



**MINUTES OF THE MUNICIPAL PLANNING COMMISSION  
of the Town of Banff in the Province of Alberta  
Town Hall Council Chamber  
Wednesday, February 12, 2020 at 9:00 a.m.**

**COMMISSION MEMBERS PRESENT**

Scott McElhone	Public Representative
Amber Wanless	Public Representative (Vice Chairperson)
Barbara Pelham	Public Representative
Daniel Trundle	Public Representative
Corrie DiManno	Council Representative
Chip Olver	Council Representative (attended the meeting at 9:40 a.m.)
Bryan Howie	Parks Canada Representative

**COMMISSION MEMBERS ABSENT**

Brian Smythe	Public Representative (Chairperson)
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**ADMINISTRATION PRESENT**

Darren Enns	Director, Planning and Development
Emma Sanborn	Planner, Planning and Development
Eric Bjorge	Development and Heritage Planner
Kerry MacInnis	Administrative Assistant, Planning and Development (MPC Recorder)

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**1.0 CALL TO ORDER**

Vice Chairperson Wanless called the February 12, 2020 Municipal Planning Commission meeting to order at 9:00a.m.

**2.0 APPROVAL OF AGENDA**

2.1. Approval of the Municipal Planning Commission agenda for February 12, 2020

MPC20-1 **Moved by** Commissioner Pelham

That the agenda for the February 12, 2020 meeting of the Municipal Planning Commission be approved.

For: (6): Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Trundle, Commissioner Howie and Councillor DiManno

**MOTION CARRIED**

Minutes approved by:



## 2.2. Declaration of Conflicts

Vice Chairperson Wanless asked if any members of the Municipal Planning Commission would be declaring a conflict of interest in hearing today's meeting.

- Commissioner Trundle declared a conflict of interest in hearing agenda item #5.3, 19DP89, Determination of Use at 101 Eagle Crescent, as he is employed by the applicant.
- Councillor DiManno declared a conflict of interest in hearing agenda item #5.1, 19DP88, Transportation Service at 100 Hawk Avenue, due to her employment with the Bow Valley Regional Transit Commission.

## 3.0 **ADOPTION OF PREVIOUS COMMISSION MINUTES**

### 3.1 Minutes of the December 11, 2019 meeting of the Municipal Planning Commission

MPC20-2 **Moved by** Councillor DiManno

- Remove the duplicate '2019' date from the top of the page of the December 11, 2019 MPC meeting minutes.

That the minutes of the December 11, 2019 meeting of the Municipal Planning Commission be adopted as amended.

For: (6):

Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Trundle, Commissioner Howie and Councillor DiManno

**MOTION CARRIED**

## 4.0 **UNFINISHED BUSINESS**

There was no unfinished business schedule for this meeting.

**Councillor DiManno left the Municipal Planning Commission meeting at 9:05 a.m.**



## 5.0 REPORTS

- 5.1 Proposed Transportation Service at 100 Hawk Avenue (Town of Banff Transit Storage Facility) – 19DP88
- i. Staff Presentation  
Administration provided a presentation and overview on the proposal as included in the agenda package.
  - ii. Public input  
There was no public input.
  - iii. Applicant input  
Adrian Field, Director of Engineering, Town of Banff, addressed commission members and answered their questions.

Brennan David, Engineering Coordinator, Town of Banff, answered questions from commission members.

### MPC20-3 **Moved by** Commissioner Pelham

That the Municipal Planning Commission approve Development Permit application 19DP88 to construct a Transit Storage Facility at 100 Hawk Avenue with the following variances:

- (a) Section 8.16.27 of the Land Use Bylaw to allow the driveways to be greater than 6.0m and subject to the conditions of approval attached as Appendix 'A'.

For: (5):

Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Trundle and Commissioner Howie

**MOTION CARRIED**

Appendix 'A' – Conditions of Approval – 19DP88

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

- (a) Pay to the Town of Banff the Variance fee in the amount of \$750 (\$750/variance) as established in the Land Use Bylaw;



