



**MINUTES OF THE MUNICIPAL PLANNING COMMISSION
of the Town of Banff in the Province of Alberta
Wednesday, February 15, 2023, at 9:00 a.m.**

COMMISSION MEMBERS PRESENT

Dana Humbert	Public Representative
Stavros Karlos	Public Representative (Chairperson)
Leslie Taylor	Public Representative (Vice Chairperson)
Avery Vanwynsberghe	Public Representative
Bryan Howie	Parks Canada Representative (remote participation)
Hugh Pettigrew	Council Representative
Barbara Pelham	Council Representative

COMMISSION MEMBERS ABSENT

ADMINISTRATION PRESENT

Dave Michaels	Manager, Planning and Development
Emma Sanborn	Development Planner, Planning and Development
Kerry MacInnis	Administrative Assistant, Planning and Development (MPC Recorder)

1.0 CALL TO ORDER

The Chair called the February 15, 2023, Municipal Planning Commission meeting to order at 9:00a.m. The February 15, 2023, Regular Meeting of the Municipal Planning Commission will be conducted both in-person in the Council Chamber located at Banff Town Hall and virtually using Zoom. The meeting will be live streamed on the internet, and recorded, in accordance with Council Policy C8002-1, Video Recording and Live Streaming of Legislated Meetings. It will be made available on the Town of Banff website.

2.0 APPROVAL OF AGENDA

2.1. Approval of the Municipal Planning Commission agenda for February 15, 2023

MPC23-8 **Moved by** Councillor Pettigrew

That the agenda for the February 15, 2023, meeting of the Municipal Planning Commission be approved.

MOTION CARRIED

Minutes approved by: _____



2.2. Declaration of Conflicts

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

Councillor Pettigrew declared a personal conflict of interest in hearing agenda item 5.1, Bed and Breakfast Homes and Inns renewals as he has a personal relationship with one of the bed and breakfast home renewal owners.

Councillor Pettigrew left the meeting at 9:05a.m.

3.0 ADOPTION OF PREVIOUS COMMISSION MINUTES

3.1 Minutes of the January 12, 2023, meeting of the Municipal Planning Commission

MPC23-9 **Moved by** Commissioner Taylor

That the minutes of the January 12, 2023, meeting of the Municipal Planning Commission be adopted as amended.

MPC23-05 – correction to the motion to have separate paragraphs for appendix A and appendix B.

MPC23-01 – declaration of conflict should state 'personal' conflict of interest and the words 'pecuniary' interest be omitted.

MOTION CARRIED

4.0 UNFINISHED BUSINESS

There was no unfinished business.

5.0 REPORTS

5.1 Development Permit Renewals for Bed and Breakfast Homes and Inns for 2023

i. Staff Presentation

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

ii. Public input

There was no public input.

iii. Applicant input

There was no applicant input.

Minutes approved by: _____



MPC23-10 Moved by Commissioner Taylor

That the Municipal Planning Commission approve the renewal of the Development Permits for the Bed and Breakfast Homes listed in Appendix 'A' for a 1-year term, subject to the conditions of approval attached as Appendix 'B'.

MOTION CARRIED

MPC23-11 Moved by Councillor Pelham

That the Municipal Planning Commission approve the renewal of the Development Permits for the Bed and Breakfast Inns listed in Appendix 'C' for a 1-year term, subject to the conditions of approval attached as Appendix 'D'.

