

**MINUTES OF THE MUNICIPAL PLANNING COMMISSION
of the Town of Banff in the Province of Alberta
Town Hall Council Chamber
Wednesday, February 14, 2018 at 9:00 a.m.**

COMMISSION MEMBERS PRESENT

Ken Riordon	Public Representative (Vice Chairperson)	<i>left meeting at 10:32a.m.</i>
Richard Church	Public Representative	<i>left meeting at 9:30a.m.</i>
Amber Wanless	Public Representative	
Scott McElhone	Public Representative	
Brian Smythe	Public Representative (Chairperson)	
Bryan Howie	Parks Canada Representative	
Chip Olver	Council Representative	
Corrie DiManno	Council Representative	

COMMISSION MEMBERS ABSENT

ADMINISTRATION PRESENT

Randall McKay	Director, Planning and Development
Darren Enns	Manager, Development Services
David Michaels	Development Planner
Jennifer Laforest	Development Planner
Kerry MacInnis	Planning (MPC Recorder)

1.0 CALL TO ORDER

The Chair to the Municipal Planning Commission called the February 14, 2018 meeting of MPC to order at 9:00a.m.

2.0 APPROVAL OF AGENDA

MPC18-14 Moved by Howie to approve the agenda of the February 14, 2018 meeting of the Municipal Planning Commission agenda as presented.

CARRIED

2.1 The Chair asked if any members of the Municipal Planning Commission would be declaring a conflict of interest in hearing today's meeting.
No conflict was declared.

3.0 ADOPTION OF PREVIOUS COMMISSION MINUTES

MPC18-15 Moved by DiManno to approve the minutes of the January 17, 2018 meeting of the Municipal Planning Commission as presented.

CARRIED

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4.0 UNFINISHED BUSINESS

- 4.1 MPC Conditions of Approval (verbal update)
Regarding MPC18-6 – Administration received advice from Town of Banff legal counsel that a condition of development that limits an applicant’s ability to apply for something permitted through a bylaw, is beyond the authority of MPC. Based on this information, it may be prudent in the future that when looking at conditions that are out of the ordinary, a recesses is taken in order to obtain a legal opinion.

5.0 REPORTS

- 5.1 17DP99 Proposed Two Bedroom Suite over Existing Garage at 224 Marmot Place
- i. Staff Presentation
Administration provided a presentation and overview on this proposal.
 - ii. Public input
There was no public input.
 - iii. Applicant input
There was no applicant input.

MPC18-16 Moved by Olver that the Municipal Planning Commission add as a condition of approval for development permit 17DP99, under condition 1(q) applicant may pursue opportunities with the Development Officer for integrating solar energy within the development.

CARRIED

MPC18-17 Moved by Olver that Municipal Planning Commission approve development permit application 17DP99 as amended for a two (2) bedroom Accessory Dwelling within an existing Accessory Development (Garage) at 224 Marmot Place subject to the conditions of approval attached as Appendix A with a variance to the following section of the Land Use Bylaw:

- Section 8.9.4(d) (ii) to reduce the required rear yard setback from 1.0m to 0.32m in order to allow the reuse of an existing building foundation.

CARRIED

Appendix ‘A’ – 17DP99 - Conditions of Approval

1. Conditions to be met prior to issuance of the Development Permit

- a. Submit revised Landscaping Plan to the Development Officer demonstrating the following FireSmart provisions will be adhered to:
- i. Existing mature trees within 10m of any structure shall have branches within 3m of the ground removed,

