

Municipality of Crowsnest Pass

CHINOOK INTERMUNICIPAL SUBDIVISION & DEVELOPMENT APPEAL BOARD

June 9, 2025

2:30 p.m.

Hearing No. DP2025-016

**Appellant: Christopher Davis, Legal Counsel on behalf of 82 Appellants as
listed in appeal submission**

Applicant: Arise Developments Inc.

LIST OF EXHIBITS

- A. Notice of Hearing and Location Sketch Map
- B. List of Persons Notified
- C. Notice of Appeal with Reasons dated May 15, 2025
- D. Notice of Decision DP2025-016 dated April 24, 2025
- E. Development Permit Application DP2025-016 – received February 7, 2025
- F. Development Permit Application Review for Completeness
- G. Certificate of Title and Registrations
- H. Referral OPAC - Historic Resources Act Application
- I. Historic Resources Act Requirements
- J. Municipal Planning Commission Report - Request for a Decision dated April 23, 2025
- K. Draft Municipal Planning Commission Minutes (unapproved)
- L. Municipal Policies used by Development Authority in Making a Decision
- M. Excerpts from Municipality of Crowsnest Pass Municipal Development Plan Bylaw 1059, 2020
- N. Excerpts from Municipality of Crowsnest Pass Land Use Bylaw 1165, 2023

MUNICIPALITY OF CROWSNEST PASS

NOTICE OF CHINOOK INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING Development Permit No. DP2025-016

THIS IS TO NOTIFY YOU THAT IN ACCORDANCE WITH SECTION 686 OF THE MUNICIPAL GOVERNMENT ACT, REVISED STATUTES OF ALBERTA, 2000, CHAPTER M-26, AS AMENDED, A PANEL OF THE CHINOOK INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD WILL HEAR AN APPEAL OF A DECISION BY THE:

Development Authority of the Municipality of Crowsnest Pass with respect to Development Permit Application DP2025-016

APPELLANT:	Christopher Davis, Legal Counsel on behalf of 82 Appellants as listed in appeal submission
APPLICANT:	Arise Developments Inc.
LEGAL DESCRIPTION: (SUBJECT PROPERTY)	Portion of NW¼ 21-7-3-W5M (3001 214 St., Bellevue)
PROPOSAL:	Six "Apartment Buildings not Exceeding 3 Storeys or 14.0m (45.9 ft)" (permitted use) with a 13% variance to the parking requirement
DECISION:	Approved with Conditions
PLACE OF HEARING:	Municipality of Crowsnest Pass Administration Office Council Chambers 8502 19 Avenue, Coleman, Alberta
DATE OF HEARING:	Monday, June 9, 2025
TIME OF HEARING:	2:30 P.M.

PROCEDURES PRIOR TO THE HEARING:

1. **Provide Written Submissions** - The Appeal Board encourages all hearing participants to submit presentations, letters, and comments to the Board prior to the hearing. It is preferred that written material is emailed to the Board Clerk, ideally in a PDF format, in 1 file. Please contact the Clerk with your written submissions, which will be accepted until **noon (12 p.m.) on June 5, 2025.**

EMAIL: bonniebrunner@orrsc.com

MAIL: **Bonnie Brunner, Board Clerk**
Oldman River Regional Services Commission
3105 – 16th Avenue N., Lethbridge, Alberta T1H 5E8

If you are bringing information to the hearing for submission, you are required to supply 12 copies.

2. **Exhibit Viewing** - The initial appeal exhibit package will be posted on the ORRSC website at **www.orrsc.com**. Any additional submissions submitted up to June 5, 2025, will be posted to the website prior to the hearing.

DATE: May 21, 2025



Bonnie Brunner, Clerk
Subdivision & Development Appeal Board

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MUNICIPALITY OF CROWSNEST PASS CHINOOK INTERMUNICIPAL SUBDIVISION & DEVELOPMENT APPEAL BOARD

Development Permit No. DP 2025-016

List of Persons Notified

Municipality:

Municipality of Crowsnest Pass CAO
Municipality of Crowsnest Pass Manager
of Development & Trades
Municipality of Crowsnest Pass
Development Officer
ORRSC Planner, Ryan Dyck

SDAB Members:

Bjorn Berg
Glen Girhiny
Rupert Hewison
Don Hill
Evert Van Essen

Appellant:

Christopher Davis, Legal Counsel on
behalf of 82 Appellants as listed in
appeal submission

Applicant:

Arise Developments Inc.

Other Persons Notified:

ANDERSON, DALE L.
BAILEY, JENNIFER & WARREN
BAKER, DUNCAN
BAUMEISTER, GREGORY & JENNIFER
BLAKEY, ZACKERY
BROWN, DANIEL & SHIRLEY
BROWN, THOMAS & MANDEE
CAPRON, MARK
CARON, YVES
CASTLES, THOMAS J. & TRUDY M.
CHAMBERS, BRENDA J.
COLLINS, LAUREN & GRAEME
DE MAIO, GERARD A. B.
DE MAIO, STEPHEN
DUBNYK, JESSICA
DUECK, DELMAR & ELIZABETH
EDEN, CHADWICK & LINDSAY
ELLERT, MICHAEL
ELLISON, TERRY
FYTEN, SUSAN D.M.
GALLANT, BRIAN JOHN & SARAH JUSTINE
GIBBONEY, TRAVIS P.
GISO, JASON & CARINNE
GRAY, JESSE R.
HARRISON, VERNON EDWARD
JOHNSON, BONNIE GAIL
KINDRAT, NATHANIEL
KIRKMAN, MICHAEL & LAUREN
LANDSBURG, WILLIAM R.

Other Persons Notified:

LINDAL, TERESA J.
LINDERMAN, WAYNE
LUBA, DANIEL R. & TWILA-JO
MARTEN, JOEL
MATTHEWS, CHRISTOPHER
MCKENZIE, BRADLEY
MEWS, DEREK & ANGELE
MURPHY, TANNER D.
NASTASI, DARREN T
NASTASI, DARREN T & GLENDA
NEARING, MICHELLE A.
OCZKOWSKI, DAVID & CHERYL
OGERTSCHNIG, WILLIAM
OHRN, LESLIE A
OLEKSOW, MARGUERITA
ORR, DONALD
ORR, DONALD MERLIN
PAGNUCCO, QUENTIN
PENNY, TAMMY LAVERNE
RICKARD, PHILIP
ROGI, PETER P. & CATHERINE A.
SCHIEBOUT, JOEL C
SELENSKY, KIMBERLY C
STEDMANN, HALINA
STEVENS, WENDY
SZUMLAS, BRYAN
SZUMLAS, JUSTIN & BRYAN
TAYLOR, STEPHEN
THOMSON, IAN

Other Persons Notified:

TIEGEN ENTERPRISES LTD.
TKACHUK, KEITH BRIAN
TKACHUK, KEVIN
TUCK, MICHAEL D. A. & JENNIFER ANNE I
VAN DER LINDEN, ELISABETH & BRIAN &
JACKIE
VAN DER LINDEN, STANLEY
VELDMAN, HARRY & SANJA
VERBAAS, HENDRIK
WILLIAMS-FREEMAN, JASON
YESKE, JAMES C.



Subdivision and Development Appeal Board (SDAB) Appeal Form

NOTE: This appeal is not considered submitted until the appeal fee has been received by our office. To pay by credit card, please phone 403-562-8833. To pay by any other method, please visit 8502 - 19 Avenue, Coleman.

This form is not intended for appeals where there is a provincial interest. If the subdivision and development you wish to appeal has a provincial interest, please fill out the Land & Property Rights Tribunal Subdivision and Appeal Forms found at <https://www.alberta.ca/subdivision-appeals.aspx>

Applicant Information

Name *

Christopher Davis, Legal Counsel

Mailing Address *

26 Discovery Ridge View SW

E-mail *

chris@chrisdavislaw.ca

Phone Number *

[REDACTED]

Details of Appeal

Appeal Deadline

The appeal deadline is indicated on the notice.

2025-05-15

Is this an appeal for: *

☒ Development Permit

☐ Subdivision

☐ Stop Order

Development Permit Number *

DP 2025-016

Are you? *

☐ Original Applicant

☒ Concerned Resident

Documents for Appeal

Please include a pdf or text document with the details of your appeal application and any other supporting documents you may have

2025 May 15 - MCNP - DP2025-016 SDAB appeal.pdf	44.61KB
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2025 May 15 - List of Appellants (DP2025-016) - Att to filing ver 2.pdf	80.83KB
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2025 May 14 - MCNP - SDAB appeal receipt - Davis Law.pdf	148.44KB
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Signature*

NOTE: This appeal is not considered submitted until the appeal fee has been received by our office. If the form and/or fee are not received by this office before the deadline, this appeal will not be considered.

CHRISTOPHER DAVIS

Date Submitted

2025-05-15

Payment Received

Date Payment Received	Receipt
2025-05-14	CHRIS DAVIS LAW DEVELOPMENT APPEAL APPLICATION FEE.pdf26.96KB

Assistant Development Officer

Taxroll	
Development Permit Application Form	
DP2025-016 Devpt Permit App.pdf	1.45MB
Development Permit or Notice of Decision	
If one exists	
DP2025-016 Notice of Decision APRIL 24 2025.pdf	1.82MB
Adjacent Landowner Mail-Out List	
DP2025-016 ALO List.xlsx	606.23KB
Other Supporting Documents	
DP2025-016_SDAB Appeal_Notice of Appeal Form and Checklist.pdf	261.96KB

Outcome of Appeal

Date of Hearing	Was Appeal Successful?
	<input type="radio"/> Yes
	<input type="radio"/> No
Comments	
Final Exhibit Package	
Please upload a compressed version of the exhibit package for reference	
Notice of Decision	

REASONS FOR APPEAL

Appeal of Development Permit DP2025-016 (Apartment Residential Building(s))

Decision of the Municipal Planning Commission (as Development Authority)

Date of Decision: April 24, 2025

Appeal Period: May 15, 2025

APPELLANTS:

See attached Schedule (or any one of more of them)

BACKGROUND:

1. The Appellants are either owners of property or residents of the Municipality of Crowsnest Pass (MCNP).
2. The Appellants own or reside sufficiently proximate to the site of the approved development permit (the DP) to be “affected parties”.
3. The DP was approved on April 24, 2025 as a “permitted use”, but one where a variance was specifically granted for the required parking component. As such, it must be considered as if it were a “discretionary use”.
4. The Parking Space Requirement for the subject development were 1.75 per dwelling unit (2 or more bedrooms) / 1.25 per dwelling unit (no more than 1 bedroom).
5. The development proposes NO single bedroom units, but the following:
 - a. 2 BR – 18 units
 - b. 3 BR – 36 units
 - c. 4 BR – 18 units
 - d. TOTAL UNITS = 72
 - e. Required parking stalls = $72 \times 1.75 = 126$
 - f. Provided stalls = 110 (12.7% variance)

REASONS FOR APPEAL: (pursuant to section 686(1) of the MGA)

The approval of the DP by the Development Authority (through its Municipal Planning Commission) was in error for one or more of the following matters:

- a. The MPC failed to take into account one or more of the following factors pursuant to section 13.2 of the Land Use Bylaw (LUB 1165,2023):
 - i. Access, transportation and servicing requirements;
 - ii. The Subdivision and Development Regulation;
 - iii. Stormwater management and site grading;
 - iv. The land use definitions, the purpose statement of the applicable “High Density Residential – R-3” Land Use District, the development standards of the said district and the applicable Schedules (in particular Schedules 5 and 6) of the LUB.

- b. The MPC failed to discharge its obligation to determine if the “variance test” pursuant to section 13.4 of the Land Use Bylaw (LUB 1165,2023) was satisfied in the case of the relaxation of parking standards;
- c. The MPC failed to discharge its obligation to determine if the “variance test” pursuant to section 13.4 of the Land Use Bylaw (LUB 1165,2023) was satisfied in the case of the relaxation of the fence height standard;
- d. The MPC erred in failing to address the matter of public access to the adjacent Municipal Reserve parcel (Lot 15 MR, Block 5, Plan 8311587), despite the approved plans clearly indicating there to be access through the development site, thereby failing to discharge its duties pursuant to section 650(1)(b) of the MGA and section 19.2(d) of the LUB;
- e. The MPC erred In failing to require further mitigation responses for the parking variance, pursuant to section 19.2(c) of the LUB;
- f. The MPC erred in failing to require the preparation of and /or compliance with recommendations in relevant engineering reports or other professional studies (section 19.2(e) LUB);
- g. The MPC erred in failing to require there to be an adequate on-site pedestrian access plan for the subject development, again pursuant to section 19.2(d) of the LUB;
- h. The MPC erred in failing to ensure that sufficient communal amenity space (4.6 m ² / 50 ft² per unit) was provided pursuant to Schedule 5, section 4.2 of the LUB and in consideration that dwelling units in the project are all 2 or more bedrooms (i.e. the minimum amenity requirement may be insufficient in the circumstances);
- i. The MPC erred to the extent it may have considered the municipally owned adjacent reserve parcel (Lot 15 MR) to be an “exclusive use” area to the development, and thereby in compliance with Schedule 5, section 4.2 of the LUB;
- j. The MPC erred in failing to consider the impact of the restrictive covenant registered on title under the Historic Resources Act on the subject parcel(s);
- k. The MPC erred in approving the Development Permit without conditioning that valid and sufficient legal access and utility servicing easements be provided for either or both subject parcels by either:
 - v. requiring that the municipal parcel that was formerly 30th Avenue be dedicated as a road pursuant to section 16.1 of the MGA; or
 - vi. requiring that sufficient and necessary access easements and / or general utility right of way easements be provided in favour of the subject parcels;
- l. The MPC erred in failing to provide reasons for its decision; and
- m. Such further and other matters or grounds as may be raised at the appeal hearing.

LIST OF APPELLANTS

	Last Name	First Name
1.	Anderson	Dale
2.	Anderson	Shannon
3.	Baumeister	Alex
4.	Bishop	Anne Marie
5.	Bishop	Craig
6.	Brown	Tom
7.	Brown	Mandee
8.	Capron	Mark
9.	Capron	Allison
10.	Carey	Lori
11.	Caron	Yves
12.	Caron	Dominique
13.	Chambers	Brenda
14.	Clark	Shirley
15.	Collins	Lauren
16.	Colucci	Gail
17.	Dubnyk	Jessica
18.	Dueck	Del
19.	Dueck	Betty
20.	Ellison	Terry
21.	Elsom	Shaun
22.	Gallant	Brian
23.	Gallant	Sarah
24.	Gibney	Travis
25.	Harrison	Teri-Lynn
26.	Harrison	Vern
27.	Harrison	Austin
28.	Hennig	Alix
29.	Hennig	Larry
30.	Howe	Maxine
31.	Leavitt	Clayton
32.	Lindal	Doug
33.	Lindal	Teri
34.	Linderman	Wayne
35.	Manyguns	Herman
36.	Matthews	Chris
37.	Matthews	Candice
38.	McKenzie	Brad
39.	McKerracher	Chris
40.	McKerracher	Rhonda
41.	McNeil	Colleen
42.	McNeil	Kate

	Last Name	First Name
43.	Meinchuck	Shirley
44.	Myles	Erika
45.	Ogertschnig	Bill
46.	Ohrn	Les
47.	Ohrn	Laine
48.	Oleskow	Marg
49.	Oleskow	Mike
50.	Orr	Don
51.	Orr	Beryl
52.	Orr-Ellison	Dawn
53.	Pagnucco	Quentin
54.	Pagnuco	Don
55.	Pawluk	Mindy
56.	Penney	Tammy
57.	Penney	Amy
58.	Rayner	Taylor
59.	Rienzo	Amy
60.	Roman	Carmen
61.	Schiebout	Andi
62.	Schiebout	Joel
63.	Snyder	Karen
64.	Spoelder	Kassandra
65.	Stafford	Nicole
66.	Stedman	Helena
67.	Swann	Marie
68.	Taylor	Stephen
69.	Thomson	Ian
70.	Thomson	Maureen
71.	Tiegan	Dallas
72.	Tiegan	Morgan
73.	Tkatchuk	Debra
74.	Tkatchuk	Keith
75.	Tuck	Michael
76.	Tuck	Jennifer
77.	Veldman	Harry
78.	Veldman	Sanya
79.	Veldman	Maya
80.	Wojtowicz	Corey
A.	167492 Alberta Ltd.	
B.	Tiegan Enterprises Ltd.	

May 15, 2025



Box 600
Crowsnest Pass, Alberta,
T0K 0E0
Phone: 403-562-8833
Fax: 403-563-5474

Notice of Decision

This is not a Development Permit

Application No.	DP2025-016
Roll No.	3059002
Application Complete:	February 25, 2025
Notice of Decision:	April 24, 2025
Appeal Period Expires:	May 15, 2025

Approving Authority:	Municipal Planning Commission
Land Use District:	High Density Residential - R-3
Civic Address:	3001 214 Street, Bellevue
Legal Land Description:	A portion of NW21-7-3-W5M
Proposed Development:	For six "Apartment Buildings not exceeding 3 storeys or 14.0m (45.9ft)" (permitted use) with a 13% variance to the parking requirement.

Dear Sir or Madam:

Please be advised that the **Development Permit application DP2025-016 was approved** subject to the following conditions:

1. The Development Permit approved in this Notice of Decision shall not be issued and shall be of no effect, and construction / placement of the development shall not commence, until all "Prior to Issuance Conditions" stated in this Notice of Decision have been met or fulfilled.
2. This Notice of Decision shall remain effective for a period of six (6) months and shall then expire and be deemed null and void unless the applicant or landowner (proponent of the proposed development) to whom the Notice of Decision was issued continues to collaborate with the Development Authority to satisfy or complete the "Prior to Issuance Conditions" and, if required, an extension is approved by the Development Authority.

Prior to Issuance Conditions (these conditions are to be satisfied prior to issuance of a development permit and will only form part of the Notice of Decision and not part of the formal development permit issued however, the development permit shall be of no effect until these conditions have been satisfied)

3. The applicant / landowner shall provide to the Development Officer a performance Security Deposit of **\$10,000.00** for the completion of the paving of the parking lots, which shall be refunded upon completion of condition 6 by the date specified therein.

4. The landowner and/or applicant shall provide to the Development Officer a Performance Security Deposit of **\$7,500** for the completion of the fencing / landscaping, which shall be refunded upon completion of condition 7 by the date specified therein.
5. An appeal period of twenty-one (21) days from the date of the Development Authority's Notice of Decision applies, and if any appeals are submitted the development permit shall not be issued until such appeals are dealt with by the Subdivision and Development Appeal Board or the Land and Property Rights Tribunal, as may be applicable.

Time Specific Conditions After Issuance (deadline for enforcement or for the validity of the development permit)

6. The landowner and/or applicant shall complete the hard surfaced parking area to the satisfaction of the Development Officer by **September 30, 2026**.
7. The landowner shall complete the landscaping / opaque fencing as per the approved site plan. The purpose of the buffer is to provide separation between land uses pursuant to the Land Use Bylaw, Administration, section 19, and Schedule 5. The separation buffer, fence or landscaping shall be completed to the satisfaction of the Development Officer by **September 30, 2026**.
8. Prior to start of construction the applicant / developer shall provide municipal water and wastewater services to the proposed development pursuant to s. 21 of the Land Use Bylaw, and, where public infrastructure needs to be extended to achieve this, and the MNCP requires a development agreement from the applicant / landowner, the applicant / landowners shall enter into and comply with the terms and conditions of a development agreement to the Municipality's satisfaction, pursuant to s. 650 of the Municipal Government Act.
9. The applicant or landowner shall commence the approved development and carry it out with reasonable diligence, in the opinion of the Development Officer, within 12 months from the date of issuance of the development permit and / or within the specific timelines and by the specific deadlines stated in this development permit, otherwise the permit shall be deemed to be null and void (for this purpose, "commence" may include obtaining a building permit under the Safety Codes Act).
10. When a development permit involves construction, the applicant or landowner shall complete exterior work to the Development Officer's satisfaction within 36 months after the date of the issuance of the development permit (regardless of the date of issuance of a building permit under the safety Codes Act or the date of the start of construction) and / or within the specific timelines and by the specific deadlines stated in this development permit, otherwise the applicant or landowner shall be deemed to be in contravention of the development permit conditions.
11. The landowner or applicant shall confirm permitting requirements for the proposed building / structure with the discipline specific Safety Codes Officer, and shall provide to the Development Officer copies of Safety Codes permit applications (Building, Electrical, Gas, Plumbing) when the same are made or copies of Safety Codes permits issued immediately upon issuance to demonstrate that such applications or permits are consistent with the development permit issued for the proposed development.

