



**MINUTES OF THE MUNICIPAL PLANNING COMMISSION
of the Town of Banff in the Province of Alberta
Town Hall Council Chamber
Wednesday, March 11, 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

COMMISSION MEMBERS ABSENT

Brian Smythe	Public Representative (Chairperson)
Bryan Howie	Parks Canada Representative

ADMINISTRATION PRESENT

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

1.0 CALL TO ORDER

Vice Chairperson Wanless called the March 11, 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 March 11, 2020

Administration requested the removal of agenda item #6.2.



MPC20-21 Moved by Commissioner Wanless

That the amended agenda for the March 11, 2020 meeting of the Municipal Planning Commission be approved.

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

MOTION CARRIED

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.

There were no conflicts declared.

3.0 ADOPTION OF PREVIOUS COMMISSION MINUTES

3.1 Minutes of the February 26, 2020 meeting of the Municipal Planning Commission

MPC20-22 Moved by Commissioner Pelham

That the minutes of the February 26, 2020 meeting of the Municipal Planning Commission be adopted.

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

MOTION CARRIED

4.0 UNFINISHED BUSINESS

There was no unfinished business schedule for this meeting.



5.0 CORRESPONDENCE

- 5.1 Bed and Breakfast Regulations – MPC Review and Recommendations
- i. Staff Presentation
Administration provided a presentation and overview on the Bed and Breakfast Regulations as included in the agenda package.

MPC20-23 **Moved by** Councillor Olver

That the Municipal Planning Commission recommend that Council consider the Bed and Breakfast Working Groups recommendations as follows regarding B&B Inn Redevelopment:

- a. That B&B Inns be allowed to redevelop under the following conditions:
 - The redeveloped Inn does not exceed the square footage of the former Inn;
 - The redeveloped building(s) conforms to the requirements (setbacks, FAR, height, etc.) of the district in which it is located; and,
 - Mixed use (Inn and residential) is fine, as long as the B&B Inn portion of the development does not exceed the square footage of the former B&B Inn, and the total development meets all the requirements of the district in which it is located.
- b. When B&B Inns redevelop they should meet the B&B home standard of one parking stall per bedroom (rather than the current B&B Inn standard of 0.5 parking stall per bedroom).

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

MOTION CARRIED



MPC20-24 **Moved by** Commissioner Wanless

That the Municipal Planning Commission recommend that Council consider the Bed and Breakfast Working Groups recommendation as follows regarding Heritage:

That Council change any relevant references to recognized ‘A’ or ‘B’ ranked heritage resource to “buildings identified on the heritage inventory”, as the Heritage Corporation has moved to a single list of properties that have heritage value rather than a ranking system.

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

MOTION CARRIED

MPC20-25 **Moved by** Councillor Olver

That the Municipal Planning Commission recommend that Council consider the Bed and Breakfast Working Groups recommendation as follows:

That a preamble be developed in the Land Use Bylaw that would state the intention that B&B homes should be an accessory use and provide examples of the sorts of indicators that would normally mark an accessory use, while pointing out that not all B&Bs would meet every indicator.

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

MOTION CARRIED



MPC20-26 Moved by Councillor Olver

That the Municipal Planning Commission recommend that Council consider exploring the regulations to allow greater flexibility to legally toggle from B&B use to accessory dwelling use and back.

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

MOTION CARRIED

MPC20-27 Moved by Councillor DiManno

That the Municipal Planning Commission recommend that Council consider making no separate amendments to the fees relating to Bed and Breakfasts and continue to review these annually with all other fees.

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

MOTION CARRIED

MPC20-28 Moved by Commissioner Wanless

That the Municipal Planning Commission recommend that Council consider the Bed and Breakfast Working Groups recommendation as follows:

Limit B&B applications to existing property owners only, and not allowing applications by a potential purchaser during the sale process.

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

MOTION CARRIED



MPC20-29 **Moved by** Commissioner Pelham

That the Municipal Planning Commission recommend that Council consider the Bed and Breakfast Working Groups recommendations as follows:

- a. That new bed and breakfast applications should disclose the number of pillows (people) being applied for at the development permit application stage;
- b. That the development permit application should also disclose the number of pillows (people) being applied for per room for each bedroom covered by the application;
- c. That the maximum number of pillows (people) overall for any bed and breakfast application should be set at 2X the number of bedrooms being applied for plus 2 additional "flex" pillows.

