

TOWN OF BANFF POLICY



<u>POLICY #</u>	C23
<u>POLICY TITLE</u>	Heritage Resource Policy
<u>AUTHORITY</u>	COU00-167
<u>AUTHOR</u>	Pollock/ENV

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1.0 POLICY STATEMENT

To preserve and build upon Banff's unique community character, local heritage resources will be identified and evaluated in order to assist and encourage the retention, restoration, protection and awareness of heritage resources by means of education, commemoration, incentive programs, partnerships, community development and interpretation.

2.0 PURPOSE/BACKGROUND

This policy provides a framework of principles, goals and policies by which the identification, protection, preservation, commemoration and education related to heritage resources will be delivered.

As a municipality constituted under Federal/Provincial Agreement, the Town is responsible for the management of heritage resources in its jurisdiction. This includes historic structures, streetscapes, historic and archeological sites, cultural objects, cultural landscapes and archaeological specimens, and natural features of historic significance. The Town requires a policy framework to direct fiscal resources to the tasks involved in these broad responsibilities, and to clarify the Town's role in the promotion of measures for the conservation of heritage resources.

The revisions to this Policy have been prepared with the assistance of the Banff Heritage Corporation, Province of Alberta, Parks Canada and the Town Solicitor. The procedures are based on standard heritage preservation programs and techniques used in towns and cities across the country.

This policy and the activities emanating from it are anticipated in the agreements with the Federal Government for incorporation of the town, and are assumed in the provincial legislation governing the care and preservation of cultural heritage resources in the Province of Alberta. The Banff Community Plan and the Banff National Park Management Plan include sections on heritage preservation.

3.0 DEFINITIONS

Definitions are outlined in **Appendix "A"**.

4.0 PROCEDURE

(a) Heritage Corporation

In 1996 Council established a municipally owned not-for-profit Heritage Corporation. The Town of Banff Heritage Corporation is able to receive endowments, property, grants, and other forms of donations from the public, business, other levels of government, or agencies such as the Alberta Historical Resources Foundation. In addition to the public representatives appointed as directors, other voting members include Town of Banff councilor(s) and a representative of Parks Canada/Canadian Heritage. Non-voting members include representatives of the Province of Alberta Community Development and the Alberta Association of Architects.

(b) Commemoration

In order to increase the public's awareness of, support for, and participation in heritage resource conservation activities the Town of Banff will:

- (i) Develop an annual strategic plan with the Banff Heritage Corporation to coordinate the following ongoing initiatives:
 - Maintain the Town of Banff Municipal Resource Database (refer to section 4.0d)
 - Maintain the Town of Banff Registry of Recognized Heritage Resources (refer to section 4.0e)
 - Municipal Historic Resource Designation Programme (refer to section 4.0h)
 - Heritage Resource Plaque Programme
 - Heritage Awards Programme
 - Communications Plan and Products
- (ii) Encourage protection and conservation of heritage resources in Banff through cooperative agreements, endowments, partnerships, acquisitions or other similar means.
- (iii) Encourage the development and distribution of communications materials related to the following:
 - The Town of Banff Heritage Resource Policy
 - Historical and Architectural Walking Tours
 - The History of Banff
 - Heritage Resources with plaques
 - Resources on the Registry of Recognized Heritage Resources
 - Town of Banff Heritage Awards Programme
 - Archeological sites and natural areas of historical significance
 - Municipal Historic Resource Designation Programme
- (iv) Support cooperative research programmes with the Province of Alberta, University of Calgary, the University of Alberta, the Southern Alberta Institute of Technology, Parks Canada and private research firms.

(c) Developing Partnerships

The Town of Banff will work to develop partnerships for the conservation of the Town's identified heritage resources. Partnerships must emphasize equality with individuals as well as with groups and organizations to foster a sense of community and pride. The partnerships should include groups sharing similar objectives such as:

- Parks Canada
- Province of Alberta
- Banff Housing Corporation
- Peter and Catharine Whyte Foundation
- The Whyte Museum of the Canadian Rockies
- Local Art and Business Community
- Banff/Lake Louise Tourism Bureau
- Banff Heritage Tourism Corporation
- The Banff Public Library
- The Luxton Museum
- The Banff Centre
- Friends of Banff National Park
- Canadian Pacific Railway

(d) Town of Banff Municipal Resource Database

The Town of Banff is responsible for the maintenance and review of a database of all buildings, structures, cultural landscapes, archaeological sites, and natural areas located within Town boundaries. Redevelopment of resources included in the database, although still subject to the requirements of the Land Use By-law and the Banff Design Guidelines, will not be hindered by heritage conservation efforts.