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- ii. Dead trees on site shall be removed; and,
 - iii. Trees with high flammability rating located within 3m of any structure shall be removed.
- b. Submit revised Elevation Drawings demonstrating indicating the height of wall above the first story of the accessory development is less than 0.6m;
- c. Pay to the Town of Banff the Municipal Planning Commission Surcharge of **\$125.00** as established by *Schedule 'G'* of the Town of Banff Land Use Bylaw;
- d. Pay to the Town of Banff Off-Site Levies in the amount of **\$1'733.60** as established by Town of Banff *Fees and Charges Bylaw 388* (\$21.67/m² x 80m of gross floor area);
- e. Pay to the Town of Banff Residential Waste Fee in the amount of **\$700.00** in lieu of on-site garbage facilities (\$700.00/dwelling rate) as established by Town of Banff *Waste Bylaw 18-4*;
- f. Pay to the Town of Banff a Civic Addressing Fee of **\$75.00** as established by *Schedule G* of the Town of Banff Land Use Bylaw (\$75.00/unit);
- g. Submit a detailed Landscaping Cost Estimate for all on and off-site landscaping prepared by a Landscape Architect, specifying all plant materials, their size, numbers, location and species;
- h. Submit a detailed Hard Surfacing Cost Estimate, as determined by the contractor or Landscape Architect, for all on-site hard-surfaced areas (driveway, parking area, walkways, patios) and repair of off-site surfaces (roadway, sidewalk, curb/gutter, driveway crossing) specifying type of materials and finishes;
- i. Provide two (2) separate Irrevocable Letters of Credit in the amount of 125% of the value of the cost estimate for both the hard surfacing and landscaping to secure completion of work.
- j. Submit a Construction Site Plan and provide description of soil and erosion control mitigations that will be used during construction. The construction site plan shall identify all trees to be retained. All existing trees to be retained shall be protected by fencing set at the outer canopy (drip line) of the tree during demolition, excavation and construction;
- k. Submit a Construction Hoarding Plan for the rear of the site including proposed height, colour, location of access points and any off-site encroachments associated with the required construction hoarding. Solid hoarding (min. 1.8m height) for safety and screening adjacent to laneway with a 12' return along each side yard, with other appropriate fencing on all other property lines. All signage along the solid hoarding fence must conform to the requirements of the Land Use Bylaw;
- l. Submit a proposed Truck Route and Traffic Plan for construction vehicles entering and exiting the site. Show locations of all on-site storage (e.g. material, equipment, etc.) during construction;
- m. Submit a detailed Deep Utilities Servicing Plan to the satisfaction of the Director of Engineering showing:
 - connection to existing water service and sanitary sewer
 - details of pipe material(s) and size(s)
 - location of new water meter(s) and remote reading device(s)
 - location of existing/redundant services to be abandoned at main line and removed from the public roadway, if applicable;

- n. Submit a detailed Shallow Utilities Servicing Plan to the satisfaction of the Director of Engineering showing location of gas, power and communications lines;
- o. Submit a completed Subcontractor Information Sheet to Town of Banff Business Licensing Clerk with the Planning and Development Department. The information sheet shall provide a list of the sub-contractors to be employed in the construction of the development;
- p. Prior to the issuance of a development permit, the applicant is required to provide the following to Parks Canada:
 - i. A current Title for Block 64, Lot 8 be provided to Parks Canada Realty Services.
 - ii. Parks Canada must receive a detailed Project Description to determine if an Environmental Impact Analysis (EIA) will be required for the 17DP99 development proposal. From an initial review, the key project components to address in the project description are.
 - iii. Excavation plan, for management and disposal of soils, including management of any contamination.
 - iv. Construction debris disposal plan.
- q. The applicant may pursue opportunities with the Development Officer for integrating solar energy within the development.

2. Specific Conditions

- a. This notice provides the decision of the Municipal Planning Commission regarding the application to construct a 2 bedroom 80m² Accessory Dwelling within an existing Accessory Development at 224 Marmot Place.
- b. Any further changes to the approved plans or building shall be submitted for review and approval of the development officer prior to implementation on-site;
- c. Future redevelopment on site may require that the legally non-conforming conditions be addressed;
- d. It is the responsibility of the project proponent to ensure that any and all mitigation measures, and any additional instructions, identified in the Determination of Environmental Impacts, issued by Parks Canada Environmental Assessment office are adhered to; and,
- e. Upon occupancy of the newly developed property, an updated Statutory Declaration listing each occupant of Block 64 Lot 8 is required to confirm that they are 'eligible residents' as defined under the National Park Lease and Licence of Occupation Regulations.