- (b) Pay to the Town of Banff the MPC surcharge fee in the amount of \$700 as established in the Land Use Bylaw;
- (c) Pay to the Town of Banff the application fee in the amount of \$2,700 as established in the Land Use Bylaw (\$1,200 + \$50/vehicle);
- (d) Submit a revised Landscape Plan for review and approval by the Development Officer, that includes:
  - i. Replacement of juniper with another shrub species;
  - ii. Movement of trees within 8m of AltaLink transmission line centerline, if required,
  - iii. Removal of exterior waste bins, and,
  - iv. Amendment of driveway throat to 8.16m.
- (e) Confirm Exterior Lighting Plan showing numbers, types, locations and technical specifications for individual light fixtures in conformance with s.8.22.0 of *Town of Banff Land Use Bylaw* for review and approval by the Development Officer;
- (f) Submit a specific drawing for a storm water management system designed to handle a 1:100 year event to the satisfaction of the Director of Engineering;
- (g) Pay to the Town of Banff off-site levies in the amount as established by Town of Banff Off-Site Levy Bylaw \$14,134.<sup>50</sup> (\$22.50/m<sup>2</sup> x 628.2 m<sup>2</sup> gross floor area);
- (h) 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;
- (i) Submit a Construction Site Plan and provide description of soil and erosion control mitigations that will be used during construction;
- (j) Submit a Site De-Watering Plan for the review and approval of the Manager of Engineering and Parks Canada Environmental Assessment;
- (k) Submit a Construction Hoarding Plan in accordance with *Policy C3000 Construction Site Hoarding* 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 for review and approval by the Development Officer. 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 written confirmation from the Parks Canada Environmental Assessment Office, to the satisfaction of the Development Officer, that the Basic Impact Assessment process is complete;
- (n) Submit a completed *Subcontractor Information Sheet* to the Town of Banff Business License Clerk, providing a list of the sub-contractors to be employed in the construction of the development.

## 2. Specific Conditions

- (a) This approval permits the construction of a Transportation Services facility;
- (b) This Development Permit results in a required housing credit of 15 bedrooms. Enter into an Agreement re: *Housing Policy C012* to be registered to the Certificate of Title for the property – the terms and wording of the Agreement shall be to the satisfaction of the Development Officer and shall address that 15 required bedrooms are built and receive occupancy within 3 years of occupancy of the Transit Storage Facility. Failure to build the required bedrooms in this time will result in a need to pay the cash-in-lieu fee of \$514,290 (\$34,286 per bedroom) to be paid 3 years after the date of occupancy of the Transit Storage Facility;
- (c) The encroachment of soft landscaping (shrubs and mulch), hard landscaping (driveway) is permitted into the public boulevard. The property owner is responsible for the care and maintenance of the subject encroachment; and,
- (d) The Lessee must obtain a Ministerial Consent to enter into a sublease.

## 3. General Conditions

- (a) Any supplementary changes to the approved plans or building design shall be submitted for review and approval of the Development Officer prior to implementation on-site;
- (b) A valid Town of Banff Building Permit shall be required prior to commencement of construction; receive.
- (c) 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;
- (d) Town of Banff requires all developers to collect all waste, separate into appropriate categories on-site and store appropriately. Trade waste may be disposed at the Bow Valley Waste Management Commission Francis Cooke Regional Class III Landfill and garbage to the Town of Banff Waste



- Transfer Station at 160 Hawk Avenue. Please see the Town of Banff How-to Guide to Construction Waste Management for further information;
- (e) Apply for a Street Use Permit from the Director 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;
  - (f) Disturbance of public roadways and installation of utility trenches may require inspection. 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;
  - (g) Installation of new services and the termination of redundant services may require inspection. 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;
  - (h) Management of all uncontaminated (clean) soil excavated from the site shall be arranged through Parks Canada.
  - (i) All site drainage is to be contained on site. No connection of weeping tile to storm sewer is permitted;
  - (j) A water meter and remote reading device shall be installed at the building 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;
  - (k) Hot tap of new water service is required. Contact the Town of Banff Utilities Department at 403.762.1240 to arrange for an inspection;
  - (l) All exposed metal flashing, mechanical equipment and flues shall be coordinated to match the building colour;
  - (m) No satellite dishes, antennas or other rooftop communication equipment shall be installed without prior written permission of the Development Officer;
  - (n) All rooftop mechanical equipment must be screened from view to the satisfaction of the Development Officer. This includes any exposed flues, HVAC or other rooftop mechanical equipment;
  - (o) 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;





- 5.2 Proposed Accessory Development (Garage) with Accessory Dwelling at 115 Spray Avenue – 19DP82
- i. Staff Presentation  
Administration provided a presentation and overview on the proposal as included in the agenda package.
  - ii. Public input  
There was no public input.
  - iii. Applicant input  
There was no applicant input.

