Transportation;
- Water;
- Sanitary;
- Storm; and
- Fire.

17. The development agreement with the Town shall include the requirement to construct or pay for the construction of a pathway as part of offsite requirements with the alignment to be determined to the satisfaction of the Town.

18. The applicant shall provide an access easement to accommodate the location of the pathway as required.

19. The fence shall be screened by natural landscaping along Silvertip Trail in keeping with the context.

3

### Leave Application - Decision

- (a) Does the closure of one lane of Silvertip Trail,<sup>3</sup> a multi-lane road previously used by vehicular traffic, constitute a closure of Silvertip Trail under section 22(1) of the *Municipal Government Act*?<sup>6</sup>
- (b) If so, has the Town of Canmore complied with the provisions of section 22 of the *Municipal Government Act*? Section 22 imposes three obligations on the Town of Canmore if the answer to each of the questions (a), (b), (c) is "yes". First, it must pass a bylaw declaring the closure of Silvertip Trail. Second, it must hold a public hearing in the period following first reading of the proposed bylaw and preceding second reading. Third, the Town of Canmore must secure the approval of the proposed bylaw from the Minister of Transportation and Economic Corridors in the period following first reading and preceding second reading.
- (c) Did the Board err in law when it failed to ask if the applicants met the requirement set out in section 14.11.8.2 of the *Land Use Bylaw 2018-22*<sup>1</sup> to use fencing and landscaping "in a manner that would render ... [parking and loading areas] not visible from the main road"?
- (d) Did the Board fail to comply with section 643 of the *Municipal Government Act*?
- (e) Did the Board err in law in approving conditions 1a, 17, 18, and 19 of the development permit? Has the Board, in giving legal effect to the terms of a future development agreement between the applicants and the Town of Canmore, unlawfully delegated to the applicants and the Town of Canmore responsibility for decisions the Board must make?

4

**Revised Condition #19 (previously #17) – Amended DP**

19. The Development Agreement with the Town shall require the Developer to pay for the construction of a pathway to connect its Development to the pathway system that serves or is proposed to serve an adjacent development, by the Town's authority under section 650(1)(b)(ii) of the MGA. This requirement may be subject to the alignment of the pathway being approved by the Town by:
- a. its delegated authority under section 13(1)(a) of the Traffic Safety Act to make bylaws governing the use of highways under its direction, control and management and section 100(f) of the Town's Traffic and Road Use Bylaw 2020-03, and the general authority conferred by section 18(1) of the MGA, or
  - b. as necessary, by its delegated authority under section 22 of the MGA to close a portion of a road by bylaw, or
  - c. both (a) and (b).

5

**New Conditions #17 and #18 – Amended DP**

17. The developer shall submit a comprehensive set of record drawings (including any approved offsites) within 90 days of CCC acceptance.
18. Prior to issuance of the Development Permit PL20240362, file PL20230037 will be cancelled and the associated Development Agreement for PL20230037 discharged.

6

**II. GROUND OF APPEAL #1: NEW DP ENTIRE DEVELOPMENT**

**Amended DP is an Abuse of Process**

**Amendments Cannot Rely on a Cancelled Permit**

**Amendments Numerous and Misdescribed**

7

**III. GROUND OF APPEAL #2: PRELIMINARY MATTERS**

**Readvertisement of actual scope of DP**

**Clean set of amended plans**

**Full record for entire development**

8

### Amendments are Misdescribed

#### EXECUTIVE SUMMARY

The application proposes site and building amendments to PL20230037, a development consisting of four accessory buildings and various outdoor hot and cold pools in the form of a Nordic Spa Amenity space, that was approved by the Canmore Planning Commission on February 21, 2024. The approval was later upheld by the Subdivision and Development Appeal Board on May 24, 2024. The decision of the SDAB varied the original decision to add conditions of approval. The site is currently under construction to pour building foundations. Administration considers the amendments to the site plan and the building design minor in nature, as it does not alter nor increase the density, use, or intensity of the site. Administration recommends APPROVAL of the application, which would replace the original development permit (PL20230037).