The Banff Heritage Corporation is responsible for the evaluation and assessment of the resources in the Town's database in order to determine their eligibility for inclusion in the Town of Banff Registry of Recognized Heritage Resources. Resources listed on the database may be evaluated as "A", "B", "C" or "U" heritage resources (see Appendix "A" – Resource Evaluation). The database and evaluations have no legal authority in themselves. They are management tools for the purpose of education, research, and commemoration, awarding of incentives and planning. The database and evaluations will be used to determine priority for which the Town of Banff will encourage and assist the retention, restoration and protection of heritage resources.

(e) Town of Banff Registry of Recognized Heritage Resources

The Town of Banff Registry of Recognized Heritage Resources will be used for planning purposes and is the sole means for awarding of conservation incentives. The registry is voluntary in that a resource owner must authorize the inclusion of the resource in the registry. A resource owner may opt out of the registry at any time. To be included on the registry, a resource must be identified as having heritage value and/or heritage character and evaluated as an "A", "B" or "C" resource. The registry provides no legal authority to preserve or restrict development of a resource. A resource included in the registry may be eligible for designation as a Municipal Historic Resource. The registry provides an opportunity to recognize the heritage value of a resource and showcase the heritage character of the community. The Town of Banff is responsible for the maintenance and review of the registry.

An update of the Town of Banff Registry of Recognized Heritage Resources will be considered and approved by Council as necessary with the understanding that it is a “living” document and will change over time. The Registry update will include resource owner consultation and public notification. The evaluation of a recognized resource will be reassessed upon request from the resource owner.

(f) Planning Process

To integrate the conservation of recognized heritage resources into the planning and development process, the Town of Banff will, where possible:

- Communicate with the development community the need to consider heritage concerns throughout the planning process.
- Consider incorporating heritage conservation/planning tools from other jurisdictions into the planning process.
- Consider establishing incentives, such as relaxing the Land Use Bylaw, in order to conserve heritage resources.
- Require appropriate mothballing of abandoned/vacant buildings and require recording of building information prior to demolition of any buildings (pre-demolition report).
- Refer development permit applications for properties listed in the Town of Banff Registry of Recognized Heritage Resources to the Banff Heritage Corporation for review, evaluation, advice and recommendation.

(g) Conservation Incentives

Incentives used to promote the retention and restoration of heritage resources need not involve the direct transfer of money to the resource owner. Non-financial conservation incentives are only available to those resources included in the Registry of Recognized Heritage Resources and could include, but are not limited to, the following:

- Variances to the Land Use Bylaw
- Relaxation of the Town of Banff Design Guidelines
- Land Use Bylaw Amendments
- Transferable/assumable Bed & Breakfast Development Permits for Bed & Breakfast operations on properties designated as Municipal Historic Resources; and
- Design consultation/technical assistance for the restoration or development of any properties on the Registry of Recognized Heritage Resources.

(h) Municipal Historic Resource Designation

The intent of Municipal Historic Resource Designation is to both recognize the significance of a resource and protect it legally. Owners of resources ranked as “A”, “B” or “C” on the Town of Banff Registry of Recognized Heritage Resources may voluntarily apply to have their resource designated a Municipal Historic Resource.

Refer to **Appendix “B”** – Municipal Designation Process for the Town of Banff for additional information.

(i) Heritage Banff Fund

The Heritage Banff Fund will be used primarily for awarding of financial incentives associated with Municipal Historic Resource Designation, but may also be used to assist the development and delivery of other programs, products and services provided by the Banff Heritage Corporation in accordance with this policy. The Town of Banff will contribute to the Fund in an amount to be determined by Town Council in the annual budgeting process. Payments from the fund will be based on recommendations from the Banff Heritage Corporation and require authorization by Town Council.

5.0 REVISION HISTORY (YMD)

95 07 10	New; adopted in principle
95 09 25	Adopted in principle with amendments (COU95-602)
00 08 14	Revised Draft to Council; several postponements followed Fall 2000
00 12 11	Final redraft approved (COU00-167)
03 01 27	Revised Draft to Council
03 02 10	Final redraft approved (COU03-56) – opt out capability wording added (4 e) and matching grant maximums reduced (Appendix “B” 1.3)

HERITAGE RESOURCE POLICY C23

APPENDIX “A” - DEFINITIONS

1.0 DEFINITIONS

Assessed Value - the current year's assessed value as calculated for the property by the Town Assessor.

Compensation - upon designation of a building and site as a Municipal Historic Resource, Compensation will be paid pursuant to Section 28 of the HISTORICAL RESOURCES ACT, Revised Statutes of Alberta, 2000, as amended. Compensation may be in the form of a payment to the building's owner equal to the value of the amount of municipal property taxes payable on a building and land, relaxation of parking and/or housing, loading and amenity requirements, or any other means. Compensation will be that amount agreed upon prior to the passage of the bylaw by the Town.