3. General Conditions

- a. Further approval of tree removals may require replacement trees in accordance with s.8.4.3 of Town of Banff Land Use Bylaw 31-4 where it states that "Tree removals will be issued only upon the replacement with an equivalent plant material, unless a Development Officer is of the opinion that the site will retain adequate tree and landscape coverage or that replacement trees may create potential wildfire hazard";
- b. Protect all existing services and landscaping on adjacent roadways and properties and assume responsibility for all damages;

- c. All timber to be removed from the site is the property of Parks Canada. Please contact the Environmental Assessment Specialist at 403.762.1419 to confirm whether Parks Canada has any need for such materials;
- d. Provide Dust Suppression (spraying) of site during demolition activities. A hydrant meter can be obtained from the Town of Banff Operations Department by telephone at 403.762.1240;
- e. Town of Banff requires all developers to Collect all Waste, separate into appropriate categories on-site and store appropriately. Dispose trade waste at the Bow Valley Waste Management Commission's Class III landfill (Francis Cooke) and garbage to the Waste Transfer Station. Ensure that materials and waste being transported are covered with tarps or equivalent material. Please review the Town of Banff How-to Guide to Construction Waste Management (see attached);
- f. The project proponent shall ensure that any hazardous materials discovered during excavation are immediately reported to Parks Canada and properly disposed of according to current regulations;
- g. Management of all uncontaminated (clean) soil excavated from the site shall be arranged through Parks Canada. Contractors must obtain a Restricted Activity Permit in order to dispose of clean fill at the Cascade Pit. Further direction and information about permit approval may be obtained by contacting Banff National Park Dispatch at 403.762.1470;
- h. All timber to be removed from the site is the property of Parks Canada. Please contact the Environmental Assessment Specialist at 403.762.1419 to confirm whether Parks Canada has any need for such materials;
- i. Tree removal shall be conducted in accordance with all applicable Acts and Regulations including, but not limited to, the Canada National Parks Act and the Migratory Birds Convention Act, 1994;
- j. Install Hoarding around the perimeter of the site prior to commencing construction. Site hoarding shall not be installed without the prior written permission of Planning and Development;
- k. Apply for a Street Use Permit from the Town of Banff (if necessary) at least 48 hours prior to the undertaking of any work associated with the removal of existing tree(s), on Town property including the adjacent street or sidewalk;
- l. Disturbance of public roadways and installation of utility trenches shall be inspected and approved in writing by the Director of Engineering prior to backfill. Please contact Town of Banff Engineering at 403.762.1210 to arrange for an inspection. All installations shall conform to the standards of the City of Calgary;
- m. Minimize the idling of construction vehicle engines at all times in accordance with Town of Banff Traffic Bylaw 16-7;
- n. Confine "noise" activities to hours set out in Town of Banff Community Standards Bylaw 260;
- o. Ensure that all garbage and food waste is stored in bear-proof bins as per Town of Banff Waste Bylaw 18-4. Construction sites must undergo thorough clean-up, including removal of general litter at project completion;
- p. The applicant shall arrange to have the landscaping completed by no later than one year from the date of issuance of the Development Permit. If in the event that this work is not completed by this date, the Town shall cash the Letter of Credit and arrange for the completion of this work at the expense of the owner;
- q. The applicant shall arrange to have all of the driveway and hard surfaced areas completed, including repairs to off-site areas (roadway), by no later than one year from the date of issuance of the Development Permit. If in the event that this work is not completed by this date, the Town shall cash the Letter of Credit and arrange the completion of this

work at the expense of the owner; and,

- r. A water meter and remote reading device shall be installed at the dwelling(s) prior to issuance of an Occupancy Permit. Property owners shall provide free and convenient access to the premises and building at all reasonable times for the purpose of reading meters. The installation of the water meter shall be inspected by the Town of Banff Utilities Department, please call 403.762.1240 to arrange for an inspection;

Church left the meeting at 9:30a.m.