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

MOTION CARRIED

Moved by Councillor Olver

That the Municipal Planning Commission recommend that Council consider the Bed and Breakfast Working Groups recommendation as follows:

The group recommends that compliant Bed and Breakfast properties be allowed to renew every three years instead of annually, and that the renewal fee should be the same as three times the current annual fee, and that it should be billed annually.

MPC20-30 **Moved by** Councillor Olver

That the Municipal Planning Commission recommend that Council consider the Bed and Breakfast Working Groups recommendation as amended as follows:

The group recommends that ~~compliant~~ Bed and Breakfast properties be allowed to renew every three years instead of annually, and that the renewal fee should be the same as three times the current annual fee, and that it should be billed annually.

Minutes approved by: _____



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

MOTION CARRIED

MPC20-31 **Moved by** Councillor DiManno

That the Municipal Planning Commission recommend that Council consider the Bed and Breakfast Working Groups recommendations as follows:

- a. That a statutory declaration, indicating the operator's awareness of the development permit conditions that apply to his/her permit, be included as a one-time requirement for all operators
- b. The group supports a rescheduling of renewals, so that they are complete before the New Year begins.

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

MOTION CARRIED

MPC20-32 **Moved by** Councillor Olver

That the Municipal Planning Commission recommend that Council consider an inspection at least every five years for Bed and Breakfast properties.

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

MOTION CARRIED



MPC20-33 Moved by Commissioner McElhone

That the Municipal Planning Commission recommend that Council consider the Bed and Breakfast Working Groups recommendations as follows:

- a. The group recommends that no action be taken on this at this time, as the majority of the group does not perceive this as a widespread problem;
- b. In order to determine whether "sitting on" licenses is a problem, that Council direct administration to identify the number of inactive licenses, specifying how many are in "full" zones.

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

MOTION CARRIED

MPC20-34 Moved by Commissioner Pelham

That the Municipal Planning Commission recommend that Council consider the Bed and Breakfast Working Groups recommendation as follows:

In a previously full district, when an allocation or allocations become available, the existence of this/these available allocation(s) should be advertised through normal channels for two weeks, with a reasonable deadline set for applications. If more applications than allocation are received, the lottery should be triggered. Only complete applications are included in the lottery.

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

MOTION CARRIED



MPC20-35 **Moved by** Commissioner Pelham

That the Municipal Planning Commission recommend that Council consider the Bed and Breakfast Working Groups recommendations as follows:

- a. That higher penalties for unlicensed operation of B&Bs are warranted, and that a deterrent is needed. The group recommends the same penalties as Canmore (\$2500 first offence, \$5000 second offence). The group suggests that the regulations be reworded as needed to clarify that advertising the service is sufficient to show that unauthorized use is taking place.
- b. The group agreed that notice of inspection should be left as is.

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

MOTION CARRIED

MPC20-36 **Moved by** Councilor Olver that Municipal Planning Commission postpone further discussion of agenda item #5.1 Bed and Breakfast Regulations until the next MPC meeting date; April 8, 2020.

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

MOTION CARRIED

5.2 Bed and Breakfast Renewals

- 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.

MPC20-37 **Moved by** Commissioner Pelham 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 12:50 p.m., in the Council Boardroom, to deliberate and discuss confidential matters with respect to Item 5.2, Bed and Breakfast Renewals.

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

MOTION CARRIED

Administration in attendance during the closed meeting discussions with respect to Item 5.2, Bed and Breakfast Renewals.

Advice: E. Sanborn, D. Michaels

MPC reconvened in public meeting at 1:25p.m., with Commissioner Wanless in the chair.

MPC20-38 **Moved by** Commissioner Pelham that the Commission rise and report.

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

MOTION CARRIED

MPC20-39 **Moved by** Councillor DiManno

That the Municipal Planning Commission:

1. Approve the renewal of the Development Permits for the Bed and Breakfast Homes & Bed and Breakfast Inns listed in Appendix 'A' for a 1-year term through 2020, subject to the conditions of approval attached as Appendix 'B'; and,

Minutes approved by: _____



2. Approve the renewal of the Development Permits with amendments, for the Bed and Breakfast Homes listed in Appendix 'C' for a 1-year term through 2020, subject to the conditions of approval attached as Appendix 'B' with amendments/additional conditions; and,
3. Approve the renewal of the Development Permits in Appendix 'D' subject to conditions of approval attached as Appendix 'B' with an additional conditions requiring receipt of payment and submission of a completed Development Permit Renewal form indicating no changes have been made to the Bed and Breakfast operation, by March 31, 2020 and prior to the issuance of the Development Permit.