Conditions of a Continuing Nature (Permanent Conditions)

12. The applicant or landowner shall ensure that the development complies with and is carried out and completed in its entirety in accordance with the attached approved site plan and the development standards in the Land Use Bylaw 1165, 2023 (except as approved by variance in the table below):

Apartment Building – Portion of NW21-7-3-W5M	Standard	Approved	Variance Requested
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Front Yard Setback (East) Future Road	6.1m	6.1m	N/A
Side Yard Setback (North)	As approved by the Development Authority	1.5m	N/A
Side Yard Setback (South)	As approved by the Development Authority	1.5m	N/A
Rear Yard Setback (West)	7.6m	7.6m	N/A
Maximum Building Height	14.0m and three storeys	12.2m and three storeys	N/A
Parking	1.75 parking stalls per dwelling unit containing two or more bedrooms 72 units = 126 parking stalls	110 Parking stalls	13% 16 Parking Stalls
Parking Stall Dimensions	6.1m x 2.7m	6.1m x 2.7m	N/A
Maximum Lot Coverage Lot: 7633.43m ²	50% 3816.7m ²	29% 2207.9m ²	N/A
Amenity Area	4.6m ² per dwelling unit 72units 4.6m ² x 72 = 331.2m ²	5.0m ² per dwelling unit Total: 362m ²	N/A
Fence Height	1.8m	1.8m Opaque Fence	N/A

13. The Developer and/or the Landowner shall ensure that any changes to the lot grading maintains positive drainage directing the flow of all surface stormwater away from building foundations towards adjacent streets and lanes without adversely affecting (e.g. erosion, flooding) adjacent properties, roads, lanes, public property, or public infrastructure, including where applicable in such a manner that the post-development rate and volume of surface stormwater drainage from the subject property do not exceed the pre-development rate and volume of surface stormwater drainage. Should retaining walls be required as part of the stormwater drainage system, additional development permits are required, and construction shall be completed by the landowner at no cost to the municipality.
14. The Land Use Bylaw 1165, 2023, as amended, contains development standards and regulations that apply to this development permit and for which the landowner is responsible to comply with, at no cost to the Municipality of Crowsnest Pass. These regulations address matters relating to many aspects of the approved development or use e.g., access to the property, lines of sight, public safety setbacks, parking requirements, lot grading, maintaining positive drainage towards abutting roads and/or lanes, outdoor storage, etc. It is the Landowner's and/or Applicant's responsibility to ensure that they are fully aware of and comply with all the applicable development standards and regulations in the Land Use Bylaw that may apply to the proposed development or use. Please contact the Municipality's Department of Development, Engineering & Operations for assistance if required.
15. When construction is involved for a development approved under this development permit, the landowner and/or the applicant to whom this development permit was issued and their successors in title, are responsible to, and shall ensure that the location of the building(s) relative to the subject property boundaries (i.e. approved yard setbacks, including variances if any), as approved in the attached site plan, and relative to easements on the subject property, is staked out by either an

Alberta Land Surveyor, a professional engineer (see definition), or another certified agent, prior to the pouring of building foundations. At any time during or after construction, the Development Officer may require that the landowner of the subject property provide the stake-out, a survey and/or a survey drawing (or a Real Property Report) of the subject property and/or the building footprint relative to the subject property boundaries and easements, at no cost to the Municipality.

16. Failure to comply with any one or more of the conditions listed in this development permit either by a specified deadline or at any time throughout the lifetime of the development permit, as may be applicable, or implementation of the development contrary to the approved site plan and/or approved variances, shall result in enforcement through a Stop Order and corresponding fees, rates, charges, or fines pursuant to the Municipality's Fees, Rates and Charges Bylaw in effect at the time of the non-compliance.

Important Information & Notes:

- a) The issuance of a Development Permit indicates only that the development to which the Development Permit relates is authorized in accordance with the provisions of the Municipality of Crowsnest Pass Land Use Bylaw and does not in any way relieve or excuse the Landowner and/or the Development Permit holder from obtaining any other permit (including authorization to modify a wetland, safety codes permits e.g. building, electrical, gas, plumbing, Historical Resources Act approval, Highways Development and Protection Act, etc.), license, or other authorization required by any Federal or Provincial Act or regulation, or under any Bylaw of the Municipality (e.g. a business license), or complying with the conditions of any easement, covenant, agreement, or other instrument affecting the building or land. The Landowner and/or the Applicant is responsible to ensure compliance with these matters, at the sole risk and responsibility of the Applicant/property owner to the exoneration of the Municipality of Crowsnest Pass from any liability related to these matters, and at no cost to the Municipality of Crowsnest Pass. The applicable requirements may include the following:
 - (i) Recommendations in the *Environmentally Significant Areas in Alberta* report (2014).
 - (ii) An application under the Historical Resources Act via the Online Permitting and Clearance (OPaC) process (<https://www.alberta.ca/online-permitting-clearance>) to the Historic Resources Management Branch of Alberta Arts, Culture, and Status of Women, and compliance with any requirements, terms, and conditions of such clearance.
- b) The Applicant/property owner is responsible for the following aspects as may be applicable to this development permit, at the sole risk and responsibility of the Applicant/property owner to the exoneration of the Municipality of Crowsnest Pass from any liability related to these matters, and at no cost to the Municipality of Crowsnest Pass:
 - (i) Determining the legal property boundaries and any applicable easements through a survey by an Alberta Land Surveyor before foundations are excavated or poured and before construction proceeds above ground level.
 - (ii) Ensuring that any structures approved under this Development Permit are constructed such that they are correctly set back from the property boundaries in compliance with the front, rear, and side yard setbacks approved in this Development Permit. The landowner should consult an Alberta Land Surveyor for this purpose.
 - (iii) Ensuring that the development and the associated excavation and/or construction activity approved under this Development Permit shall not disturb, affect, or alter conditions of all utilities and appurtenances, drainage rights-of-way, utility rights-of-way, access rights-of-way, and any easements as they may exist, over, under, or through the Lands. The landowner should consult a professional engineer and/or an Alberta Land Surveyor and/or the relevant utility company / utility owner for this purpose.
 - (iv) Ensuring that the development and/or any associated structures and/or the associated excavation and/or construction activity approved under this Development Permit is undertaken in a manner that does not cause or result in a public safety risk or concern, or a nuisance, disturbance, or damage to adjacent properties and/or roads, lanes, or other municipal infrastructure. The landowner should consult a legal professional, a professional engineer and/or an Alberta Land Surveyor for this purpose.
 - (v) Ensuring that all equipment, waste bins, portable toilets, building materials, and excavation stockpiles associated with construction activity approved under this development permit are placed within the subject property boundaries, and that where such items must encroach onto adjacent private property and/or adjacent boulevards, sidewalks, streets and /or lanes, that the adjacent landowner's consent has been obtained and/or that the Municipality has authorized such encroachment through a hoarding permit under the Traffic Bylaw (please contact the Manager of Transportation or a Community Peace Officer).
 - (vi) Making suitable arrangements with utility companies for the provision of all services and/or necessary easements for utility rights-of-way.

- (vii) Notifying Alberta 1st Call at 1-800-242-3447 to arrange for field locating prior to construction, should any excavations be required near utility lines.
 - (viii) Ensuring that permanent structures are located outside the 1:100-year flood plain of any water body. The landowner should consult a wetland assessment practitioner and/or an Alberta Land Surveyor for this purpose.
 - (ix) Ensuring that construction activity approved under this Development Permit does not result in the modification of a wetland without provincial approval. The landowner should consult a wetland assessment practitioner for this purpose.
 - (x) Ensuring that foundation and drainage systems on a property with an effective grade / slope of greater than 15% are designed in accordance with the recommendations in a slope stability assessment and/or a grading plan / stormwater management plan, as may be applicable, prepared by a professional engineer, and that the same are constructed under the supervision of a professional engineer, to protect the bank from erosion and to ensure slope stability.
 - (xi) Ensuring that a 2-meter separation is provided between the water table and footings for the buildings. The landowner should consult a professional engineer for this purpose.
 - (xii) Ensuring that the property is graded in such a manner that positive drainage directing the flow of all surface stormwater away from building foundations towards adjacent streets and lanes is maintained without adversely affecting (e.g. erosion, flooding) adjacent properties, roads, lanes, public property, or public infrastructure, including where applicable in such a manner that the post-development rate and volume of surface stormwater drainage from the subject property do not exceed the pre-development rate and volume of surface stormwater drainage. Should retaining walls be required as part of the stormwater drainage system, additional development permits are required, and construction shall be completed by the landowner at no cost to the municipality. Where an approved grading plan or stormwater management plan exists, the property must be graded (finished grade) in accordance with the grading plan or stormwater management plan. The landowner should consult a professional engineer and an Alberta Land Surveyor for this purpose.
 - (xiii) Being aware of FireSmart Regulations including the Municipality's FireSmart Bylaw and Safety Codes Permit Bylaw as may be applicable.
 - (xiv) This document does not provide permission to commence a use, start construction or occupy a building (as may be applicable). It is the owner's responsibility to ensure that all development permit conditions have been satisfied, and other applicable permits are applied for and issued before commencing construction, and that construction is inspected and permits closed, before occupancy. It is the responsibility of the owner or owner's agent to make an application to the Municipality for an Occupancy and Completion Certificate prior to taking occupancy.
- c) As part of the development permit review the Development Officer considered the following items, and relevant conditions were imposed on the development permit as deemed applicable:

Title – Owner / Application signed	✓	Provincial Historic Resource Value (archaeology)	4a,5a
Gas well	N/A	Provincial Historic Designation	N/A
Transportation & Economic Corridor (direct access or structure within 40 m of Hwy 3 / 40)	N/A	Historic Commercial Areas Overlay District	N/A
Hydrography through parcel	N/A	Municipal Historic Resource Designation / MCNP Heritage Inventory	N/A
High Pressure Gas Main	N/A	Historic Resource Designation by Bylaw	N/A
Water Connection	Future	Coleman National Historic Site	N/A
If no: Proposed Municipal, Well, Cistern		Areas of Potential Environmental Concern Overlay District / Lagoon	N/A
Sewer Connection	Future	Wetlands	N/A
If no: Proposed Municipal, PSDS		Parking Submitted	✓
Contours – Steep Grade	N/A	3m/6m lane	N/A
Area Structure Plan	N/A	Registered Documents	Covenant
Cadastral – URW on parcel	✓	Land Use Bylaw No. 1165, 2023 as amended Schedules	2,4,5

Right to Appeal

This decision may be appealed within 21 days after the notice of decision. You may file an appeal with the required appeal fee by the appeal deadline. The SUBDIVISION AND DEVELOPMENT APPEAL BOARD (SDAB) has jurisdiction to hear an appeal of the Development Authority's Decision on this development permit.

Subdivision and Development Appeal Board:

Submit the online form: https://portal.laserfiche.ca/o8468/forms/Development_Appeal or visit <https://www.crowsnestpass.com/planning-development/p-d/subdivision-and-development-appeals> to learn more and access the link to appeal. The fee of \$400.00 must be paid with the appeal (will be contacted for payment once the form is sent).

If you have any questions regarding the development permit, please contact the undersigned at development@crowsnestpass.com or make an appointment by calling (403) 562-8833.

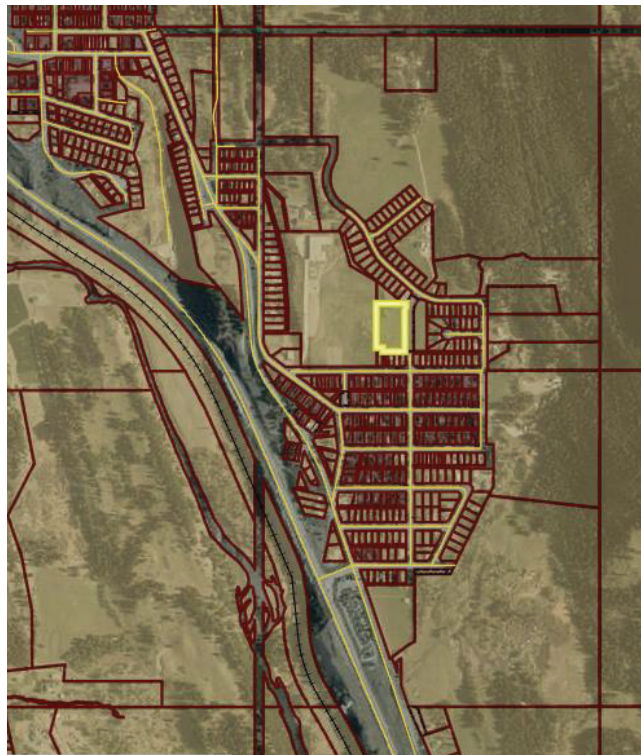
Sincerely,



Katherine Mertz
Development Officer

5;3;7;21;NW & Lot 35 Block 2 Plan 8311587

3001 214 Street, Bellevue



D7



D9



Box 600
Crowsnest Pass, Alberta
T0K 0E0
Phone: 403-562-8833
Fax: 403-563-5474
Email: development@crowsnestpass.com

Office Use Only

Application No.	DP2025-016
Land Use District	R-3
Roll No.	3059002
Date Received	2025-02-07

Development Permit Application Form - Residential

(Single Detached-Dwelling, Multi-Unit Dwellings, Moved-In Buildings, Additions, Sheds, Decks, Garages, Porches, Secondary Suites)

PLEASE NOTE: This application is ONLY for a development permit. If a building permit is also required, you must apply for it separately prior to construction. Providing an email means you consent to receiving documents or communications related to this application, including but not limited to development permit decisions, acknowledgments confirming an application is complete, and any notices identifying any outstanding documents and information by email. Please be sure to complete the entire application. **Failure to send in a complete application can result in a delay of your permit.**

Applicant Information		Property Information	
Name	Arise Developments Inc.	Municipal Street Address	The two Bellevue properties
Phone			
Email			
		Block	
City and Postal Code	Fort Macleod AB	Plan	

Land Title Certificate and Registrations (Choose One)

- | | |
|--|--|
| <input checked="" type="checkbox"/> Current Certificate of Title and Registrations on Title (Within 3 Months - Attached)
Obtain online from Land Titles (Spin2 website) or a Registries Office | <input type="checkbox"/> I am requesting the Municipality to obtain the required certificate of title and registered documents and apply all costs to the application fee (\$25.00) |
|--|--|

PLEASE CONFIRM ONE OF THE FOLLOWING:

- ☐ I am the registered owner of the above noted property
- ☐ I have entered into a binding agreement to purchase the above noted property with the registered owner(s) (please attach a copy of the agreement)
- ☐ I have permission of the registered owner(s) of the above noted property to make the attached application for a Development Permit (please complete or attach a separate authorization letter from the owner with their contact information)

Type of Development (Check all that apply)

ITEMS REQUIRED TO SUBMIT WITH APPLICATION	Site Plan	Parking Plan (on Site Plan)	Elevation Plans	Floor Plans (Include Basement)	Landscape Plan	Photos (All Sides)
<input type="checkbox"/> Single Detached-Dwelling	✓	✓	✓	✓	•	•
<input checked="" type="checkbox"/> Multi-Unit Dwelling	✓	✓	✓	✓	✓	•
<input type="checkbox"/> Addition	✓	•	✓	•	•	•
<input type="checkbox"/> Garage, Shed, Deck, Porch	✓	•	✓	•	•	For Sea Can
<input type="checkbox"/> Secondary Suite	✓	✓	•	✓	•	•
<input type="checkbox"/> Moved-In Building	✓	For Dwelling	✓	For Dwelling	•	✓
<input type="checkbox"/> Existing Development	✓	✓	✓	If Applicable	•	✓

Proposed Use / Description of Proposed or Existing Development and Reason for Variance Request (If applicable):	Anticipated Start Date:
As viewed by the attached top view.	May 1st, 2025

The personal information provided as part of this application is collected under Sections 303 and 295 of the Municipal Government Act and in accordance with Section 32(c) of the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing development permits, Land Use Bylaw enforcement and property assessment purposes. The name of the permit holder and the nature of the permit are available to the public upon request. If you have any questions about the collection or use of the personal information provided, please contact the Municipality.

E1

DEVELOPMENT SPECIFICATIONS – ALL DEVELOPMENTS			
Provide measurements in metres below and show on site plan (Refer to sample Site Plan for requirements)			
Total Lot Area (m ²)		Front Yard Setback (m)	Primary Front: Secondary Front:
Building Footprint Area (m ²)	Existing:	Rear Yard Setback (m)	
	Proposed:		
Gross Floor Area (m ²) (Roofed floor area of all storeys)		Side Yard Setback (m) (Indicate N/S/E/W)	Side 1:
			Side 2:
Habitable Floor Area (m ²) (Dwelling Only - Sum of all above grade storeys – do not include garage or basement)		Building Height (m) (Finished Grade to Top of Tallest Peak)	

WATER AND SEWER SERVICES			
Is your property connected to Municipal Services? <input checked="" type="checkbox"/> Water <input checked="" type="checkbox"/> Sanitary OR <input type="checkbox"/> Requires Connection from Street			
OR <input checked="" type="checkbox"/> Private (well) water and Private septic system capacity (if applicable): Capacity: _____ Number of Bedrooms: _____ If none, please describe and show the location of private services on site plan. (water well & private septic system, including disposal)			
PARKING AND ACCESS Identify Parking and driveway on a separate attached site plan. See Land Use Bylaw Schedule 6 – Off-Street Parking and Loading Area Standards.			
# of parking stalls on property	176	# of driveway accesses / approaches	5
Parking Stall Length (per stall – m ²)	see plan	Parking Stall Width (per stall – m ²)	See Plan
ADDITIONAL PROPERTY INFORMATION			Yes
Any abandoned wells on property: If yes, submission required pursuant to ERCB Directive 079			No
Any known environmental issues or studies effecting this property: If yes, attach description/reports			
Any known historic buildings on the property or adjacent property:			
Is the entire parcel of land (not just the development site): The subject of a license, permit, approval or other authorization granted by any of the following: Natural Resources Conservation Board, Energy Resources Conservation Board, Alberta Energy Regulator, Alberta Energy and Utilities Board or Alberta Utilities Commission, AND/OR The subject of a license, permit, approval or other authorization granted by the Minister of Environment and Protected Areas? If you answered “Yes” to any of these, please provide the approval, authorization number and/or license number here: _____			
MOVED-IN BUILDING (If Applicable. May require additional authorization from Transportation Department)			
Year of Building		Date of Expected Move In	
SECONDARY SUITE INFORMATION (If Applicable)			
<input type="checkbox"/> Basement <input type="checkbox"/> Attached to Principal Building (A),(B) <input type="checkbox"/> Separate Building <input type="checkbox"/> Within Detached Garage (C),(D)			
(A) Net Floor Area of Principal Building (m ²)		(B) Net Floor Area of Proposed Suite within Principal Building (m ²)	
(C) Gross Floor Area of Detached Garage(m ²)		(D) Gross Floor Area of Secondary Suite within Detached Garage(m ²) or as a Separate Building	

The personal information provided as part of this application is collected under Sections 303 and 295 of the Municipal Government Act and in accordance with Section 32(c) of the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing development permits, Land Use Bylaw enforcement and property assessment purposes. The name of the permit holder and the nature of the permit are available to the public upon request. If you have any questions about the collection or use of the personal information provided, please contact the Municipality.

E2

AUTHORIZATION

- I am aware that this application will be reviewed by the Development Authority and may be delayed or refused if the application and/or information provided is incomplete. I will be notified within 20 days if it is complete or incomplete.
- I understand that additional information may be required after the application has been deemed complete.
- I understand if the subject property is located within an area where development constraints exist, (e.g., non-operating landfill, grade issues etc.) additional information and/or reports may be required.

The information I have provided herein and herewith is true, and to the best of my knowledge, accurate and complete.

Arise Developments Inc.

