Approved: July 8, 2020

MINUTES OF THE MUNICIPAL PLANNING COMMISSION
of the Town of Banff in the Province of Alberta
Wednesday, May 13, 2020 at 8:30 a.m.

COMMISSION MEMBERS PRESENT

Scott McElhone	Public Representative
Brian Smythe	Public Representative (Chairperson)
Amber Wanless	Public Representative (Vice Chairperson) *left the meeting at 12:30p.m*
Daniel Trundle	Public Representative
Barbara Pelham	Public Representative
Corrie DiManno	Council Representative *left the meeting at 12:30p.m*
Chip Olver	Council Representative
Bryan Howie	Parks Canada Representative

COMMISSION MEMBERS ABSENT

ADMINISTRATION PRESENT

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

PLEASE NOTE: Due to the extraordinary circumstances and measures being taken to slow the spread of COVID-19, this meeting will be held electronically and will be live streamed on www.banff.ca/live

All Members of MPC will be participating remotely.

1.0 CALL TO ORDER

The Chair called the May 13, 2020 Municipal Planning Commission meeting to order at 8:33a.m.

2.0 APPROVAL OF AGENDA

2.1. Approval of the Municipal Planning Commission agenda for May 13, 2020

MPC20-49 **Moved by** Commissioner Wanless

That the agenda for the May 13, 2020 meeting of the Municipal Planning Commission be approved.

For: (8): Commissioner Smythe, Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Howie, Commissioner Trundle, Councillor Olver and Councillor DiManno

MOTION CARRIED

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.

There were no conflicts declared.

3.0 ADOPTION OF PREVIOUS COMMISSION MINUTES

3.1 Minutes of the April 29, 2020 meeting of the Municipal Planning Commission

MPC20-50 **Moved by** Commissioner Pelham

That the minutes of the April 29, 2020 meeting of the Municipal Planning Commission be adopted.

For: (8): Commissioner Smythe, Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Howie, Commissioner Trundle, Councillor Olver and Councillor DiManno

MOTION CARRIED

4.0 UNFINISHED BUSINESS

4.1 Bed and Breakfast Regulations – MPC Review and Recommendations (continuation from the April 29, 2020 MPC meeting)

MPC20-51 **Moved by** Commissioner Wanless 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 8:35 a.m., in the virtual private meeting room, to deliberate and discuss confidential matters with respect to Item 4.1, Bed and Breakfast Regulations and Recommendations.

For: (8): Commissioner Smythe, Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Howie, Commissioner Trundle, Councillor Olver and Councillor DiManno

MOTION CARRIED

Administration in attendance during the closed meeting discussions with respect to Item 4.1, Bed and Breakfast Regulations and Recommendations.

Advice: D. Michaels

MPC reconvened in public meeting at 10:54a.m., with Commissioner Smythe in the chair.

MPC20-52 **Moved by** Commissioner Wanless that the Commission rise and report.

For: (8): Commissioner Smythe, Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Howie, Commissioner Trundle, Councillor Olver and Councillor DiManno

MOTION CARRIED

MPC20-53 **Moved by** Councillor DiManno

That the Municipal Planning Commission share with Council their concern over operators renting entire houses that do not appear to conform with the requirements that Bed and Breakfast homes are an accessory use and therefore recommend that Council strengthen the regulations that ensure Bed and Breakfast homes are an accessory use.

For: (8): Commissioner Smythe, Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Howie, Commissioner Trundle, Councillor Olver and Councillor DiManno

MOTION CARRIED

MPC20-54 **Moved by** Councillor Olver

That the Municipal Planning Commission share with Council their concern that the approval of some bed and breakfast homes result in the loss of housing through conversion of previously approved dwellings and therefore recommend amendments that prohibit a net loss in housing that would result from the approval of a Bed and Breakfast homes as this conflicts with Council's strategic priorities around housing.

For: (8): Commissioner Smythe, Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Howie, Commissioner Trundle, Councillor Olver and Councillor DiManno

MOTION CARRIED

MPC20-55 **Moved by** Commissioner Pelham

That further to motion MPC20-23 the Municipal Planning Commission recommend that Council clarify that the existing square footage of the former Inn does not include any residential floor area.