5.2 17DP94 Proposed Addition and Bed and Breakfast Home containing Three (3) Commercial Accommodation Units– 510 Deer Street

- i. Staff Presentation
Administration provided a presentation and overview on this proposal.
- ii. Public input
There was no public input.
- iii. Applicant input
Lee O'Donnell, applicant, addressed the commission with respect to the proposed development.
Mountain Ridge Designs, designer of the proposed development, was in the gallery to answer any questions from the commission.

MPC18-18 Moved by Howie that the MPC move in camera at 10:20a.m. to discuss a matter where public disclosure could be harmful to third party personal privacy as per Section 17 of the *Freedom of Information and Protection of Privacy Act*.

CARRIED
DiManno and Riordon Opposed

Riordon left the meeting at 10:32a.m.

MPC18-19 Moved by Olver to return to the public meeting at 10:45a.m.

CARRIED

MPC18-20 Moved by Howie that Municipal Planning Commission amended condition of approval for 17DP94 - 1(e) as follows “Applicant to submit an executed Access Agreement (easement) ensuring perpetuity to the satisfaction of the Director of Engineering and to the satisfaction of the Development Officer that allows for the unobstructed access across Lots 14, 15, 16, 17, 18, 19, 21 Block 32 Plan 638HD and Lot 20 Block

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32 Plan 6719BC as per Schedule C within one (1) year; and further provide proof of registration of the Access Agreement from Alberta Land Title's Office within one (1) year”.

CARRIED

MPC18-21 Moved by Olver that Municipal Planning Commission amend the condition of approval for 17DP94 1(a)(ii) to include “and further clarification of pedestrian flow”.

CARRIED

MPC18-22 Moved by Olver that the Municipal Planning Commission add as a condition of approval for 17DP94 the following condition “1(q) the applicant may pursue opportunities with the Development Officer for integrating solar energy within the development”.

CARRIED

MPC18-23 Moved by Smythe that Municipal Planning Commission consider Development Permit application 17DP94 as amended for a residential renovation and bed and breakfast home containing three (3) guestrooms located at 510 Deer Street subject to:

- the provision of an access easement agreement for municipal leasehold area and Lot 14, 15, 16, 17, 18, 19, 21 Block 32 Plan 638HD and Lot 20 Block 32 Plan 6719BC as shown on Schedule C; and,
- adherence to the conditions of approval attached as Appendix ‘A’.

CARRIED

Appendix ‘A’ – 17DP94 - Conditions of Approval

(1) Conditions to be met prior to issuance of the Development Permit

- (a) Submit three (3) copies of plans showing conformance with the provisions of the *Town of Banff Land Use Bylaw* for the review and approval by the Development Officer, including:
- (i) A revised Elevation Drawing demonstrating changes to the roof structure above the loft storey which meet the definition for ‘half storey’ as provided in Schedule C and in section 2.3.4 of the Land Use Bylaw;
 - (ii) A revised Landscaping Plan in conformance with the *Recommended Planting Materials List* of the Banff Design Guidelines and incorporating Firesmart considerations as per the Land Use Bylaw and further clarification of pedestrian flow;
 - (iii) A Lighting Plan showing numbers, types, and locations and technical specifications for individual exterior light fixtures in conformance with Section 8.22.0;
- b. Submit a Materials Sample Board and Colour Board indicating conformance with the *Banff Design Guidelines* for the final review and approval by the Development Officer.