Name of Applicant (please print)

Signature of Applicant

Name of Applicant (please print)

Signature of Applicant

Name of Owner (if different than applicant)

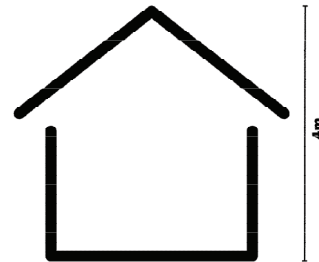
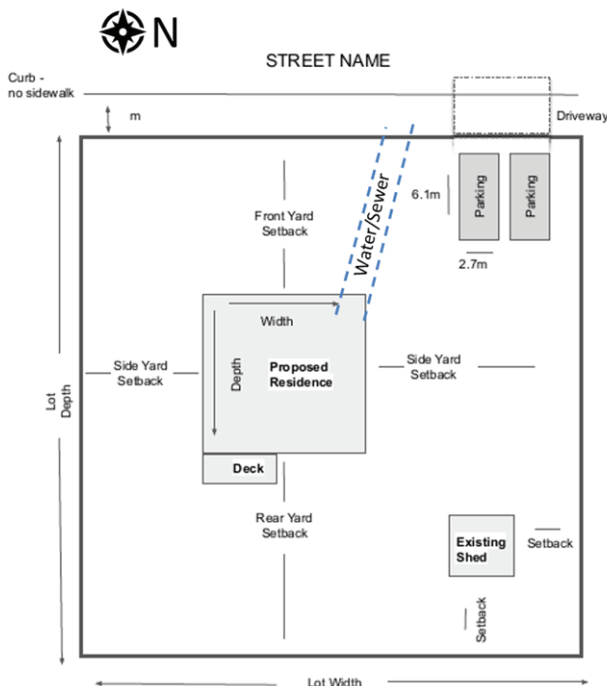
Signature of Owner

Registered Owner(s) Mailing Address: Box 2831 Fort Macleod

Registered Owner Email(s) and Phone Number(s):

OR ☐ Permission Letter Attached (Use if there is more than one owner, include authorization, signature, and contact information for each owner registered on the land title) **If the applicant or owner is a corporation, please attach a current corporate search**

SAMPLE SITE AND ELEVATION PLAN (Sample Only – Please Provide Your Plans Separately)

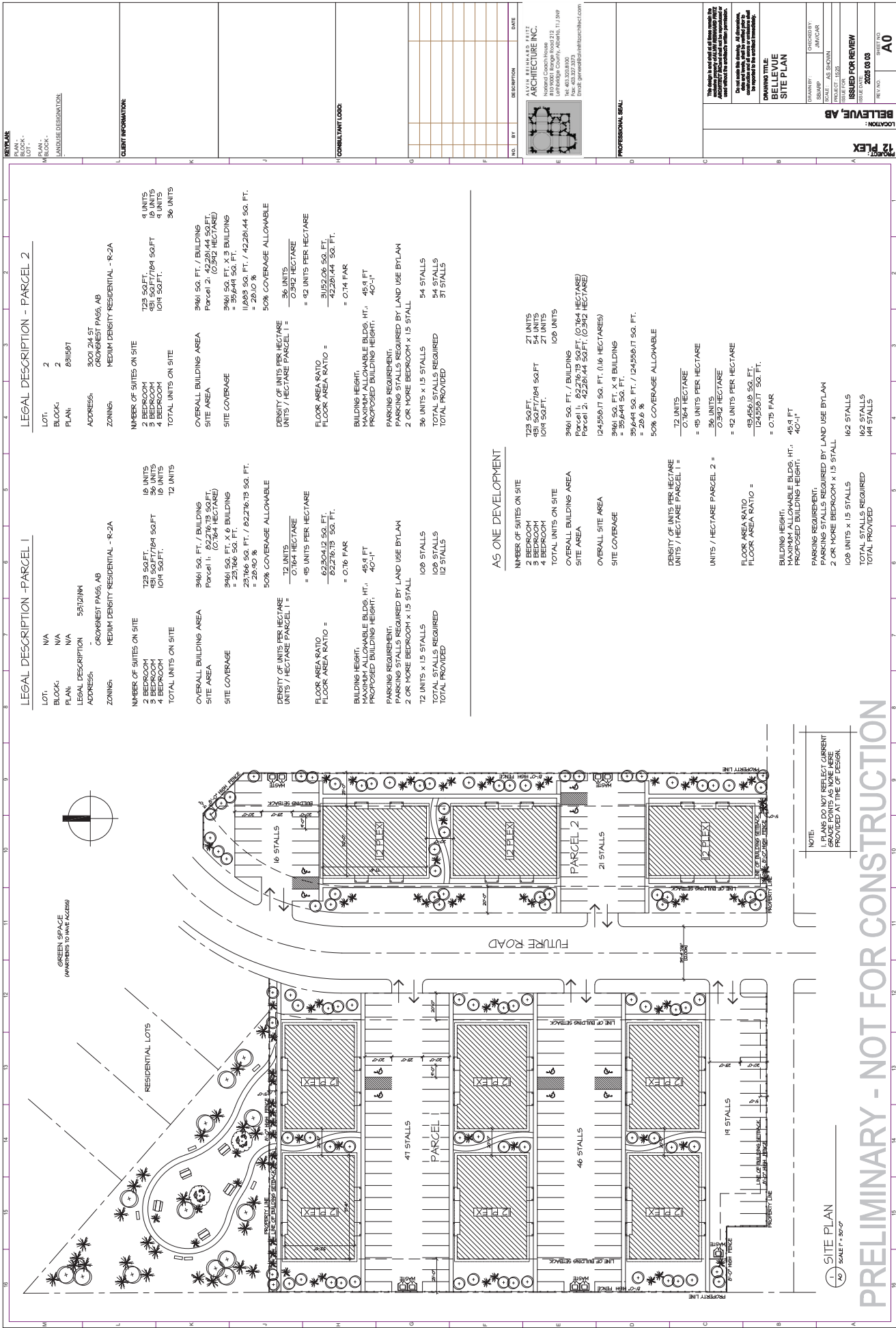


SITE PLAN MUST INCLUDE:

- Property Civic Address and North Arrow
- Adjacent roadway and lanes
- Lot dimensions and lot area
- Existing and Proposed structures identifying dimensions, including height, floor area, building footprint, habitable floor area (as applicable), percentage of lot coverage
- Distances from foundations to front, side and rear property lines (measured perpendicular to the lot line)
- Location of access, driveway, sidewalks and curbs and any registered utility right of ways or easements
- Location and number of off-street parking spaces
- Location of existing water and wastewater service connections, and alignment from property boundary to building (if known)

The personal information provided as part of this application is collected under Sections 303 and 295 of the Municipal Government Act and in accordance with Section 32(c) of the Freedom of Information and Protection of Privacy Act. The information is required and will be used for issuing development permits, Land Use Bylaw enforcement and property assessment purposes. The name of the permit holder and the nature of the permit are available to the public upon request. If you have any questions about the collection or use of the personal information provided, please contact the Municipality.

E3



Katherine Mertz

From: Katherine Mertz
Sent: February 25, 2025 12:32 PM
To: greg [REDACTED]
Cc: development; reception
Subject: DP2025-016- Greg Beekman \$425

Hello,

Thank you for submitting your development permit application **DP2025-016 for the purpose of Apartment development**.

In order for your application to be completed/or considered at the next Municipal Planning Commission Meeting on March 26, 2025 in Council Chambers, please kindly pay the **application fee of \$425 by March 10th, 2025**.

Along with payment, we also require the following to deem your application complete.

- A REVISED site plan based on requirements that will be emailed later today. Please have the revised site plan submitted by no later than **March 10, 2025**. If you have any questions regarding the email forthcoming, I would be happy to discuss it with you.

To make payment, you can call our main reception desk at 403-562-8833 or visit us in person at 8502 19 Avenue Coleman.

Please keep in mind that your application will be considered incomplete and will not be processed further until payment is made and the revised site plan is submitted.

Kind regards,



Katherine Mertz

Development Officer

Municipality of Crowsnest Pass

P.O. Box 600 | Crowsnest Pass, Alberta | T0K 0E0

P 403 562-8833 F 403 563-5474

E Development@crowsnestpass.com

Katherine Mertz

From: Katherine Mertz
Sent: February 25, 2025 2:58 PM
To: greg [REDACTED]
Subject: Bellevue Development

Hello Greg,

Bellevue Site Plan and Development Application.

We have some comments on the proposed development listed below. Once a revised site plan is returned to us we will reach out for the application fees to be paid, and at that point your application will be deemed complete. In order to bring the application forward to the municipal planning commission March 26, 2025, we will need the revised plan submitted back to our office by no later than March 10th, 2025.

The proposed development is listed as a permitted use in the High-Density Residential R-3 land use district. A permitted use cannot be appealed however, Please note that if there are variances being requested, the development permit may be appealed. The magnitude / significance of such variances may increase the likelihood of a successful appeal.

On the site-plan, please combine the keys / legend block for the number of units and parking requirements as one development and not per titled area. Parking standards are 1.75 parking stalls per unit that is 2 bedrooms or more.

Based on the Land Use Bylaw standards for parking (Schedule 6) and multi-family (Schedule 5), it may be necessary to remove one or two buildings in order to reduce the parking requirement and provide additional space to provide the total parking requirement, amenity space, solid waste management area, and snow storage. Please add, remove, revise on the site plan as suggested below.

1. Snow Storage and Garbage Pick-up Locations for each parking lot / apartment building
2. Setbacks from property line to building wall
 - a) Rear (Far West and Far East property boundaries respectively of the two parcels) minimum 25ft setback. A variance may be requested supported by mitigating measures such as additional landscaping and fencing. Additional parking may be accommodated in any yard setback. The west rear yard setback at 5ft is a concern, given that the minimum required rear yard setback standard is 25ft. Consider increasing the east side yard setback and adding additional coniferous landscaping and 8ft tall opaque fencing to reduce the impact on adjacent existing single family development. Fencing of the west rear yard property boundary should be considered.
 - b) Front yard setback (from "Future Road" property line) is 20ft. A variance may be requested to support a larger rear yard setback distance from the rear yards especially the east boundary, to reduce the impact on existing adjacent single family residential development.
 - c) Side Yard property lines (North and South) are at the discretion of the Development Authority and appear to be acceptable as proposed.
3. Fencing and / or landscaping along the outer boundaries, particularly the west and east. Consider 8ft high opaque fencing and additional landscaping along the west and east lot boundaries of the two parcels. Under the Land Use Bylaw Administration section 19.2 and Schedule 4 section 12, the Development Authority may require increased standards to reduce the impact of infill development on existing adjacent

mature development (in this case single family residential), especially if the proposed development involves significant variances for example to yard setbacks. In this case it is likely that the Development Authority would require fencing as a condition of development approval.

4. Provide landscaping between buildings on the east parcel.
5. Remove the parking stalls that directly access off the public main road (labelled as “Future Road”). All parking stalls must be accommodated on-site and shall be accessed by one entrance / exit location. Individual parking stalls shall not be accessed directly of a public street.
6. Show (conceptually) an approximately 12m wide paved road surface and curb along the “Future Road” from south to north, and show the remaining boulevard of the “Future Road” allowance (which is 20m wide)-with landscaping, access etc. Identify that the “Future Road” will be constructed by the Municipality and that construction completion will be scheduled to provide access when the first apartment building is completed.
7. A Communal Amenity space is required at 50 sq ft / unit = 5400 sq ft or 4800 sq ft if one 12-plex is removed. A combination of a sitting area, recreational amenity (e.g. picnic tables, garbage receptacles, horseshoe-pit), pathway, green space / landscaped. Consider using the NE curved corner area shown as parking for amenity space instead, as it could reduce the impact on the single-family residential neighbours. As an alternative or supplement to an on-site amenity space, the developer could similarly enhance the existing undeveloped MR parcel to the north and receive credit towards some of the required on-site amenity space for this development:-
8. Identify Parking stall dimensions (Standard 9ft x 20ft) and aisle width.
9. Provide height of buildings. (maximum 45.9ft)
10. Calculate and show the density of units per hectare of the parcels
11. Provide the dimensions / footprint area of the buildings, and calculate and show the total building coverage of the parcel areas (maximum 50%).

It is possible based on the ultimate servicing requirements that are currently being discussed with the CAO, that off-site upgrading may be required.

The Public Hearing for the rezoning Bylaw 1221, 2025 will be held March 11th at 1:00pm. Any submissions for the public hearing are due by noon on March 3rd. Do you plan to be in attendance at that meeting?

Have you had a chance to speak to a consultant regarding the Historic Impact Assessment?

Since the Municipality obtained the OPaC clearance (as the properties are municipally owned presently), please advise what steps you are taking regarding hiring an archeologist to fulfil the requirements of the OPaC clearance. The CAO discussed with an archeologist (STANTEC), who indicated that the required steps could add 12-25 weeks to the construction schedule.

Please provide a revised site plan with the information that was identified as incomplete, by March 10, 2025. You may request a later date with the understanding that a later date may affect the Municipality’s ability to take the application to the March 26 Municipal Planning Commission meeting. The next Municipal Planning Commission meeting is April 23, 2025. Please note that due to variances being requested, there is a 21 day appeal period after the MPC decision.

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If you have any questions of the above please let me know and we can correspond through email or set up a time to discuss.

Kind regards,



Katherine Mertz

Development Officer

Municipality of Crowsnest Pass

P.O. Box 600 | Crowsnest Pass, Alberta | T0K 0E0

P 403 562-8833 F 403 563-5474

E Development@crowsnestpass.com

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LAND TITLE CERTIFICATE

S

LINC

SHORT LEGAL

TITLE NUMBER

0015 237 358

5;3;7;21;NW

941 262 400

LEGAL DESCRIPTION

THAT PORTION OF THE NORTH WEST QUARTER OF SECTION 21
TOWNSHIP 7
RANGE 3
WEST OF THE FIFTH MERIDIAN
WHICH LIES TO THE EAST OF BLOCK A, PLAN 386JK
AND TO THE SOUTH OF LOT 15-MR ON BLOCK 5, PLAN 8311587
AND TO THE WEST OF 30TH AVENUE
AND NORTH OF LANE ON PLAN 8311587
CONTAINING 0.760 HECTARES (1.88 ACRES) MORE OR LESS
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

ESTATE: FEE SIMPLE

MUNICIPALITY: MUNICIPALITY OF CROWSNEST PASS

REFERENCE NUMBER: 891 073 411 A .

REGISTERED OWNER(S)				
REGISTRATION	DATE (DMY)	DOCUMENT TYPE	VALUE	CONSIDERATION
941 262 400	11/10/1994	TRANSFER OF LAND	\$8,000	\$8,000

OWNERS

THE MUNICIPALITY OF CROWSNEST PASS.
OF P.O. BOX 370, COLEMAN
ALBERTA T0K 0M0

ENCUMBRANCES, LIENS & INTERESTS

REGISTRATION		
NUMBER	DATE (D/M/Y)	PARTICULARS
991 039 966	11/02/1999	CONDITION/COVENANT UNDER THE HISTORICAL RESOURCES ACT IN FAVOUR OF - THE MUNICIPALITY OF CROWSNEST PASS

(CONTINUED)

G1

ENCUMBRANCES, LIENS & INTERESTS

PAGE 2

941 262 400

REGISTRATION

NUMBER DATE (D/M/Y) PARTICULARS

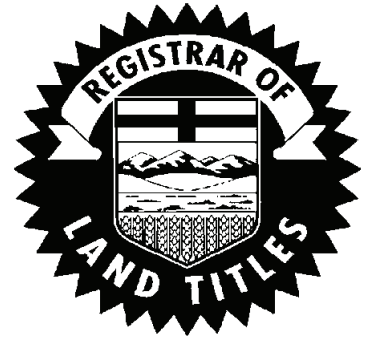
HISTORICAL SITE

TOTAL INSTRUMENTS: 001

THE REGISTRAR OF TITLES CERTIFIES THIS TO BE AN
ACCURATE REPRODUCTION OF THE CERTIFICATE OF
TITLE REPRESENTED HEREIN THIS 13 DAY OF
FEBRUARY, 2025 AT 09:58 A.M.

ORDER NUMBER: 52870071

CUSTOMER FILE NUMBER:



END OF CERTIFICATE

THIS ELECTRONICALLY TRANSMITTED LAND TITLES PRODUCT IS INTENDED
FOR THE SOLE USE OF THE ORIGINAL PURCHASER, AND NONE OTHER,
SUBJECT TO WHAT IS SET OUT IN THE PARAGRAPH BELOW.

THE ABOVE PROVISIONS DO NOT PROHIBIT THE ORIGINAL PURCHASER FROM
INCLUDING THIS UNMODIFIED PRODUCT IN ANY REPORT, OPINION,
APPRAISAL OR OTHER ADVICE PREPARED BY THE ORIGINAL PURCHASER AS
PART OF THE ORIGINAL PURCHASER APPLYING PROFESSIONAL, CONSULTING
OR TECHNICAL EXPERTISE FOR THE BENEFIT OF CLIENT(S) .

**ALBERTA GOVERNMENT SERVICES
LAND TITLES OFFICE**

IMAGE OF DOCUMENT REGISTERED AS:

991039966

ORDER NUMBER: 52368723

ADVISORY

This electronic image is a reproduction of the original document registered at the Land Titles Office. Please compare the registration number on this coversheet with that on the attached document to ensure that you have received the correct document. Note that Land Titles Staff are not permitted to interpret the contents of this document.

Please contact the Land Titles Office at (780) 422-7874 if the image of the document is not legible.

COVENANT UNDER s. 25 OF THE HISTORICAL RESOURCES ACT

BETWEEN:

The Municipality of Crowsnest Pass
(hereinafter called "the Grantor")

OF THE FIRST PART

-and-

The Municipality of Crowsnest Pass
(hereinafter called "the Grantee")

OF THE SECOND PART

WHEREAS the Grantor is the registered owner of certain lands together with all improvements contained thereon, located in the Municipality of Crowsnest Pass, in the Province of Alberta, legally described as follows:

THAT PORTION OF THE NORTH WEST QUARTER OF SECTION 21, TOWNSHIP 7, RANGE 3 WEST OF THE FIFTH MERIDIAN WHICH LIES TO THE EAST OF BLOCK A, PLAN 386JK AND TO THE SOUTH OF LOT 15-NR ON BLOCK 5, PLAN 831 1587 AND TO THE WEST OF 30TH AVENUE AND NORTH OF LANE ON PLAN 8311587 CONTAINING 0.760 HECTARES (1.88 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS AND THE RIGHT TO WORK THE SAME

(hereinafter called the "said land")

WHEREAS the Grantee is the Council of the Municipality in which the land is located:

AND WHEREAS the said land falls within the area designated as Area A, Zone 2 of Archaeological DjPo-25, as shown on attached "Schedule A" and outlined in red.

AND WHEREAS initial back hoe testing in Area A demonstrated the presence of a multi component, stratified, buried campsite containing material which may be as old as 6,000 years of age.

AND WHEREAS the Grantee wishes to ensure that no activity shall take place which would have an adverse affect on Area A, Zone 2 of Archaeological DjPo-25, as shown on attached "Schedule A" (hereinafter called the "said land").

In order to further its objective in relation to preservation of land within the said Archaeological Site, the Grantor and the Grantee agree to the preservation of the said land in accordance with the Grantee's herein before mentioned objects, and further agree that the Grantor shall enter into these

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presented with the intent that these presents shall be registered with the Registrar of the South Alberta Land Registration District in accordance with Section 25 of the Historical Resources Act.

In accordance with Section 25 of the Historical Resources Act it is deemed that these presents be a condition or covenant running with the said land and that they may be enforced by the Grantee whether the condition or covenant is positive or negative in nature and notwithstanding that the Grantee may not have an interest in any land that would be accommodated or benefited by the condition or covenant.

NOW THIS INDENTURE WITNESSETH as follows

In consideration of the sum of One Dollar (\$1.00) now paid by the Grantee to Grantor, on or before the execution of these presents and in consideration of the conditions and covenants contained herein, the Grantor for itself, its executors, administrators, successors and assigns, to the intent that the following covenants shall run with and be binding upon the said land unto the hands of whomsoever the same may come and be enforceable against all persons for the time being the owners and occupiers thereof (but not so as to render the Grantor or any such owner liable in damages for any breach occurring after they shall have parted with all interest in the said land).

HEREBY COVENANTS with the Grantee that the Grantor will not:

a) Undertake or permit any development on the said land without first causing to carry out mitigative testing and excavation in accordance with Schedule B attached hereto and thereafter not to carry out or cause to be carried out any development without the express written consent of the Grantee, which consent may be subject to conditions, including conditions originating from the Department of Cultural Facilities and Historical Resources Division of the Alberta Government or such other government department(s) as may hereafter succeed the same or be charged with the administration of the Historical Resources Act, RSA 1980, CH-8.

B) Undertake, permit or carry on, or permit to be carried on any activity which would have adverse affect on the said lands.

In the event of any dispute or difference arising between the Grantee and the Grantor in regard to any matter or thing of whatever nature arising out of these presents or in connection therewith (and whether as to breach or any other matter), then either party hereto shall give to the other notice in writing of such dispute or difference and such dispute or difference shall be thereby referred to arbitration by an Arbitration Board. The Arbitration Board shall consist of three (3) persons to be appointed as follows: each of the parties to the dispute or difference shall appoint one person and a third person to be appointed by the said two (2) appointees.

The parties hereto agree that in the event of a dispute or difference, the Department of Cultural Facilities and Historical Resources Division of the Alberta Government (or such other government department(s) as may hereafter succeed the same or be charged with the administration of the Historical Resources Act, RSA 1980, CH-8) shall be notified and shall be entitled (but is not obliged) to make submissions to the Arbitration Board.

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001-030066-000

No person who is in any way financially interested in the conduct of the work or the business affairs of either disputing parties shall be appointed as an arbitrator. The decision of the majority of the Arbitration Board shall be deemed to be the award of the said Board and the award of the Board appointed as aforesaid shall be final and binding upon the parties.