MOTION CARRIED

Appendix 'A' - Development Permit Renewals for Bed and Breakfast Homes in 2023

	DP Number	Address	Number of Guest Rooms
1	91DP87	117 SPRAY AVENUE	2
2	98DP17	104 MOUNTAIN LANE	1
3	15DP59	332 SQUIRREL STREET	4
4	96DP03	214 OTTER STREET	1
5	05DP29	437 MARTEN STREET	3
6	11DP57/17DP06	116 MOUNTAIN AVENUE	3
7	19DP32	336 BEAVER STREET	4
8	18DP55	138 OTTER STREET	4
9	11DP01	430 BANFF AVENUE	3
10	98DP42	530 CARIBOU STREET	1
11	18DP17	220 BOW AVENUE	4
12	19DP83	347 GRIZZLY STREET	4
13	03DP72	417 MARTEN STREET	4
14	18DP07	316 LYNX STREET	4
15	11DP32	222 GLEN CRESCENT	1
16	14DP51	108 OTTER STREET	2
17	15DP17	128 KOOTENAY AVENUE	1
18	15DP29	443 COUGAR STREET	2
19	15DP35	136 BOW AVENUE	4
20	15DP78	445 COUGAR STREET	2
21	19DP62	137 RAINBOW AVENUE	2

Minutes approved by: _____



22	19DP10	328 LYNX STREET	4
23	17DP60	408 MUSKRAT STREET	1
24	17DP39	222 BEAVER STREET	1
25	17DP96	118 BEAVER STREET	2
26	19DP15	111 CAVE AVENUE	2
27	18DP59	137 LYNX STREET	4
28	20DP13	312 SQUIRREL STREET	2
29	21DP09	125 WOLVERINE STREET	1
30	19DP86	220 OTTER STREET	1
31	21DP61	133 KOOTENAY	1
32	22DP52	143 KOOTENAY	1
33	17DP76	129 MUSKRAT STREET	4
34	90DP108	2 CASCADE COURT	2

Appendix ‘B’ - Conditions of Approval – Bed and Breakfast Homes

(1) Specific Renewal Conditions:

- a) The applicant(s) shall abide by the regulations pertaining to the operation of a Bed & Breakfast Home as outlined in the *Town of Banff Land Use Bylaw* and any additional conditions specified in the original Development Permit and subsequent renewals;
- b) The total number of commercial accommodation units (guestrooms) is restricted to the number of rooms as specified in the Development Permit;
- c) The Development Permit is valid for a period not to exceed the lesser of the term of the business license, a period of one year from the date of issuance or until transfer/change in ownership of the subject property;
- d) Operation of the Bed and Breakfast Home within the renewal year is required to activate this development permit renewal, and qualify for renewal in subsequent year;
- e) The bed and breakfast home shall be operated exclusively by a live-in owner as an accessory use and shall not change the principal residential character, use or external appearance of the dwelling. *Live-in owner means a natural person who is an owner or shareholder of a corporation which is an owner of a property permitted to be operated as a bed and breakfast home and who: a. Lives in the bed and breakfast home; and b. Manages the bed and breakfast home while maintaining eligible residency status;*
- f) The applicant(s) shall maintain a valid *Town of Banff Business License*;
- g) All parking associated with the operation shall be as per the approved plans. No parking associated with the operation of Bed and Breakfast Homes is permitted on public roadways;

Minutes approved by: _____



- h) The applicant(s) shall comply with *Alberta Health Bed and Breakfast Health Standards and Guidelines*. If food is served, a health inspection is required every year by Alberta Health Services (403.762.2990); and,
- i) The applicant(s) shall comply with the *Alberta Fire Code*. You may be contacted by the Town of Banff Fire Department to arrange an inspection.

Appendix 'C' - Recommended Development Permit Renewals for Bed and Breakfast Inns in 2023

	DP Number	Address	Number of Guest Rooms
1	16DP58	218-220 BEAVER STREET	6
2	93DP17	118 OTTER STREET	8
3	06DP15	121 CAVE AVENUE	10
4	99DP88	311 MARTEN STREET	7
5	17DP95	223 OTTER STREET	10

*06DP57 has paid for renewal, but renewal and amendments are considered in a subsequent report