#### AMENDMENTS

The applicant's revised plans are included as Attachment 4. A summary of the changes is also located within Attachment 4. Amongst other minor adjustments, the changes include:

- Exterior material changed to board and batten fibre cement siding instead of cordwood cladding
- A portion of wooden fence replaced with a Gabion wall
- Expansion of Building D's basement
- Increase in pool sizes and updated pool locations
- Addition of landscaping along cemetery section
- Addition of staff-only service path along southeast side
- Removal of module domes to replace with luxury tents

9

### Amendment Letter - 15 pages Plan Amendments

February 6, 2025      SDAB Hearing PL20240362      Page 9 of 1000

**METAFOR**

Town of Canmore – Planning and Development  
602 7<sup>th</sup> Avenue  
Canmore, Alberta T1W 1A0

Attention: Aisha Proulx  
Phone: 403.678.8943  
Email: aisha@townofcanmore.ca

To: METN House Nordic Spa Canmore - DP Amendment Application  
Dist File: E2.021  
DP Number: PL20230037

September 6, 2024

Dear Archie:

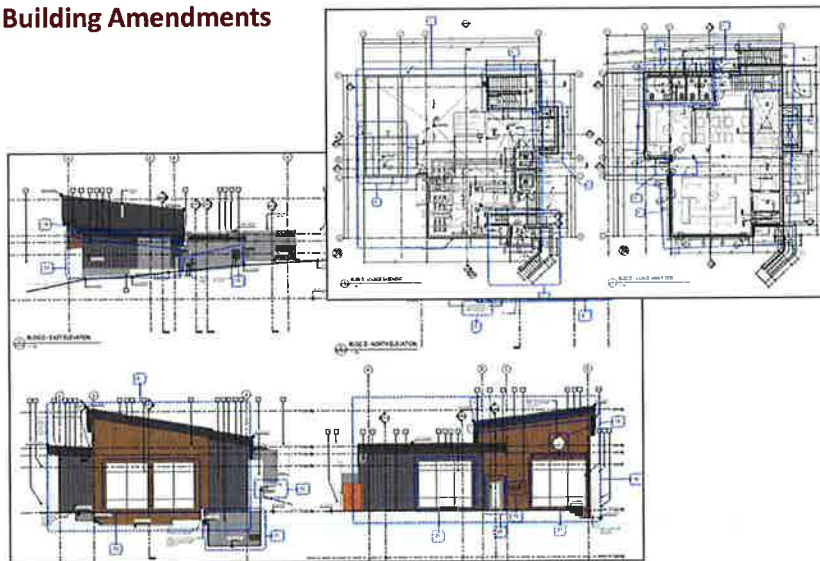
METAFOR is pleased to submit the enclosed development permit application for the Mountain House Nordic Spa to be located at 1 Silver Ho Trail for your review. The enclosed DP application is has been prepared as a revision to DP PL20230017 which was approved via CPC February 21<sup>st</sup>, 2024.

DP Amendment Application Reference:



