

## MUNICIPALITY OF CROWSNEST PASS

### NOTICE OF DECISION OF THE CHINOOK INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD HEARING NO. DP2025-054

#### BOARD MEMBERS:

**Evert Van Essen   Brody Prete   Glen Girhiny   Evert Vandenberg   Don Hill**  
**(Chair)**

In the matter of an Appeal of the Decision of the Development Authority of the Municipality of Crowsnest Pass, whereby a development permit application (DP2025-054) “For the Comprehensive Site Development Plan (CSDP dated May 2025) on Plan 6432 F.E., Block S; and “Tourism Accommodation, Small” (discretionary use) consisting of Camping Accommodations (excluding recreational vehicles) in the form of four (4) tent sites (Outfitter tents sites), two (2) cabins, Accessory Building (garage/maintenance shop) and the existing detached washroom facility. The existing “Residential use Building” is non-conforming and will continue as such.” on land designated Non-Urban Tourism Accommodation & Recreation (NUTAR), legally known as Lot N/A, Block S, Plan 6432FE (20600 23 Ave., Bellevue), was approved with conditions.

And in the matter of the Appeal in accordance with Section 686 of the Municipal Government Act by:

**APPELLANT:   Greg Hale**

And in the matter of an Appeal held under the authority of Sections 627 and 629 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended (MGA).

#### THE PUBLIC PORTION OF THE HEARING WAS DOCUMENTED AS A RECORD OF PROCEEDINGS

And upon hearing the evidence from and submissions made by the person(s) shown on Appendix B attached hereto, and upon considering the documents shown on a list attached to Appendix A, as being the documents produced and marked as exhibits at the Hearing, and having regard to the South Saskatchewan Regional Plan, the MGA, and the Municipality of Crowsnest Pass Land Use Bylaw No. 1165, 2023 and amendments thereto, the Board has rendered a Decision.


The Decision and reasons for the Decision of the Chinook Intermunicipal Subdivision and Development Appeal Board (the Board) after a Hearing duly convened in accordance with Sections 685 and 686 of the MGA on July 17, 2025, at 1:30 p.m. are as follows:

#### **DECISION:**

The Board has decided the **appeal be DENIED** and **CONFIRMS THE DECISION OF THE DEVELOPMENT AUTHORITY**. Development Permit DP2025-054 is **APPROVED with revised conditions**.

**Date:**            **July 29, 2025**

**Signed:**

  
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*Evert Van Essen - Chair of the Subdivision and Development Appeal Board*

## **FACTS:**

**Upon having read** what was submitted in writing by the Appellant and **upon hearing** others listed in Appendix B of this Decision and **upon having read** the Exhibits noted in Appendix A of this Decision, the Board finds the facts to be as follows:

1. The land subject of the appeal [subject property] is legally known as Lot N/A, Block S, Plan 6432FE with a civic address of 20600 23 Ave., Bellevue.
2. The subject property is currently designated Non-Urban Tourism Accommodation & Recreation District – NUTAR within the Municipality of Crowsnest Pass Land Use Bylaw No. 1165, 2023 [LUB 1165, 2023].
3. Council for the Municipality of Crowsnest Pass [Municipality] held a Public Hearing for Bylaw 1212, 2025 on February 11, 2025, to redesignate the subject property from Residential – R1 to Non-Urban Tourism Accommodation & Recreation District – NUTAR. On July 8, 2025, Council gave third reading to Bylaw 1212, 2025 to approve the redesignation to Non-Urban Tourism Accommodation & Recreation District – NUTAR.
4. Prior to the Public Hearing for Bylaw 1212, 2025, the municipality identified a discrepancy between the land use bylaw and the GIS digital land use layer which identified the subject property as Non-Urban Area – NUA-1 instead of R1. The discrepancy in land use designation was corrected in the GIS and Bylaw 1212, 2025 prior to second reading of the bylaw. The R1 designation had been in place since 2008 and no development permits had been issued during that time. Bylaw 1212, 2025 passed on July 8, 2025 designates the subject property as NUTAR.
5. The “Tourism Accommodation, Small” use is classified as a Discretionary Use within the NUTAR land use district in Schedule 2 of LUB 1165, 2023.
6. A development permit application [DP2025-054] and Comprehensive Site Development Plan to construct two year-round cabins and four outfitter tent sites, existing detached washroom, detached garage, and a “mother-in-law suite” within the detached garage on the subject property was submitted by the Applicants, Mike and Sharla McRae, to the Municipality of Crowsnest Pass on April 14, 2025 (Exhibit E).
7. DP2025-054 and the Comprehensive Site Development Plan were approved by the Municipal Planning Commission on May 29, 2025, with conditions and excluded the development of the “mother-in-law-suite” (Exhibit D). No variances to the standards of LUB 1165, 2023 were required.
8. On June 18, 2025, an Appeal with reasons (Exhibit C) was submitted by Greg Hale (Appellant) with the reasons that are summarized as follows:
  - a. A lack of clarity in the land use redesignation process;
  - b. The commercial nature of the development in proximity to residential development;
  - c. The use of private sewage disposal system and cistern to service the property and the related traffic;
  - d. The quality of existing roads and the use of a road-use agreement to establish access to the eastern portion of the site;
  - e. Concerns regarding traffic, trespassing, noise, general safety, and fire safety; and
  - f. The density of the development.
9. On July 14, 2025 the Appellant submitted an additional letter to the Board (Exhibit R) stating additional concerns that are summarized as follows:
  - a. The commercial nature of the development and associated impact to the quality of life expected in a residential neighbourhood;
  - b. The presence of nuisance grounds and concerns of disturbing such grounds;