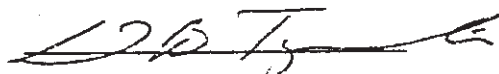
The covenants and restrictions set out in this Agreement shall run with the said land and shall endure to benefit of and be binding upon the parties and their respective executors, administrators, successors and assigns and all references to "the Grantor" shall, where the context so admits or allows, include the owners and occupiers for the time being of the said land.

IN WITNESS THEREOF the parties hereto have executed this Deed this 21 day of January, 1999.


Municipality of Crowsnest Pass
As Grantor



Seal



Municipality of Crowsnest Pass
As Grantee



Seal



G6

HISTORICAL RESOURCES ACT REQUIREMENTS
ARCHAEOLOGICAL SITE DjPo-25
PT. NW 21-7-3-W5M, BELLEVUE, ALBERTA
(PROJECT FILE #835-88-OR-092)

1. PREHISTORIC ARCHAEOLOGICAL SITE DjPo-25:

LEGAL DESCRIPTION: Pt NW 21-7-3-W5M

REQUIREMENTS:

- (a) Initial mitigative testing, and any work resulting from this assessment is to be conducted on the property in question prior to any development occurring. This work is to be conducted on behalf of the developer by an archaeologist qualified to hold an Archaeological Research Permit within the Province of Alberta as follows:
- (b) Backhoe testing sufficient to determine the range, and extent of the cultural deposits in the development area.
- (c) The excavation of one (1), 2 X 2 metre unit in the area of densest artifact concentration, as defined by the backhoe testing.
- (d) Based on the results of this initial testing, further mitigative excavations, or constraints on development to reduce impact to the site may be required.

2. SITE ASSESSMENT PROCEDURES

- (a) In order to conduct these excavations, the archaeological consultant must submit "An Application for a Permit to Excavate Historic Resources - Mitigative Research Project" to the Archaeology and Ethnology Section of the Provincial Museum of Alberta. Please allow ten (10) working days for the permit to be processed.

3. FINAL REPORT

A copy of the final report detailing the results of this mitigative work is to be submitted to Joan Damkjar. Any interim reports are also to be submitted directly to Joan Damkjar, Archaeological Information Manager, Archaeology and Ethnology Section, Provincial Museum of Alberta, c/o 8820 - 112 Street, Edmonton, Alberta, T6G 2P8.

DEPARTMENTAL CONTACTS

Rod Vickers
Plains Archaeologist
Archaeological Survey
Archaeology and Ethnology Section
Provincial Museum of Alberta
12845 - 102 Avenue
Edmonton, Alberta
T5N 0M6

Tel. 403-453-9151
Fax. 403-454-6629

Barry Newton
Resource Management Planner
Resource Management Program
Community Heritage Services
Historic Sites Service
Cultural Facilities and Historical Resources Division
Alberta Community Development
8820 - 112 Street
Edmonton, Alberta
T6G 2P8

Tel. 403-431-2330
Fax. 403-427-3956

SCHEDULE A

MAJOR CONCERN

LDS
CHURCH

MD MACHENEN
SCHOOL +
A
PLAYGROUND

DP 25
AREA
A →

TRANS ALTA R/W

**NO
CONCERN**

CONCERN
HIGH
POTENTIAL

MANALTA COA
TITLE NO.
CONTAINS 0.5%

MONARCH
COLLEGE'S
STRUCTURAL
FEATURES

QJ P 85

G9

991039966 REGISTERED 1999 02 11
HRAC - HISTOR RESOURCES ACT CON/COV
DOC 1 OF 1 DRR#: 7219632 ADR/VEDWARDS
LINE/S: 0015237358

G10

Historic Resources Application

Application Number: 028948614**Revision Number:** 02**Submitted Date:** Feb 6, 2025**Status:** HRA Requirements Issued

Application Type

- ☒ New/First Time Project Submission
☐ Amendment/Supplementary Submission (applicant must provide HRM Project Number)

HRM Project Number: 4835 - 88 - 0092 (if known)**Project Category:** Subdivision / Residential & Commercial Development (4835)

Application Purpose:

- Purpose:**
- ☒ Requesting HRA Approval / Requirements
 - ☐ Amendment or Update to Project Submitted Previously
 - ☐ Requesting Response to Baseline Proposal
 - ☐ Requesting Response to Baseline Study
 - ☐ Submission of Final Project Plans
 - ☐ Submission of Historic Resource Avoidance Plan
 - ☐ Update to Project Name and/or Ownership
 - ☐ Submission of As-Built Plans
 - ☐ Notification of Project Cancellation

Application Purpose Comments (optional):

Development Information

- Project Type:**
- ☐ Urban Residential Subdivision
 - ☐ Country Residential Subdivision
 - ☐ Agricultural Subdivision
 - ☐ Commercial Subdivision
 - ☐ Industrial Subdivision
 - ☐ Area Structure Plan / Outline Plan
 - ☒ Land Sale / Transfer
 - ☐ Land Use Amendment
 - ☐ Redesignation / Rezoning
 - ☐ Boundary Adjustment
 - ☒ Residential Development
 - ☐ Commercial Development
 - ☐ School
 - ☐ Access Road
 - ☐ Electrical / Utility
 - ☐ Water Supply Line
 - ☐ Sewage Line
 - ☐ Other

Other Project Type Description:**GIS Shapefiles attached (y/n) - Recommended n****Existing use of land** Vacant**Proposed use of land** Residential**Approximate project area (ha)** 1.14ha***Maximum depth of disturbance (m)** No basement - minimal**Lot, Block, Plan** Lot 35 Block 2 Plan 8311587 & Lot to west**Aboriginal Consultation Office FNC number****Other reference number****H1**

Project Identifier: Bellevue Site Plan Option 1 - Residential

Project Name

Anticipated date of commencement of land development: Spring 2025

Anticipated termination of land development: 2026

Key Contact

First Name:	Katherine	Address:	Box 600		
Last Name:	Mertz				
Affiliation:	Municipality of Crowsnest Pass	City:	Blairmore		
Email:	katherine.mertz@crowsnestpass.com	Province/State:	AB	Country:	Canada
Work Number:	(403) 562-8833	Postal Code/Zip:	T0K 0E0		
Cell Number:	() -				
Fax Number:	() -				
Applicant Ref. #:					

Proponent ☐ **The Proponent is the same as the Key Contact.**

Please complete the details below, if the Proponent is not the same as the Key Contact.

Company Name:	VB Block Commercial	Address:	Box 2831		
Contact Title:	Mr.				
Contact First Name:	Greg	City:	Fort McLeod		
Contact Last Name:	Beekman	Province/State:	AB	Country:	Canada
Contact Position:		Postal Code/Zip:	T0L 0Z0		
Phone Number:	(587) 370-4030				
Fax Number:	() -				
Email:	gregbeekman@gmail.com				
CC Email:					

Proposed Development Area

<input type="checkbox"/>	MER	RGE	TWP	SEC	LSD List
	5	3	7	21	12

Listed Lands Affected

MER	RGE	TWP	SEC	LSD	HRV	Category
5	3	7	21	12	4	a
5	3	7	21	12	5	a

Attachments Illustrative material is required prior to submittal of the application. If available, also supply Justification and Action Matrix documents.

Upload/Created Date	Type	Description
View Feb 5, 2025	Additional Supporting Material	Registered HRA Caveat
View Feb 5, 2025	Additional Supporting Material	Title
View Feb 5, 2025	Additional Supporting Material	Title
View Feb 5, 2025	Illustrative Material	Location Map
View Feb 5, 2025	Illustrative Material	Site Plan

H2

5/22/25, 2:58 PM

OPAC - Historic Resources Application

	Upload/Created Date	Type	Description
View	Feb 19, 2025	Signed HR Application	Signed HR Application

Emails

	Description	Sent	From
View	Review of your Historic Resources Application has been completed. The result of this review is indicated in the attached Signed HRA Response.	Feb 19, 2025	opac_do_not_reply@gov.ab.ca
View	Your Historic Resources application has been received and review of the application has been initiated.	Feb 6, 2025	opac_do_not_reply@gov.ab.ca

Additional Information

Comments:

For Multi-Unit Residential Development and Municipal Land Sale

☐

An Archaeological Permit application has been submitted and studies are pending - requesting HRA Requirements.

☐

An Archaeological Permit Report is being submitted in conjunction with this application.

If so, provide the Permit Number:

☐

A Palaeontological Permit application has been submitted and studies are pending - requesting HRA Requirements.

☐

A Palaeontological Permit Report is being submitted in conjunction with this application.

Historical Resources Act Requirements

Proponent: VB Block Commercial
Box 2831, Fort McLeod, AB T0L 0Z0

Contact: Mr. Greg Beekman

Agent: Municipality of Crowsnest Pass

Contact: Katherine Mertz

Project Name: Bellevue Site Plan Option 1 - Residential

Project Components: Land Sale / Transfer
Residential Development

Application Purpose: Requesting HRA Approval / Requirements

Pursuant to Section 37(2) of the *Historical Resources Act*, a Historic Resources Impact Assessment is required for all or portions of those activities described in this application and its attached plan(s)/sketch(es). The Historic Resources Impact Assessment is to be conducted in accordance with the instructions outlined in the following schedule.



David Link
Assistant Deputy Minister
Heritage Division
Alberta Arts, Culture and Status
of Women

SCHEDULE OF REQUIREMENTS

ARCHAEOLOGICAL RESOURCES

Pursuant to Section 37(2) of the *Historical Resources Act*, a Historic Resources Impact Assessment for archaeological resources is to be conducted on behalf of the proponent by an archaeologist qualified to hold an archaeological research permit within the Province of Alberta. A permit must be issued by Alberta Arts, Culture and Status of Women prior to the initiation of any archaeological field investigations. Please allow ten working days for the permit application to be processed.

1. A Historic Resources Impact Assessment is required for the project. The assessment must include a thorough surface inspection, shovel testing program and backhoe testing program across the entire development footprint.
2. The Historic Resources Impact Assessment must be carried out under snow-free, unfrozen ground conditions prior to the initiation of any land surface disturbance activities (including geotechnical testing and project construction). Should the project require field studies under winter conditions, directions in the [Archaeological Survey Information Bulletin: Winter Conditions](#) must be followed.

SCHEDULE OF REQUIREMENTS (continued)

3. The development footprint lies entirely within the boundary of archaeological site DjPo-25, in a location of the site that was defined as Area A (Zone 2) during investigation conducted in 1976. As this represents one of the areas of the site that is thought to have the greatest archaeological sensitivity, a thorough and systematic evaluation must be undertaken to understand the relationship between the archaeological deposits in Area A (Zone 2) and the proposed development impacts.
4. During the Historic Resources Impact Assessment, inventory, collection and mapping of surface-exposed artifacts must be undertaken. Isolated artifacts or collections of artifacts must be recorded in terms of type, material and quantity, and must be mapped on all site planview maps. All surface-exposed diagnostic artifacts and novel material types, formed tools and modified bone must be collected. For non-diagnostic cultural materials, if less than 30 items are present, they must all be collected. If more than 30 non-diagnostic pieces of cultural material are present at a site, only a representative sample needs to be collected. A sample of non-diagnostic cultural materials will be considered representative when at least two items of every artifact and material type has been collected.

To ensure that the distribution of all materials observed at a site is recorded, all surface-exposed cultural materials, collected or not collected, must be mapped on site planview maps. Materials that have not been collected must be itemized in a separate table in the interim and/or final reports. This table must be cross-referenced to the planview map. Analysis of surface observed (but not collected) materials must not be included in the analytical discussions of site components but must be discussed separately in all interim and/or final reports.

5. A comprehensive and systematic deep (backhoe) testing program is required within the development footprint.
6. Results of the Historic Resources Impact Assessment must be reported to Alberta Arts, Culture and Status of Women and subsequent *Historical Resources Act* approval must be granted before development proceeds, either in relation to geotechnical testing or project construction.
7. Site-specific conditions are as follows:

SITE	HRV	SITE DESCRIPTION	CONDITIONS/APPROVAL
DjPo-25	4	campsite	<p>The proponent's consulting archaeologist must evaluate the relationship of the surface and buried archeological deposits of Area A (Zone 2) of DjPo-25 in relation to the proposed development impacts. This evaluation must include a thorough program of systematic surface inspection, shovel testing and backhoe testing.</p> <p>Depending on the results of the Historic Resources Impact Assessment, additional investigation may be required.</p>

PALAEONTOLOGICAL RESOURCES

There are no *Historical Resources Act* requirements associated with palaeontological resources; however, the proponent must comply with [Standard Requirements under the Historical Resources Act: Reporting the Discovery of Historic Resources](#), which are applicable to all land surface disturbance activities in the Province.

INDIGENOUS TRADITIONAL USE SITES

SCHEDULE OF REQUIREMENTS (continued)

There are no *Historical Resources Act* requirements associated with Indigenous traditional use sites of a historic resource nature; however, the proponent must comply with [Standard Requirements under the Historical Resources Act: Reporting the Discovery of Historic Resources](#), which are applicable to all land surface disturbance activities in the Province.

HISTORIC STRUCTURES

There are no *Historical Resources Act* requirements associated with historic structures; however, the proponent must comply with [Standard Requirements under the Historical Resources Act: Reporting the Discovery of Historic Resources](#), which are applicable to all land surface disturbance activities in the Province.

PROVINCIALY DESIGNATED HISTORIC RESOURCES

There are no *Historical Resources Act* requirements associated with Provincially Designated Historic Resources; however, the proponent must comply with [Standard Requirements under the Historical Resources Act: Reporting the Discovery of Historic Resources](#), which are applicable to all land surface disturbance activities in the Province.

ADDITIONAL COMMENTS

1. To obtain contact information for consultants qualified to undertake the assessment work specified above, please consult the list of [Alberta Historic Resource Consultants](#).
2. In addition to any specific conditions detailed above, the proponent must abide by all [Standard Conditions under the Historical Resources Act](#).

Proposed Development Location:

MER	RGE	TWP	SEC	LSD List
5	3	7	21	12

Documents Attached:

Document Name	Document Type
Location Map	Illustrative Material
Site Plan	Illustrative Material



**Municipality of Crowsnest Pass
Municipal Planning Commission
Request for Decision**

Meeting Date	April 23, 2025
Application No.	DP2025-016
Roll No.	3059002
Civic Address	Unknown – SW of MDM Community Centre
Legal Description	Portion of 5;3;7;21;NW
Land Use District	High Density Residential - R-3
Overlay District	N/A

Proposed Development

For six “Apartment Buildings not exceeding 3 storeys or 14.0m (45.9ft)” (permitted use) with a 13% variance to the parking requirement, and a 33% variance to the fence height.

Background

- The sale of the subject land to the applicant was conditionally approved by Council on December 17, 2024.
- On February 11th, 2025, Council approved first reading of Bylaw 1221, 2025 to redesignate the subject property to High Density Residential R-3. On March 11th, Council held a Public Hearing for Bylaw 1221, 2025 and tabled giving 2nd and 3rd reading. On April 15, 2025 Council gave second and third reading to Bylaw 1221, 2025.
- The proposed development falls within the area designated as Area A, Zone 2 of archaeological site DjPo-25. The Historical Resources Act requires initial assessment and mitigative testing, and any mitigative work resulting from the assessment is to be conducted prior to any development occurring. An OPaC application was submitted and the initial fieldwork began on April 10th, 2025.
- A restrictive covenant is registered on title under the Historic Resources Act with the grantee and the grantor both being the municipality.
- The consideration of the development permit application is not subject to the Historical Resources Act, and a decision on the development permit cannot be deferred or made based on the unknown outcome of the process required under the provincial legislation.

Discussion

- The development proposes a total of 72 rental units in 6 individual, 3-storey apartments.
- A 13% variance is requested for the minimum parking standards. When snow storage is not required the development will have an additional 2 parking stalls.

- Schedule 5, s. 4.2 requires 4.6m² of amenity space per dwelling unit in the Apartment Building. The proposed developments provide 5.0m² of amenity space per unit (362m² total) in accordance with the standards in Schedule 5. In addition, the developer and the Municipality have agreed that the developer will develop park amenities on the Municipal Reserve parcel Lot 15MR, Blk 5, Plan 8311587, which is adjacent to the proposed development, to the Municipality's satisfaction. The proposed amenities on the MR parcel are conceptually shown on the site plan.
- Snow storage has been identified on the site plan and requires 2 of the parking stalls in the winter months.
- A fence will be constructed on the side and rear property lines of the subject property. The fence is proposed at 8ft in height which will require a 33% variance from the standard 6ft in residential areas. The 8ft fence provides a buffer from the Residential R-1 properties and the parking area of the high-density development. The development office supports the variance for the fence height.
- A closed road parcel runs parallel to the subject property. The road was closed by Bylaw 342, 1994 and is a titled parcel (Block OT, Plan 8311587). The Municipality will re-register this parcel as a public road, to provide access and municipal water and wastewater services to the proposed development, as well as for future residential growth to the northwest of the subject parcel. The Municipality will share a portion of the construction cost of the road and infrastructure because it is needed for future growth and will improve existing utilities by looping the service lines.

Notification

In accordance with Administration Section 20 of the LUB, notification to the Applicant and affected landowners will occur by regular mail and/or a newspaper advertisement after the MPC has decided upon the application. Affected parties will have 21 days from the date of the notification to appeal the decision.

Appeal Jurisdiction

The Subdivision and Development Appeal Board has jurisdiction to hear an appeal of the Development Authority's decision on this development permit.

Alternatives

- A.** Approve the development permit application for DP2025-016, subject to the following conditions:
1. The Development Permit approved in this Notice of Decision shall not be issued and shall be of no effect, and construction / placement of the development shall not commence, until all "Prior to Issuance Conditions" stated in this Notice of Decision have been met or fulfilled.
 2. This Notice of Decision shall remain effective for a period of six (6) months and shall then expire and be deemed null and void unless the applicant or landowner (proponent of the proposed development) to whom the Notice of Decision was issued continues to collaborate with the Development Authority to satisfy or complete the "Prior to Issuance Conditions" and, if required, an extension is approved by the Development Authority.

Prior to Issuance Conditions (these conditions are to be satisfied prior to issuance of a development permit and will only form part of the Notice of Decision and not part of the formal development permit issued however, the development permit shall be of no effect until these conditions have been satisfied)

3. The applicant / landowner shall provide to the Development Officer a performance Security Deposit of \$10,000.00 for the completion of the paving of the parking lots, which shall be refunded upon completion of condition 6 by the date specified therein.
4. The landowner and/or applicant shall provide to the Development Officer a Performance Security Deposit of \$7,500 for the completion of the fencing / landscaping, which shall be refunded upon completion of condition 7 by the date specified therein.
5. An appeal period of twenty-one (21) days from the date of the Development Authority's Notice of Decision applies, and if any appeals are submitted the development permit shall not be issued until such appeals are dealt with by the Subdivision and Development Appeal Board or the Land and Property Rights Tribunal, as may be applicable.

Time Specific Conditions After Issuance (deadline for enforcement or for the validity of the development permit)

6. The landowner and/or applicant shall complete the hard surfaced parking area to the satisfaction of the Development Officer by **September 30, 2026**.
7. The landowner shall complete the landscaping / fencing as per the approved site plan. The purpose of the buffer is to provide separation between land uses pursuant to the Land Use Bylaw, Administration, section 19, and Schedule 5. The separation buffer, fence or landscaping shall be completed to the satisfaction of the Development Officer by **September 30, 2026**.
8. Prior to start of construction the applicant / developer shall provide municipal water and wastewater services to the proposed development pursuant to s. 21 of the Land Use Bylaw, and, where public infrastructure needs to be extended to achieve this, it shall be in accordance with the terms and conditions of a development agreement to the Municipality's satisfaction, pursuant to s. 650 of the Municipal Government Act.
9. The applicant or landowner shall commence the approved development and carry it out with reasonable diligence, in the opinion of the Development Officer, within 12 months from the date of issuance of the development permit and / or within the specific timelines and by the specific deadlines stated in this development permit, otherwise the permit shall be deemed to be null and void (for this purpose, "commence" may include obtaining a building permit under the Safety Codes Act).
10. When a development permit involves construction, the applicant or landowner shall complete exterior work to the Development Officer's satisfaction within 36 months after the date of the issuance of the development permit (regardless of the date of issuance of a building permit under the safety Codes Act or the date of the start of construction) and / or within the specific timelines and by the specific deadlines stated in this development permit, otherwise the applicant or landowner shall be deemed to be in contravention of the development permit conditions.
11. The landowner or applicant shall confirm permitting requirements for the proposed building / structure with the discipline specific Safety Codes Officer, and shall provide to the Development Officer copies of Safety Codes permit applications (Building, Electrical, Gas, Plumbing) when the same are made or copies of Safety Codes permits issued immediately upon issuance to demonstrate that such applications or permits are consistent with the development permit issued for the proposed development.