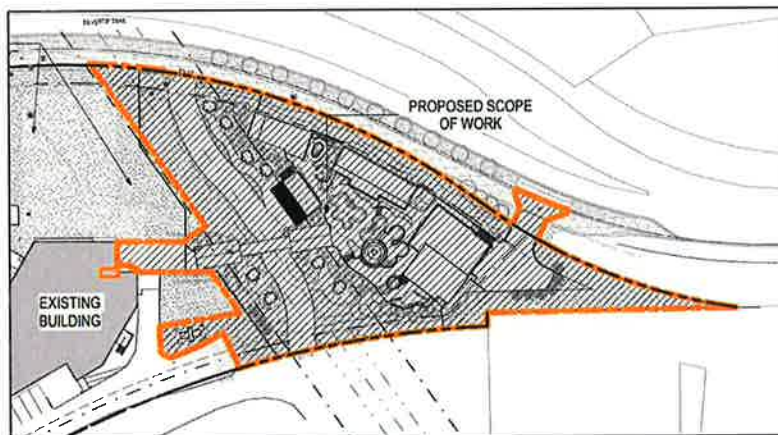
10

### Building Amendments



11

### Area of Development Amendments - Original

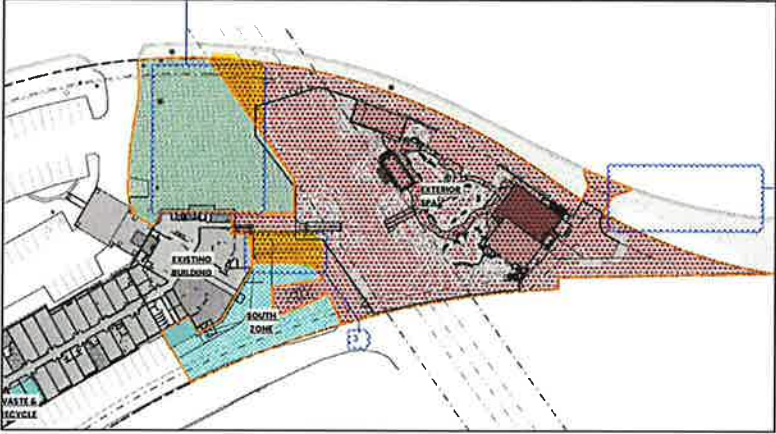


12

Submissions of Stone Creek Resorts Inc.

---

### Area of Development Amendments – Current



The site plan illustrates various development zones and existing structures. A large area is shaded in red with a cross-hatch pattern, labeled 'EXISTING SPAC'. Other zones include a green area, a yellow area, and a blue area. Existing buildings are shown in grey, with labels 'EXISTING BUILDING' and 'EXISTING BUILDING'. A 'HOTEL ZONE' is marked in light blue. A 'WASTE & RECYCLE' area is indicated in the bottom left. A road with a '5' shield is shown at the bottom. A dashed blue line outlines a specific area on the right side of the plan.


PL20240362 / SDAB2025-01, Hearing: February 6, 2025 Page 13

13

Submissions of Stone Creek Resorts Inc.

---

### Amendments - Pathway and Screening Trees Removed



This site plan shows amendments to the development, specifically the removal of pathways and screening trees. Red outlines delineate the areas affected by these changes. A prominent yellow shaded area runs along the top and right edges of the site. The plan also shows 'EXISTING SPAC' and 'EXISTING BUILDING' areas. A 'HOTEL ZONE' is labeled on the left side. A road with a '5' shield is visible at the bottom. A dashed line indicates a boundary or road edge.

PL20240362 / SDAB2025-01, Hearing: February 6, 2025 Page 14

14

### Current Plan - Pathway and Screening Trees Removed



15

### III. GROUND OF APPEAL #2: REVIEW

**Pathway Removed**

**Screening Trees Removed**

**Development Agreement**

**Delegation of Pathway Design**

**Leave Decision Questions**

16



### Pathway Removed - DC - Directions of Council

14.11.5.1 A pedestrian-oriented streetscape shall be established to allow for or encourage pedestrian traffic. The streetscape shall incorporate design elements such as: wide sidewalks, separation of pedestrian use areas from vehicle use areas, outdoor furniture, patios, pedestrian scale street lighting, bicycle parking, canopies, vestibules, formal trail connections, façade treatments that are sensitive to sidewalk location on a site specific basis, and permeability of facades by the use of glass and doors subject to Section 11, Community Architectural and Urban Design Standards.

#### Pedestrian Connections

- 10.1.8 Pedestrian infrastructure shall be provided to increase connectivity between neighbourhoods, the Town Centre and other commercial areas.
- 10.1.9 The design of public systems, including roads, sidewalks, parks, pathways, lighting, landscaping and street furniture, should support and encourage pedestrian and bicycle modes of transportation for accessing the Town Centre and other commercial areas.

17

### Pathway Removed – Condition #19 Changed

- 19. The Development Agreement with the Town shall require the Developer to pay for the construction of a pathway to connect its Development to the pathway system that serves or is proposed to serve an adjacent development, by the Town's authority under section 650(1)(b)(ii) of the MGA. This requirement may be subject to the alignment of the pathway being approved by the Town by:
  - a. its delegated authority under section 13(1)(a) of the Traffic Safety Act to make bylaws governing the use of highways under its direction, control and management and section 100(f) of the Town's Traffic and Road Use Bylaw 2020-03, and the general authority conferred by section 18(1) of the MGA, or
  - b. as necessary, by its delegated authority under section 22 of the MGA to close a portion of a road by bylaw, or
  - c. both (a) and (b).
- 20. The Town shall require the Developer to provide an access easement to accommodate the pathway.
- 21. The fence shall be screened by natural landscaping along Silvertip Trail in keeping with the context.