- c. The presence of historical mining exploration and activity;
  - d. The potential presence of historic and Indigenous Resources and a need for further investigation;
  - e. Approval of the development permit prior to three readings of the land use redesignation bylaw;
  - f. Insufficient information in the Comprehensive Site Development Plan to address how development permit conditions will be met; and
  - g. A lack of transparency in the discretionary decision-making process.
10. The 14-acre subject property is located north of Highway 3 in the community of Bellevue. To the north of the subject property are undeveloped lands owned by a private mining company, Crown owned lands containing Frank Slide, and municipally owned lands containing Fireman's Park. To the south are five single-detached residences. Directly west are municipally owned lands containing a portion of Frank Slide and east of the subject property is the 24 Ave. road allowance. East of 24 Ave. is a residential neighbourhood, located down a steep slope. Due to the topography, these properties take access from the lane between 24 Ave. and 25 Ave.
  11. The topography of the subject property (Exhibit Q9) is such that a significant elevation change from west to east creates a ridge running north-south that divides the property into two plateaus and does not allow for the entire property to be accessed from a single access point. The western side of the subject property, where the two cabin sites are proposed to be located, takes access from 206 St./23 Ave. which is located between two properties, one being the appellant's property. The eastern portion, where the four outfitter tent sites are proposed to be located, is accessed from 24 Ave. through an undeveloped portion of the road allowance.
  12. Katherine Mertz, Development Officer, submitted that 206 St./23 Ave. is dedicated as a 15-meter-wide municipal road right-of-way but has not been developed to a municipal standard and appears similar to a lane (Exhibit Q13).
  13. Johan van der Bank, Manager of Development & Trades, submitted that with the former R1 designation the subject property could have been subdivided and developed to a higher density than what has been proposed, had a former nuisance ground not been identified in proximity to the subject property. J. van der Bank further submitted that access to the subdivided parcels would be from 206 St./23 Ave. and should the subject property be subdivided in the future, this road would likely be required to be developed to a residential standard.
  14. J. van der Bank submitted that 24 Ave. is developed and maintained up to the access of the adjacent property south of the subject property (Exhibit Q13-14). There are currently no other properties taking access from 24 Ave. that are located north of the subject property. Through the review process it was determined that upgrades to the currently unmaintained portion of 24 Ave. are required to provide access to the subject property, including emergency service access for the tent sites, therefore the Development Authority included condition 10 in the approval, requiring graveling and maintenance of 100-170m of 24 Ave.
  15. Shelley Benesch, on behalf of Stephen Sapeta, submitted that S. Sapeta is a resident of 24 Ave. and experiences stormwater washing out the road adjacent to their property. S. Benesch submitted that S. Sapeta is concerned that if maintenance of 24 Ave. is left to the Applicants and not enforced, the issue could be exacerbated.
  16. J. van der Bank requested that if the permit is approved, the Applicants be required as a condition of development to enter into a Road Use Agreement with the Municipality. J. van der Bank explained that the Municipality can take a security with the agreement which can be used for road maintenance should the Applicants fail to properly maintain the road within the agreed upon area. J. van der Bank submitted that the portion of road adjacent to S. Sapeta's property is maintained by the municipality and would not be subject to the Road Use Agreement.

