



**MINUTES OF THE MUNICIPAL PLANNING COMMISSION
of the Town of Banff in the Province of Alberta
Wednesday, May 10, 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
Tamra Malczyk	Public Representative
Bryan Howie	Parks Canada Representative
Barbara Pelham	Council Representative
Hugh Pettigrew	Council Representative (joined the meeting at 9:38a.m)

COMMISSION MEMBERS ABSENT

ADMINISTRATION PRESENT

Darren Enns	Director, Planning and Development
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 May 10, 2023, Municipal Planning Commission meeting to order at 9:00a.m.

The 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 May 10, 2023

MPC23-34 **Moved by** Commissioner Taylor

That the agenda for the May 10, 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.

Commissioner Vanwynsberghe stated that she works for the company that is on the agenda today, agenda item 5.3 Proposed Land Use Bylaw Amendment (23RZ01). Mr. Michaels confirmed that agenda item 5.3 is not requesting a decision to be made by the MPC but a recommendation to council thus, no pecuniary interest nor conflict concerns from administration.

No conflict was declared.

3.0 ADOPTION OF PREVIOUS COMMISSION MINUTES

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

MPC23-35 **Moved by** Commissioner Humbert

That the minutes of the April 12, 2023, meeting of the Municipal Planning Commission be adopted as presented.

MOTION CARRIED

4.0 UNFINISHED BUSINESS

There was no unfinished business.

5.0 REPORTS

5.1 Proposed Bed and Breakfast Home with minor renovations at 108 Otter Street (23DP26)

- 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
Brian and Shauna Baker, applicants, were present to answer questions from the commission.



MPC23-36 Moved by Commissioner Karlos

That the Municipal Planning Commission approve Development Permit application 23DP26 for a Bed and Breakfast Home containing two (2) Commercial Accommodation Units, located at 108 Otter Street, with minor renovations to add two (2) bedrooms to the Single Detached Home subject to the conditions of approval attached as Appendix 'A'

MOTION CARRIED

Appendix A – conditions of approval

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

- (a) Submit plan(s), for review and approval of the Development Officer, indicating:
 - i. that the exterior materials and finishes for the new basement windows are consistent with existing materials and finishes; and,
 - ii. proposed hardsurfacing material for the two parking stalls accessed from the alleyway;
- (b) Provide written confirmation, to the satisfaction of the Development Officer, that Ministerial Consent to the assignment to the applicant has been executed for Block 27 Lot 2 LTO# 6719BC. Please contact the Parks Canada Realty Office to complete the process;
- (c) Submit confirmation, to the satisfaction of the Development Officer, that the property complies with the Alberta Building Code and Alberta Fire Code including bedroom egress, smoke alarms and placement of fire extinguishers;
- (d) Submit a Statutory Declaration, to the satisfaction of the Development Officer, confirming that:
 - i. The owner resides at 108 Otter 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 the Commercial Accommodation Unit while not in residence at the property; and,
 - iv. The Live-in Owner is aware that any non-conformance with the conditions of approval or non-compliance with the *Land Use Bylaw* will result in the revocation of the Development Permit; and,
- (e) 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 two (2) Commercial Accommodation Units and prohibiting the use of any Commercial Accommodation Unit 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 as established by Town of Banff Development Fee Schedule 'G'; and,



- (f) Submit a detailed cost estimate, as determined by the contractor or Landscape Architect, for all on-site hard-surfaced areas (parking area) 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.

2) **Specific Conditions:**

- (a) This approval allows a Bed and Breakfast Home containing two (2) Commercial Accommodation Units, and the conversion of an existing undeveloped basement storage room to two bedrooms associated with the Single Detached Housing with minor exterior renovations; and,
- (b) Non-compliance with any conditions of the Development Permit will result in revocation of the 'Bed and Breakfast Home' permit.

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) 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 two (2);
- (c) 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;
- (d) A copy of the Development Permit shall be posted in a prominent and visible place in the home and in each approved guest bedroom at all times;
- (e) On-site parking shall conform to the approved site plan. No parking of guest vehicles is permitted on adjacent public roadways;
- (f) All landscaping is required to be completed in accordance with the approved plans within one year of the date of the issuance of the development permit;
- (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;
 - (m) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 regarding the *Guidelines for Bed and Breakfast Establishments*, to arrange an inspection of the property prior to operation and to obtain a food establishment permit prior to operation if required;
 - (n) Obtain all permits required in accordance with the *Province of Alberta Safety Codes Act Revised Statutes of Alberta, Chapter S-1. The Act requires* that all property owners and contractors working in Alberta obtain permits prior to commencing work on buildings covered by the Alberta Building Code or prior to conducting work governed by the regulations of the *Canadian Electrical Code*, the *Alberta Gas Code* or the *Alberta Plumbing Code*.

