



SUBDIVISION & DEVELOPMENT APPEAL BOARD ORDER
APPEAL INFORMATION

PL20220268

100 Alpine Meadows

Lot 2 Block 8 Plan 011 2017

Change of Use, Light Manufacturing to Employee Housing. Appeal against a refusal by the Canmore Development Authority of Development Permit

Order of the Subdivision & Development Appeal Board of the Town of Canmore, in the province of Alberta, dated May 31, 2023.

Board Members Hearing the Appeal: Mr. Andre Giannandrea (Chair), Mr. John McClure, and Mr. Christoph Braier.

AND IN THE MATTER of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended (the “MGA”);

AND IN THE MATTER of an appeal by Big Moose Developments Ltd. against a refusal by the Canmore Development Authority of

This appeal hearing having been duly opened before the Subdivision & Development Appeal Board on May 18, 2023.

AND UPON hearing oral submissions from the Appellant and Development Officer.

AND UPON having regard to the Town of Canmore Land Use Bylaw No. 2018-22 (Bylaw), the MGA and other relevant planning documents.

RELEVANT STATUTORY & PLANNING DOCUMENT PROVISIONS:

1. Bylaw 2016-06, the Town of Canmore Subdivision and Development Appeal Board Bylaw, in general.
2. Municipal Government Act (“MGA”), in general, and specifically:
 - a. Section 687(3) (a.2)
3. Municipal Development Plan (MDP), in general, and specifically:
 - a. Industrial Goal #3
 - b. Policy 12.1.3
 - c. Affordable Housing Goal #4
 - d. Policy 5.3.4
 - e. Policy 12.1.8



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4. Indian Flats Area Structure Plan (“ASP”), in general, and specifically:
 - a. Goal 3.1.1.1
5. Land Use Bylaw (“LUB”) in general, and specifically:
 - a. Section 1.10.0.3
 - b. Section 5.2.5.1

SUMMARY OF EVIDENCE PRESENTED:

1. 24-page Subdivision and Development Appeal Board Staff Report, undated, of the Town of Canmore’s Manager of Planning & Development, Laruen Miller, and Senior Planner, Harry Shnider, inclusive of 5 attachments.
2. 21-page Notice of Appeal, dated April 18, 2023, from the Appellants agent, Michelle Ouellette of McElhanney Ltd.
3. Notification to the Appellant and Adjacent Neighbours, dated April 28, 2023, from the Subdivision and Development Appeal Board Clerk, Jolene Noël.
4. Summary presentation, including a power point presentation, from the Town of Canmore’s Senior Planner, Harry Shnider.
5. Verbal presentation, including a power point presentation, from the Appellants agent, Michelle Ouellette of McElhanney Ltd.
6. Verbal presentation at the hearing from 16 community members in support of the appeal.

FINDINGS OF FACT:

1. The Town of Canmore Development Officer refused the Applicant’s Application for a Development Permit, Application File Number PL20220268, on April 12, 2023, (the “Refusal”). The Refusal was for a Change of Use, Light Manufacturing to Employee Housing (12 of 13 Units in 2 Buildings)
2. The Appellant filed a Notice of Appeal to the refusal on April 18, 2023.
3. A hearing date for the Appeal was set for May 18, 2023.

THE BOARD THEREFORE ORDERS THAT:

The appeal be DENIED and PL20220268 be REFUSED.

REASONS:

1. The SDAB is in agreement with the reasons provided and presented by Administration to refuse the application.
2. Specially, as stated in the MDP:
 - a. Industrial Goal #3 – “To conserve and protect the limited industrial land base and identify opportunities for new industrial lands. “
 - b. Policy 12.1.3. “Industrial lands shall be protected from adjacent uses that could impact the continued operation of industrial uses. This may include strategies such as buffering with open spaces or a gradual transition from industrial to commercial to residential uses.” The SDAB believes the application is inconsistent with policy 12.1.3. The proposed




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residential use of the property could restrict the future industrial use of adjacent properties in the future.

3. This project does not meet the definition of Affordable housing Goal #4 of the MDP “To cooperate with local businesses and the construction and development industry in finding innovative solutions to provide affordable housing for employees. There are no means of ensuring that the proposed residential units will be used for employee housing now or in the future.
4. The Indian Flats Area Structure Plan – Goal 3.1.1.1 – “To provide for an area which allows for a range of industrial activities that will be compatible with adjacent land uses“. The ASP does not contemplate housing in this area, there is no policy direction in the ASP. The proposed residential use could potentially restrict the range of industrial activities carried on in the area.
5. The proposed residential use is inconsistent with each item in policy 12.1.8.:
 - a. Residential uses are not limited to housing for employees. There is no indication that these units are allotted for or intended for employee housing for specific employers, nor is there any means of which to mandate or enforce the same by current or any future owner.
 - b. Impacts from industrial uses are potentially significant to make residential uses inappropriate. The negative impacts from industrial uses include noise, odour, increased traffic, and the safety of all users.
 - c. Residential uses could displace or inhibit the operation of future industrial uses.
 - d. The residential units are not subordinate to the industrial uses given the scale of the proposed residential uses.

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Date Signed

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Chairperson Andre Giannandrea
Subdivision & Development Appeal

IMPORTANT INFORMATION FOR APPELLANTS

This decision may be appealed to the Alberta Court of Appeal on a question of law or jurisdiction under Section 688 of the Municipal Government Act, R.S.A. 2000, c. M-26.