17. Marianne van den Bremen indicated that the Appellant had requested consideration for access to be taken from the west side of the property, rather than 206 St./23 Ave. J. van der Bank, explained that access from the west through municipal property, was not feasible due to the elevation changes from the road to the subject property.
18. The standards of the NUTAR district are as approved by the Development Authority through the Comprehensive Site Development Plan (Exhibit N5). There is no minimum or maximum lot size established in the district. The setbacks approved by the Development Authority in the Comprehensive Site Development Plan require a minimum of 25m from 24 Ave., a minimum of 65m from the east and south property boundaries, and a minimum of 45m from the north property boundary (Exhibit D3).
19. The approved Comprehensive Site Development Plan proposes an average occupancy of 2-4 people per cabin and tent for a total occupancy of 24 people (Exhibit D12). The site is 14 acres in size, resulting in a density of 1 person per 0.6 acres.
20. A portion of the subject property falls within the Bellevue Old Highway 3 Area of Potential Environmental Concern (APEC) and is subject to the regulations of the Areas of Potential Environment Concern Overlay District - APEC-OD (Exhibit N7-25). The development of residences, schools, and hospitals is restricted within the district. Further environmental testing would be required to allow further residential development however, Tourism Accommodations and the use of holding tanks and cisterns is permissible within the overlay district.
21. K. Mertz submitted that the proposed development is within 300m of the APEC but is not affected by the legislated setback distance because it is not a “residence” as prescribed in the Matters Related to Subdivision and Development Regulation (Alberta Regulation 84/22). Further the existing residential use building predates the APEC-OD and is therefore grandfathered and allowed to remain. No further residential development is permitted without a Phase II Environmental Site Assessment.
22. The Municipality indicated that Exhibit Q11 represents the wildlife corridors in proximity to the subject property. Based on the information provided the subject property is not located within or near the identified wildlife corridor.
23. The subject property is proposed to be serviced by holding tanks and cisterns. The proposed servicing is subject to safety codes approvals.
24. K. Mertz submitted that stormwater and lot grading is addressed through condition 19 of the approval which requires that surface stormwater drainage post-development rates do not exceed pre-development rates.
25. An Emergency Response plan was submitted with the Comprehensive Site Development Plan (Exhibit D17-21) and K. Mertz submitted that the plan meets the Fire Department guidelines for such. J. van der Bank submitted that there are other properties along 24 Ave. that the Fire Department would access from 24 Ave., if required, and that the same can be done for the subject property.
26. The purpose of the NUTAR land use district, as stated in Schedule 2 of LUB 1165, 2023, is “*To provide for a variety of tourism accommodation and recreation experiences primarily outside or on the edges of the urban areas of the community for tourists to experience the broader community and regional outdoor recreation opportunities, in comprehensively planned and designed destination areas by assigning the majority of uses as discretionary to address site-specific compatibility with the use and enjoyment of adjacent properties.*”
27. Schedule 2 – APED-OD, Section 4 Exemption of LUB 1165, 2023 states in part:
  - 4.1 *The following types of development and subdivision **are exempt** from the regulations prescribed in this Overlay District:*