Appendix 'D' - Conditions of Approval – Bed and Breakfast Inns

- (1) Specific Renewal Conditions:
 - a) The applicant(s) shall abide by the regulations pertaining to the operation of Bed & Breakfast Inns as outlined in the Town of Banff *Land Use Bylaw* and any additional conditions specified in the original Development Permit and subsequent renewals;
 - b) The total number of commercial accommodation units (guestrooms) is restricted to the number of rooms as specified in the Development Permit;
 - c) The Development Permit is valid for a period not to exceed the lesser of the term of the business license, a period of one year from the date of issuance or until transfer/change in ownership of the subject property;
 - d) Operation of the Bed and Breakfast Inn within the renewal year is required to activate this development permit renewal, and qualify for renewal in the following year;
 - e) The applicant(s) shall maintain a valid *Town of Banff Business License*;
 - f) All parking associated with the operation shall be as per the approved plans. No parking associated with the operation of Bed and Breakfast Inns is permitted on public roadways;
 - g) The applicant(s) shall comply with *Alberta Health Bed and Breakfast Health Standards and Guidelines*. If food is served, a health inspection is required every year by Alberta Health Services (403.762.2990); and,

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- h) The applicant(s) shall comply with the *Alberta Fire Code*. You may be contacted by the Town of Banff Fire Department to arrange an inspection.

Councillor Pettigrew returned to the meeting at 9:22a.m.

- 5.2 Development Permit Amendment – 22DP36 – 137 Muskrat Street – Blue Mountain Lodge
 - i. Staff Presentation
Administration provided a presentation and overview as included in the agenda package.
 - ii. Public input
There was no public input.
 - iii. Applicant input
There was no applicant input.

MPC23-12 **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 move into a closed meeting at 10:10a.m., in the Council Boardroom, to deliberate and discuss confidential matters with respect to Item 5.2 Development Permit Amendment – 22DP36 – 137 Muskrat Street – Blue Mountain Lodge.

MOTION CARRIED

Administration in attendance during the closed meeting discussions with respect to Item 5.2.

Advice: D. Michaels and E. Sanborn

MPC reconvened in public meeting at 10:40a.m., with Commissioner Karlos in the chair.

MPC23-13 **Moved by** Commissioner Humbert that Commission rise and report.

MOTION CARRIED

MPC23-14 **Moved by** Commissioner Taylor

That the Municipal Planning Commission approve a development permit renewal and amendment to 22DP36 with a variance to section 10.4.1h) of the *Land Use Bylaw* to allow a commercial accommodation

Minutes approved by: _____



unit with an area less than 9.0m² and a width of less than 2.4m. This approval is subject to the conditions of approval attached in Appendix 'A' and the proposed drawings attached in Appendix 'B' and MPC adds a condition that the room for which the variance was requested will be used for single occupancy only.

MOTION CARRIED

Schedule 'A' - Conditions of Approval

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

- (a) Submit a proposed Construction Waste Management Plan that includes details of Construction Waste Storage Containers and stream separation in accordance with the Non-Residential/Residential Waste Bylaw, to the satisfaction of the Development Officer. Be advised that all projects that require a building permit in Banff must adhere to strict zero waste requirements, following deconstruction or green demolition principles. Complete the Zero Construction, Renovation, and Demolition Waste Plan form here: <https://banff.ca/FormCenter/Operations-7/Zero-CRD-Waste-Plan-155>; and,
- (b) Pay to the Town of Banff the variance fee in the amount of \$300.00 as established by the *Town of Banff Land Use Bylaw* (\$300/variance).

(2) Specific Conditions:

- (a) This permit allows for renovations resulting in 7 commercial accommodation units, the relocation of the entirety of the manager's suite to the main floor, the reestablishment of a commercial accommodation unit on the second floor (room 6) and the creation of a kitchen on the third floor; and,
- (b) The Blue Mountain Lodge at 137 Muskrat Street is considered a legally non-conforming building as it is located within the required side yard setback and demonstrates exterior finishes which are prohibited by the Banff Design Guidelines. A legally non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except as may be necessary to make it conforming building or as a Development Officer considers necessary for the routine maintenance of the building.