Conditions of a Continuing Nature (Permanent Conditions)

12. The applicant or landowner shall ensure that the development complies with and is carried out and completed in its entirety in accordance with the attached approved site plan and the development standards in the Land Use Bylaw 1165, 2023 (except as approved by variance in the table below):

Apartment Building – Portion of NW21-7-3-W5M	Standard	Proposed	Variance Requested
Front Yard Setback (East) Future Road	6.1m	6.1m	N/A
Side Yard Setback (North)	As approved by the Development Authority	1.5m	N/A
Side Yard Setback (South)	As approved by the Development Authority	1.5m	N/A
Rear Yard Setback (West)	7.6m	7.6m	N/A
Maximum Building Height	14.0m and three storeys	12.2m and three storeys	N/A
Parking	1.75 parking stalls per dwelling unit containing two or more bedrooms 72 units = 126 parking stalls	110 Parking stalls	13% 16 Parking Stalls
Parking Stall Dimensions	6.1m x 2.7m	6.1m x 2.7m	N/A
Maximum Lot Coverage Lot: 7633.43m ²	50% 3816.7m ²	29% 2207.9m ²	N/A
Amenity Area	4.6m ² per dwelling unit 72units 4.6m ² x 72 = 331.2m ²	5.0m ² per dwelling unit Total: 362m ²	N/A
Fence Height	1.8m	2.4m	33% 0.6m

13. The Developer and/or the Landowner shall ensure that any changes to the lot grading maintains positive drainage directing the flow of all surface stormwater away from building foundations towards adjacent streets and lanes without adversely affecting (e.g. erosion, flooding) adjacent properties, roads, lanes, public property, or public infrastructure, including where applicable in such a manner that the post-development rate and volume of surface stormwater drainage from the subject property do not exceed the pre-development rate and volume of surface stormwater drainage. Should retaining walls be required as part of the stormwater drainage system, additional development permits are required, and construction shall be completed by the landowner at no cost to the municipality.
14. The Land Use Bylaw 1165, 2023, as amended, contains development standards and regulations that apply to this development permit and for which the landowner is responsible to comply with, at no cost to the Municipality of Crowsnest Pass. These regulations address matters relating to many aspects of the approved development or use e.g., access to the property, lines of sight, public safety setbacks, parking requirements, lot grading, maintaining positive drainage towards abutting roads and/or lanes, outdoor storage, etc. It is the Landowner's and/or Applicant's responsibility to ensure that they are fully aware of and comply with all the applicable development standards and

regulations in the Land Use Bylaw that may apply to the proposed development or use. Please contact the Municipality's Department of Development, Engineering & Operations for assistance if required.

15. When construction is involved for a development approved under this development permit, the landowner and/or the applicant to whom this development permit was issued and their successors in title, are responsible to, and shall ensure that the location of the building(s) relative to the subject property boundaries (i.e. approved yard setbacks, including variances if any), as approved in the attached site plan, and relative to easements on the subject property, is staked out by either an Alberta Land Surveyor, a professional engineer (see definition), or another certified agent, prior to the pouring of building foundations. At any time during or after construction, the Development Officer may require that the landowner of the subject property provide the stake-out, a survey and/or a survey drawing (or a Real Property Report) of the subject property and/or the building footprint relative to the subject property boundaries and easements, at no cost to the Municipality.
16. Failure to comply with any one or more of the conditions listed in this development permit either by a specified deadline or at any time throughout the lifetime of the development permit, as may be applicable, or implementation of the development contrary to the approved site plan and/or approved variances, shall result in enforcement through a Stop Order and corresponding fees, rates, charges, or fines pursuant to the Municipality's Fees, Rates and Charges Bylaw in effect at the time of the non-compliance.

Important Information & Notes:

- a) The issuance of a Development Permit indicates only that the development to which the Development Permit relates is authorized in accordance with the provisions of the Municipality of Crowsnest Pass Land Use Bylaw and does not in any way relieve or excuse the Landowner and/or the Development Permit holder from obtaining any other permit (including authorization to modify a wetland, safety codes permits e.g. building, electrical, gas, plumbing, Historical Resources Act approval, Highways Development and Protection Act, etc.), license, or other authorization required by any Federal or Provincial Act or regulation, or under any Bylaw of the Municipality (e.g. a business license), or complying with the conditions of any easement, covenant, agreement, or other instrument affecting the building or land. The Landowner and/or the Applicant is responsible to ensure compliance with these matters, at the sole risk and responsibility of the Applicant/property owner to the exoneration of the Municipality of Crowsnest Pass from any liability related to these matters, and at no cost to the Municipality of Crowsnest Pass. The applicable requirements may include the following:
 - (i) Recommendations in the *Environmentally Significant Areas in Alberta* report (2014).
 - (ii) An application under the Historical Resources Act via the Online Permitting and Clearance (OPaC) process (<https://www.alberta.ca/online-permitting-clearance>) to the Historic Resources Management Branch of Alberta Arts, Culture, and Status of Women, and compliance with any requirements, terms, and conditions of such clearance.
- b) The Applicant/property owner is responsible for the following aspects as may be applicable to this development permit, at the sole risk and responsibility of the Applicant/property owner to the exoneration of the Municipality of Crowsnest Pass from any liability related to these matters, and at no cost to the Municipality of Crowsnest Pass:
 - (i) Determining the legal property boundaries and any applicable easements through a survey by an Alberta Land Surveyor before foundations are excavated or poured and before construction proceeds above ground level.
 - (ii) Ensuring that any structures approved under this Development Permit are constructed such that they are correctly set back from the property boundaries in compliance with the front, rear, and side yard setbacks approved in this Development Permit. The landowner should consult an Alberta Land Surveyor for this purpose.
 - (iii) Ensuring that the development and the associated excavation and/or construction activity approved under this Development Permit shall not disturb, affect, or alter conditions of all utilities and appurtenances, drainage rights-of-way, utility rights-of-way, access rights-of-way, and any easements as they may exist, over, under, or through the Lands. The landowner should consult a professional engineer and/or an Alberta Land Surveyor and/or the relevant utility company / utility owner for this purpose.
 - (iv) Ensuring that the development and/or any associated structures and/or the associated excavation and/or construction activity approved under this Development Permit is undertaken in a manner that does not cause or result in a public safety risk or concern, or a nuisance, disturbance, or damage to adjacent properties and/or roads, lanes, or other

municipal infrastructure. The landowner should consult a legal professional, a professional engineer and/or an Alberta Land Surveyor for this purpose.

- (v) Ensuring that all equipment, waste bins, portable toilets, building materials, and excavation stockpiles associated with construction activity approved under this development permit are placed within the subject property boundaries, and that where such items must encroach onto adjacent private property and/or adjacent boulevards, sidewalks, streets and /or lanes, that the adjacent landowner's consent has been obtained and/or that the Municipality has authorized such encroachment through a hoarding permit under the Traffic Bylaw (please contact the Manager of Transportation or a Community Peace Officer).
 - (vi) Making suitable arrangements with utility companies for the provision of all services and/or necessary easements for utility rights-of-way.
 - (vii) Notifying Alberta 1st Call at 1-800-242-3447 to arrange for field locating prior to construction, should any excavations be required near utility lines.
 - (viii) Ensuring that permanent structures are located outside the 1:100-year flood plain of any water body. The landowner should consult a wetland assessment practitioner and/or an Alberta Land Surveyor for this purpose.
 - (ix) Ensuring that construction activity approved under this Development Permit does not result in the modification of a wetland without provincial approval. The landowner should consult a wetland assessment practitioner for this purpose.
 - (x) Ensuring that foundation and drainage systems on a property with an effective grade / slope of greater than 15% are designed in accordance with the recommendations in a slope stability assessment and/or a grading plan / stormwater management plan, as may be applicable, prepared by a professional engineer, and that the same are constructed under the supervision of a professional engineer, to protect the bank from erosion and to ensure slope stability.
 - (xi) Ensuring that a 2-meter separation is provided between the water table and footings for the buildings. The landowner should consult a professional engineer for this purpose.
 - (xii) Ensuring that the property is graded in such a manner that positive drainage directing the flow of all surface stormwater away from building foundations towards adjacent streets and lanes is maintained without adversely affecting (e.g. erosion, flooding) adjacent properties, roads, lanes, public property, or public infrastructure, including where applicable in such a manner that the post-development rate and volume of surface stormwater drainage from the subject property do not exceed the pre-development rate and volume of surface stormwater drainage. Should retaining walls be required as part of the stormwater drainage system, additional development permits are required, and construction shall be completed by the landowner at no cost to the municipality. Where an approved grading plan or stormwater management plan exists, the property must be graded (finished grade) in accordance with the grading plan or stormwater management plan. The landowner should consult a professional engineer and an Alberta Land Surveyor for this purpose.
 - (xiii) Being aware of FireSmart Regulations including the Municipality's FireSmart Bylaw and Safety Codes Permit Bylaw as may be applicable.
 - (xiv) This document does not provide permission to commence a use, start construction or occupy a building (as may be applicable). It is the owner's responsibility to ensure that all development permit conditions have been satisfied, and other applicable permits are applied for and issued before commencing construction, and that construction is inspected and permits closed, before occupancy. It is the responsibility of the owner or owner's agent to make an application to the Municipality for an Occupancy and Completion Certificate prior to taking occupancy.
- c) As part of the development permit review the Development Officer considered the following items, and relevant conditions were imposed on the development permit as deemed applicable:

Title – Owner / Application signed	✓	Provincial Historic Resource Value (archaeology)	4a,5a
Gas well	N/A	Provincial Historic Designation	N/A
Transportation & Economic Corridor (direct access or structure within 40 m of Hwy 3 / 40)	N/A	Historic Commercial Areas Overlay District	N/A
Hydrography through parcel	N/A	Municipal Historic Resource Designation / MCNP Heritage Inventory	N/A
High Pressure Gas Main	N/A	Historic Resource Designation by Bylaw	N/A
Water Connection	Future	Coleman National Historic Site	N/A

If no: Proposed Municipal, Well, Cistern		Areas of Potential Environmental Concern Overlay District / Lagoon	N/A
Sewer Connection	Future	Wetlands	N/A
If no: Proposed Municipal, PSDS		Parking Submitted	✓
Contours – Steep Grade	N/A	3m/6m lane	N/A
Area Structure Plan	N/A	Registered Documents	Covenant
Cadastral – URW on parcel	✓	Land Use Bylaw No. 1165, 2023 as amended Schedules	2,4,5

- OR -

B. Deny the development permit application, stating the reason for this decision.

Attachments

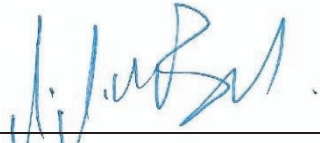
1. Location Maps
2. Site Plan
3. Elevation

Recommendation

The Development Office recommends that the Municipal Planning Commission approves DP2025-016 subject to the conditions in Alternative A.

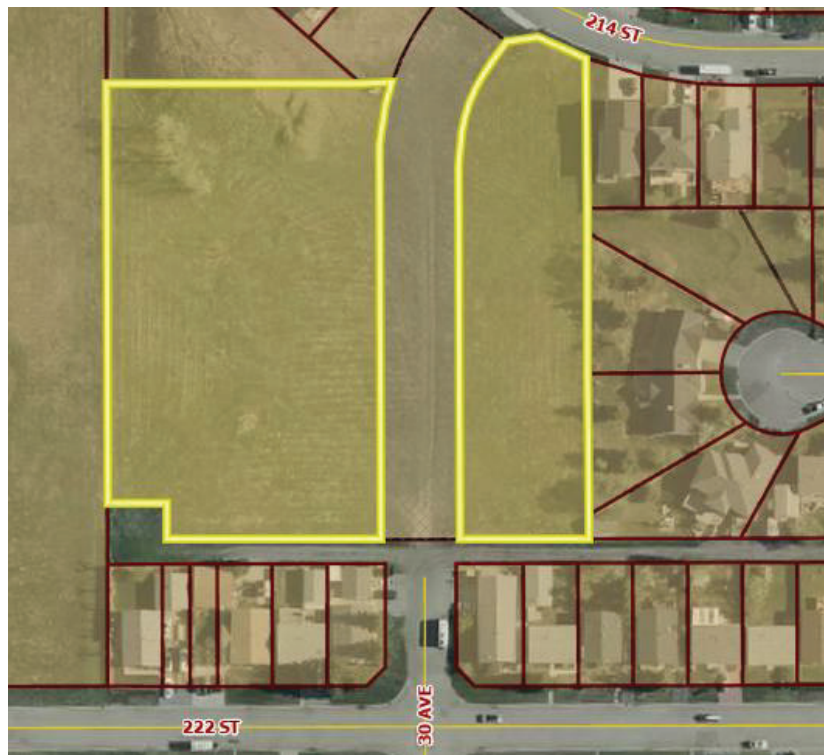
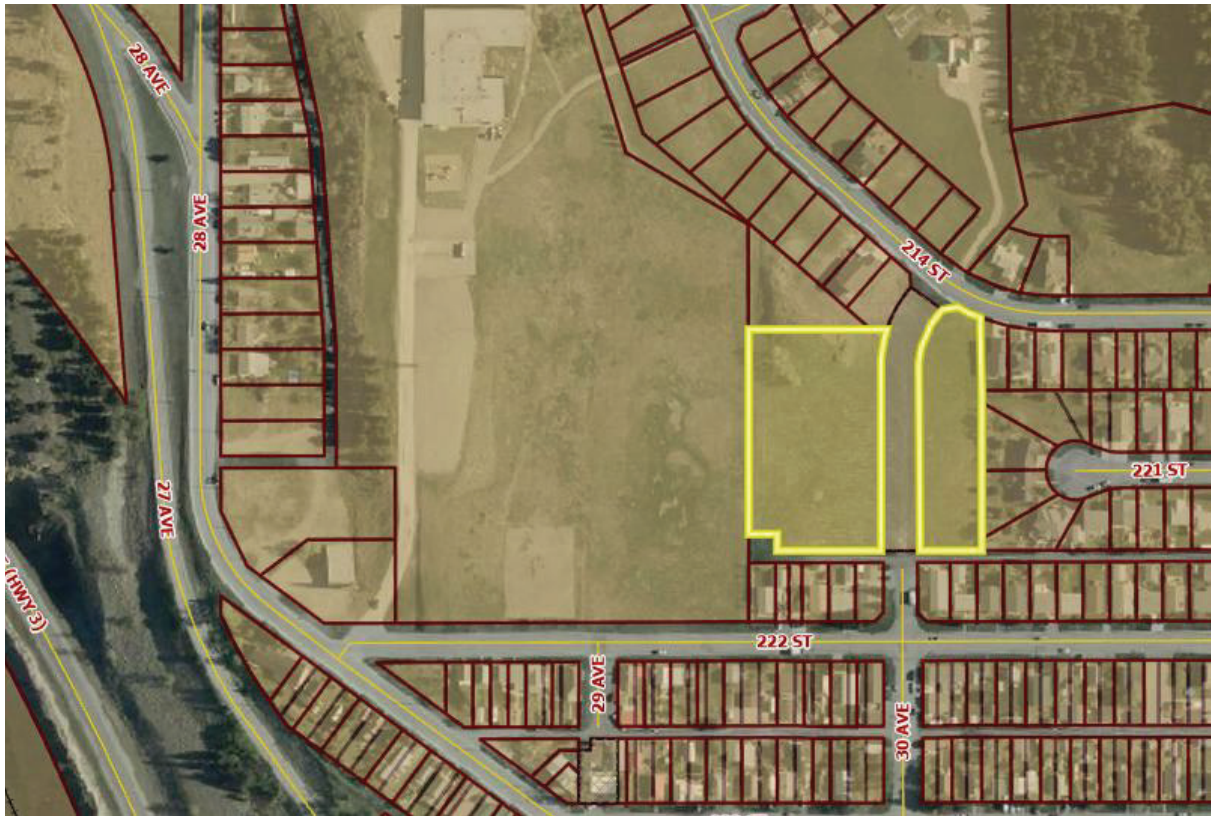
Authorization