- (a) *a development permit application for a use or a building /structure that is deemed to not be a residence, school, or hospital;*
  - (b) *an existing development or an existing parcel of land that existed on February 07, 2023, which may continue in its present form but shall not be added to or subdivided except as allowed as per the relevant provisions of this District; and*
  - (c) *a development permit application for an accessory structure associated with an existing or proposed residence, such as an outdoor space, an uncovered deck, a shed, or a garage.*
28. Schedule 4, Section 3 Comprehensive Site Development Plan of LUB 1165, 2023 states in part:
- 3.1(a)(iii) *A Comprehensive Site Development Plan must describe the following information:*
- (A) *The layout of the proposed development, parcel boundaries and dimensions, land uses, density of population, location of buildings, parking and loading areas, landscaping, amenity spaces, property line yard setbacks and other relevant development standards to the Development Officer's satisfaction.*
  - (B) *The location and specifications of access and egress points into and from the parcel from and to public roadways, including vehicular and pedestrian connections to adjacent properties, supported by a qualified transportation engineering review if required.*
  - (C) *The location and capacity and upsizing requirements of existing or required municipal water, wastewater, and stormwater infrastructure and servicing connections at the property line, based on the designed volumes required and produced by the proposed development.*
  - (D) *The relation of the proposed development to future subdivision and development adjacent areas.*
  - (E) *The sequence of the proposed development.*
  - (F) *Any other information that the Development Officer deems relevant to making an informed decision on the development permit application.*
29. Schedule 4, Section 42 Tourism Accommodation of LUB 1165, 2023 states in part:
- 42.2(g) *Measures to mitigate:*
- (i) *adverse effects and nuisances that may unduly interfere with the amenities of the adjacent neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land; and/or*
  - (ii) *the impact of a Tourism Accommodation on community landscapes that are visible or viewed from adjacent and nearby public roadways.*
30. Schedule 18A of LUB 1165, 2023 defines "Tourism Accommodation, Small" as *a development that is comprehensively planned and designed, subject to the standards established in this Bylaw, for the recreational occupancy of a minimum of four units of resort accommodation and/or camping accommodation (both as defined in this Bylaw). Except to the extent that may be approved under provisions in Schedule 4 Standards of Development in this Bylaw, Tourism Accommodation, Small is not typically intended for residential occupancy (as defined in this Bylaw). The use shall not be interpreted to include "Recreational Vehicle Storage" or a "Work Camp". The subject property shall be held in a single certificate of title and shall not be subdivided in any form (long-term lease are allowed if the Land Titles Office will register such an instrument on the certificate of title).*
31. Section 3.1.7 of the Municipal Development Plan 1059, 2020 states in part:
- 3.1.7 *Campgrounds & Private Recreation*
- ... Future proposals for campgrounds and other private recreation facilities (ie. Parks with rental cabins, gold course, ranches) may be supported provided that:*
- 1. *These uses are not located in urban growth nodes (as identified in Maps 2-6 of this plan)*
  - 2. *The intensity and scale of the development is appropriate for the site*

3. *Uses are sensitive to the natural landscape on and adjacent to the site*
4. *Potential impacts to the environment and adjacent land uses can be mitigated appropriately, including the functionality of wildlife linkages, the protection of watercourses*
5. *Uses are supported with appropriate servicing, access, and (where applicable) non-motorized linkages to urban centres*

32. Section 643(5) of the MGA states in part:

- (5) *A non-conforming building may be continue to be used but the building may not be enlarged, added to, rebuilt or structurally altered except*
- (a) *to make it a conforming building*
  - (b) *for routine maintenance of the building, if the development authority considers it necessary,*  
*or*
  - (c) *in accordance with a land use bylaw that provides minor variance powers to the development authority for the purpose of this section.*

33. Section 687(3) of the MGA states in part:

- (3) *In determining an appeal, the board hearing the appeal referred to in subsection (1)*
- (a.1) *must comply with any applicable land use policies;*
  - (a.2) *subject to section 638, must comply with any applicable statutory plans;*
  - (a.3) *subject to clauses (a.4) and (d), must comply with any land use bylaw in effect;*
  - (a.4) *must comply with the applicable requirements of the regulations under the Gaming, Liquor and Cannabis Act respecting the location of premises described in a cannabis licence and distances between those premises and other premises;*
  - (b) *must have regard to but is not bound by the subdivision and development regulations;*
  - (c) *may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;*
  - (d) *may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw, if in its opinion,*
    - (i) *the proposed development would not*
      - (A) *unduly interfere with the amenities of the neighbourhood, or*
      - (B) *materially interfere with or affect the use, enjoyment, or value of neighbouring parcels of land, and*
    - (ii) *the proposed development conforms with the use prescribed for that land or building in the land use bylaw.*

**HAVING REGARD TO THE FINDINGS OF FACT;** and having regard for statutory plans, the South Saskatchewan Regional Plan, Land Use Bylaw No. 1165, 2023, and the MGA, the Board makes the decision to **DENY** the appeal and the decision of the Development Authority be **UPHELD**. Development Permit DP2025-054 is **APPROVED** subject to revised **CONDITIONS**:

**CONDITIONS:**

1. Construction/placement of the Development approved in this Development Permit shall not commence, until all “Prior to Commencement Conditions” stated in this Development Permit have been met or fulfilled.
2. This Development Permit 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 Development Permit was issued continues to collaborate with the Development Authority to satisfy or complete the “Prior to

Commencement Conditions” and, if required, an extension is approved by the Development Authority.