18

### Screening Trees - Directions of Council

**14.11.6.4** Every application must submit, to the satisfaction of the approving authority, a visual impact assessment which includes:

- a. professionally produced three dimensional simulation of the overall development from important viewpoints along the Trans-Canada Highway, Palliser Trail and/or Benchlands Trail showing the impact of the development on the site;
- b. a view analysis and discussion of the visual impacts as Trans-Canada Highway motorists approach and pass a proposed development;
- c. consideration of site design, building architecture, roof treatment, and landscaping as it relates to the view from the Trans-Canada Highway above or level with the site;
- d. a demonstration of the harmony of form, materials and exterior finishing with the surrounding natural environment when viewed from the Trans-Canada Highway;
- e. mitigation measures proposed to minimize the negative impacts of parking and massing through the application of natural landscaping, building articulation and roof treatment.

19

### Original Trees on Site

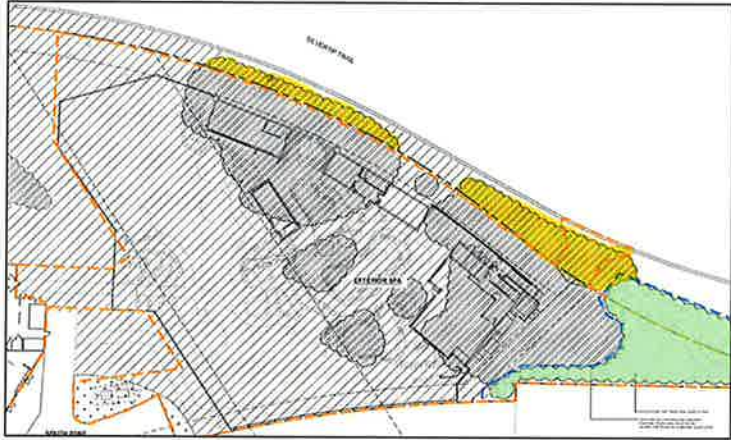


20

Submissions of Stone Creek Resorts Inc.

---

### Proposed Removal of Trees - Onsite and Offsite



Page 18 of 1200 – Double Cross Hatch Trees to be Removed Onsite, and Offsite (yellow)


PL20240362 / SDAB2025-01, Hearing: February 6, 2025 Page 21

21

Submissions of Stone Creek Resorts Inc.

---

### All Trees Removed on Site



PL20240362 / SDAB2025-01, Hearing: February 6, 2025 Page 22

22

### Pathway and Screening Trees – Original DP



23

### Original Proposed Pathway and Tree Screening




24

Submissions of Stone Creek Resorts Inc.

---

### Pathway and Screening Trees Removed - Amended DP



PL20240362 / SDAB2025-01, Hearing: February 6, 2025


Page 25

25

Submissions of Stone Creek Resorts Inc.

---

### Screening Trees No Longer Proposed

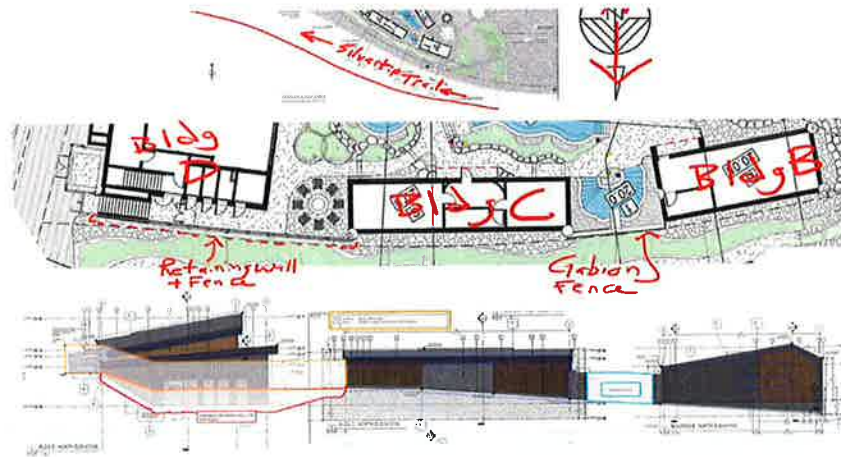


PL20240362 / SDAB2025-01, Hearing: February 6, 2025

Page 26

26

### North Elevation – Requires Screening



27

### Original Landscaping vs Current



28

Submissions of Stone Creek Resorts Inc.