MPC20-4 **Moved by** Councillor DiManno

That the Municipal Planning Commission approve Development Permit application 19DP82 for a proposed Accessory Building containing an Accessory Dwelling at 115 Spray Avenue with a variance to section 8.9.4(b) of the Land Use Bylaw to allow the overall building height of the Accessory Building to be greater than 5.0 meters, subject to the conditions of approval attached as Appendix ‘A’.

For: (7):

Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Trundle, Commissioner Howie, Councillor DiManno, and Councillor Olver

**MOTION CARRIED**

Appendix ‘A’ – Conditions of Approval – 19DP82

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

- a) Pay to the Town of Banff \$950.<sup>00</sup> in-lieu of On-Site Garbage Facilities (\$950/dwelling rate) as established by *Town of Banff Land Use Bylaw*;
- b) Pay to the Town of Banff \$125.<sup>00</sup> for a new Address Assignment (\$125/dwelling rate) as established by *Town of Banff Land Use Bylaw*;
- c) Submit the following for review and approval by the Development Officer:
  - i. A complete, current land title for Lot 2, Block 4A, LTO Plan 8810817, issued no more than 30 days from the date of this notice;
  - ii. Final landscape plan confirming conformance with the Banff Design Guidelines *Land Use Bylaw*;

Minutes approved by: On original On original





- iii. Revised parking plan confirming conformance with ss.8.16.26 and 8.16.27 of the *Land Use Bylaw*; and,
  - iv. Materials sample board indicating conformance with the Banff Design Guidelines.
- d) Submit an Exterior Lighting Plan showing numbers, types, locations and technical specifications for individual light fixtures in conformance with s.8.22.0 of the Land Use Bylaw for review and approval by the Development Officer;
- e) Submit, for review and approval by the Director of Engineering, a detailed Deep Utilities Servicing Plan showing:
- i. connection to existing water service and sanitary sewer;
  - ii. details of pipe material(s) and size(s); and
  - iii. location of new water meters and remote reading devices.
- f) Submit, for review and approval by the Director of Engineering, a detailed Shallow Utilities Servicing Plan showing:
- i. location(s) of proposed underground lines for gas, power and communications; and
  - ii. location(s) of existing services to be removed.
- g) Submit a materials sample board and colour board indicating conformance with the *Banff Design Guidelines* for the review and approval by the Development Officer;
- h) Submit written confirmation from the Parks Canada Environmental Assessment Office, to the satisfaction of the Development Officer, that a Determination of Environmental Impacts indicating the project is not likely to have significant adverse environmental effects, has been issued. Please contact Amy Adair at the Banff Environmental Assessment Office at 403-431-0093 or amy.adair@canada.ca;
- i) Submit a Construction Site Plan and provide description of soil and erosion control mitigations that will be used during construction for review and approval by the Development Officer;
- j) Submit a Site De-Watering Plan for review and approval of the Director of Engineering and Parks Canada Environmental Assessment Office;
- k) Submit a Construction Hoarding Plan for the site including proposed height, colour, location of access points and any off-site encroachments associated with the required construction hoarding, in accordance with the Town of Banff Policy C3000, for review and approval by the Development Officer. For further information see <http://www.banff.ca/DocumentCenter/View/5911>. 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. Show locations of all on-site storage (e.g. material, equipment, etc.) during construction;
- m) Submit a detailed 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 detailed 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. 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; and,
- o) Submit a completed *Subcontractor Information Sheet* to Town of Banff Business Licensing, Corporate Services Department, providing a list of the sub-contractors to be employed in the construction of the development.

**2) Specific Conditions:**

- a) This approval provides for the construction of an Accessory Building containing a garage and an Accessory Dwelling.

**3) General Conditions:**

- a) Any 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;
- c) Town of Banff requires all developers to collect all waste, separate into appropriate categories on-site and store appropriately. Trade waste may be disposed of 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;