 Katherine Mertz B.SC
 Development Officer

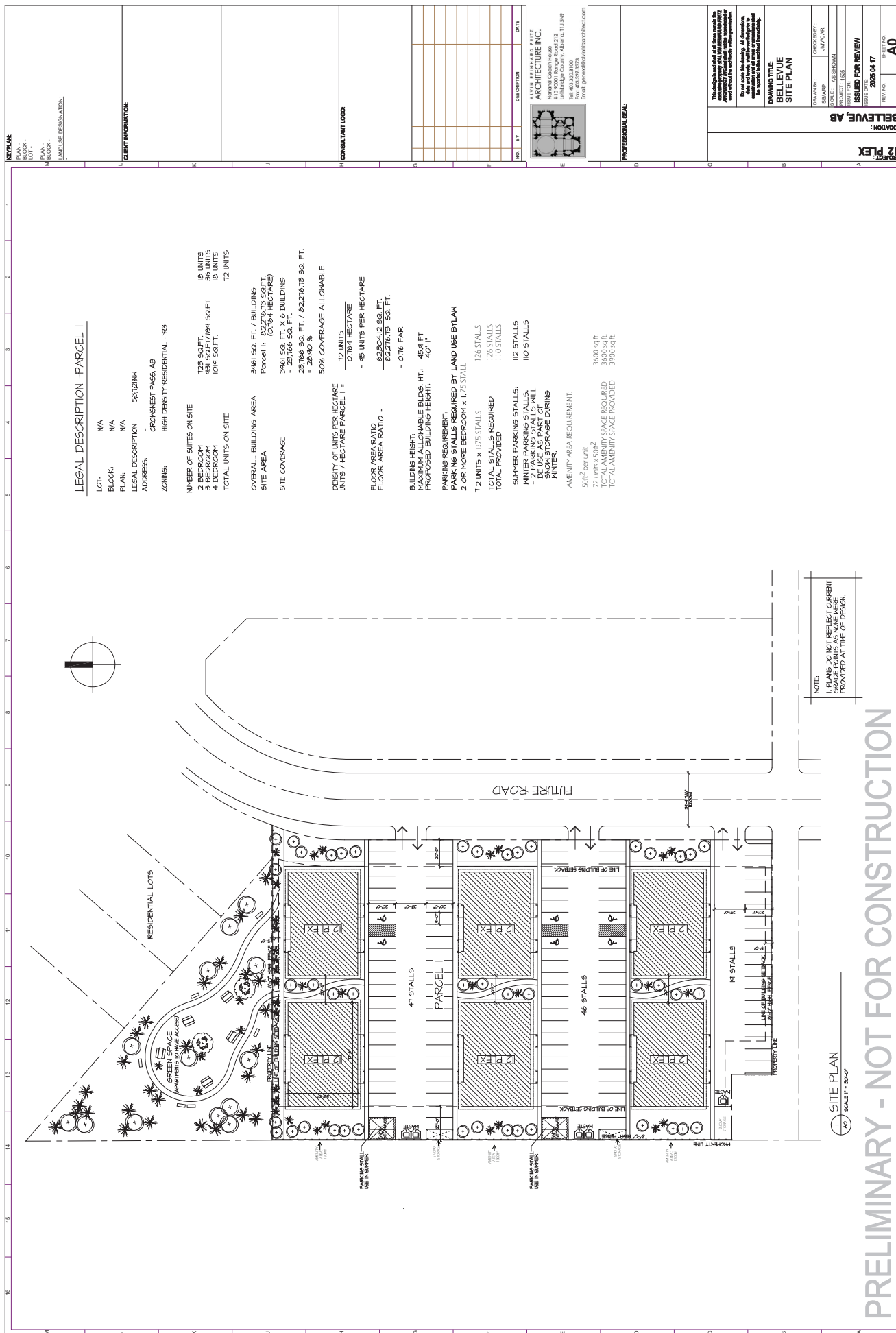

 Johan van der Bank, M.TRP, RPP
 Manager Development & Trades

5;3;7;21;NW & Lot 35 Block 2 Plan 8311587

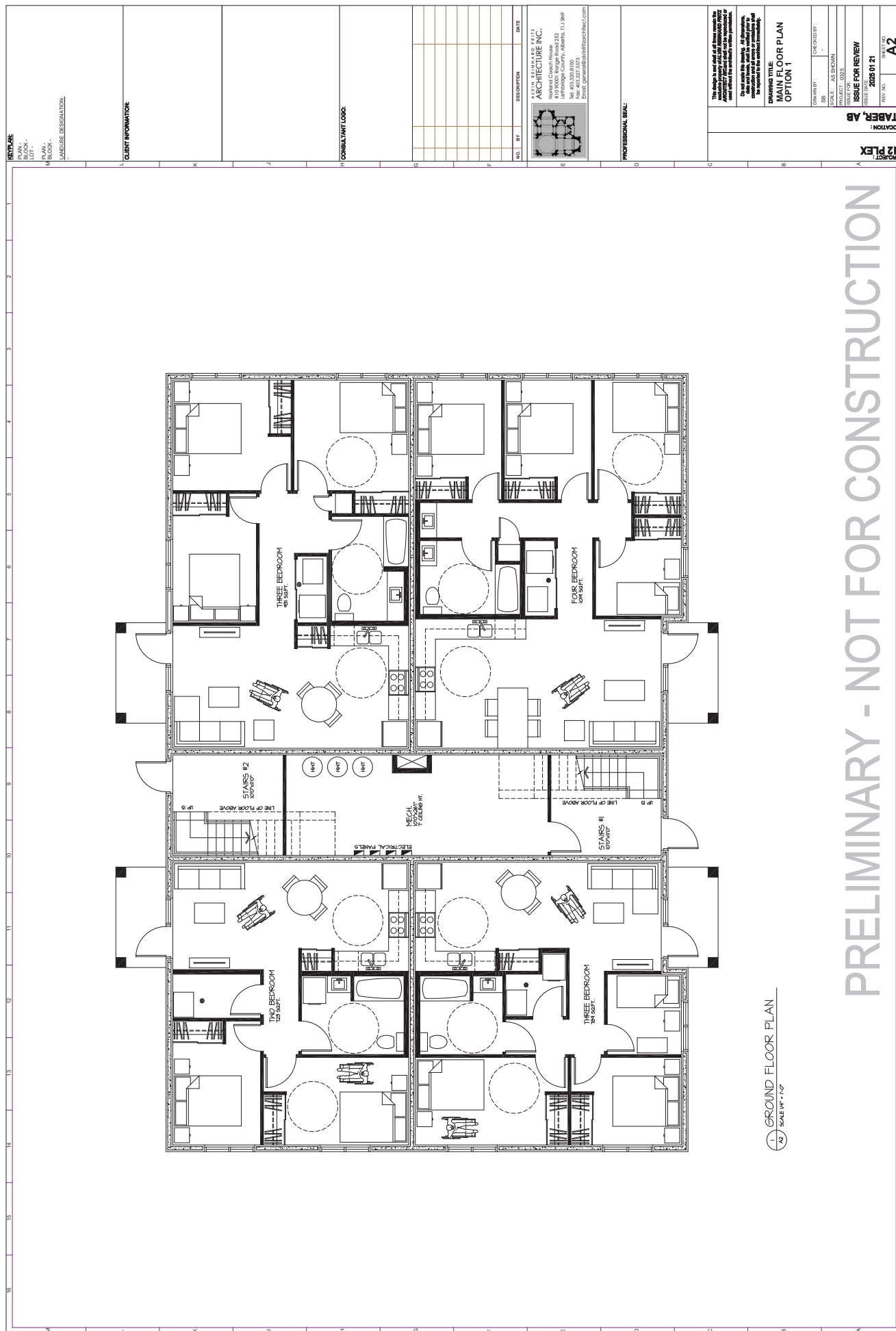
3001 214 Street, Bellevue



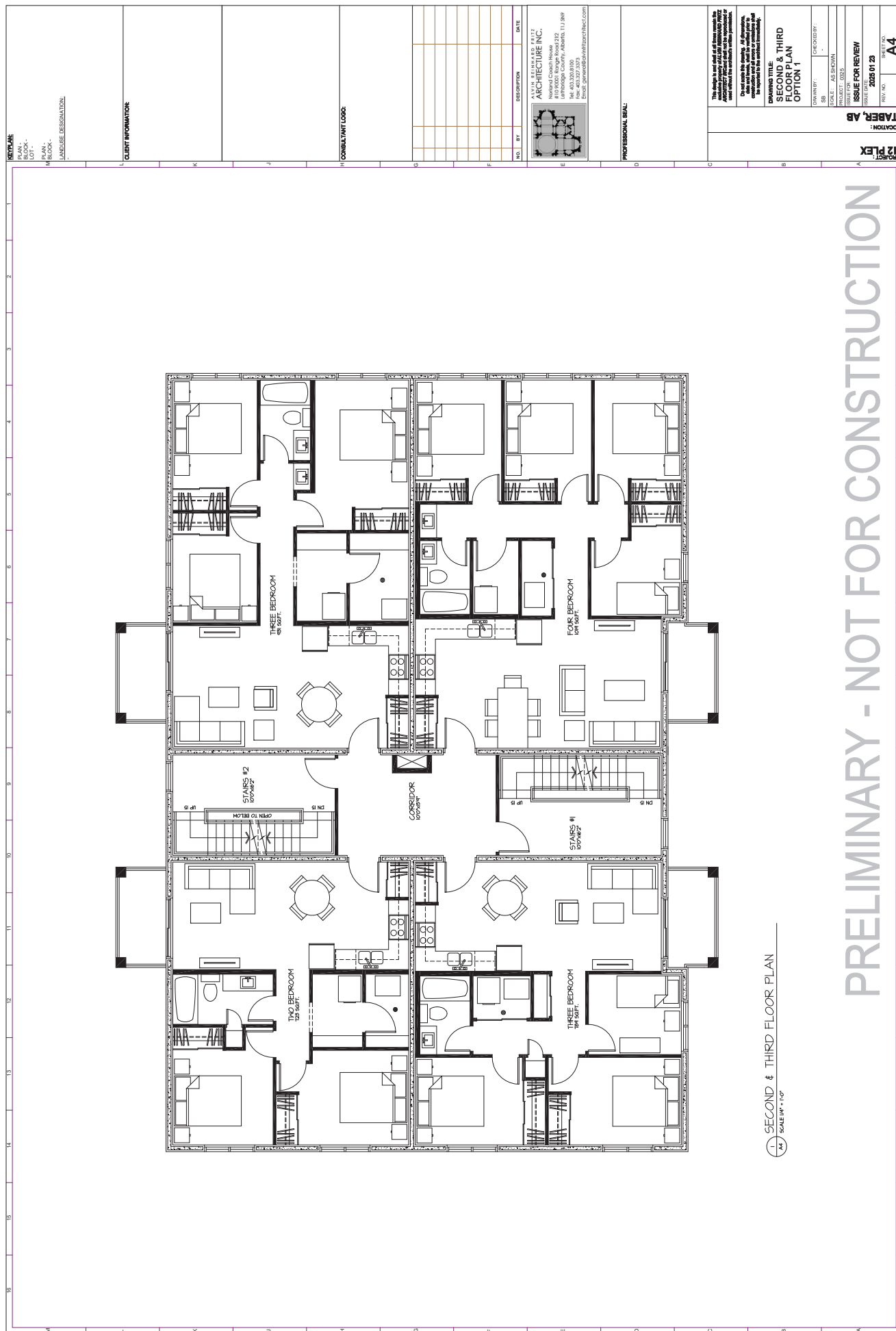
J8











PRESENT:	Dean Ward, Chair Sam Silverstone, Vice Chair Gaston Aubin, Member Dave Filipuzzi, Member Doreen Johnson, Member Gus Kollee, Member
ADMINISTRATIVE:	Patrick Thomas, Chief Administrative Officer Johan Van Der Bank, Manager of Development & Trades Katherine Mertz, Development Officer Shay Sawatzky, Recording Secretary
ABSENT:	Glenn Smith, Member (No Apology)

1. Call to Order

The chair called the meeting to order at 2:01 pm.

The Chair provided guidance to attendees, emphasizing that under the Municipal Government Act and paragraphs 12.7 and 12.8 of the Municipal Planning Commission Bylaw, the Municipal Planning Commission (MPC) is not obligated to receive public delegations or allow any public input during this meeting

2. Agenda

MOTION by Doreen Johnson to accept the agenda with the following amendments:

Removal of Items 6.3 and 6.4 from the agenda and postponement to the next Municipal Planning Commission meeting due to insufficient time for review.

DEFEATED

MOTION by Sam Silverstone to accept the agenda as presented.

CARRIED

3. Minutes

MOTION by Gaston Aubin to adopt the minutes of March 26, 2025, as presented.

CARRIED

4. Consent Agenda

MOTION by Sam Silverstone to accept ORRSC Periodical, Spring 2025 – Brownfield Properties for information.

CARRIED

5. Requests for Decision - Subdivision Applications - NONE

6. Requests for Decision – Development Permit Applications

6.1 DP2025-011 – 7826 17 Avenue, Coleman – Lot(s) 5 & 6, Block 5, Plan 820L and Lot 19, Block 5, Plan 8411161

MOTION by Dave Filipuzzi to approve DP2025-011 with conditions as identified by Alternative A in the MPC request for decision package.

CARRIED

6.2 DP2025-015 – N/A, Blairmore – Lot 51, Block 1, Plan 0812254

MOTION by Gus Kollee to approve DP2025-015 with conditions as identified by Alternative A in the MPC request for decision package.

CARRIED

6.3 DP2025-016 – Unknown – SW of MDM Community Centre – Portion of 5;3;7;21; NW

Administration made a correction to clarify that the application applies only to the West parcel of land and does not include the East parcel as initially stated.

Administration made a further correction relative to condition 8 in the MPC request for decision package, such that it is worded as follows: “Prior to start of construction the applicant / developer shall provide municipal water and wastewater services to the proposed development pursuant to s. 21 of the Land Use Bylaw, and, where public infrastructure needs to be extended to achieve this, and the MNCP requires a development agreement from the applicant / landowner, the applicant / landowners shall enter into and comply with the terms and conditions of a development agreement to the Municipality’s satisfaction, pursuant to s. 650 of the Municipal Government Act.”

MOTION by Gus Kollee, specifically on the question of the variance for the fence to a height of 8 feet, to approve DP2025-016, with conditions outlined in Alternative A of the MPC request for decision package, as revised, and that the fence be constructed of solid opaque material with a maximum height of 6 feet.

CARRIED

MOTION by Dave Filipuzzi, specifically on the question of the variance for parking, to approve DP2025-016, with conditions outlined in Alternative A of the MPC request for decision package, as revised, including the 13% parking variance.

CARRIED

6.4 DP2025-027 – N/A – A Portion of the West ½ of the SE-35-7-4-5 (LSD 02 and LSD 07)

Administration presented a revised Request for Decision to the Municipal Planning Commission. See Appendix A.

MOTION by Dave Filipuzzi to approve DP2025-027, with conditions outlined in Alternative A in the revised MPC request for decision package.

Vote Recorded at the request of Member D. Johnson.

In Favour

Dean Ward

Sam Silverstone

Gaston Aubin

Dave Filipuzzi

Gus Kollee

Opposed

Doreen Johnson

CARRIED

6.5 DP2025-045 – 2010 26 Street, Coleman – Lot 1, Block 1, Plan 2311611

MOTION by Sam Silverstone to approve DP2025-045 with conditions as identified by Alternative A in the MPC request for decision package.

CARRIED

6.6 DP2025-050 – 13005 19 Avenue, Blairmore – Lot N/A, Block 1, Plan 8211159

MOTION by Dave Filipuzzi to approve DP2025-050 with conditions as identified by Alternative A in the MPC request for decision package.

CARRIED

**6.7 DP2024-348 – 3063 Tecumseh Road, Coleman – Lot 8, Block 2, Plan 2411221
REVISION**

MOTION by Gaston Aubin to approve revisions to DP2024-348 with conditions as identified by Alternative A in the MPC request for decision package.

CARRIED

7. Land Use Bylaw Amendments - None

8. Appeals - None

9. Round Table Discussion

9.1 The discussion focused on Municipal liability regarding the lands described in DP2025-027, including considerations of mines, floodplains, and transparency in development permit processes. It was emphasized to ensure all involved parties are informed about key details and responsibilities. Doreen Johnson shared online findings related to mines and floodplains. Administration presented to the MPC that an abandoned mine exists beneath portions of the subject parcel, and that upon inquiring with the Alberta Energy Regulator (AER), it was determined that the mine is not subject to an AER approval. Administration pointed out that the Notice of Decision and the development permit (if issued) contains “*Important Information & Notes*” and that paragraph (a) makes the landowner aware that the issuance of a Development Permit indicates only that the development to which the Development Permit relates is authorized in accordance with the provisions of the Municipality of Crowsnest Pass Land Use Bylaw and does not in any way relieve or excuse the Landowner and/or the Development Permit holder from obtaining any other permit or approval from federal and provincial government agencies.

10. In Camera

11. Next Meeting

Next meeting Wednesday, May 28, 2025, at 2:00 pm.

Gus Kollee excused himself from attendance at the upcoming meeting in May.

12. Adjourn

MOTION by Dave Filipuzzi to adjourn the meeting at 3:47 pm.

CARRIED

13. Signing of Minutes

Approved By:

Chairperson

Date

Manager of Development and Trades

Date

K4



Appendix A

**Municipality of Crowsnest Pass
Municipal Planning Commission
Request for Decision**

Meeting Date	April 23, 2025
Application No.	DP2025-027
Roll No.	2095400 / 2095300
Civic Address	N/A
Legal Description	A Portion of the West ½ of the SE-35-7-4-5 (LSD 02 and LSD 07)
Land Use District	Non-Urban Tourism Accommodation and Recreation - NUTAR
Overlay District	Area of Potential Environmental Concern Overlay District - APEC-OD

Proposed Development

- 1) Approve the Comprehensive Site Development Plan (CSDP dated March 31, 2025) on the W ½ - SE-35-7-4-5 (LSD 02 and LSD 07); and
- 2) Approve a Development Permit for “Tourism Accommodation, Large” (discretionary use) on the W ½ - SE-35-7-4-5 (LSD 02 and LSD 07) as follows:
 - (a) the development of Phase 1A and Phase 1B in the approved Comprehensive Site Development Plan consisting of Camping Accommodations in the form of 30 Cabin (Cottage) Sites and 31 Tent Sites (Tenting Campsites) for a total of 61 Camping Accommodation rental sites (prohibiting recreational vehicles), and
 - (b) the development of Phase 2 in the approved Comprehensive Site Development Plan consisting of a principal building (pool, spa, café, restaurant), and amenity / accessory buildings, including a laundry facility, staff accommodation / operator accommodation (a cabin), a wedding pavillion, a playground, a maintenance shop, and a bathroom facility, and
 - (c) The development of signage inside the resort, and
 - (d) The construction of a screening fence up to 2.44m (8ft) tall and other fencing as may be required within the resort.

Background

- On November 19th, 2024, Council approved a motion for the conditional sale of the subject lands.
- On February 11th, 2025, Council gave third reading to Bylaw 1214, 2025 to redesignate the lands from RO-1 and NUA-1 to NUTAR.
- As part of the land sale, the applicant is required to:

- subdivide out the existing mountain bike park in the NW portion, which is to remain under the ownership of the Municipality.
 - dedicate a 6m wide Environmental Reserve measured from the top of the bank of Lyons Creek. In addition to the 6m wide ER dedication, the ER shall include the Lyons Creek Trail where practical.
 - provide an access easement in the NE portion to accommodate public access in addition to access to Lot 15, Block 19, Plan 0413471 (private owner) and the Municipally-owned parcel registered as LINC 0021332275.
- As part of the land sale, the Municipality of Crowsnest Pass will provide full disclosure to the purchaser regarding the presence or absence of buried waste material along the east property boundary.

Discussion

- See the Comprehensive Site Development Plan attached.
- The Municipality in collaboration with the applicant have made an application under the Historic Resources Act through the Online Permitting and Clearance (OPaC) website. The development permit cannot be refused by reason of or issued with conditions relative to this provincial approval process.
- The development is adjacent to the “Old Sartoris Nuisance Grounds Property”. The proposed development is not subject to the minimum setback distance and related variance requirements established for a “residence” or for “residential use” in the *Matters Related to Subdivision and Development Regulation (AB Regulation 84/2022)*, because the Municipality’s land use bylaw defines the proposed development (cabins and camping accommodation) as “.... not a dwelling unit and is not typically intended for residential occupancy”. The proposed development is therefore exempt from the regulations prescribed in the Areas of Potential Environmental Concern Overlay District [see Section 4.1(a) in the APEC-OD].
- In consultation with the Municipality’s consultant (geoscientist) managing the APEC environmental investigation and monitoring project, it has been confirmed that the “estimated mixed waste boundary” that appear to encroach into the subject lands along its east boundary, is not expected to contain waste of any significance. If the developer does encounter any waste, they could haul it away without any additional studies. Further, as part of the proposed land sale the Municipality will investigate the sub-surface conditions in this area by digging several test pits to determine the presence or absence of “mixed waste”, and will provide full disclosure to the prospective land purchaser.
- Signage other than signage inside the resort requires a separate development permit application.
- The applicant / landowner proposes to provide municipal water and wastewater services to the proposed development, with a service connection being provided either at 16 Avenue or along the Sartoris Road, depending on details that must be resolved with the Municipality. Servicing of the proposed development shall be at no cost to the Municipality, and where public infrastructure needs to be extended, it shall be in accordance with the terms and conditions of a development agreement to the Municipality’s satisfaction. The Municipality’s Utilities Manager has reviewed the proposed servicing plan, has confirmed capacity for water and wastewater,

and is collaborating with the applicant to determine the final servicing plan (15th Avenue and 132nd Street vs. along Sartoris Road).

- The applicant prepared a Traffic Impact Assessment (TIA) for the proposed development. It assessed the proposed development of Phases 1 and 2 consisting of nine campsites (tents) and 36 cottages, a resort office, a retail shop, a spa and a café. The TIA demonstrates that traffic volumes from the full build-out of this scope of development would be expected to increase by a maximum of 5% over the present volumes. This would be equivalent to 17 additional houses being built in this area of Blairmore. The TIA proposes the addition of traffic signs in identified locations. The TIA would have to be updated to reflect the revised number (31) of camping sites (tents) proposed in Phase 1B, and would have to be updated again for the unknown scope of development in Phase 3. The Municipality's Transportation Manager has reviewed the TIA and is satisfied with the recommendations.
- Parking for the resort shall be accommodated on-site, and parking shall not be allowed to spill over onto the Sartoris Road.
- The applicant / landowner is aware of federal and provincial legislation regarding the environment and wildlife, and has committed in the CSDP to take the necessary steps to comply with the legislation prior to construction. Compliance with these matters is the responsibility of the landowner subject to the relevant legislation, and the development permit cannot be refused by reason of or issued with conditions relative to the associated federal and provincial approval processes.
- The applicant has prepared a fire safety plan and an emergency response plan as part of best practices in the resort industry. The Fire Chief has reviewed these plans, and will be kept apprised of any subsequent changes.

Notification

In accordance with Administration Section 20 of the LUB, notification to the Applicant and affected landowners will occur by regular mail and/or a newspaper advertisement after the MPC has decided upon the application. Affected parties will have 21 days from the date of the notification to appeal the decision.

Appeal Jurisdiction

The Subdivision and Development Appeal Board has jurisdiction to hear an appeal of the Development Authority's decision on this development permit.

Alternatives

- A. Approve the Comprehensive Site Development Plan dated March 31, 2025 and the development permit application DP2025-027 for "Tourism Accommodation, Large", subject to the following conditions:
 1. The Development Permit approved in this Notice of Decision shall not be issued and shall be of no effect, and construction / placement of the development shall not commence, until all "Prior to Issuance Conditions" stated in this Notice of Decision have been met or fulfilled.
 2. This Notice of Decision shall remain effective for a period of six (6) months and shall then expire and be deemed null and void unless the person to whom the Notice of Decision was issued

continues to collaborate with the Development Authority to satisfy or complete the “Prior to Issuance Conditions” and, if required, an extension is approved by the Development Authority.

Prior to Issuance Conditions (these conditions are to be satisfied prior to issuance of a development permit and will only form part of the Notice of Decision and not part of the formal development permit issued however, the development permit shall be of no effect until these conditions have been satisfied)

3. The applicant / landowner shall provide to the Development Officer a \$5,000.00 security deposit to warranty the completion of the buffering / screening / separation measures required in condition 7 below, which shall be refunded upon completion to the Development Officer’s satisfaction by the date specified in condition 7.
4. An appeal period of twenty-one (21) days from the date of the Development Authority’s Notice of Decision applies, and if any appeals are submitted the development permit shall not be issued until such appeals are dealt with by the Land and Property Rights Tribunal.
5. The developer shall update the Comprehensive Site Development Plan to incorporate;
 - a. The Fire Chief’s comments in an email dated April 17, 2025 regarding the Fire Safety Plan and Emergency Response Plan.
 - b. The email dated April 22, 2025 from JCB Engineering, regarding updates to the Traffic Impact Assessment.
 - c. Revise the Traffic and Access Plan dated April 01, 2024 (sic 2025) on Page 109 of the MPC agenda package to remove the yield sign at the intersection of Sartoris Road and 16th Avenue.
 - d. Insert the correct legal descriptions in the Comprehensive Site Development Plan on page 107 of the MPC agenda package under Roadways and Parking #2 Access Easement. The correct legal descriptions are Lot 15, Block 19, Plan 0413471 and LDS 8 SE ¼ 35-7-4-W5M.
 - e. Revise all references to yard setbacks to a minimum of 6m from Sartoris Road and a minimum of 3m from all other property boundaries.
 - f. Revise the site plan map to show the fence on the west side of the access road. The purpose of the fence is to provide screening as described in condition 8.