(3) General Conditions:

- (a) Obtain a Business License from the Town of Banff for the operation of a Bed & Breakfast Inn. The number of commercial accommodation units shall be restricted to ten (10);
- (b) The Development Permit is valid for a period not to exceed the term of the Business License or five (5) years from the date of issuance, whichever first occurs;

Minutes approved by: _____



- (c) 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;
- (d) The Bed and Breakfast Inn shall be operated exclusively by the live-in owner or an on-site manager. The Bed and Breakfast Inn shall not change the principal residential character, use or external appearance of the property;
- (e) 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 Fire Code, the Alberta Gas Code or the Alberta Plumbing Code;
- (f) Vehicular traffic generated by the Bed and Breakfast Inn shall not be in excess of what which is characteristic of the neighbourhood in which it is located;
- (g) Confine “noise” activities to hours set out in *Town of Banff Community Standards Bylaw 260*;
- (h) 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;
- (i) All signs require a separate Development Permit in accordance with *Town of Banff Land Use Bylaw 31-4*;
- (j) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 regarding the Province of Alberta Guidelines for Bed and Breakfast Establishments and to arrange an inspection of the property prior to operation;
- (k) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 to obtain a food establishment/handling permit prior to operation; and,
- (l) Non-compliance with any conditions of the Development Permit will result in revocation of the ‘Bed and Breakfast Inn’ permit.

Schedule ‘B’ – Proposed Plans (included attachment)



5.3 Development Permit Renewals for Home Occupations Type 2 in 2023

- i. Staff Presentation
Administration provided a presentation and overview as included in the agenda package.
- ii. Public input
There was no public input.
- iii. Applicant input
There was no applicant input.

MPC23-15 Moved by Commissioner Humbert

That Municipal Planning Commission approve the Development Permits for the Home Occupations (Type 2) listed in Appendix ‘A’ for a 1-year term through 2023, subject to the conditions of approval attached as Appendix ‘B’.

MOTION CARRIED

Appendix ‘A’ - Recommended Development Permit Renewals for Home Occupations (Type 2) in 2023

DP #	LOCATION OF BUSINESS	TYPE OF BUSINESS
06DP71	514 Buffalo Street	Violin Workshop
10DP18	337 Otter Street	General Contractor Consultant
16DP08	349 Muskrat Street	Outdoor Equipment Sewing Service
20DP30	231 Marmot Crescent	Home Crafts
22DP11	136C Otter Street	Service – Essential Oil Sales

Appendix ‘B’ - Recommended Conditions of Approval

- (1) Specific Renewal Conditions:
 - a) The applicant(s) shall abide by the regulations pertaining to the operation of a Home Occupation as outlined in the *Town of Banff Land Use Bylaw* and any additional conditions specified in the original Development Permit and subsequent renewals;
 - b) The Development Permit is valid for a period not to exceed the lesser of the term of the business license, a period of one year from the date of issuance or until transfer/change in ownership of the subject property; and,
 - c) The applicant(s) shall maintain a valid *Town of Banff Business License*.

Minutes approved by: _____



6.0 CORRESPONDENCE

There was no correspondence for this meeting.

7.0 NEW BUSINESS

7.1 Development Updates

Administration provided a verbal update on current developments in the Town of Banff; noting there have been quite a few inquiries for proposed development so MPC will see these proposals soon. The Banff Community Plan review is underway (for more information – www.banff.ca). Also noted, a new public MPC member has been appointed by Council.

8.0 INQUIRIES

There were no inquiries for this meeting.

9.0 DATE OF NEXT MEETING

The next scheduled meeting of the Municipal Planning Commission is scheduled for **Wednesday, March 8, 2023, at 9:00 a.m.**

10.0 ADJOURNMENT

MPC23-16 **Moved by** Commissioner Taylor

That this Municipal Planning Commission adjourn at 10:48a.m.

MOTION CARRIED

Stavros Karlos
Chairperson

Kerry MacInnis
Planning and Development

Minutes approved by: _____