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- c. Pay to the Town of Banff the outstanding Municipal Planning Commission Surcharge of \$125.00 as established by *Schedule G* of the Town of Banff Land Use Bylaw;
- d. Pay to the Town of Banff Pay Off-Site Levies in the amount of \$2,340.36 as established by *Town of Banff Off-Site Levy Bylaw 388* (\$21.⁶⁷/m² x 108m² gross floor area);
- e. Applicant to submit an executed Access Agreement (easement) ensuring perpetuity to the satisfaction of the Director of Engineering and to the satisfaction of the Development Officer that allows for the unobstructed access across Lots 14, 15, 16, 17, 18, 19, 21 Block 32 Plan 638HD and Lot 20 Block 32 Plan 6719BC as per Schedule C within one (1) year; and further provide proof of registration of the Access Agreement from Alberta Land Title's Office within one (1) year.
- f. Enter into a Development Agreement with the Town of Banff indicating that should the rear driveway become non-functional in the future, that the property owner will construct a parking from Deer Street to accommodate the uses on site and provide landscaping in the rear yard which meets the requirements of the Land Use Bylaw and the Banff Design Guidelines;
- g. Submit a Statutory Declaration containing:
 - i. a list of the properties in the townsite owned by the applicants,
 - ii. confirmation that the property owners identified on the certificate of title will occupy the dwelling as their principal residence; and,
 - iii. a statement indicating that the applicant will relinquish the bed and breakfast licence at such a time as 510 Deer Street is longer the principal residence of the property owner.
- h. Submit a detailed Deep Utilities Servicing Plan to the satisfaction of the Director of Engineering showing:
 - i. connection to existing water service and sanitary sewer
 - ii. details of pipe material(s) and size(s)
 - iii. location of new water meter(s) and remote reading device(s)
 - iv. location of existing/redundant services to be abandoned at main line and removed from the public roadway, if applicable;
- i. Submit a detailed Shallow Utilities Servicing Plan to the satisfaction of the Director of Engineering showing location of gas, power and communications lines;
- j. Submit a Construction Site Plan and provide description of soil and erosion control mitigations that will be used during construction;
- k. Submit a Construction Hoarding Plan for the perimeter of the site including proposed height, colour, location of access points and any off-site encroachments associated with the required construction hoarding. Specify solid hoarding (min. 1.8m height) for safety and screening adjacent to Deer Street, with other appropriate fencing on all other property lines. All existing trees to be retained shall be protected by fencing set at the outer canopy (drip line) of the tree during demolition, excavation and construction;
- l. Submit a proposed Truck Route and Traffic Plan for construction vehicles entering and exiting the site.

Show locations of all on-site storage (e.g. material, equipment, etc.) during construction;

- m. Submit a Landscaping Cost Estimate, as determined by the Landscape Architect, for all on and off-site landscaping specifying all plant materials, their size, numbers, location and species. Provide an irrevocable letter of credit in the amount of 125% of the cost of landscaping to secure completion of this work;
- n. Submit a Hardsurfacing Cost Estimate, as determined by the contractor, for all on-site hard-surfaced areas (driveway, parking area, walkways, patios) and repair of off-site surfaces (roadway, sidewalk, curb/gutter, driveway crossing) specifying type of materials and finishes. Provide an irrevocable letter of credit in the amount of 125% of the cost of finishing and repairing all hard surfaced areas to secure completion of this work;
- o. Prior to the issuance of any Development Permit, the requirements outlined below must be completed and/or provided to Parks Canada:
 - i. Parks Canada must receive a detailed Project Description to determine if an Environmental Impact Analysis (EIA) will be required for the 17DP94 development proposal.
 - ii. From an initial review, key aspects to include in the project description are:
 - i. Disposal of excavated soils;
 - ii. Any geotechnical reporting conducted for this site;
 - iii. Landscape plan and plant species (as per the Town of Banff's approved planting list)
- p. Submit a completed Subcontractor Information Sheet to the Business License Clerk Planning and Development Department providing a list of the sub-contractors to be employed in the construction of the development.
- q. The applicant may pursue opportunities with the Development Officer for integrating solar energy within the development.

(2) Specific Conditions:

- (a) Upon occupancy, an updated Statutory Declaration listing each occupant of Block 32 Lot 16 is to be provided to Parks Canada to confirm that they are 'eligible residents' as defined under the National Park Lease and Licence of Occupation Regulations;
- (b) The encroachment of soft landscaping (shrubs and mulch), hard landscaping (driveway, walkways and steps) is permitted into the public boulevard. The property owner is responsible for the care and maintenance of the subject encroachment. Failure to maintain the encroachment to the satisfaction of the Town of Banff will result in revocation of the Development Permit;
- (c) Further approval of tree removals may require replacement trees in accordance with s.8.4.3 of Town of Banff Land Use Bylaw 31-4 where it states that "Tree removals will be issued only upon the replacement with an equivalent plant material, unless a Development Officer is of the opinion that the site will retain adequate tree and landscape coverage or that replacement trees may create potential wildfire hazard";