Conservation – encompasses all actions aimed at the safeguarding of heritage resources for the future. Its purpose is to study, retain and restore the culturally significant qualities of the resource with the least possible intervention.

Conservation Plan – a plan for the proposed restoration/rehabilitation of a recognized heritage resource submitted by the owner in conjunction with an application for Municipal Historic Resource Designation.

Cultural Landscape – any geographical area that has been modified or influenced by human activity, including natural landscapes used and altered by native peoples; designed landscapes which derive value from their aesthetic qualities; vernacular landscapes associated with the region’s demographic, social and economic development; historic landscapes which are valued primarily for their historical associations; and such specific landscape types as cemeteries, canals and fortification earthworks.

Cultural Object - any object made or modified by humans, and which, for the purpose of this policy, dates from the Town's historic era (prior to 1885). Mobility is implied, such that when an historic structure is moved from its original location it becomes a large cultural object.

Development – as defined in the Town of Banff Land Use Bylaw (as amended)

Designating Bylaw – A municipal regulation governing a historic resource.

Designation - Heritage designation is a form of federal, provincial or local government regulation that can protect heritage resources. Heritage designation is applied to a property when the long-term protection of the resource is desired, and it is determined that designation is the most suitable long-term heritage protection tool to use.

Development Permit - as defined in the Town of Banff Land Use Bylaw (as amended)

Grant – funds transferred to an individual or institution to subsidize a project or program.

Heritage – a broad term which refers to all that is inherited from the past, which may include natural, human and cultural; tangible (cultural artifacts); and intangible (living heritage) components that has heritage value to the community, the province or the nation as a whole.

Heritage Character – refers to the overall effect produced by traits or features that give a resource its distinctive quality.

Heritage Value – refers to the historical, cultural, aesthetic, scientific or educational worth or significance of a resource to the community.

Heritage Resource - a structure, site, object, cultural or natural feature, in or above the ground, or related cluster of structures, sites, objects, cultural or natural features that are deemed to be significant by virtue of their design, construction, association with an historic event, trend, person, place, or social movement, or by virtue of the importance of the research or knowledge content which the resource may possess.

Heritage Resource Plaques – a heritage resource recognized as being of significance through the installation of a plaque as a commemorative gesture by the Banff Heritage Corporation. The installation of a plaque at a heritage resource does not protect it in any way.

Historical Integrity - conveys the sense of remaining true to the original and is the ability of a property to clearly and visibly convey its significance with reference to location, design, setting, materials, workmanship, sense of place, and:

- (a) association with events that have made a significant contribution to the broad patterns of our history; or
- (b) association with the lives of persons significant in our past; or
- (c) embodiment of a type, period, or method of construction, or representation of the work of a master, or possession of high artistic values, or representation of a significant and distinguishable entity whose individual components may lack individual distinction; or
- (d) representation of information important in Canada's prehistory or history.

Historic Resource – refers to a heritage resource that has been designated, by municipal bylaw, as a Municipal Historic Resource in accordance with the HISTORICAL RESOURCES ACT (Alberta)

Historic Structure - any building, work, or structure or the remains of same, on or above the surface of the earth, forty years of age or older, that is deemed to be of historical or architectural interest by virtue of its design, construction, architect/designer or builder, its association with a person, place, event, or social movement also deemed to be of historical or historic architectural interest. The environmental and contextual significance of a heritage property is also noted.

Interpretation – any communication process designed to reveal the characteristics, meanings and relationships of the community's heritage to the public through reference to objects, artifacts, landscapes, structures or persons.

Mothballing – (see Stabilization)

Municipal Historic Resource Designation - the designation, by municipal bylaw, of an historic site and/or building, pursuant to the HISTORICAL RESOURCES ACT, Section 26, Revised Statutes of Alberta, 2000, as amended. The designating bylaw shall apply to the whole historic building. However, in some instances only a portion of the designated historic building may be regulated by the designating bylaw.

Municipal Property Tax - the tax amount levied by the Corporate Services Department based on the assessment established by the Town Assessor and the mill rate established annually by bylaw by Town Council. The municipal property tax excludes the school taxes levied by the Province of Alberta.

Natural Features - natural features (not intentionally manmade) located in the Town of Banff that are significant to the community. These features include, but are not limited to the following: sand dunes, old growth vegetation, view corridors, wetlands, pathways and waterways.

Pre-demolition Report – a report prepared by the owner prior to the demolition of a building or structure included in the Town of Banff Municipal Resource Database for the purpose of recording detailed information about the resource including but not limited to: age, original/current use, architectural style, photographs, design features, layout, materials, condition, description of alterations and setting. The Town of Banff shall require the report as a condition to be met by the owner/applicant prior to issuance of a development permit.