### Original Landscaping vs Current



PL20240362 / SDAB2025-01, Hearing: February 6, 2025

Page 29

29

Submissions of Stone Creek Resorts Inc.

### Original Landscaping vs Current



PL20240362 / SDAB2025-01, Hearing: February 6, 2025

Page 30

30

### No Trees for Screening or Replacement – Internal Trees



Page 119 of 1200 – Sample of Replacement Trees Onsite; Could be Similar Offsite

31

### Parking Areas to be Screened – DC – Directions of Council

#### 14.11.5 Design Requirements

14.11.5.3 In order to achieve a pedestrian oriented streetscape, parking shall be designed to effectively screen vehicles when viewed from streets. Techniques to achieve this may include structured parking, shared parking and intensive landscaping. Where structured parking is provided, it shall be integrated into the building design, preferably underground.

#### 14.11.8 Parking, Loading and Storage

14.11.8.1 All parking and loading areas not incorporated into the building or a parking structure shall be provided to the side and/or the rear of the site.

14.11.8.2 All parking and loading areas not incorporated into the building or a parking structure shall be visually screened with fencing or landscaping in a manner that would render it not visible from the main access road and to the satisfaction of the Development Authority.

32



### Parking Areas Not Screened



33

### Development Agreement

THIS AGREEMENT MADE THIS 18 day of July 2024

**PARTIES:** (Common-law Land Use Permit, with effect in the Town of Canmore, in the Province of Alberta,  
(hereinafter referred to as the "Town")  
OF THE FIRST PART  
and  
The Town of CANMORE, a Municipal Corporation under the laws of the Province of Alberta,  
(hereinafter referred to as the "Town")  
OF THE SECOND PART

**RECITALS**

The Planning Commission, acting as the original development authority, pursuant to the Municipal Government Act (MGA) 2001, C 49, as amended, and the Town of Canmore Land Use Bylaw No. 2022-22, as amended, approved the issuance of the following development permit on February 23, 2024:

Development Permit PL20240362  
Accessory Use and Ancillary Buildings (Accessory Needs App. Area) of  
1.1 Heavy Use  
Lot 1, Block 17, Plan 9711531  
Site: "Development Parcel"

The Application and Development Appeal Board by acts of Council (2024-52) dated May 09, 2024, and the Development Appeal Board by acts of Council (2024-53) dated May 09, 2024, approved the development permit as set out in Section 2.1.1 of the land use bylaw.

The AGREEMENT BETWEEN is a modification of the terms and conditions of the Development Permit by the Town to the Developer and all the boundary and mutual interests, including all agreements, terms, conditions and other stipulations and conditions, to ensure and enforce that all the parties mutually understand the terms and conditions of the permit as set out.

ALBERTA GOVERNMENT SERVICES  
LAND TILES OFFICE  
NOTICE OF DEVELOPMENT PERMIT NO. 241223559  
ORDER NUMBER: 524686

Planning & Development Department  
Town of Canmore  
1000 - 10th Street, Canmore, Alberta T1N 1A9  
403-291-2222

**SCHEDULE A  
CONDITIONS OF APPROVAL**

DEVELOPMENT PERMIT NO.: PL20240362  
LAND USE DISTRICT: Heavy Use and Ancillary Buildings (Accessory Needs App. Area)  
APPROVED USES: Accessory Use and Ancillary Buildings (Accessory Needs App. Area)  
APPROVED YAMALCARS: Private storage of 6-10-15 cars  
IMPOSED RESTRICTIONS: 18 months total  
LEGAL ADDRESS: Lot 1, Block 17, Plan 9711531