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

MOTION CARRIED

Appendix 'A'

B&B Type	DP Number	Address	Number of Approved Bedrooms
HOME	17DP96	118 Beaver Street	2
HOME	15DP17	128 Kootenay Avenue	1
HOME	19DP10	328 Lynx Street	4
HOME	15DP51	119 Mountain Avenue	2
HOME	15DP38	343 Muskrat Street	1
HOME	11DP57	116 Mountain Avenue	3
HOME	17DP39	222 Beaver Street	1
HOME	11DP32	222 Glen Crescent	1
HOME	03DP72	417 Marten St	4
HOME	98DP42	530 Caribou Street	1
HOME	11DP01	430 Banff Avenue	3
HOME	18DP59	137 Lynx Street	4
HOME	17DP22	141 Kootenay Ave	2
HOME	17DP93	609 Caribou St	1
HOME	96DP100	133 Kootenay Avenue	2
HOME	19DP15	111 Cave Avenue	2
HOME	15DP29	443 Cougar Street	2
HOME	15DP78	445 Cougar Street	2



HOME	15DP59	332 Squirrel Street	4
HOME	98DP17	104 Mountain Lane	1
HOME	95DP27	510 Buffalo Street	2
HOME	17DP60	408 Muskrat St	1
HOME	95DP08	209 Otter Street	1
HOME	18DP17	220 Bow Ave	4
HOME	18DP07	316 Lynx Street	4
HOME	18DP55	138 Otter Street	4
HOME	15DP35	136 Bow Avenue	4
HOME	05DP29	437 Marten Street	3
HOME	00DP74	213 Glen Crescent	1
HOME	90DP108	2 Cascade Court	2
HOME	16DP75	115 Spray Avenue	4
HOME	91DP87	117 Spray Avenue	2
INN	06DP15	121 Cave Avenue	10
INN	16DP58	218-220 Beaver Street	6
INN	93DP17	118 Otter Street	8
INN	95DP22	452 Muskrat Street	2
INN	17DP27	137 Muskrat Street	10

Total: 37

Appendix 'C'

B&B Type	DP Number	Address	Number of Approved Bedrooms
HOME	03DP22	347 Grizzly Street	2

Total: 1

Appendix 'D'

B&B Type	DP Number	Address	Number of Approved Bedrooms
HOME	14DP51	108 Otter Street	2
HOME	17DP76	129 Muskrat Street	4
HOME	96DP03	214 Otter Street	1
HOME	16DP05	137 Rainbow Avenue	2
INN	99DP88	311 Marten Street	7
INN	17DP95	223 Otter Street	10

Total: 6

Minutes approved by: _____



- 5.3 Proposed Change of Use at 128 Eagle Crescent (Contractor Services to Commercial Services) - 20DP02
- 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
Stavros Karlos addressed the commission and answered questions.

MPC20-40 **Moved by** Commissioner Pelham

That the Municipal Planning Commission approve Development Permit application 20DP02 for a proposed Change of Use to Equipment Rental, Commercial Services and Professional, Financial and Office Services at 128 Eagle Crescent, subject to the conditions of approval attached as Appendix 'A'.

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

MOTION CARRIED

Appendix 'A'

- (1) Conditions to be met prior to issuance of the Development Permit:
- (a) Pay to the Town of Banff the notice fee in the amount of \$110 as established in the Land Use Bylaw;
 - (b) Submit a revised landscaping plan for review and approval by the Development Officer, that is in conformance with the Land Use Bylaw and Banff Design Guidelines and that includes: details of planting materials; and hardsurfacing materials of driveway.
 - (c) Submit an exterior elevation drawings for review and approval by the Development Officer showing removal of the garage door, proposed exterior finishes on the building, and the dimensions, materials and plans for the garbage enclosure;