For: (8): Commissioner Smythe, Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Howie, Commissioner Trundle, Councillor Olver and Councillor DiManno

MOTION CARRIED

MPC20-56 **Moved by** Commissioner Smythe

That the Municipal Planning Commission recommend that Council provide amendments that clarify that Bed and Breakfast Inn commercial floor area may not be transferred to other lots.

For: (8): Commissioner Smythe, Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Howie, Commissioner Trundle, Councillor Olver and Councillor DiManno

MOTION CARRIED

MPC20-57 **Moved by** Commissioner Wanless

That the Municipal Planning Commission recommend that Council seek direction from administration surrounding the current requirements that prohibit kitchens within Bed and Breakfast homes.

For: (8): Commissioner Smythe, Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Howie, Commissioner Trundle, Councillor Olver and Councillor DiManno

MOTION CARRIED

MPC20-58 **Moved by** Commissioner McElhone

That the Municipal Planning Commission recommend that Council consider:

a) The overall number of potential B&B licenses for the town remain at or below 65, based on considerations of the impact on residential housing supply.

b) In consideration of the changing nature of the town since the original decisions were made, that Council review the existing allocations and consider possible transfers of quota spots to full districts, by removing spots from less popular districts with consideration given to physical separation to Bed and Breakfasts.

c) Explore the reintroduction of a physical separation between B&Bs (similar to the previous physical separation) in order to maintain neighbourhood character, and ask Planning to provide options for this. MPC agree with the working groups point that two adjacent B&Bs are not a problem if they are back to back, facing different streets, so that an "as the crow flies" distance separation is too simplistic.

For: (8): Commissioner Smythe, Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Howie, Commissioner Trundle, Councillor Olver and Councillor DiManno

MOTION CARRIED

MPC20-59 **Moved by** Commissioner Howie

That the Municipal Planning Commission recommends that should amendments to the current allocation quota occur then new district limits only apply to new applications and not previously approved applications and does not exceed the maximum number of permitted Bed and Breakfasts.

For: (8): Commissioner Smythe, Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Howie, Commissioner Trundle, Councillor Olver and Councillor DiManno

MOTION CARRIED

MPC20-60 **Moved by** Councillor DiManno

That the Municipal Planning Commission recommend that Council do not consider the working groups recommendation to remove Clause 10.3.8 of the Land Use Bylaw.

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

Against (1): Commissioner Howie

MOTION CARRIED

MPC20-61 **Moved by** Councillor Olver

That the Municipal Planning Commission recommend that Council explore permissive opportunities for Bed and Breakfasts within heritage properties as an incentive to increase the number of designated heritage properties.

For: (8): Commissioner Smythe, Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Howie, Commissioner Trundle, Councillor Olver and Councillor DiManno

MOTION CARRIED

MPC20-62 **Moved by** Commissioner Trundle

That the Municipal Planning Commission support Councils consideration of the Banff Heritage Corporation recommendation that any previously approved bed and breakfasts within a designated heritage property or property listed on the heritage inventory be grandfathered.

For: (8): Commissioner Smythe, Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Howie, Commissioner Trundle, Councillor Olver and Councillor DiManno

MOTION CARRIED

MPC20-63 **Moved by** Commissioner Pelham

That the Municipal Planning Commission recommend that Council make amendments to provide clarity about what it means to be a live-in owner and for Bed and Breakfast Homes to be operated exclusively by the live-in owner, with the consideration of the underlying principal that Bed and Breakfast Homes are an Accessory Use and shall not be operated by a third party or while the live-in owner is absent.

For: (8): Commissioner Smythe, Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Howie, Commissioner Trundle, Councillor Olver and Councillor DiManno

MOTION CARRIED

MPC20-64 **Moved by** Commissioner Smythe

That the Municipal Planning Commission recommend that Council require a statutory declaration confirming:

- The property is the live-in owners primary residence and the Bed and Breakfast Home will be operated only as an Accessory Use;
- The live-in owner will be in residence while any Commercial Accommodation is in operation;
- The number and location of bedrooms (and maximum pillows) as per the approved development permit plans;
- The live-in owner is aware that non-compliance with the Development Permit may result in revocation of the Development Permit or other enforcement;

Prior to issuance of the development permit and on renewal.