Rehabilitation - the process of returning a building to a state of utility, through the repair, or alteration, which makes possible a new use while preserving those portions and features of the building which are significant to its historic and architectural merits. The portions and features of the building may be located in the interior and/or exterior of the building.

Resource Evaluation - reflects the need to evaluate heritage resources, and to distribute a community's limited financial resources. The Town of Banff has evaluated its heritage structures based upon three nationally recognized criteria including: history, architecture and environment. Within each of these three categories several questions are asked, ultimately determining the importance or significance of the resource based on the following four (4) levels:

- “A”: These resources have the highest heritage value and are the community's most important heritage resources.
- “B”: These resources have high heritage value and are the community's important heritage resources that reinforce the historic character of “A” ranked resources.
- “C”: These resources have moderate heritage value that complement the character of “A” and “B” ranked properties and reinforce the historic interest, texture and character of the community.
- “U” Unranked – These resources have been identified as having lost their historical integrity or having no known historical significance.

Restoration - the accurate rehabilitation of a heritage resource to a certain period in its history, using the materials, styles and craftsmanship of that period.

Stabilization – measures designed to protect a property from deterioration, loss or attack. In the case of buildings and structures, when such treatment is of a temporary nature and anticipates future historic preservation treatment, it is known as “mothballing”. Long-term stabilization measures are employed when a greater level of intervention is not planned in the foreseeable future. They allow a structure to be used, yet protect both it and visitors. In the case of archaeological sites, the protective measures may be temporary or permanent.

Streetscape - means a collection of buildings that collectively form an integral portion of the community’s heritage integrity (not precluding the potential individual significance of each resource).

Town of Banff Municipal Resource Database – a catalogue or record of all existing buildings, structures, cultural landscapes, archeological sites, and natural areas located in the town.

Town of Banff Registry of Recognized Heritage Resources – a voluntary list of “A”, “B” or “C” resources used for planning purposes and awarding of conservation incentives. The list is voluntary in that a resource owner must authorize the inclusion of the resource in the registry.

HERITAGE RESOURCE POLICY C23
APPENDIX “B” - MUNICIPAL HISTORIC RESOURCE DESIGNATION

1.0 Municipal Historic Resource Designation Process

In order to be designated and eligible to receive incentives, the owner of a resource included in the Registry of Recognized Heritage Resources may voluntarily apply for historic designation.

Upon receiving an application, Administration will produce a designation report for Council, which will include the ranking of the property and the recommendations of the Banff Heritage Corporation.

Council may grant or deny designation status. If Council proposes to grant designation status, the owner of the leasehold interest in the resource shall be given 60 days notice of Council's intention to consider a bylaw pursuant to Section 26 of the HISTORICAL RESOURCES ACT (Alberta). A bylaw is required in order to grant Municipal Historic Designation status to ensure that the resource is not demolished or altered in any way that would compromise the historical integrity of the resource.