- (d) Tree removal shall be conducted in accordance with all applicable Acts and Regulations including, but not limited to, the Canada National Parks Act and the Migratory Birds Convention Act, 1994;

(3) General Conditions:

- (a) Any further changes to the approved plans or building shall be submitted for review and approval of the Development Officer prior to implementation on-site;
- (b) It is the responsibility of the project proponent to ensure that all mitigation measures identified in the Parks Canada's *BCS Environmental Screening Determination Using a Class Screening Report* and the guidelines identified in the *Environmental Guidelines for Development Projects in Banff National Park (Directive 17)* are implemented during construction. The project proponent shall ensure that any hazardous materials discovered during excavation are immediately reported to Parks Canada and properly disposed of according to current regulations (see attached);
- (c) Obtain a valid Business Licence from the Town of Banff for the operation of a Bed & Breakfast Home. The number of commercial accommodation units shall be restricted to three (3);
- (d) The Development Permit is valid for a period not to exceed the term of the Business Licence or one (1) year from the date of issuance, whichever first occurs;
- (e) On-site parking shall conform to the approved site plan. No parking of guest vehicles is permitted on adjacent public roadways;
- (f) Protect all existing services and landscaping on adjacent roadways and properties and assume responsibility for all damages;
- (g) All signs require a separate Development Permit in accordance with the Town of Banff Land Use Bylaw;
- (h) The Bed and Breakfast Home shall be operated exclusively by the live-in owner as an accessory use. The Bed and Breakfast Home shall not change the principal residential character, use or external appearance of the dwelling;
- (i) Vehicular traffic generated by the Bed and Breakfast Home shall not be in excess of what which is characteristic of the neighbourhood in which it is located;
- (j) The owner will maintain a daily guest registry which will include rooms occupied and vehicle license plate information. If a complaint is received, the owner, upon request from the Town shall provide the daily guest registry for inspection and shall provide license plate numbers of permanent resident vehicles. The Town may request this at any time between the hours of 8:00 a.m. and 8:00 p.m.;
- (k) The owner shall be responsible for ensuring that each guest is advised that they must park in the areas designated on the application and not on a public roadway;
- (l) The owner shall be responsible for complying with the Alberta Fire Code (2014);
- (m) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 regarding the Guidelines for Bed and Breakfast Establishments and to arrange an inspection of the property prior to operation;

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- (n) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 to obtain a food establishment permit prior to operation;
- (o) Non-compliance with any conditions of the Development Permit will result in revocation of the 'Bed and Breakfast Home' permit; and MPC: Proposed Bed & Breakfast Home – 510 Deer Street;
- (p) Obtain all permits required in accordance with the Province of Alberta Safety Codes Act Revised Statutes of Alberta, Chapter S-1. The Act requires that all property owners and contractors working in Alberta obtain permits prior to commencing work on buildings covered by the Alberta Building Code or prior to conducting work governed by the regulations of the Canadian Electrical Code, the Alberta Gas Code or the Alberta Plumbing Code;
- (q) Town of Banff requires all developers to Collect All Waste, separate into appropriate categories on-site and store appropriately. Dispose trade waste at the Bow Valley Waste Management Commission's Class III landfill (Francis Cooke) and garbage to the Waste Transfer Station. Ensure that materials and waste being transported are covered with tarps or equivalent material. Please review the *Town of Banff How-to Guide to Construction Waste Management*;
- (r) Apply for a Street Use Permit from the Manager of Engineering at least 48 hours prior to any work on Town streets, lanes or sidewalks. Enter into a Temporary Encroachment Agreement with the Town of Banff for the use of municipal property during construction, if necessary;
- (s) Disturbance of public roadways and installation of utility trenches shall be inspected and approved in writing by the Director of Engineering prior to backfill. Please contact Town of Banff Engineering at 403.762.1210 to arrange for an inspection. All installations shall conform to the standards of the City of Calgary.
- (t) Installation of new services and the termination of redundant services shall be inspected and approved in writing by the Town of Banff Utilities Department prior to backfill. Please contact the Town of Banff Utilities Department at 403.762.1240 to arrange for an inspection. All installations shall conform to the standards of the City of Calgary.
- (u) Management of all uncontaminated (clean) soil excavated from the site shall be arranged through Parks Canada. Contractors must obtain a *Restricted Activity Permit* in order to dispose of clean fill. Further direction and information about permit approval may be obtained by contacting Banff National Park Dispatch at 403.762.1470;
- (v) All site drainage is to be contained on site. No connection of weeping tile to storm sewer is permitted;
- (w) A water meter and remote reading device shall be installed at each dwelling prior to issuance of an Occupancy Permit. Property owners shall provide free and convenient access to the premises and building at all reasonable times for the purpose of reading meters. The installation of the water meter shall be inspected by the Town of Banff Utilities Department, please call 403.762.1240 to arrange for an inspection;
- (x) All exposed metal flashing, mechanical equipment and flues shall be coordinated to match the building colour;
- (y) No satellite dishes, antennas or other rooftop communication equipment shall be installed without prior written permission of the Development Officer;
- (z) All rooftop mechanical equipment must be screened from view to the satisfaction of the Development Officer;