**APPROVED CONDITIONS**

- Site must be located on the east side of the road, within a minimum lot width of 18 m, and a minimum lot depth of 18 m.
- Site must be located on the east side of the road, within a minimum lot width of 18 m, and a minimum lot depth of 18 m.
- Site must be located on the east side of the road, within a minimum lot width of 18 m, and a minimum lot depth of 18 m.
- Site must be located on the east side of the road, within a minimum lot width of 18 m, and a minimum lot depth of 18 m.
- Site must be located on the east side of the road, within a minimum lot width of 18 m, and a minimum lot depth of 18 m.
- Site must be located on the east side of the road, within a minimum lot width of 18 m, and a minimum lot depth of 18 m.
- Site must be located on the east side of the road, within a minimum lot width of 18 m, and a minimum lot depth of 18 m.
- Site must be located on the east side of the road, within a minimum lot width of 18 m, and a minimum lot depth of 18 m.
- Site must be located on the east side of the road, within a minimum lot width of 18 m, and a minimum lot depth of 18 m.
- Site must be located on the east side of the road, within a minimum lot width of 18 m, and a minimum lot depth of 18 m.

34

## Development Agreement

- 3.15** The Town and Developer will jointly develop a design for the completion of offsite Municipal Improvements along the development frontage, including an offsite pathway and related improvements, in accordance with the following schedule:
- a) Concept design will be prepared by the Town and delivered to the Developer on or before December 31<sup>st</sup>, 2024. The design will include a plan drawing with basic functional elements including pathway and curb alignment, entrance driveway details, and will differentiate areas to be landscaped. Consideration will be given to utility conflicts and grades, though details will not be developed until later stages of design. The design will be prepared at the Town's cost. The Town shall have the right but not the obligation to use the design of Municipal Improvements adjacent to the site shown in the approved Development Permit to satisfy this term of this Agreement.
  - b) The Developer will prepare a detailed design based on the concept design delivered by the Town. The Developer will provide the Town with an opportunity to review the proposed detailed design before it is finalized. The final detailed design shall be subject to approval by the Town.
  - c) The scope of the offsite pathway and related offsite Municipal Improvements for which the developer is responsible under this Agreement shall not exceed the scope of the offsite pathway and related offsite Municipal Improvements in the approved Development Permit. Any portion of

35

## Development Agreement

and related offsite Municipal Improvements in the approved Development Permit. Any portion of these particular improvements as shown in the parties' designs that exceeds the scope of these improvements in the approved Development Permit will be outside the scope of the Developer's responsibility under this Agreement. The construction of the Developer's share these Municipal Improvements by the Developer must be completed and receive a Construction Completion Certificate and Final Acceptance Certificate from the Town prior to provision of a Development Completion Certificate.

- d) Should the Town not furnish a final concept design for the Municipal Improvements referenced in this section 3.15 on or before December 31<sup>st</sup>, 2024, the Developer may meet its obligation to construct or pay for these Municipal Improvements by providing the Town with cash in lieu of construction in the amount of FOUR HUNDRED THOUSAND DOLLARS (\$400,000.00). The Developer can exercise this right to provide cash in lieu of construction at any time after that date or may continue to expect the Town to provide a concept design at the Developer's discretion.
- 3.16** The Town and the Developer acknowledge that Subdivision and Development Appeal Board decision 2024-02 is the subject of open litigation in the Court of Appeal of Alberta (ABCA) under the Act [Action # 2401-0168AC]. The Developer hereby agrees to accept all costs of proceeding with the Construction of the offsite pathway and related offsite Municipal Improvements contemplated by section 3.15 of this Agreement while this litigation remains open.

36

### Development Agreement

In the event that the Developer commences or completes construction of the offsite pathway and related offsite Municipal Improvements and the determination of the above litigation:

- (a) alters the following condition of the Development Permit that was added by the SDAB:
  1. The development agreement with the Town shall include the requirement to construct or pay for the construction of a pathway as part of the offsite requirements with the alignment to be determined to the satisfaction of the Town; or
- (b) otherwise prevents the design of the offsite pathway that the Town had deemed to be satisfactory under this Agreement;

then the Developer shall restore the Town Lands to the state in which they existed prior to the release of the Development Permit.