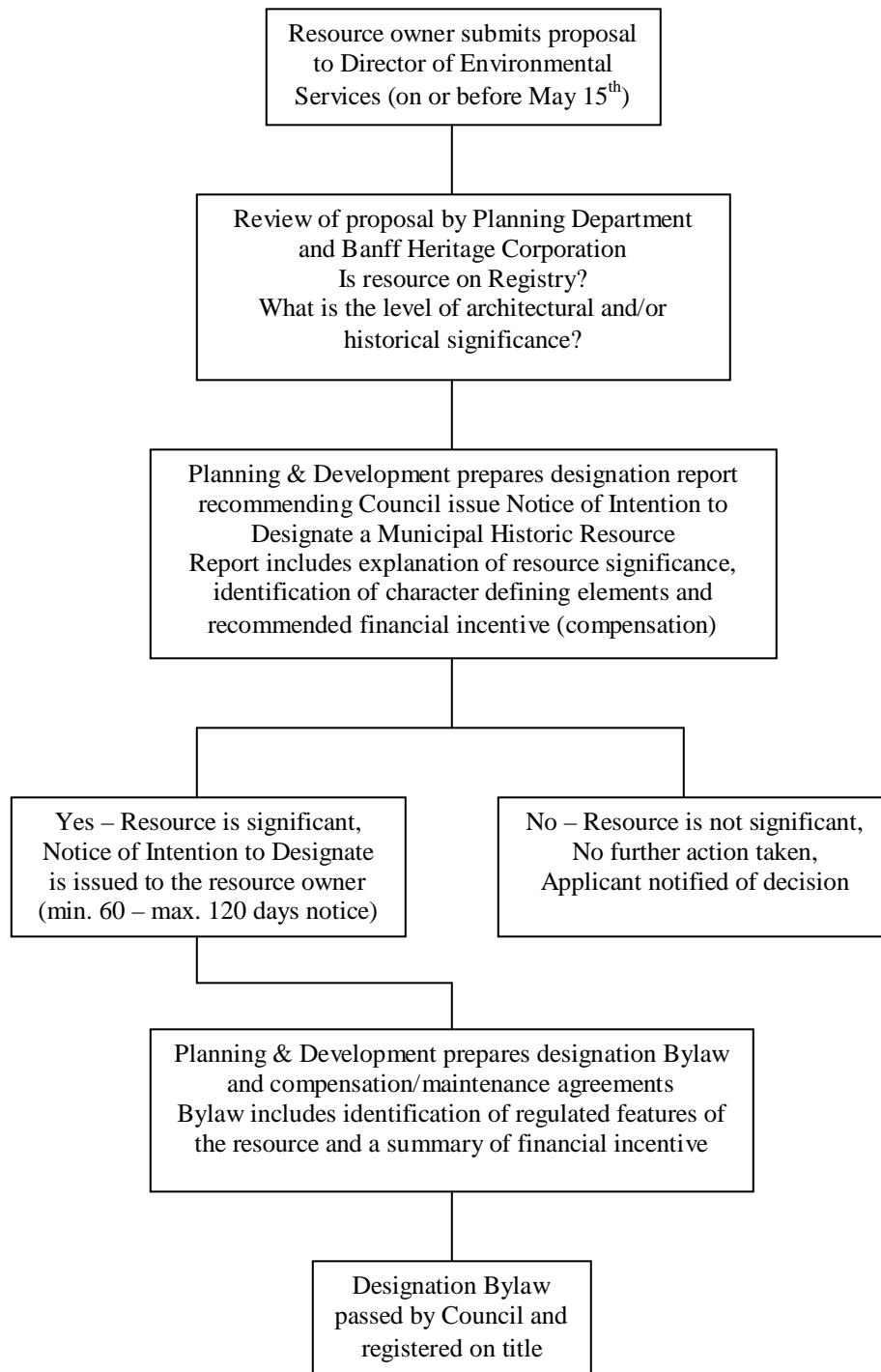
Once a resource is designated in this manner a caveat is registered on title if the property is registered at the Alberta Land Titles Office. Council at anytime may, at their discretion, repeal the designating bylaw. If repealed, the repealing bylaw would also be registered on the title if the property is registered at the Alberta Land Titles Office.

The HISTORICAL RESOURCES ACT (Alberta) requires that the Town provide the owner of a Municipally Designated resource with compensation for the decrease in economic value. Financial incentives are intended to compensate for any potential decrease in the economic value of the property. The maximum amounts offered for financial incentives are established in the Heritage Resource Policy. An agreement must be signed by the owner, prior to the passage of a designating bylaw that releases the Town and Heritage Corporation from any further compensatory claims.

The resource owner would be responsible for upgrading and maintaining the resource according to provincial guidelines for historic resources as outlined in General Guidelines for Rehabilitation (refer to section 1.4b). Based on these guidelines, a maintenance agreement will form a schedule to the designating bylaw. If these standards are not maintained, the designation and associated financial incentives could be terminated.

Any resource designated a Municipal Historic Resource will become eligible for public recognition under Town of Banff Historic Resources Commemoration programmes.

Summary of Process to Designate a Municipal Historic Resource



* This chart is a simplified summary of the various Municipal Policies and Bylaws and Provincial Acts that must be adhered to in the designation process. The process may be amended from time to time. All original Policies, Bylaws and Acts should be consulted for the purpose of interpreting and applying the law.

1.1 **Responsibilities**

(a) Town Council:

- (i) approves changes to this policy;
- (ii) adopts the update of the Town of Banff Registry of Recognized Heritage Resources;
- (iii) approves by bylaw to designate buildings as Municipal Historic Resources pursuant to Section 26 of the HISTORICAL RESOURCES ACT, Revised Statutes of Alberta, 2000, as amended; and
- (iv) approves compensation as pursuant to this policy.

(b) Town Manager:

- (i) recommends to Town Council any changes to this policy; and
- (ii) reviews and recommends to Town Council requests regarding any form of compensation pursuant to this policy.

(c) Director of Environmental Services:

- (i) serves as the Town of Banff contact for receipt of proposals for compensation pursuant to this policy.

(d) Manager of Planning and Development:

- (i) prepares a report for Town Council outlining the designation proposal and recommended compensation, and;
- (ii) prepares a designating bylaw for consideration by Town Council.