For: (8): Commissioner Smythe, Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Howie, Commissioner Trundle, Councillor Olver and Councillor DiManno

MOTION CARRIED

MPC20-65 **Moved by** Commissioner Wanless

That further to motion MPC20-29 Municipal Planning Commission recommends that the recommendations around maximum occupancy apply to all Bed and Breakfasts, new and existing, on a Land Use Bylaw amendment being enacted.

For: (8): Commissioner Smythe, Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Howie, Commissioner Trundle, Councillor Olver and Councillor DiManno

MOTION CARRIED

MPC20-66 **Moved by** Commissioner McElhone

That the Municipal Planning Commission recommend that Council explore legal options to strengthen enforcement for unapproved Commercial Accommodation Units and non-complaint approved Bed and Breakfasts. Which could include, but not limited to:

- Penalties, including additional financial penalties that would act as a deterrent; ;
- Revoking Development Permits;
- Stop Orders;
- Restricting ability to apply and/or reapply; and,
- Financial penalties considering the revenue that may have been generated from unauthorized activity.

For: (8): Commissioner Smythe, Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Howie, Commissioner Trundle, Councillor Olver and Councillor DiManno

MOTION CARRIED

MPC20-67 **Moved by** Commissioner Howie

That the Municipal Planning Commission recommend that Council consider the implications of any Land Use Bylaw amendments on existing Bed and Breakfasts in their entirety.

For: (8): Commissioner Smythe, Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Howie, Commissioner Trundle, Councillor Olver and Councillor DiManno

MOTION CARRIED

5.0 REPORTS

5.1 Proposed Bed and Breakfast Home at 312 Squirrel Street - 20DP13

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
Jackie Rogers, applicant, addressed and answered questions from the commission members.

MPC20-68 **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 11:47a.m., in the virtual private meeting room, to deliberate and discuss confidential matters with respect to Item 5.1, Proposed Bed and Breakfast Home at 312 Squirrel Street - 20DP13.

For: (8): Commissioner Smythe, Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Howie, Commissioner Trundle, Councillor Olver and Councillor DiManno

MOTION CARRIED

Administration in attendance during the closed meeting discussions with respect to Item 5.1, Proposed Bed and Breakfast Home at 312 Squirrel Street - 20DP13.

Advice: D. Michaels, E. Sanborn

MPC reconvened in public meeting at 12:25p.m., with Commissioner Smythe in the chair.

MPC20-69 **Moved by** Commissioner Wanless that the Commission rise and report.

For: (8): Commissioner Smythe, Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Howie, Commissioner Trundle, Councillor Olver and Councillor DiManno

MOTION CARRIED

MPC20-70 **Moved by** Councillor Olver

That the Municipal Planning Commission approve Development Permit application 20DP13 for a Bed and Breakfast Home containing two (2) Commercial Accommodation Units including a Change of Use from Duplex Housing to Single Detached Housing, located at 312 Squirrel Street and the application should be subject to the conditions of approval attached as Appendix 'A', with an amendment to:

1) Add condition 1(n) Submit video confirmation to the satisfaction of the Director of Engineering that the sanitary line is in good condition; and,
2) Amend condition 2(d) To provide evidence that three kitchens in their entirety have been removed to the satisfaction of the Development Officer.

For: (8): Commissioner Smythe, Commissioner McElhone, Commissioner Wanless, Commissioner Pelham, Commissioner Howie, Commissioner Trundle, Councillor Olver and Councillor DiManno

MOTION CARRIED

Appendix 'A' – conditions of approval – 20DP13

(1) <u>Conditions to be met prior to issuance of the Development Permit</u>

(a) Pay to the Town of Banff the Bed and Breakfast Home Application fee of $1700 ($1,500 + $100/guest room), Municipal Planning Commission surcharge fee of $125, Notice Fee of $110.00 and Addressing Assignment fee of $125 ($125/unit) in accordance with Schedule 'G' of the Land Use Bylaw;

(b) Submit a Statutory Declaration, to the satisfaction of the Development Officer, confirming that:
   i. The owners reside at 312 Squirrel Street as their primary residence;
   ii. The Bed and Breakfast Home will be managed and operated exclusively by the Live-in Owners;
   iii. The Live-in Owners will not operate any of the Commercial Accommodation Units while not in residence at the property;
   iv. The Live-in Owners are 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,
   v. 312 Squirrel Street will be maintained by a maximum of three joint owners. The live-in owners shall notify the Town of Banff of any changes to the title or ownership of 312 Squirrel Street and are aware that changes may affect the validity of the bed and breakfast development permit.