Time Specific Conditions After Issuance (deadline for enforcement or for the validity of the development permit)

6. Prior to commencing the development of tent sites in Phase 1B beyond nine tent sites as was assessed in the Traffic Impact Assessment (TIA) prepared by JCB Engineering dated February 02, 2025, the applicant / landowner shall provide an updated Traffic Impact Assessment to assess the traffic impact of the additional tent sites.
7. Prior to commencing development in any Phase the developer shall provide to the Development Officer’s satisfaction a slope stability assessment prepared by a qualified professional for any areas that exceed a slope of 15%, and shall comply with the findings and recommendations from that assessment.
8. The landowner shall provide a buffer and/or screening between the development and the adjacent Lot 15, Block 19, Plan 0413471 with an opaque fence and/or berm and/or landscaping, as identified on the approved Comprehensive Site Development Plan, to the Development Officer’s satisfaction. The purpose of the buffer is to screen the campground from public view, and provide separation

between land uses pursuant to the Land Use Bylaw, Administration section 19. The separation buffer, berm, fence and/or landscaping shall be completed to the satisfaction of the Development Officer by **September 30, 2026**.

9. Development must be commenced or carried out with reasonable diligence, in the opinion of the Development Officer, within 12 months from the date of issuance of the development permit and / or within the specific timelines and by the specific deadlines stated in this development permit, otherwise the permit shall be deemed to be null and void.
10. The landowner or applicant shall confirm permitting requirements for the proposed buildings / structures, and shall provide to the Development Officer copies of Safety Codes permit applications (Building, Electrical, Gas, Plumbing) when the same are made or copies of Safety Codes permits issued immediately upon issuance to demonstrate that such applications or permits are consistent with the development permit issued for the proposed development.
11. The landowner shall ensure that the construction of the roads, rental sites, and amenity buildings are completed to the Development Officer's satisfaction within 36 months after the date of the issuance of the development permit and / or within the specific timelines and by the specific deadlines stated in this development permit, otherwise the applicant or landowner shall be deemed to be in contravention of the development permit conditions.
12. The applicant / landowner shall comply with the terms and conditions of any access easement that the MCNP negotiates with the applicant / landowner / adjacent landowners regarding the extension of the existing access easement (Instrument 041 3472) to provide public access to LSD 08, SE-35-07-04-W5M (the Old Sartoris Staging Area).

Conditions of a Continuing Nature (Permanent Conditions)

13. The development shall comply with and be carried out and completed in its entirety in accordance with the attached approved Comprehensive Site Development Plan and the development standards in the Non-Urban Tourism Accommodation & Recreation district in Land Use Bylaw 1165, 2023, as amended.

Rentable Camping Accommodation (cabins and tents but prohibiting RVs)	Standard in the CSDP
Yard Setbacks from perimeter property boundaries	<p>As approved by the Development Authority in the CSDP — where yard setback distances are not provided in the approved site plan, the Development Officer shall determine the setback distance based on contextual references in the site plan, e.g. the width of an access road or a setback distance that can be determined based on what is schematically shown in the site plan.</p> <p>As approved by the Development Authority in the Comprehensive Site Development Plan – a minimum of 6m from Sartoris Road and a minimum of 3m from all other property boundaries.</p>
Building Height (maximum)	Maximum height of cabins – 29ft / 8.8m

Principal Building and Amenity / Accessory Buildings	Standard in the CSDP
Yard Setbacks from perimeter property boundaries	Ed by the Development Authority in the CSDP— where yard setback distances are not provided in the approved site plan, the Development Officer shall determine the setback distance based on contextual references in the site plan, e.g. the width of an access road or a setback distance that can be determined based on what is schematically shown in the site plan. As approved by the Development Authority in the Comprehensive Site Development Plan – a minimum of 6m from Sartoris Road and a minimum of 3m from all other property boundaries.
Building Height (maximum)	Maximum height of Principal Building – 16.74m Maximum Height of Accessory Buildings –10m
All Resort Accommodation Development	Standard in the CSDP
Parking Requirements	Parking for the entire resort [rentable units, the principal building (shop, café, restaurant, spa, pool, wellness facility, office), staff, and guests] shall be accommodated on-site and parking shall not be allowed to spill over onto the Sartoris Road.

14. The Comprehensive Site Development Plan dated March 31, 2025 is approved in principle. Any deviations from the approved Comprehensive Site Development Plan or changes to the development from what is approved in the attached Comprehensive Site Development Plan and this development permit DP2025-027 shall require that the landowner submit a new development permit application.
15. All private on-site roads shall meet relevant Alberta Building Code, Alberta Fire Code, National Fire Protection Association and Transportation Association of Canada standards / guidelines to accommodate two-way traffic, including emergency vehicle requirements, or provide an alternative design for one-way traffic where two-way traffic cannot be accommodated. The Landowner shall construct and maintain roads as per the approved Comprehensive Site Development Plan.
16. The internal roads shall be maintained for the unobstructed passage of emergency vehicles at all times. No parking of vehicles shall be allowed within the driving aisles of the roads.
17. Signage other than signage inside the resort requires a separate development permit application.
18. A perimeter fence shall not exceed 2.44m (8ft).

19. The applicant / landowner shall provide municipal water and wastewater services to the proposed development at no cost to the Municipality pursuant to s. 21 of the Land Use Bylaw, and, where public infrastructure needs to be extended to achieve this, it shall be in accordance with the terms and conditions of a development agreement to the Municipality's satisfaction, pursuant to s. 650 of the Municipal Government Act.
20. The landowner shall not allow parking to spill over onto Sartoris Road.
21. The landowner shall not allow Recreational Vehicles as accommodation on the property.
22. Prior to commencing with the development of Phase 3 the applicant / landowner shall make a new development permit application for a revised Comprehensive Site Development Plan (including a revised site plan) with an update to the Traffic Impact Assessment prepared by JCB Engineering dated February 02, 2025 to assess the traffic impact of the additional development proposed in Phase 3.
23. The applicant / landowner is responsible to maintain a fire safety plan and an emergency response plan as part of best practices in the resort industry, and to keep the Fire Chief apprised of any amendments to these plans.
24. The Cabin / Tent sites shall be identified with a site number or other suitable identification system to the Development Officer's satisfaction with an overall map provided at the entrance to the development and a copy submitted to the Development Office prior to submitting safety code applications.
25. The developer / applicant / landowner shall comply with the requirements from TC Energy as expressed in the attached letter dated April 11, 2025.
26. The Developer and/or the Landowner shall ensure that any changes to the lot grading maintains positive drainage directing the flow of all surface stormwater away from building foundations towards adjacent streets and lanes without adversely affecting (e.g. erosion, flooding) adjacent properties, roads, lanes, public property, or public infrastructure, including where applicable in such a manner that the post-development rate and volume of surface stormwater drainage from the subject property do not exceed the pre-development rate and volume of surface stormwater drainage. Should retaining walls be required as part of the stormwater drainage system, additional development permits are required, and construction shall be completed by the landowner at no cost to the municipality.
27. The Land Use Bylaw 1165, 2023, as amended, contains development standards and regulations that apply to this development permit and for which the landowner is responsible, at no cost to the Municipality of Crowsnest Pass. These regulations address matters relating to many aspects of the approved development or use e.g., access to the property, lines of sight, public safety setbacks, parking requirements, lot grading, maintaining positive drainage towards abutting roads and/or lanes, outdoor storage, etc. It is the Landowner's and/or Applicant's responsibility to ensure that they are fully aware of all the applicable development standards and regulations in the Land Use Bylaw that may apply to the proposed development or use by contacting the Municipality's Department of Development, Engineering & Operations.
28. When construction is involved for a development approved under this development permit, the landowner and/or the applicant to whom this development permit was issued and their successors

in title, are responsible to, and shall ensure that the location of the building(s) relative to the subject property boundaries (i.e. approved yard setbacks, including variances if any), as approved in the attached site plan, and relative to easements on the subject property, is staked out by either an Alberta Land Surveyor, a professional engineer (see definition), or another certified agent, prior to the pouring of building foundations. At any time during or after construction, the Development Officer may require that the landowner of the subject property provide the stake-out, a survey and/or a survey drawing (or a Real Property Report) of the subject property and/or the building footprint relative to the subject property boundaries and easements, at no cost to the Municipality.

29. Failure to comply with any one or more of the conditions listed in this development permit either by a specified deadline or at any time throughout the lifetime of the development permit, as may be applicable, or implementation of the development contrary to the approved site plan and/or approved variances, shall result in enforcement through a Stop Order and corresponding fees, rates, charges, or fines pursuant to the Municipality's Fees, Rates and Charges Bylaw in effect at the time of the non-compliance.

Important Information & Notes:

- a) The issuance of a Development Permit indicates only that the development to which the Development Permit relates is authorized in accordance with the provisions of the Municipality of Crowsnest Pass Land Use Bylaw and does not in any way relieve or excuse the Landowner and/or the Development Permit holder from obtaining any other permit (including authorization to modify a wetland, safety codes permits e.g. building, electrical, gas, plumbing, Historical Resources Act approval, Highways Development and Protection Act, etc.), license, or other authorization required by any Federal or Provincial Act or regulation, or under any Bylaw of the Municipality (e.g. a business license), or complying with the conditions of any easement, covenant, agreement, or other instrument affecting the building or land. The Landowner and/or the Applicant is responsible to ensure compliance with these matters, at the sole risk and responsibility of the Applicant/property owner to the exoneration of the Municipality of Crowsnest Pass from any liability related to these matters, and at no cost to the Municipality of Crowsnest Pass. The applicable requirements may include the following:
- (i) An application under the Historical Resources Act via the Online Permitting and Clearance (OPaC) process (<https://www.alberta.ca/online-permitting-clearance>) to the Historic Resources Management Branch of Alberta Arts, Culture, and Status of Women, and compliance with any requirements, terms, and conditions of such clearance.
 - (ii) **PLEASE NOTE:** Due to the presence of an Area of Potential Environmental Concern (APEC) within 300 metres of the subject property, as identified in an engineering study "*MCNP Nuisance Grounds - Environmental Overview*" dated January 2023, prepared by Associated Environmental, the Municipality of Crowsnest Pass hereby makes the landowner of the subject property in this development permit aware that, pending further investigation and monitoring of the APEC, the preferred method of construction of a residential dwelling would be without a basement and, instead, a slab on grade. Please discuss the details with your contractor and/or Safety Codes Inspector.
- These requirements do not apply to resort accommodation (cabins and tents) however it may be prudent if the developer / landowner considered this and other mitigating measures for the resort accommodation and the principal building.
- b) The Applicant/property owner is responsible for the following aspects as may be applicable to this development permit, at the sole risk and responsibility of the Applicant/property owner to the exoneration of the Municipality of Crowsnest Pass from any liability related to these matters, and at no cost to the Municipality of Crowsnest Pass:
- (i) Determining the legal property boundaries and any applicable easements through a survey by an Alberta Land Surveyor before foundations are excavated or poured and before construction proceeds above ground level.
 - (ii) Ensuring that any structures approved under this Development Permit are constructed such that they are correctly set back from the property boundaries in compliance with the front, rear, and side yard setbacks approved in this Development Permit. The landowner should consult an Alberta Land Surveyor for this purpose.
 - (iii) Ensuring that the development and the associated excavation and/or construction activity approved under this Development Permit shall not disturb, affect, or alter conditions of all utilities and appurtenances, drainage rights-of-way, utility rights-of-way, access rights-of-way, and any easements as they may exist, over, under, or through the

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Lands. The landowner should consult a professional engineer and/or an Alberta Land Surveyor and/or the relevant utility company / utility owner for this purpose.

- (iv) Ensuring that the development and/or any associated structures and/or the associated excavation and/or construction activity approved under this Development Permit is undertaken in a manner that does not cause or result in a public safety risk or concern, or a nuisance, disturbance, or damage to adjacent properties and/or roads, lanes, or other municipal infrastructure. The landowner should consult a legal professional, a professional engineer and/or an Alberta Land Surveyor for this purpose.
- (v) Ensuring that all equipment, waste bins, portable toilets, building materials, and excavation stockpiles associated with construction activity approved under this development permit are placed within the subject property boundaries, and that where such items must encroach onto adjacent private property and/or adjacent boulevards, sidewalks, streets and /or lanes, that the adjacent landowner's consent has been obtained and/or that the Municipality has authorized such encroachment through a hoarding permit under the Traffic Bylaw (please contact the Manager of Transportation or a Community Peace Officer).
- (vi) Making suitable arrangements with utility companies for the provision of all services and/or necessary easements for utility rights-of-way.
- (vii) Notifying Alberta 1st Call at 1-800-242-3447 to arrange for field locating prior to construction, should any excavations be required near utility lines.
- (viii) Ensuring that permanent structures are located outside the 1:100-year flood plain of any water body. The landowner should consult a wetland assessment practitioner and/or an Alberta Land Surveyor for this purpose.
- (ix) Ensuring that construction activity approved under this Development Permit does not result in the modification of a wetland without provincial approval. The landowner should consult a wetland assessment practitioner for this purpose.
- (x) Ensuring that foundation and drainage systems on a property with an effective grade / slope of greater than 15% are designed in accordance with the recommendations in a slope stability assessment and/or a grading plan / stormwater management plan, as may be applicable, prepared by a professional engineer, and that the same are constructed under the supervision of a professional engineer, to protect the bank from erosion and to ensure slope stability.
- (xi) Ensuring that a 2-meter separation is provided between the water table and footings for the buildings. The landowner should consult a professional engineer for this purpose.
- (xii) Ensuring that the property is graded in such a manner that positive drainage directing the flow of all surface stormwater away from building foundations towards adjacent streets and lanes is maintained without adversely affecting (e.g. erosion, flooding) adjacent properties, roads, lanes, public property, or public infrastructure, including where applicable in such a manner that the post-development rate and volume of surface stormwater drainage from the subject property do not exceed the pre-development rate and volume of surface stormwater drainage. Should retaining walls be required as part of the stormwater drainage system, additional development permits are required, and construction shall be completed by the landowner at no cost to the municipality. Where an approved grading plan or stormwater management plan exists, the property must be graded (finished grade) in accordance with the grading plan or stormwater management plan. The landowner should consult a professional engineer and an Alberta Land Surveyor for this purpose.
- (xiii) Being aware of FireSmart Regulations including the Municipality's FireSmart Bylaw and Safety Codes Permit Bylaw as may be applicable.
- (xiv) This document does not provide permission to commence a use, start construction or occupy a building (as may be applicable). It is the owner's responsibility to ensure that all development permit conditions have been satisfied, and other applicable permits are applied for and issued before commencing construction, and that construction is inspected and permits closed, before occupancy. It is the responsibility of the owner or owner's agent to make an application to the Municipality for an Occupancy and Completion Certificate prior to taking occupancy.

Title – Owner / Application signed	□	Provincial Historic Resource Value (archaeology)	3p, 5a
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			OP aC Su bm itte d
Gas well	No Issues	Provincial Historic Designation	N/ A
Transportation & Economic Corridor (direct access or structure within 40 m of Hwy 3 / 40)	N/A	Historic Commercial Areas Overlay District	N/ A
Hydrography through parcel	Yes	Municipal Historic Resource Designation / MCNP Heritage Inventory	N/ A
High Pressure Gas Main	Yes	Historic Resource Designation by Bylaw	N/ A
Water Connection	N/A	Coleman National Historic Site	N/ A
If no: Proposed Municipal, Well, Cistern		Areas of Potential Environmental Concern Overlay District / Lagoon	✓
Sewer Connection	N/A	Wetlands	N/ A
If no: Proposed Municipal, PSDS		Parking Submitted	✓
Contours – Steep Grade	✓	3m/6m lane	N/ A
Area Structure Plan	No	Registered Documents	Yes
Cadastral – URW on parcel	✓	Land Use Bylaw No. 1165, 2023 as amended Schedules	2,4 /
TH in Residential – Outside of Buffer	N/A	Lot (m ²)	16 29 06. 66
		Standard lot size (Yes/ No)	No
Flood Hazard	Yes North (West of Sartois Road)	Aurora or Southmore	N/ A

- OR -

B. Deny the development permit application, stating the reason for this decision.

Attachments

1. Location Maps.
2. Comprehensive Site Development Plan with Appendices.
3. Slope assessment map.

K14

4. Sewage Volumes.
5. Water demand.


Recommendation

The Development Office recommends that the Municipal Planning Commission approves DP2025-027 subject to the conditions in Alternative A.

Authorization



Katherine Mertz B.SC
Development Officer



Johan van der Bank, M.TRP, RPP
Manager Development & Trades

Development Authority File: DP2025-016

Re: Appeal respecting a decision from the development authority for Municipality of Crowsnest Pass, with respect to Legal Description, A portion of NW21-7-3-W5M

1. Regional Plans – South Saskatchewan Regional Plan:

Strategies: Land Use Patterns P. 110

- 8.14 Feature innovative housing designs, range of densities and housing types such as mixed-use, cluster developments, secondary suites, seniors' centres and affordable housing. Provide the opportunity for a variety of residential environments which feature innovative designs and densities and which make efficient use of existing facilities, infrastructure and public transportation.

2. Statutory Plan excerpts

Municipal Development Plan Bylaw No. 1059, 2020

The Bellevue site (two properties) is within an urban growth node identified in the Municipal Development Plan (MDP), it's development would increase residential density towards the required targets in the MDP, it does not have a significant impact on utilities or roadways, and it is in close proximity to community facilities.

In 2020 significant public consultation was undertaken in the preparation of the MDP. The properties are identified in the 2021 Municipal Development Plan (MDP) Bylaw 1059, 2020 as a future growth node (page 53 - 55, par. 1.7.3 and the associated Map 5). Section 2 of the MDP speaks to expanding the housing options through encouraging a range of diverse and attainable, quality housing options, including multi-unit buildings that require less maintenance than single family homes. Without available options to expand into the natural areas that surround the community, the MDP identifies specific growth nodes for infill development, sets a target housing density, and requires a mix of housing types for new residential development. These growth nodes within and adjacent to existing urban areas are intended for a range of housing forms, including smaller houses, duplexes, multi-unit residential buildings (row houses and town houses), and apartments, that can accommodate the growing population in the needed market segment of rental units and unique housing forms.

- See attached

Summary of MDP Policies Relevant to Housing (Chapter 4 Goals and Policies, Section 2 Expanding Our Housing Options):

- "The Municipality of Crowsnest Pass is home to a diverse population and with economic changes on the horizon the municipality is poised to attract new residents. Historically, housing within Crowsnest Pass was made up of modest, smaller homes accommodating mining families. Today the majority of housing in the municipality is still single detached dwellings. To support existing residents and a growing population, the future of housing in the Municipality will include a range of affordable, innovative residential choices".
- "The unique geography and dramatic topography of Crowsnest Pass offers tourism opportunities and lifestyle advantages to residents of the Municipality, but these factors also limit the available locations for future residential development. To protect wildland areas, and take advantage of natural connections to infrastructure, residential growth shall be directed to key nodes adjacent to existing urban sites. To accommodate increases in population without expanding into natural areas, the Municipality has set a target housing density and requires a mix of housing types for new residential development".
- "The approach to housing in the Municipality is closely aligned with the emphasis provided in the South Saskatchewan Regional Plan on making efficient use of existing infrastructure and providing a range of innovative housing designs and densities within communities. Focused, more intensive residential development in Crowsnest Pass provides choice to residents and supports increased population to bolster local economic growth and support a vibrant social life".

2.1 New Residential Development

- Policy 2.1.4 Infill development - "Residential infill development shall be promoted throughout the community". "Infill development shall be designed to respect mature neighbourhoods by being compatible ... to existing dwellings in the neighbourhood, while bearing in mind modern day housing trends."

2.2 Multi-Unit Residential Design Standards

- Policy 2.2.1 Impact on Adjacent Development - "Multi-unit residential buildings shall be introduced into neighbourhoods thoughtfully and with high quality design to ensure compatibility with existing development. Buildings and sites shall be designed in a manner that ensures adjacent residential development has privacy and access to sunlight, which could include thoughtful window placement, articulation of the facade, and stepping down the height of a building that is adjacent to lower density residential development."
- Policy 2.2.3 Access to Outdoor Amenity Space - "... multi-unit residential developments shall.. where possible be located adjacent to or in close proximity to parks or open space ."
- Policy 2.2.5 Seniors Housing - "The Municipality recognizes the need for housing options that accommodate seniors, ... including multi-unit buildings that require less maintenance than single family homes ..."