(e) Town Solicitor, and other Department Directors:

- (i) assist the Director of Environmental Services and the Director of Corporate Services, as requested, in the review and analysis of proposals submitted pursuant to this policy.

(f) Banff Heritage Corporation:

- (i) determines a building's eligibility for designation as a Municipal Historic Resource by assessing the history, architecture and environmental status of the building;
- (ii) prepares appropriate schedules for the designating Municipal Historic Resource Bylaw;
- (iii) conducts periodic inspection of the designated Municipal Historic Resource as outlined in Section 1.4 of this appendix;
- (iv) contracts an Alberta Land Surveyor to prepare a legal survey of a building and site to be designated a Municipal Historic Resource when necessary;
- (v) reviews and evaluates designation and compensation proposals and makes recommendations to the Manager of Planning and Development; and
- (vi) recommends financial incentive and compensation payments to owners of designated Municipal Historic Resources.

1.2 Application Process

- (a) Applications for Municipal Historic Resource Designation shall be submitted on or before May 15th of each calendar year. Owner submits a designation proposal to the Director of Environmental Services. Designation proposals shall be prepared in accordance with the format established by Administration, to ensure adequate, consistent review and evaluation.
- (i) *General information required from the resource owner applying for designation pursuant to this policy:*
- name of resource;
 - municipal address and legal description;
 - name and contact information of resource owner and a current copy of the certificate of title;
 - age and history of the resource;
 - statement of the historical and architectural significance of the resource and site in a format supplied by Administration;
 - Historic photographs or illustrations of the resource;
 - Current colour photographs of the resource and surrounding site; and
 - a legal survey of the resource and site to be designated, prepared by an Alberta Land Surveyor in accordance with instruction from the Banff Heritage Corporation.
- (ii) *Information requirements for grants in aid of municipal property tax.*
If the resource owner is requesting a grant equal in value to the municipal portion of the property tax, the following information is required:
- a copy of the Town of Banff property tax notice showing taxes and levies paid for the year previous to the request being made for compensation; and
 - an outline of the total grant amount requested.
- (iii) *Required information for matching restoration/rehabilitation grants.*
If the resource owner is requesting a matching restoration/rehabilitation grant, a Conservation Plan, prepared by a qualified heritage restoration architect, outlining the following information is required:
- complete drawings and description of restoration/rehabilitation work and an outline of the total grant amount requested in sufficient detail as determined by the Banff Heritage Corporation;
 - description of how the project will deal with the protection or enhancement of the resource, and how the project meets the intent of the "General Guidelines for Rehabilitation" as outlined in Section 1.4(b) of this appendix;
 - the total value of the restoration/rehabilitation of the resource;
 - projected construction costs regarding the permit value of the project;
 - evidence that matching funds are available (at least 50% of the eligible costs of the proposed restoration/rehabilitation) in sufficient detail as determined by the Banff Heritage Corporation;
 - submission of a Development Permit application;
 - any additional economic advantages resulting from the restoration/rehabilitation of the resource.

- (b) The Banff Heritage Corporation reviews and evaluates the proposal as outlined in Section 1.4 (Evaluation Process).
- (c) The Manager of Planning and Development prepares a report outlining the proposal and compensation recommendations, and designating bylaw to Town Council.
- (d) Town Council considers the proposed compensation and designating bylaw.
- (e) If the building merits designation as a Municipal Historic Resource, Council will give the owner 60 days notice by a 'Notice of Intention' to designate the resource through bylaw.
- (f) On the service of a Notice of Intention, Section 26 (6) of the HISTORICAL RESOURCES ACT (Alberta) applies to the historic resource as if a bylaw under subsection (2) had been passed. The Notice of Intention remains valid until Council passes the bylaw, revokes the Notice of Intention, or until the expiry of 120 days from the receipt of the Notice.
- (g) Notwithstanding subsection (f), a person who has been served with a Notice of Intention under subsection (e) may apply by originating notice to the Court of Queen's Bench for an order shortening this 120 day period.

1.3 Financial Incentives

- (a) A resource must be designated a Municipal Historic Resource, pursuant to Section 26 of the HISTORICAL RESOURCES ACT, Revised Statutes of Alberta, 2000, as amended, for the owner to be eligible for incentives. The resource owner may be eligible for financial incentives in two forms depending on the historical significance of the resource and consideration of financial budget limitations:

"A" Ranked Resources

- (i) **Grant in Aid of Municipal Property Taxes:**
The resource owner may be eligible to receive a grant covering the municipal portion of their property taxes, from the Heritage Corporation, commencing January 1 of the year following the year in which Town Council passes the designating bylaw. At the discretion of Council, the owner may be eligible to receive this grant on an annual basis up to a maximum five-year period in the case of residential buildings and a maximum three-year period in the case of non-residential buildings. In no case shall the grant exceed \$2,000.00/year for residential buildings or \$15,000.00/year for non-residential buildings.
- (ii) **Matching Restoration/Rehabilitation Grants:**
The resource owner may be eligible to receive a restoration or rehabilitation grant from the Heritage Corporation primarily intended to address structural integrity and exterior work. The amount of the grant shall be limited to a maximum of 50% of the eligible costs based on the assessment of the total restoration/rehabilitation costs in the conservation plan. The amount of the grant shall be no greater than \$25,000.00 for residential buildings or \$50,000.00 for non-residential buildings, within a one-time five-year time frame.