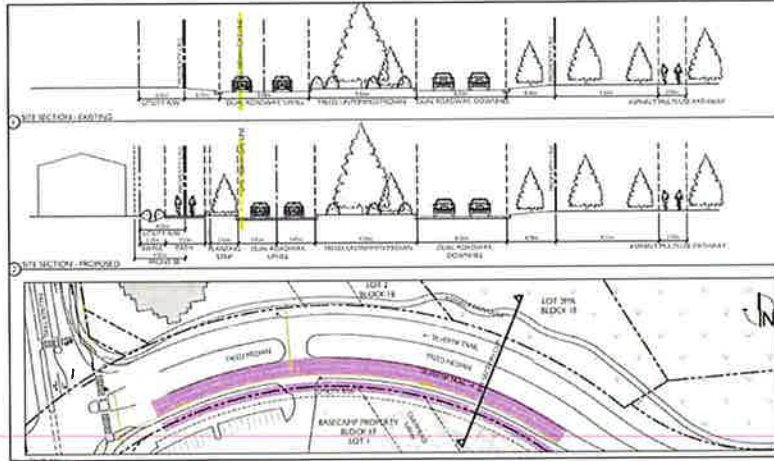
37

### Results of the Development Agreement



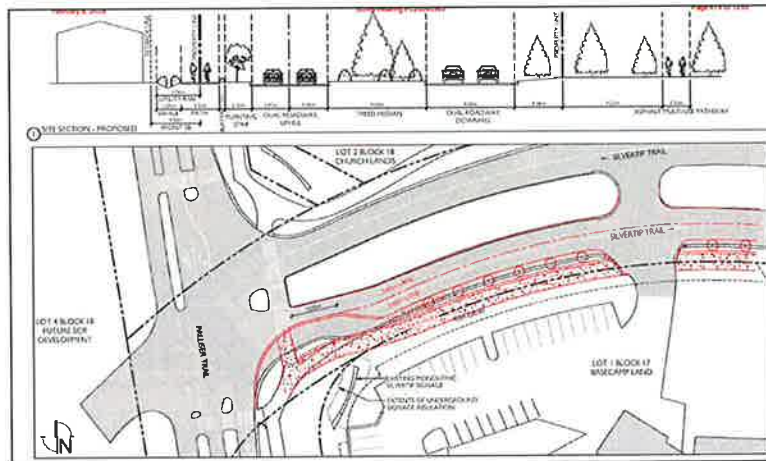
38

### Conceptual Design - Pathway, Screening Trees, Retain Lanes



39

### Conceptual Design - Pathway, Screening Trees, Retain Lanes



40

## Continue to Advance Leave Decision Questions

- (a) Does the closure of one lane of Silvertip Trail,<sup>1</sup> a multi-lane road previously used by vehicular traffic, constitute a closure of Silvertip Trail under section 22(1) of the *Municipal Government Act*?
- (b) If so, has the Town of Canmore complied with the provisions of section 22 of the *Municipal Government Act*? Section 22 imposes three obligations on the Town of Canmore if the answer to each of the questions (a), (b), (c) is "yes". First, it must pass a bylaw declaring the closure of Silvertip Trail. Second, it must hold a public hearing in the period following first reading of the proposed bylaw and preceding second reading. Third, the Town of Canmore must secure the approval of the proposed bylaw from the Minister of Transportation and Economic Corridors in the period following first reading and preceding second reading.
- (c) Did the Board err in law when it failed to ask if the applicants met the requirement set out in section 14.11.8.2 of the *Land Use Bylaw 2018-22* to use fencing and landscaping "in a manner that would render ... [parking and loading areas] not visible from the main road"?
- (d) Did the Board fail to comply with section 643 of the *Municipal Government Act*?
- (e) Did the Board err in law in approving conditions 1a, 17, 18, and 19 of the development permit? Has the Board, in giving legal effect to the terms of a future development agreement between the applicants and the Town of Canmore, unlawfully delegated to the applicants and the Town of Canmore responsibility for decisions the Board must make?

41

## IV. CONCLUSIONS

**Require new DP covering the entire development, not just amendments**

**Adjourn to obtain full record, readvertise and clear plans**

**Proceed and Basecamp not followed Council directions**

42