- d) Apply for a Street Use Permit from the Director 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;
- e) 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;
- f) Prior to backfill of new services and the termination of redundant services, please contact the Town of Banff Utilities Department at 403.762.1240 to confirm if an inspection is required. All installations shall conform to the standards of the City of Calgary;
- g) The project proponent shall ensure that any hazardous materials discovered during any excavation are immediately reported to Parks Canada and properly disposed of according to current regulations;
- h) Tree removal as specified in the landscaping plan shall be limited to trees on site. Tree removal and/or pruning on adjacent leasehold properties shall be addressed as part of a separate tree cutting application;
- i) All site drainage is to be contained on site. No connection of weeping tile to storm sewer is permitted;
- j) A water meter and remote reading device shall be installed 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;
- k) All exposed metal flashing, mechanical equipment and flues shall be coordinated to match the building colour;
- l) No satellite dishes, antennas or other rooftop communication equipment shall be installed without prior written permission of the Development Officer;
- m) 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;
- n) 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;
- o) Install hoarding around the perimeter of the site, in accordance with the approved plans, prior to commencing excavation and construction;



- p) 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;
- q) Confine “noise” activities to hours set out in *Town of Banff Community Standards Bylaw 260*;
- r) 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;
- s) 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;
- t) Minimize the idling of construction vehicle engines at all times in accordance with *Town of Banff Traffic Bylaw 16-7*;
- u) 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;
- v) 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,
- w) 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 of new driveway crossing, concrete sidewalk, curb and gutter, including repair/replacement of all adjacent surfaces;
  - iii. Rehabilitation and closing of existing and redundant driveway crossing, concrete sidewalk, curb and gutter, including repair/replacement of all adjacent surfaces;
  - iv. Construction, repair and rehabilitation of street surfacing.



**Commissioner Trundle left the Municipal Planning Commission meeting at 10:10 a.m.**

5.3 Proposed Determination of Use at 101 Eagle Crescent (Apartment Housing) – 19DP89

- i. Staff Presentation  
Administration provided a presentation and overview on the proposal as included in the agenda package.
- ii. Public input  
There was no public input.
- iii. Applicant input  
Stuart Back, Pursuit Collection/Brewster, addressed the commission members and answered their questions.

MPC20-5 Moved by Councillor Olver that pursuant to Sections 24 (advice from officials) of the *Freedom of Information and Protection of Privacy Act* and Section 3.2.12 of the Land Use Bylaw, MPC moved into closed meeting at 11:00 a.m., in the Council Boardroom, to deliberate and discuss confidential matters with respect to Item 5.3, Proposed Determination of Use at 101 Eagle Crescent (Apartment Housing) 19DP89.

For: (6):

Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Howie, Councillor DiManno, and Councillor Olver

**MOTION CARRIED**

Administration in attendance during the closed meeting discussions with respect to Item 5.3, Proposed Determination of Use at 101 Eagle Crescent (Apartment Housing) 19DP89.

Advice: D. Enns

MPC reconvened in public meeting at 12:04 p.m., with Commissioner Wanless in the chair.



MPC20-6 Moved by Commissioner Wanless that Commission rise and report.

For: (6):

Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Howie, Councillor DiManno, and Councillor Olver

### MOTION CARRIED

MPC20-7 Moved by Councillor Olver that the Municipal Planning Commission report the following into official record regarding the Proposed Determination of Use at 101 Eagle Crescent (Apartment Housing) 19DP89.

With respect to Determination of Use application 19DP89, the Municipal Planning Commission offers the following direction:

MPC determines that the proposed development most closely aligns with the definition of Apartment Housing which is:

- **Housing, Apartment** means one or more dwellings contained within a building in which the dwelling or dwellings are arranged in any horizontal or vertical configuration which does not conform to the definition of any other residential use class.
- **Dwelling** means one or more rooms that are self-contained, intended for domestic use as a residence by one or more persons, and containing kitchen, living, sleeping and sanitary facilities.

MPC acknowledges that “Sleeping Rooms” are not a defined use in the Land Use Bylaw, and rather it focuses on residential housing versus overnight residential accommodation.

MPC does not have the latitude to approve a use (“Sleeping Rooms”) which is not permitted, however recognizes a Land Use Bylaw amendment could allow for this use, which could be initiated by the applicant or as an outcome from a broader planning process such as an Area Redevelopment Plan.

MPC does not believe the proposed development fits within the definition of Transportation Service which speaks to operational functions such as ... *washing, maintenance, servicing and storage of transport vehicles.*

With respect to potential variances to Apartment Housing, the applicant is encouraged to limit the magnitude of variances being requested in any future Development Permit.



For: (6):

Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Howie, Councillor DiManno, and Councillor Olver

**MOTION CARRIED**

MPC20-8 Moved by Commissioner Howie that the Municipal Planning Commission recommendation to Council to consider an Area Redevelopment Plan (ARP) for the Commercial Service (CS) land use district in order to address increased frequency and complexity of development applications within this area given the challenges of connectivity, local resident services, resident amenities, as well as potential cumulative impacts on future commercial services.