“B” Ranked Resources

(i) Grant in Aid of Municipal Property Taxes:

The resource owner may be eligible to receive a grant covering the municipal portion of their property taxes, from the Heritage Corporation, commencing January 1 of the year following the year in which Town Council passes the designating bylaw. At the discretion of Council, the owner may be eligible to receive this grant on an annual basis up to a maximum five-year period in the case of residential buildings and a maximum three-year period in the case of non-residential buildings. In no case shall the grant exceed \$1,000.00/year for residential buildings or \$7,500.00/year for non-residential buildings.

(ii) Matching Restoration/Rehabilitation Grants:

The resource owner may be eligible to receive a restoration or rehabilitation grant from the Heritage Corporation primarily intended to address structural integrity and exterior work. The amount of the grant shall be limited to a maximum of 50% of the eligible costs based on the assessment of the total restoration/rehabilitation costs in the conservation plan. The amount of the grant shall be no greater than \$12,500.00 for residential buildings or \$25,000.00 for non-residential buildings, within a one-time five-year time frame.

“C” Ranked Resources

(i) Grant in Aid of Municipal Property Taxes:

The resource owner may be eligible to receive a grant covering the municipal portion of their property taxes, from the Heritage Corporation, commencing January 1 of the year following the year in which Town Council passes the designating bylaw. At the discretion of Council, the owner may be eligible to receive this grant on an annual basis up to a maximum five-year period in the case of residential buildings and a maximum three-year period in the case of non-residential buildings. In no case shall the grant exceed \$500.00/year for residential buildings or \$3,750.00/year for non-residential buildings.

(ii) Matching Restoration/Rehabilitation Grants:

The resource owner may be eligible to receive a restoration or rehabilitation grant from the Heritage Corporation primarily intended to address structural integrity and exterior work. The amount of the grant shall be limited to a maximum of 50% of the eligible costs based on the assessment of the total restoration/rehabilitation costs in the conservation plan. The amount of the grant shall be no greater than \$6,250.00 for residential buildings or \$12,500.00 for non-residential buildings, within a one-time five-year time frame.

	"A" Buildings	"B" Buildings	"C" Buildings
Grants in Aid of Property Tax for resources that remain in serviceable condition (at discretion of Council) Based on Municipal portion of property taxes	Not to exceed: \$2,000 (residential) or \$15,000 (non-residential)	Not to exceed: \$1,000 (residential) or \$7,500 (non-residential)	Not to exceed: \$500 (residential) or \$3,750 (non-residential)
Matching Restoration/ Rehabilitation Grant (at discretion of Council)	Not to exceed: \$25,000 (residential) or \$50,000 (non-residential)	Not to exceed: \$12,500 (residential) or \$25,000 (non-residential)	Not to exceed: \$6,250 (residential) or \$12,500 (non-residential)

1.4 **Evaluation Process**

- (a) Based on the owner's proposal and analysis, the Banff Heritage Corporation will coordinate an evaluation based on:
- assessment of the history, architecture and environmental status of the resource to determine eligibility for designation as a Municipal Historic Resource;
 - the way in which the proposal conforms to the definition of "restoration";
 - whether or not the project is a sympathetic rehabilitation;
 - whether or not the owner/developer is requesting compensation pursuant to Section 1.3 of this appendix;
 - the costs/benefits for the Town and the Banff Heritage Corporation; and
 - The awarding of grants for rehabilitation will depend on whether or not the rehabilitation adheres to the "General Guidelines for Rehabilitation".
- (b) General Guidelines for Rehabilitation
- (i) Compatible Uses
Wherever possible, the uses proposed for a Municipal Historic resource shall be compatible with the existing resource such that only minimal changes are required to the resource. The use of a Municipal Historic Resource for its original purpose is desirable.
- (ii) Original Character
The original distinctive qualities and character of the resource as designated by the Municipal Historic resource bylaw should be preserved. The removal or alteration of any historical materials or features shall be avoided whenever possible.
- (iii) The Historic Period
The Municipal Historic Resource should be recognized as a product of its own time. Alterations, which are not based on historical fact or which recreate an earlier or a later idiom, shall be discouraged.