2.3 Considerations for Residential Development

- Policy 2.3.1 Inclusionary Housing - "Findings from the Crowsnest Pass Health Data and Summary (2017) revealed a need to develop housing strategies geared toward low-income families the Municipality should seek to support inclusionary housing by requiring that developers of new housing development provide a certain percentage of units as affordable housing ...".
- Policy 2.3.3 Innovative Housing - "The Municipality recognizes that housing trends are continually shifting and that to provide an affordable range of housing options, innovative housing ideas should be considered and implemented where possible. Alternative housing forms should be incorporated into communities where appropriate, such as cluster housing, tiny homes, and mixed-use buildings".
 - Policies 2.1-2.3 attached

3. Land Use Bylaw excerpts

Land Use Bylaw No. 1165, 2023 Land Use District High Density Residential R-3 Maximum Height Standards:

- An Apartment Building not exceeding 3 storeys is a permitted use with a maximum height of 14.0m (45.9ft).
- A Multi-Unit Residential Building (three or more attached Dwelling units, each with its own exterior access) is a discretionary use with a maximum height of 12.0m (40ft) for a 3-story building or 10.0m (32.8ft) maximum height for a 2-story building, which for comparison is the same height standard as the standard for a Single-Detached Dwelling.
 - See attached.

Land Use Bylaw Standards

By adopting a Land Use Bylaw with standards specifically applicable to multi-unit residential buildings, apartment buildings, and as infill development in mature neighbourhoods, Council delegated to the Development Authority to mandate to review and either refuse or approve with conditions, these types of developments.

Schedule 4 – Standards of Development

12. INFILL DEVELOPMENT IN MATURE NEIGHBOURHOODS

- 12.1 "..... An application for redevelopment or infill in a mature neighbourhood shall be consistent with the Municipal Development Plan policies."
- 12.2 "The Development Authority shall require that a development permit application for infill development in a mature neighbourhood or area of historic significance is compatible with existing mature development, with regard to building height, mass and style, yard setbacks , roof slopes, slope-adaptive building and site design considerations, density, and other standards as may be deemed applicable. The Development Authority may impose

development permit conditions to ensure that an infill development complies with this standard."

13. LANDSCAPING AND SCREENING

- 13.1 "The Development Authority shall impose development permit conditions for commercial, industrial, "Tourism Accommodation", multi-unit residential and apartment development, and bareland condominium development for a permitted or discretionary use relative to improving the aesthetic appearance of a development, including by the requirement of landscaping (with a requirement to use xeriscaping and/or recommended drought-tolerant vegetation and/or drip-irrigation), screening and/or buffering, when such requirements could serve to improve the quality and/or compatibility of the proposed development, reduce water consumption for yard care, and/or to bring the development into compliance with the standards set out in this Bylaw."

22. QUALITY AND DESIGN OF DEVELOPMENT

- 22.1 "In addition to the standards established in this Bylaw , the Development Authority may require additional standards as a condition of a development permit, in order to improve the quality of any proposed development such as, but not limited to, hard-surfaced parking areas, exterior finishes to buildings, landscaping, yard setbacks, slope-adaptive building and site design considerations, and the impact on existing development in mature neighbourhoods or areas of historic significance."
- 22.2 "Development shall comply with the following standards:
 - (b) The Development Authority may regulate the exterior finish of buildings or signs to improve the quality of any proposed development within any land use district."

Schedule 5 - STANDARDS FOR APARTMENT, MULTI-UNIT RESIDENTIAL AND MIXED-USE BUILDINGS

3. MAXIMUM DENSITY

- 3.1 "The maximum density for Apartments, Multi-Unit Residential and Mixed-Use Buildings contemplated in this Schedule shall be determined by the Development Authority on a case by case basis with regard for the criteria in Administrative Section 13 , the slope-adaptive building and site design considerations in Schedule 4, and the impact on adjacent development , parking requirements, the provision of outdoor amenity space, architectural interest at the pedestrian scale and access to existing and planned trails as per the policies in Section 2.2 of the Municipal Development Plan (i.e. Multi-unit Residential Design Standards on page 62 in the MDP)."

Administration section 19 - Conditions of Development Permit Approval

- See attached.

4. Title and Registered Documents

- See attached

5. Municipal Government Act, s. 685(2): "...any person affected by an order, decision or development permit made or issued by a development authority may appeal to the decision in accordance with subsection (2.1)."

Municipal Government Act, s. 685(2): "An appeal referred to in subsection (1) or (2) may be made...

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

1.7 BELLEVUE

Where History Comes Alive

Bellevue is the third largest community in the municipality (see Map 5). Stretched over some 1.5 miles between mountain slopes and Highway 3, Bellevue is effectively split into two nodes centered on public/institutional uses including the Underground Mine Tour and the MDM Centre (former elementary school). Bellevue's north/south oriented downtown corridor provides a stunning vista of Turtle Mountain and is expected to be the target of focused redevelopment over the life of this plan.

Multiple residential growth areas are available for the community, including the expansion of the Mohawk Meadows and Timberline Ridge neighbourhoods, that together may accommodate as many as 1250 additional people—anchoring Bellevue as the easterly hub of the municipality.



1.7.1 Bellevue Downtown Corridor

While recognizing that the main street corridor will continue to provide connectivity for vehicle traffic across the community this short corridor should warrant consideration for streetscape improvements aimed at improving the pedestrian realm and establishing it as a destination area for visitors.

1.7.2 Transition of Dairy Road Park

This parcel is identified for transition from a park space to residential use. The parcel should be reserved for higher density residential use, taking advantage of the large intact parcel and its prime location.

1.7.3 MDM Centre Lands Redevelopment

The MDM Centre site (former school site) has been repurposed for use by the municipality. The site offers an opportunity for residential redevelopment augmented by the retention of some park and open space on site.

1.7.4 Candidate Area for Future Business Park

The area depicted generally on Map 5 south of the community is identified as a candidate area for a potential light industrial park subject to further highway access considerations.

1.7.5 New Park Space

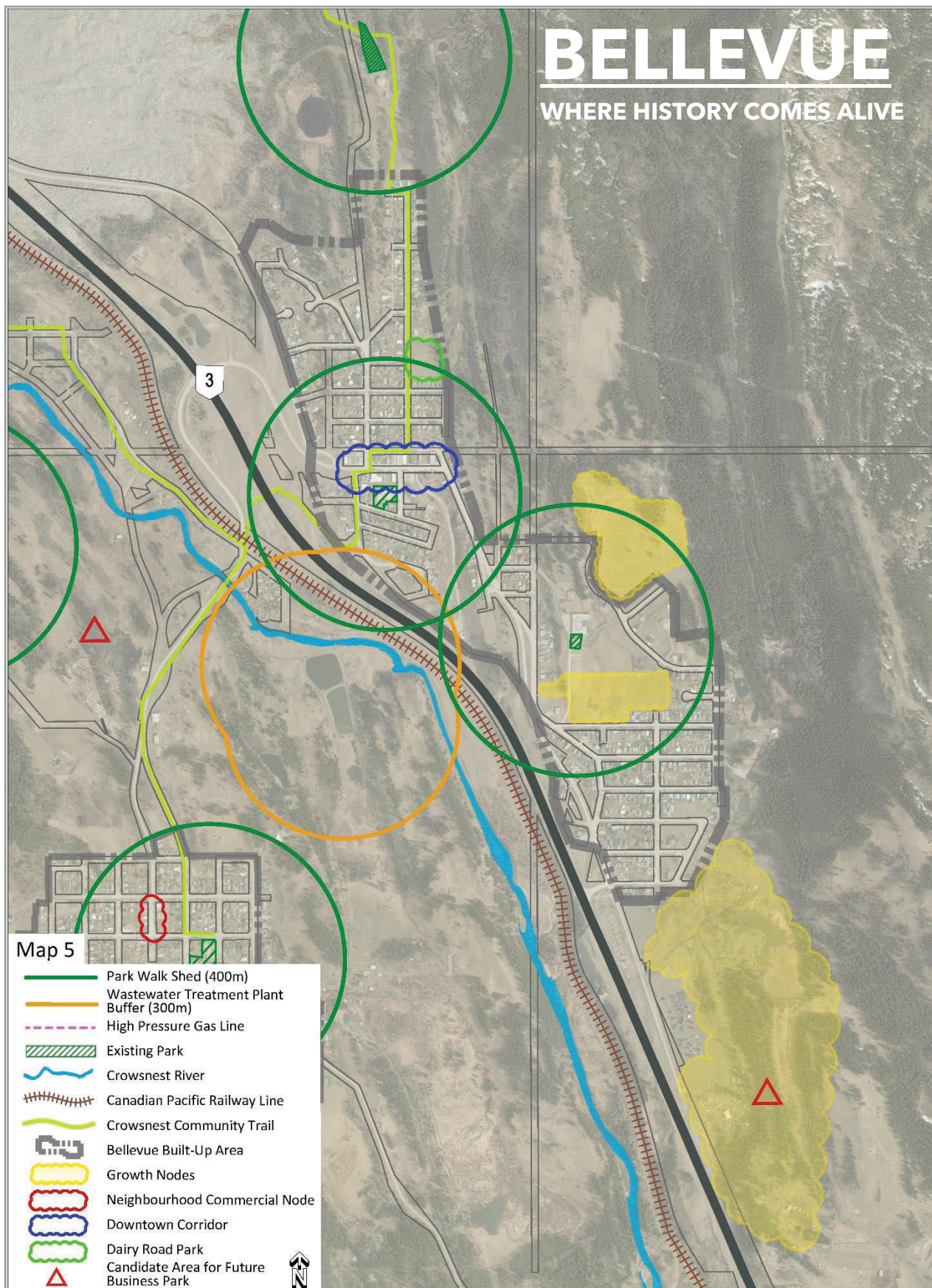
Require the dedication of new park space where new residential development occurs outside of current park walksheds, as identified in Map 5.

FIGURE 29 - DAIRY ROAD PARK IN BELLEVUE



BELLEVUE

WHERE HISTORY COMES ALIVE





HIGH DENSITY RESIDENTIAL – R-3

PURPOSE: To provide for high density residential environments by accommodating the development of predominantly Apartments and Multi-Unit Residential Buildings integrated into either existing or proposed residential neighbourhoods in accordance with Schedule 5.

1. PERMITTED USES

Accessory Building or Use up to 72.8 m² (784 ft²),
not in the front yard of the principal building
and/or not prior to the establishment of the
principal building or use
Apartment Building not exceeding 3 storeys or
14.0m (45.9ft)
Boarding House
Exploratory Excavation / Grade Alteration /
Stockpiling
Home Occupation – Class 1
Private Utility – except freestanding Solar Collector
and freestanding Small Wind Energy
Conversion System
Sign – Types:
Home Occupation
Subdivision Entrance
Subdivision or Development Marketing

DISCRETIONARY USES

Accessory Building or Use up to 72.8 m² (784 ft²) in the
front yard of the principal building and/or prior to the
establishment of the principal building or use
Accessory Building or Use over 72.8 m² (784 ft²)
Apartment Building exceeding 3 storeys or 14.0m
(45.9ft)
Canvas Covered Structure
Day Care Facility
Day Home
Extended Care Facility
Home Occupation – Class 2
Multi-Unit Residential Building
Private Utility – freestanding Solar Collector and
freestanding Small Wind Energy Conversion System
Seniors Supportive Housing Facility
Short-Term Rental / Bed & Breakfast
Tourist Home

2. MINIMUM LOT SIZE – see Schedule 4 section 16

Use	Width		Length		Area	
	m	ft	m	ft	m ²	ft ²
Apartments – per building	24.4	80	30.5	100	743.2	8,000
Multi-Unit Residential Building – per unit						
– interior unit	6.1	20	30.5	100	185.8	2,000
– end unit	9.1	30	30.5	100	278.7	3,000
All other uses	As approved by the Subdivision Authority					

3. MINIMUM PRINCIPAL BUILDING YARD SETBACKS

Use	Front Yard		Side Yard		Rear Yard	
	m	ft	m	ft	m	ft
Apartment	6.1	20	As approved by the Development Authority		7.6	25
Multi-Unit Residential Building						
– interior unit	6.1	20	—	—	7.6	25
– end unit	6.1	20	3.0	10	7.6	25
All other uses	As approved by the Development Authority					

N1



Corner lots

See Schedule 4

4. MINIMUM ACCESSORY BUILDING YARD SETBACKS

Front Yard	–	the actual front yard setback of the principal building
Side Yard	–	0.6 m (2 ft)
Rear Yard	–	0.6 m (2 ft)

5. MAXIMUM LOT COVERAGE RATIO

Principal building	–	50%
Accessory buildings	–	15%

6. MAXIMUM BUILDING HEIGHT

Principal building, excluding Apartment Building and Multi-Unit Residential Building, up to two-storey, no walkout basement	–	10.0 m (32.8 ft)
Principal building, excluding Apartment Building and Multi-Unit Residential Building, up to 2-storey walk-out basement	–	13.0 m (42.7 ft)
Apartment Building not exceeding 3 storeys	–	3 storeys or 14.0 m (45.9 ft)
Apartment Building exceeding 3 storeys	–	as approved by the Development Authority
Multi-Unit Residential Building	–	3 storeys or 12.0 m (40.0 ft)
Accessory buildings	–	5.0 m (16.4 ft)

7. MINIMUM HABITABLE FLOOR AREA OF PRINCIPAL BUILDING

This district does not prescribe a minimum habitable floor area for principal buildings.

8. STANDARDS OF DEVELOPMENT – See Schedule 4.

9. STANDARDS FOR APARTMENT, MULTI-UNIT RESIDENTIAL AND MIXED-USE BUILDINGS – See Schedule 5.

10. OFF-STREET PARKING AND LOADING – See Schedule 6.

11. RELOCATION OF BUILDINGS – See Schedule 7.

12. HOME OCCUPATIONS – See Schedule 8.

13. STANDARDS FOR SHORT-TERM RENTAL/BED & BREAKFAST AND TOURIST HOME – See Schedule 17.

14. DEFINITIONS – See Schedule 18.

N2

18 ADDITIONAL APPROVALS REQUIRED

- 18.1 In addition to the requirements of this Bylaw, a landowner, an applicant or their agent, as part of commencing a development permit issued to any of them under this Bylaw, is required and responsible, at their sole risk and to the exoneration of the Municipality of Crowsnest Pass from any liability related to these matters and at no cost to the Municipality, to comply with the requirements of applicable municipal, provincial and federal legislation. This includes but is not limited to the *Safety Codes Act*.
- 18.2 The issuance of a development permit pursuant to this Bylaw does not preclude or absolve the landowner, the applicant and/or their agent from the responsibility to obtain any additional municipal, provincial or federal permits, authorizations, approvals or licenses that may be required before, during or after the development permitting process required in this Bylaw.
- 18.3 Every development permit shall include notes to make the landowner, applicant and their agent aware of their responsibility to comply with the requirements of applicable municipal, provincial and federal legislation.
- 18.4 Where a development requires the approval of an entity listed in Section 619 of the Municipal Government Act and which also requires a municipal approval (in accordance with the paramouncy established by the abovementioned provision), the provincial approval will normally be expected to be issued and received prior to the application for a development permit. This does not preclude the involvement of the municipality in making preliminary statements and/or recommendations, as the case may be.

19 CONDITIONS OF DEVELOPMENT PERMIT APPROVAL

- 19.1 The standards, regulations and other provisions established in this Bylaw are conditions that attach by default to any development permit as may be applicable without them being listed in a development permit. It shall be the responsibility of the Landowner and/or Applicant to ensure that they comply with those standards, regulations and other provisions.
- 19.2 In addition to the standards, regulations and other provisions established throughout this Bylaw the Development Authority may impose enforceable and reasonable conditions with a planning-related objective that do not exceed its jurisdiction or subdelegate its decision-making power on a development permit for a permitted use (regardless of whether or not a variance is involved) and on a development permit for a discretionary use, as may be specified below, and on a development permit for the demolition of a building, for the following purposes as may be applicable:
 - (a) to ensure compliance with the relevant provisions of the Act and the Subdivision and Development Regulation;
 - (b) to ensure compliance with the uses, standards, regulations, use-specific conditions, and other provisions established in this Bylaw, the land use districts and other Schedules;
 - (c) to ensure that:
 - (i) in the case of a permitted use for which the development standards are being relaxed through a variance; or
 - (ii) in the case of any discretionary use; or
 - (iii) in the case of infill development in an existing mature neighbourhood or an historically significant area, whether the proposed development is a permitted or discretionary use;

appropriate mitigating measures are established such that the proposed development would not affect public safety, result in environmental contamination, create a nuisance or increase traffic volumes, and is compatible with and would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land. Measures to this effect may include but are not limited to:

- restricting the hours of operation,
 - requiring dust control,
 - requiring an appropriate form of fencing or screening,
 - requiring a standard of aesthetic appearance including but not limited to:
 - consideration for the impact of the proposed development on the historical significance of the subject or adjacent properties,
 - slope-adaptive building and site design,
 - the impact of proposed new or infill development on and its compatibility with existing development in mature neighbourhoods;
 - increasing the yard setbacks or other standards for a proposed development (e.g. in exchange for variances) and/or
 - other mitigating measures to ensure land use compatibility;
- (d) to require that the landowner or applicant enters into an agreement with the municipality in accordance with the provisions of the Act regarding the construction, upgrading and connection to roads, walkways, public utilities, off-street parking and loading facilities, off-site levies and redevelopment levies, agreement securities and oversized improvements;
- (e) to require the preparation of and/or compliance with recommendations in relevant engineering reports and other professional studies;
- (f) to require the preparation of detailed plans and construction drawings illustrating, to the Development Officer's satisfaction, access, site layout, landscaping, parking, building elevations, slope-adaptive building and site design, signs, slope stability, lot grading, stormwater management and/or utility servicing;
- (g) to require the consolidation of parcels by plan of survey prepared by an Alberta Land Surveyor;
- (h) to require the provision of a refundable security deposit to ensure that the conditions are complied with;
- (i) to require the stake-out, a survey and a survey drawing of the property and/or building footprint area by either an Alberta Land Surveyor, professional engineer (see definition) or other certified agent prior to the commencement and/or after the completion of a development;
- (j) to specify the temporary nature, maximum duration or other limitation on the time that a development permit remains in effect or a use may be exercised;

- (k) to require, relative to a temporary development permit, the cessation and removal from the property of any improvements associated with the temporary development permit upon its expiry, the posting of a refundable security deposit to ensure its cessation and removal, and the implied consent and default agreement from the landowner or applicant upon accepting the issuance of a temporary development permit whereby the Municipality shall not be liable for any costs involved in the cessation or removal of any development at the expiration of the temporary development permit;
 - (l) to require that the landowner or applicant provide to the Development Officer copies of applications for, or copies of, permits issued under the Safety Codes Act to demonstrate that such applications or permits are consistent with the development permit issued for the proposed development;
 - (m) to specify the timing of the completion of any part of the proposed development.
- 19.3 Minor details of the conditions imposed upon a development permit may be revised, upon request from the applicant and landowner or upon the Development Officer's initiative as deemed necessary and applicable, pursuant to section 24 of the land use bylaw.

20 DECISION AND NOTIFICATION OF DEVELOPMENT PERMIT

- 20.1 The Development Authority shall decide on a development permit application within the timeline prescribed in the Act.
- 20.2 A decision on a development permit is deemed to have been made on the date that it is put into writing.
- 20.3 Notification of decisions on development permit applications are to be made in the following manner:
- (a) When the Development Officer has made a decision on a permitted use development permit application that conforms in all respects to the provisions of this Bylaw, the Development Officer **may notify** the public by publishing a notice in any manner that is deemed appropriate in accordance with an applicable Municipal policy or bylaw.
 - (b) When the Development Authority has made a decision on a permitted use development permit application in which the provisions of the Land Use Bylaw were relaxed or varied or where there is a possibility of the provisions having been misinterpreted, or has made a decision on a discretionary use development permit application, with or without a variance to a development standard, the Development Officer shall, on the same day the decision is made, notify, as may be applicable, the applicant, the landowner of the subject parcel (if not the same as the applicant), adjacent landowners and any other person that the Development Officer deems likely to be affected by the decision, in one of the following manners:
 - (i) by mail, or
 - (ii) by placing an advertisement in a local newspaper circulating in the municipality, or
 - (iii) by posting a notice in a conspicuous place on the property, or
 - (iv) a suitable alternative in accordance with the provisions of the Municipal Government Act, or an applicable municipal policy or bylaw, including email, or
 - (v) any combination of the above.
 - (c) In the case of a refusal of a development permit, the Development Officer **shall notify** the persons who would have been notified had the development permit been approved.