**Prior to Commencement Conditions** (these conditions are to be satisfied prior to commencement, and the development permit shall be of no effect until these conditions have been satisfied)

3. The developer shall update the Comprehensive Site Development Plan to incorporate:
  - a) Delete Phase 4 – Detached Garage section 3a regarding “Mother-in-law suite”. A new development permit application to revise the Comprehensive Site Development Plan would be required to accommodate a Secondary Suite. Please Note: If the application is for a “residential use”, a Phase II Environmental Study would be required.
  - b) Add the location of the Toilet Facilities for the Tent Sites. In addition, under section 2.0, provide additional details of the Private Sewage Disposal System(s) for the tent sites.

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

4. 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.
5. The landowner or applicant shall confirm permitting requirements for the proposed buildings/structures, and the existing/proposed Private Sewage Disposal Systems 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.
6. 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.
7. 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 submitted to the Development Officer prior to submitting safety code applications.

**Conditions of Continuing Nature (Permanent Conditions)**

8. 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

<b>Rentable Camping Accommodation (cabins and tents but prohibiting RVs)</b>	<b>Approved</b>
<b>Yard Setbacks from perimeter property boundaries</b>	As approved by the Development Authority in the Comprehensive Site Development Plan – a minimum of 25m from 24 Avenue, a minimum of 65m from the east and south property boundaries,

	and a minimum of 45m from the north property boundary.
<b>Building Height (maximum)</b>	Maximum height of cabins Tents – 20f/6.1m
<b>Accessory Building – Garage</b>	Standard in the CSDP
<b>Yard Setbacks from perimeter property boundaries</b>	As approved by the Development Authority in the Comprehensive Site Development Plan – a minimum of 20m from any property boundary.
<b>Building Height (maximum)</b>	Maximum Height of Accessory Buildings – 7.5m

9. The landowner shall in consultation with and to the satisfaction of the Municipality, gravel 100m to 170m of 24<sup>th</sup> Avenue to the point of access of the subject parcel (tent sites) and provide grading maintenance 1-2 times per year or as required. The developer shall enter into a road use agreement with the Municipality for this purpose.
10. The landowner or occupant of the subject property shall not use, or allow to be used, the Accessory Building, or any portion of it as a dwelling unit or a Camping Accommodations without the benefit of a development permit and a revised Comprehensive Site Development Plan.
11. The Comprehensive Site Development Plan dated May 2025 is approved in principle, as amended by Condition 3. 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 DP 2025-054 shall require that the landowner submit a new development permit application.
12. All private on-site roads shall meet relevant Alberta Building Code, Alberta Fire Code, National Fire Protection Association and Transportation Association of Canada Standards. The Landowner shall construct and maintain roads as per the approved Comprehensive Site Development Plan.
13. The internal roads shall be maintained for the unobstructed passage of emergency vehicles at all times.
14. Signage other than signage inside the resort requires a separate development permit application.
15. The landowner shall ensure that the Tourism Accommodation, Small is restricted to two cabins and four tents, and that recreational vehicles as camping accommodation are prohibited.
16. The landowner shall not use any existing groundwater wells to provide potable water for the Tourism Accommodation, Small, and shall not drill a new groundwater well(s) for this purpose unless a license is obtained from Alberta Environment and Protected Areas.
17. 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.
18. 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 lands 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.



19. 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.
20. 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.
21. 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 Environment 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 principal building and or future development.

- 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.

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 40m of Hwy3/40)	N/A	Historic Commercial Areas Overlay District	N/A
Hydrography through parcel	N/A	Municipal Historic Resource Designation/MNCP Heritage Inventory	N/A
High Pressure Gas Main	N/A	Historic Resource Designation by Bylaw	N/A
Water Connection	No	Coleman National Historic Site	N/A
If no, Proposed Municipal, Well, Cistern	Required	Areas of Potential Environmental Concern Overlay District/Lagoon	Yes
Sewer Connection	No	Wetlands	N/A
If no: Proposed Municipal, PSDA	Required	Parking Submitted	N/A
Contours – Steep Grade	Yes – East side	3m/6m lane	N/A
Area Structure Plan	N/A	Registered Documents	URW
Cadastral – URW on parcel	N/A	Land Use Bylaw No. 1165, 2023 as amended Schedules	2, 4
TH in Residential – Outside of Buffer	N/A	Lot (m <sup>2</sup> )	58099.74 m <sup>2</sup>
Fire Hazard	High	Standard lot size (Yes/No)	N/A
Flood Hazard	N/A	Aurora or Southmore	N/A