- (iv) *Witness to Change*
Changes to the Municipal Historic Resource may have occurred over time. These alterations are evidence of the history and development of the resource. Because this evolution may have acquired significance in its own right, alterations to the original building should be recognized and respected where indicated.
- (v) *Repair and Replacement*
Deteriorated architectural features shall be repaired rather than replaced wherever possible. Where replacement is necessary, the new material should match the original as to composition, colour, texture, design, etc. The repair or replacement of architectural features shall be based on a sound knowledge of the original characteristics of the feature. Such knowledge shall be based on historical or pictorial evidence and not upon conjecture.
- (vi) *Style and Craftsmanship*
Distinctive stylistic features and examples of skilled craftsmanship, which have been designated by the Municipal Historic Resource Bylaw, shall be preserved and treated sensitively.
- (vii) *Cleaning*
In all cases, surface cleaning shall be undertaken with the gentlest means available. Sandblasting in particular, but also other cleaning methods, damage historic buildings and should not be undertaken without thorough testing prior to use on a building. Sandblasting is not recommended on brick, stone or wood. In all instances, it should be ascertained that a building exterior is really in need of cleaning prior to undertaking the work.
- (viii) *Reversibility of Improvements*
When the introduction of new elements or materials is necessary to stabilize or preserve a municipally designated historic resource, alterations shall be undertaken such that new materials, should they fail, may be removed at a later date without damage to the original fabric of the Municipal Historic Resource. Where this is not possible (i.e., use of epoxy) only those methods and materials that have been thoroughly tested and found satisfactory in situ, shall be used.
- (ix) *Recording*
Prior to undertaking any alterations, particularly in cases where alterations may threaten the building fabric (underpinning, moving structures), the applicant shall compile a complete record of the architectural features of the Municipal Historic Resource. Measured drawings and photographs of details may prove invaluable if major features are damaged or lost during the subsequent repair work.
- (x) *Original Construction Details*
In some historic structures, poor construction details or inappropriate material resulted in rapid deterioration of certain building elements. In these instances, accurate restoration of the original detail will inevitably result in the failure of the element. Therefore, restoration of the resource should be undertaken in such a fashion as to duplicate the original appearance as closely as possible while using details based on sound construction practice.

(xi) Enforcement

The owner and the Town shall enter into an agreement to ensure that the designated structure will be maintained in such a manner as to prevent any deterioration.

(xii) Improvements

Prior to undertaking any improvements, a schedule of alterations should be prepared. This schedule should include phasing of alterations where necessary due to program or budget restrictions. The type and timing of both short and long term maintenance work shall also be included.

(xiii) Codes

At no time should the life and safety of occupants of a Municipal Historic Resource be deemed of lesser importance than the preservation of the original fabric of the Municipal Historic Resource. The required life and safety standards are those required by the current Alberta Building Code. However, notwithstanding these Code requirements, where the essential character of the structure is threatened by changes for code reasons, every effort shall be made to achieve an equivalent safety standard by alternate means so as to minimize the impact on the historic fabric.

(xiv) Signs

As a general rule signs should be limited to signs that were originally present on the building. In instances where new uses or interpretive functions dictate the use of additional signs, these new elements should be integrated into the general design of the project. The size, typeface, graphics and materials should be chosen to suit the period of the Municipal Historic Resource wherever possible. All signs must conform to the Banff Land Use Bylaw.

1.5 Municipal Control

The Town of Banff and the Banff Heritage Corporation shall be protected in the granting of compensation for the designation and rehabilitation of a Municipal Historic Resource through the following mechanisms:

- (a) the Municipal Historic Resource will be designated through a municipal bylaw;
- (b) full payment of all taxes and levies owed by the owner prior to submission of a request for compensation;
- (c) appropriate investigation of the project's owner and developer;
- (d) all school taxes and local improvement charges will continue to be charged;
- (e) no further compensation, additional to that approved pursuant to Section 28 of the HISTORICAL RESOURCES ACT, Revised Statutes of Alberta, 2000, as amended, may be given to the owner once the Municipal Historic Resource Bylaw and agreement are passed by Council;
- (f) The Banff Heritage Corporation may negotiate the possible repayment of any compensation received by the owner (grant amount paid plus interest charged at current prime plus 3% offered by the Town's bank). This would occur if the historic integrity of the Municipal Historic Resource is destroyed other than by an act of God or if the owner requests removal of designation and the designating bylaw is subsequently rescinded at the discretion of Council; and
- (g) periodic inspection of the resource by the Town in order to evaluate the condition of the Municipal Historic Resource and to determine whether any maintenance work is required.