5.2 Proposed Change of Use at 135 Eagle Crescent (23DP20)

- 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
Mr. Schober, applicant, was present to answer questions from the commission.

MPC23-37 **Moved by** Councillor Pelham

That the Municipal Planning Commission approve Development Permit application 23DP20 for a proposed Change of Use to Transportation Services at 149 Eagle Crescent, subject to the conditions of approval attached as Appendix 'A' and plans attached Appendix 'B'.

MOTION CARRIED

Minutes approved by: _____



Appendix A – conditions of approval

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

- (a) Provide written confirmation from Parks Canada that the lease for Block 59, Lot 11, Unit #11, Plan #8111461 has been fully executed; and,
- (b) The total required housing resulting from this development is 1.86 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 one of the options of condition 2.b) has been met, to the satisfaction of the Development Officer.

(2) Specific Conditions:

- (a) Issuance of this Development Permit allows for the conversion of Contractor Services (18.9m²) to Transportation Services (18.9m²);



- (b) The total required housing resulting from this development is 1.86 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 \$100,092 (\$53,813.00 per bedroom) has been paid;
 - b. An Occupancy Permit dedicating 2 bedrooms to this development from a residential development permit in the Town of Banff has been issued;
 - c. A refundable security bond or letter of credit in the amount of \$100,092 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,
- (c) This development permit will cease to be valid should the four (4) stalls at 135 Eagle Crescent (Lot 6, Block 60, Plan 3939JK) cease to be available for the dedicated use of this application. Any changes to the proposed parking will requires a new development permit application. In the situation this permit ceases to be valid, the use of the office space at 149 Eagle Crescent (Lot 1, Block 59, Plan 8111461) will return to Contractor Services.

(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) 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;
- (d) Confine “noise” activities to hours set out in *Town of Banff Community Standards Bylaw 260*;
- (e) 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*;
- (f) Ensure that all garbage and food waste is stored in bear-proof bins as per *Town of Banff Waste Bylaw 18-4*;

Minutes approved by: _____



- (g) 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,
- (h) 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*.

Appendix B – plans (as attached with the agenda package)

Councillor Pettigrew joined the meeting at 9:38a.m.

5.3 Proposed Land Use Bylaw Amendment (23RZ01)

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

Shawn Birch and Mike Wilkinson, applicants, were present to answer questions from the commission.

MPC23-38 **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 12:04p.m., in the Council Boardroom, to deliberate and discuss confidential matters with respect to Item 5.3, Proposed Land Use Bylaw Amendment (23RZ01).

MOTION CARRIED

Administration in attendance during the closed meeting discussions with respect to Item 5.3, Proposed Land Use Bylaw Amendment (23RZ01).

Advice: D. Enns, D. Michaels, E.Sanborn, Libbey McDougall

MPC reconvened in public meeting at 1:37p.m., with Commissioner Karlos in the chair.

MPC23-39 **Moved by** Commissioner Howie that commission rise and report.



MOTION CARRIED

MPC23-40 Moved by Commissioner Karlos

That MPC recommend council consider the proposed land use bylaw amendment application 23RZ01 with the regards to the following:

1. Council consider increasing the off-street parking reductions when secure bike parking stalls are provided on a scalable per bedroom basis;
2. Council Consider guidelines and definitions of what constitutes a secure bike parking stall;
3. Council retain parking reductions for car-share and consider expanding this to include other forms of alternate transportation mode share (eg. E-bike share);
4. Council consider adding a definition in the Land Use Bylaw for employer owned and managed housing;
5. Council explore additional reductions for off-street parking for employer owned and managed housing;
6. Council set a base minimum for employer managed housing based on municipal data including RPP data; and,
7. Council ensure any reductions granted are addressed should the reason for reductions change (eg. no longer employer owned and managed housing)

MOTION CARRIED

MPC23-41 Moved by Commissioner Karlos

As a motion arising from the discussions on the proposed land use bylaw amendment application 23RZ01, MPC recommend that:

1. Council consider mechanisms to negate proximal parking impacts from reduced parking requirements;
2. Council explore the benefit of allowing parking cash-in-lieu in apartment housing and purpose-built employer owned and managed housing;
3. Council consider changes to parking requirements for all residential land uses; and,
4. Council consider whether not-for profit housing should be eligible for the same considerations for parking reductions.

MOTION CARRIED

6.0 CORRESPONDENCE

There was no correspondence for this meeting.

Minutes approved by: _____



7.0 NEW BUSINESS

7.1 Verbal Updates on Development Permits

Administration provided a brief update on the Banff Avenue Pedestrian zone which begins on Monday, May 15, 2023.

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, June 14, 2023, at 9:00 a.m.**

10.0 ADJOURNMENT

MPC23-42 **Moved by** Councillor Pettigrew

That this Municipal Planning Commission adjourn at 1:45p.m.

MOTION CARRIED

Stavros Karlos
Chairperson

Kerry MacInnis
Planning and Development