- (aa) Protect all existing services, including landscaping, on adjacent roadways and properties during construction. Assume responsibility and repair all damages to any existing services and landscaping on adjacent roadways and properties;
- (bb) All existing trees to be retained shall be protected by fencing set at the outer canopy (drip line) of the trees during demolition, excavation and construction;
- (cc) Install hoarding around the perimeter of the site, in accordance with the approved plans, prior to commencing excavation and construction;
- (dd) Protect undisturbed land by only stockpiling materials on heavy canvas or polypropylene tarpaulins to protect native vegetation. All materials will be stored within the confines of the work site. All fuels, oils, lubricants, and other petrochemical products will not be stored within 100m of any waterbody;
- (ee) Confine “noise” activities to hours set out in *Town of Banff Community Standards Bylaw 260*;
- (ff) The applicant shall arrange to have the landscaping completed by no later than one year from the date of issuance of the Development Permit. If in the event that this work is not completed by this date, the Town shall cash the Letter of Credit and arrange for the completion of this work at the expense of the owner;
- (gg) The applicant shall arrange to have all of the driveway and hard surfaced areas completed, including repairs to off-site areas (roadway), by no later than one year from the date of issuance of the Development Permit. If in the event that this work is not completed by this date, the Town shall cash the Letter of Credit and arrange the completion of this work at the expense of the owner;
- (hh) Minimize the idling of construction vehicle engines at all times in accordance with *Town of Banff Traffic Bylaw 16-7*;
- (ii) Ensure that all garbage and food waste is stored in bear-proof bins as per *Town of Banff Waste Bylaw 18-4*. Construction sites must undergo thorough clean-up, including removal of general litter at project completion
- (jj) Obtain all permits required in accordance with the *Province of Alberta Safety Codes Act Revised Statutes of Alberta, Chapter S-1*. The Act requires that all property owners and contractors working in Alberta obtain permits prior to commencing work on buildings covered by the Alberta Building Code or prior to conducting work governed by the regulations of the *Canadian Electrical Code*, the *Alberta Gas Code* or the *Alberta Plumbing Code*; and,
- (kk) Pay the cost of the following, as may be required, in accordance with municipal standards and to the satisfaction of the Development Officer:
 - (i) Construction of new sanitary sewer, storm sewer and water connections, which shall include the cutting off of any redundant connection(s).
 - (ii) Construction, repair and rehabilitation of street surfacing.

- 5.3 17DP80 Proposed Addition of One (1) Commercial Accommodation Unit to an Existing Two (2) Commercial Accommodation Bed and Breakfast Home at 328 Lynx Street (1 Guest Room)
- i. Staff Presentation
Administration provided a presentation and overview on this proposal.
 - ii. Public input
There was no public input.
 - iii. Applicant input
There was no applicant input.