Minutes approved by: _____



- (d) Submit a detailed Landscaping Cost Estimate for all on and off-site landscaping prepared by a Landscape Architect, specifying all plant materials, their size, numbers, location and species;
 - (e) Submit a detailed Hard Surfacing Cost Estimate, as determined by the contractor or Landscape Architect, for all on-site hard-surfaced areas (driveway, parking area, walkways, patios) and repair of off-site surfaces (roadway, sidewalk, curb/gutter, driveway crossing) specifying type of materials and finishes;
 - (f) Provide either an Irrevocable Letter of Credit or Cash Equivalent in the amount of 125% of the value of the cost estimate for both the hard surfacing and landscaping to secure completion of work;
 - (g) Provide all necessary information to verify conformance with the requirement in the Park Management Plan to demonstrate high quality environmental design;
 - (h) A current Title for Block 58 Lot 15 LTO # 3939 JK; and,
 - (i) Provide written confirmation, to the satisfaction of the Development Officer, that any and all requirements of Parks Canada have been satisfied.
- (2) Specific Conditions:
- (a) Issuance of this Development Permit allows for the conversion of Contractor Services (217m²) and Business Support Services (219m²) to Professional, Financial, Health and Office Services (217m²) and to Commercial Services (174.4m²) and Equipment Rental Services (44.6m²). The total required housing



resulting from this development is 2.73 bedrooms. In accordance with s.8.19.0 of the Town of Banff Land Use Bylaw and Council Policy C012, operation of this development shall not occur until either:

- a. Cash-in-lieu of required housing in the amount of \$93,600.78 (\$34,286 per bedroom) has been paid;
- b. An Occupancy Permit dedicating 2.73 bedrooms to this development from a residential development permit in the Town of Banff has been issued;
- c. A refundable security bond in the amount of \$93,600.78 has been provided, to the satisfaction of the Development Officer. The security bond must contain an expiry date three years from the Notice of Decision date and indicate that if the Required Housing is not constructed and issued an Occupancy Permit by that date, the bond shall be used by the Town of Banff to meet the Required Housing obligations of this Development Permit; or,
- d. A Development Agreement with the Town of Banff has been 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 include a schedule of payments for cash-in-lieu of required housing within three (3) years of the date of issuance of the Development Permit. Pay to the Town of Banff the Legal Agreement Surcharge of \$600.00 as established by Town of Banff Land Use Bylaw; and,

(b) Inspection of the grease trap is required. Contact the Town of Banff Utilities Department at 403.762.1240 to arrange for an inspection.

(3) General Conditions:

- (a) Any changes to the approved plans shall be submitted for review and final approval of the Development Officer prior to implementation on-site;
- (b) A Sign Permit is required for any new signs or replacement of existing signs on the building;
- (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 Cook) 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's How-to guide to construction waste management;
- (d) 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;
- (e) Confine "noise" activities to hours set out in Town of Banff Community Standards Bylaw 260;



- (f) Any future change of use will require a Development Permit and shall be subject to the provisions of the Town of Banff Land Use Bylaw;
- (g) Ensure that all garbage and food waste is stored in bear-proof bins as per Town of Banff Waste Bylaw 18-4;
- (h) The applicant or future tenants shall obtain, and maintain, a valid Business Licence from the Town, which shall reflect the use approved by this Development Permit; and,
- (i) 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,
- (j) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 to obtain a food establishment permit prior to operation if required.

5.4 Proposed Plan Amendment at 302 Squirrel Street – 18DP44

- 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.

MPC20-41 **Moved by** Councillor Olver

That the Municipal Planning Commission moves that condition 1(i) of Development Permit application 18DP44 be amended to read “Store-front operating hours of the Eating and Drinking use be limited to 10:00p.m. nightly as per section 44 of the Community Standards Bylaw (excepting food delivery)”.

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



MOTION CARRIED

6.1 Long Term Planning Initiatives and Special Projects

Randall McKay, Manager, Strategic Initiatives and Special Projects addressed the commission on the long term planning initiatives and special projects.

The Municipal Planning Commission received this report as information.

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, April 8, 2020 at 9:00 a.m.**

MPC20-42 **Moved by** Councillor DiManno

That this Municipal Planning Commission adjourn at 1:55 p.m.

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

MOTION CARRIED

Amber Wanless
Vice Chairperson

Kerry MacInnis
Planning and Development

Minutes approved by: _____