The Board makes the decision to **DENY** the appeal and **APPROVE** Development Permit Application DP2025-054 for the **following REASONS:**

**REASONS:**

1. The Board confirms the subject property is currently designated as Non-Urban Tourism Accommodation & Recreation District – NUTAR and that Tourism Accommodation, Small is a discretionary use within the land use district. The Board is of the opinion that the proposed development meets the parameters of the Tourism Accommodation, Small use. The Board finds the Comprehensive Site Development Plan, amended to eliminate the “Mother-in-law suite” and incorporate toilet facilities for the tent sites, adequately addresses the requirements of Schedule 4, Section 3.1 Comprehensive Site Development Plan in Land Use Bylaw 1165, 2023, and ensures that the necessary components for the operation of the development are addressed.
2. The Board is of the opinion the development is unlikely to unduly interfere with the amenities of the adjacent neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land as the development is limited in scale and scope. The Board finds that the setbacks are similar to or greater than setbacks found in residential districts and the density is lesser than those found in residential districts and the development will not be visible from adjacent or nearby public roadways. The proposed accesses to the subject property are through municipal road allowances and suitable subject to conditions. Servicing for the site has been deemed to be adequate and in compliance with the standards for the Areas of Potential Environmental Concern Overlay District – APEC-OD. The Board finds the use suitable for the subject property as proposed, subject to conditions. Furthermore, no variances to Land Use Bylaw standards were required and any further development will require review and consideration by way of a new development permit application.
3. The existing residential use building predates the establishment of the Areas of Potential Environmental Concern Overlay District – APEC-OD and is allowed to remain as a non-conforming building.

**INFORMATIVE:**

1. The Board considered the information presented by the Appellant regarding the process undertaken by the Municipality of Crowsnest Pass in designating the subject property as Non-Urban Tourism Accommodation & Recreation District – NUTAR and has found this information to be irrelevant. The Board concluded it is the authority and sole discretion of a council to determine the designation of land use for parcels of land within the municipality. As of July 8, 2025, the Council of the Municipality of Crowsnest Pass has designated the subject property NUTAR and, as such, development of the property is subject to the applicable district standards as prescribed in LUB 1165, 2023.
2. The Board acknowledges that concerns were brought forward by the Appellant regarding alleged defamatory content within the written statements. The Board received the written submissions of the Applicant and Appellant and in determining this appeal has considered only the evidence relevant to planning considerations.
3. Concerns raised by adjacent landowners regarding deficiencies in maintenance to the portion of 24 Ave. currently maintained by the Municipality are irrelevant to the Board’s decision. Concerns regarding existing roads serving existing development should be directed to the municipality.
4. This decision serves as the development approval for DP 2025-054 and no separate development permit will be issued.

## APPENDIX A

### Documentary Material Submitted to the Board:

EXHIBIT	ITEM
	A. Notice of Hearing and Location Sketch Map
	B. List of Persons Notified
	C. Notice of Appeal with Reasons dated June 16, 2025
	D. Notice of Decision DP2025-054 dated May 29, 2025
	E. Development Permit Application DP2025-054 – received April 14, 2025
	F. Development Permit Application Review for Completeness
	G. Certificate of Title and Registrations
	H. Underground Coal Mine Map
	I. Municipal Planning Commission Report - Request for a Decision dated May 28, 2025
	J. Municipal Planning Commission Minutes – May 28, 2025
	K. Municipal Policies used by Development Authority in Making a Decision
	L. Excerpts from South Saskatchewan Regional Plan
	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
	O. Letter from Adjacent Landowner
	P. Applicant Submission
	Q. Development Authority's Position Statement July 10, 2025, with Attachments
	R. Appellant Submission
	S. Photos of 24 Ave.

## APPENDIX B

**List of persons who gave oral evidence or made submissions at the hearing:**

<b>CAPACITY</b>	<b>NAME</b>
Appellant:	Not Present
Applicant:	Not Present
Municipal Representatives:	Katherine Mertz – Development Officer Johan van der Bank - Manager of Development & Trades
Gallery	Marianne van den Bremen Shelley Benesch

**IMPORTANT:** This Decision of the Subdivision and Development Appeal Board is final and binding on all parties and persons, subject only to Appeal to the Provincial Court of Appeal.