MPC18-14 Moved by McElhone that Municipal Planning Commission approve Development Permit application 17DP80 for the addition of one (1) Commercial Accommodation Unit at an existing Bed and Breakfast Home located at 328 Lynx Street subject to the conditions of approval attached as Appendix 'A'.

CARRIED

(1) Conditions to be met prior to issuance of the Development Permit

- (a) Submit confirmation, to the satisfaction of the Development Officer, that the property complies with the Alberta Building Code 2014 including bedroom egress, smoke alarms and placement of fire extinguishers; and,
- (b) Provide evidence of Confirmation of Eligible Residency in accordance with the requirements of Parks Canada Realty Services to the satisfaction of the Development Officer.
- (c) Provide evidence of an approved fire alarm system.

(2) Specific Conditions:

- (a) This approval permits one (1) additional commercial accommodation unit at an existing Bed and Breakfast Home. A total of three (3) commercial accommodation units are permitted at this property. Any additional commercial accommodation units require a new development permit.

(3) General Conditions:

- (a) Obtain a valid Business Licence from the Town of Banff for the operation of a Bed & Breakfast Home. The number of commercial accommodation units shall be restricted to three (3) and the number of pillows to six (6);
- (b) The Development Permit is valid for a period not to exceed the term of the Business Licence, one (1) year from the date of issuance or until transfer/change in ownership of the subject property, whichever first occurs;
- (c) On-site parking shall conform to the approved site plan. No parking of guest vehicles is permitted on adjacent public roadways;

Minutes approved by: _____

- (d) Planting with a low or very low flammability rating is encouraged and mature conifers within 5m of any structure shall be limbed to 3m and all standing dead shall be removed;
- (e) All signs require a separate Development Permit in accordance with the Town of Banff Land Use Bylaw;
- (f) The Bed and Breakfast Home shall be operated exclusively by the live-in owner as an accessory use. The Bed and Breakfast Home shall not change the principal residential character, use or external appearance of the dwelling;
- (g) Vehicular traffic generated by the Bed and Breakfast Home shall not be in excess of what which is characteristic of the neighbourhood in which it is located;
- (h) The owner will maintain a daily guest registry which will include rooms occupied and vehicle license plate information. If a complaint is received, the owner, upon request from the Town shall provide the daily guest registry for inspection and shall provide license plate numbers of permanent resident vehicles. The Town may request this at any time between the hours of 8:00 a.m. and 8:00 p.m.;
- (i) The owner shall be responsible for ensuring that each guest is advised that they must park in the areas designated on the application and not on a public roadway;
- (j) The owner shall be responsible for complying with the Alberta Fire Code;
- (k) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 regarding the *Guidelines for Bed and Breakfast Establishments* and to arrange an inspection of the property prior to operation;
- (l) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 to obtain a food establishment permit prior to operation;
- (m) Non-compliance with any conditions of the Development Permit will result in revocation of the 'Bed and Breakfast Home' permit; and
- (n) Obtain all permits required in accordance with the *Province of Alberta Safety Codes Act Revised Statutes of Alberta, Chapter S-1*. The Act requires that all property owners and contractors working in Alberta obtain permits prior to commencing work on buildings covered by the Alberta Building Code or prior to conducting work governed by the regulations of the *Canadian Electrical Code*, the *Alberta Gas Code* or the *Alberta Plumbing Code*.

6.0 CORRESPONDENCE

There was no correspondence.

7.0 NEW BUSINESS

- 7.1 18DP03 – Banff Caribou Lodge Roof Replacement
Administration provided a verbal update.
- 7.2 Notice of Appeal #01-18 – 508 Deer Street – 17DP63
Administration provided a verbal update. The DAB hearing will take place on February 27, 2018.

Minutes approved by: _____

8.0 INQUIRIES

There were no inquiries.

9.0 DATE OF NEXT MEETINGS/ADJOURNMENT

The next scheduled meeting of the Municipal Planning Commission is scheduled for Monday, March 5, 2018 at 9:00 a.m.

MPC18-15 Moved by Olver to adjourn the meeting at 11:15 a.m.

CARRIED

Brian Smythe
Chair

Kerry MacInnis
Planning and Development

Minutes approved by: _____