For: (6):

Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Howie, Councillor DiManno, and Councillor Olver

**MOTION CARRIED**

**Commissioner Trundle returned to the Municipal Planning Commission meeting at 12:10 p.m.**

5.4 Proposed Determination of Use at 333 Muskrat Street (Fourplex – Single Detached) – 19DP90

i. Staff Presentation

Administration provided a presentation and overview on the proposal as included in the agenda package.

ii. Public input

There was no public input.

iii. Applicant input

Yannis Karlos and Katie Tuff addressed the Commission and answered their questions.

MPC20-9 Moved by Commissioner Howie that pursuant to Sections 24 (advice from officials) of the *Freedom of Information and Protection of Privacy Act* and Section 3.2.12 of the Land Use Bylaw, MPC moved into closed meeting at 12:55 p.m., in the Council Boardroom, to deliberate and discuss confidential matters with respect to Item 5.4, Proposed Determination of Use at 333 Muskrat Street (Fourplex – Single Detached) 19DP90.



For: (7):  
Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Trundle,  
Commissioner Howie, Councillor DiManno, and Councillor Olver

**MOTION CARRIED**

Administration in attendance during the closed meeting discussions with respect to Item 5.4, Proposed Determination of Use at 333 Muskrat Street (Fourplex – Single Detached) 19DP90.

Advice: D. Enns

MPC reconvened in public meeting at 1:12 p.m., with Commissioner Wanless in the chair.

MPC20-10 Moved by Councillor DiManno that Commission rise and report.

For: (7):  
Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Trundle,  
Commissioner Howie, Councillor DiManno, and Councillor Olver

**MOTION CARRIED**

MPC20-11 **Moved by** Councillor Olver

That the Municipal Planning Commission support the conceptual redevelopment of 333 Muskrat Street as presented 19DP90.

Municipal Planning Commission encourages the applicant to work with Administration to make maximum use of the siting and layout options for required parking available in the Land Use Bylaw in order to minimize potential variances.

For: (7):  
Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Trundle,  
Commissioner Howie, Councillor DiManno, and Councillor Olver

**MOTION CARRIED**







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.
- (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 \$2,430.00 as established by *Town of Banff Off-Site Levy Bylaw* (\$22.50/m<sup>2</sup> x 108m<sup>2</sup> 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 15, 16, 17, 18, 19, 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 by November 13<sup>th</sup>, 2020;
- (f) Enter into a Restrictive Covenant with the Town of Banff to be registered against the Certificate of Title for the property for the purposes of prohibiting the operation more than three (3) Commercial Accommodation Units and prohibiting the use of any Commercial Accommodation Units while the owner is not residing at the property. The terms and wording of the Agreement shall be to the satisfaction of the Development Officer. Pay the Town of Banff the Legal Agreement Surcharge of \$600.00 as established by Town of Banff Development Fee Schedule Bylaw 389;
- (g) 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;
- (h) Submit a Statutory Declaration to the satisfaction of the Development Officer, confirming that:
  - i. The owner resides at 510 Deer Street as their primary residence;
  - ii. The Bed and Breakfast Home will be managed and operated exclusively by the Live-in Owner;
  - iii. The Live-in Owner will not operate any of the Commercial Accommodation Units while not in residence at the property; and,







**(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;
- (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





- (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); and,
  - ii. Construction, repair and rehabilitation of street surfacing.

## 6.0 CORRESPONDENCE

### 6.1 The Magazine of the American Planning Association

Received as information by the members of the Municipal Planning Commission.

## 7.0 NEW/URGENT BUSINESS

No new/urgent business was added to this meeting.

## 8.0 INQUIRIES

No inquiries were added to this meeting.





## 9.0 DATE OF NEXT MEETING and ADJOURNMENT

The next scheduled meeting of the Municipal Planning Commission is scheduled for **Wednesday, February 26, 2020 at 9:00 a.m.**

MPC20-13      **Moved by** Councillor DiManno

That this Municipal Planning Commission adjourn at 1:50 p.m.

For: (7):

Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Trundle,  
Commissioner Howie, Councillor DiManno, and Councillor Olver

**MOTION CARRIED**

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Amber Wanless  
Vice Chairperson

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Kerry MacInnis  
Planning and Development