(c) 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 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 as established by Town of Banff Development Fee Schedule 'G';

(d) 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 use of more than six (6) bedrooms in the single detached dwelling. 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';

(e) Submit written confirmation from the Parks Canada Realty Office, to the satisfaction of the Development Officer, that a Leasehold Assignment has occurred which names both applicants as Owners;

(f) Submit a current title current title for Block 10, Lot 19 LTO # 6719 BC to the satisfaction of the Development Officer and Parks Canada;

(g) 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 include: hardscaping materials and landscaping details specifying all plant materials, their size, numbers, location and species.

(h) 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.

(i) Submit a detailed Hard Surfacing Cost Estimate, as determined by the contractor or Landscape

(j) 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;

(k) 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 hardsurfacing and landscaping to secure completion of work;

(l) Submit confirmation from the Fire Safety Codes Officer that the property complies with the Alberta Fire Code, including bedroom egress, smoke alarms and placement of fire extinguishers; and,

(m) Submit written confirmation to the satisfaction of the Development Officer that the live-in owners are eligible residents.

(n) Submit video confirmation to the satisfaction of the Director of Engineering that the sanitary line is in good condition

(2) <u>Specific Conditions:</u>

(a) Upon occupancy of the dwelling, an updated Statutory Declaration listing each occupant of Block 10, Lot 19, LTO# 6719BC is required to confirm that they are 'eligible residents' as defined under the National Parks of Canada Lease and Licence of Occupation Regulations.

(b) This approval provides for the Change of Use of the residential property from 'Duplex Housing' to 'Single Detached Housing'. Any future changes to the subject dwelling, including, but not limited to, conversion back to Duplex Housing shall require a separate valid Development Permit; and,

(c) This approval permits two (2) Commercial Accommodation Units in association with a Bed & Breakfast Home in accordance with the approved plans which 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 of this permit or until transfer/change in ownership of the subject property, after which time a new Development Permit is required to continue the operation of the Bed and Breakfast Home; and,

(d) To provide evidence that three kitchens have been removed in their entirety to the satisfaction of the Development Officer.

(3) General Conditions:

(a) 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 (BNP 001405) and the guidelines identified in the Environmental Guidelines for Development Projects in Banff National Park (Directive 17) are implemented during construction.

(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) 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;

(d) On-site parking shall conform to the approved site plan. No vehicle parking is permitted within the Front Yard and no parking of guest vehicles is permitted on adjacent public roadways;

(e) All signs require a separate Development Permit in accordance with the Town of Banff Land Use Bylaw;

(f) The Bed and Breakfast Home shall be operated exclusively by the live-in owners as an accessory use. The Bed and Breakfast Home shall not change the principal residential character, use or external appearance of the dwelling;

(g) Vehicular traffic generated by the Bed and Breakfast Home shall not be in excess of that which is characteristic of the neighbourhood in which it is located;

(h) 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;

(i) 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;

(j) The owner shall be responsible for complying with the Alberta Fire Code;

(k) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 to obtain a food establishment permit prior to operation if required;

(l) Non-compliance with any conditions of the Development Permit will result in revocation of the 'Bed and Breakfast Home' permit; and

(m) Obtain all permits required in accordance with the *Province of Alberta Safety Codes Act Revised Statues 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*.

Commissioner Wanless left the meeting at 12:30p.m

Councillor DiManno left the meeting at 12:30p.m.

5.2 Proposed Accessory Dwelling at 316 Squirrel Street - 20DP15

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
Dak Kerr, applicant, addressed and answered questions from the commission members.

MPC20-71 **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 12:57a.m., in the virtual private meeting room, to deliberate and discuss confidential matters with respect to Item 5.2, Proposed Accessory Dwelling at 316 Squirrel Street - 20DP15.

For: (6): Commissioner Smythe, Commissioner McElhone, Commissioner Pelham, Commissioner Howie, Commissioner Trundle and Councillor Olver

MOTION CARRIED

Administration in attendance during the closed meeting discussions with respect to Item 5.2, Proposed Accessory Dwelling at 316 Squirrel Street - 20DP15.

Advice: D. Michaels, E. Sanborn

MPC reconvened in public meeting at 1:20p.m., with Commissioner Smythe in the chair.

MPC20-72 **Moved by** Commissioner Howie that the Commission rise and report.

For: (6): Commissioner Smythe, Commissioner McElhone, Commissioner Pelham, Commissioner Howie, Commissioner Trundle and Councillor Olver

MOTION CARRIED

MPC20-73 **Moved by** Commissioner Trundle

That Municipal Planning Commission approve Development Permit application 20DP15 for an Accessory Dwelling in an existing, non-conforming Accessory Building at 316 Squirrel Street subject to the conditions of approval attached as Appendix 'A' with a variance to:

- Section 12.29.7(a) to allow less than 50% of the site area to be landscaped.

With an amendment to condition 1.b) Submit a revised landscaping and parking plan for review and approval by the Development Officer, that is in conformance with the Land Use Bylaw and Banff Design Guidelines and that include: hardscaping materials and landscaping details specifying all plant materials, their size, numbers, location, species and a fence at the maximum permitted height in the rear yard;

For: (6): Commissioner Smythe, Commissioner McElhone, Commissioner Pelham, Commissioner Howie, Commissioner Trundle and Councillor Olver

MOTION CARRIED

Appendix 'A' – conditions of approval 20DP15

(1) **<u>Conditions to be met prior to the issuance of the Development Permit:</u>**

a) Pay to the Town of Banff the following fees as established by Town of Banff *Land Use Bylaw* and *Fees and Charges Bylaw:*

i. $950 in-lieu of On-Site Garbage Facilities ($950/dwelling rate);
ii. $125 Address Assignment Fee ($125/dwelling rate);
iii. $110 Notification Fee; and,

iv. $300 Variance Fee ($300/variance)

b) Submit a revised landscaping and parking plan for review and approval by the Development Officer, that is in conformance with the Land Use Bylaw and Banff Design Guidelines and that include: hardscaping materials and landscaping details specifying all plant materials, their size, numbers, location, species and a fence at the maximum permitted height in the rear yard;

c) 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;

d) 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;

e) Provide a current title for Block 10, Lot 17, LTO Plan # 6719 BC to the satisfaction of the Development Officer and Parks Canada;

f) Submit, for review and approval by the Director of Engineering, a utility plan showing location of new water meters and remote reading devices; and,

g) 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) <u>Specific Conditions:</u>

a) This approval allows for an existing backyard cabin to serve as a one-bedroom Accessory Dwelling;

b) Prior to occupancy, the cabin shall be painted the same colour as approved for the duplex housing application (19DP72);

c) The hardscaping work must be complete before occupancy of the Accessory Dwelling; and,

d) Upon occupancy of the dwellings, an updated Statutory Declaration listing each occupant of 316 Squirrel Street (Block 10, Lot 17, LTO Plan # 6719 BC) is required to confirm that they are 'eligible residents' as defined under the National Parks of Canada Lease and Licence of Occupation Regulations.

(3) <u>General Conditions:</u>

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) All exposed metal flashing, mechanical equipment and flues shall be coordinated to match the building colour;

k) No satellite dishes, antennas or other rooftop communication equipment shall be installed without prior written permission of the Development Officer;

l) 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;

m) 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;

n) Protect undisturbed land by only stockpiling materials on heavy canvas or polypropylene tarpaulins to protect native vegetation. All materials will be stored with the confines of the work site. All fuels, oils, lubricants, and other petrochemical products will not be stored within 100m of any waterbody;

o) 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;

p) 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;

q) 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;

r) Any 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;

s) Obtain all permits required in accordance with the *Province of Alberta Safety Codes Act Revised Statues 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,

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

5.3 Proposed Home Occupation Type 2 at 412 Squirrel Street - 20DP17

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
Joe Garant, applicant, addressed and answered questions from the commission members.

MPC20-74 **Moved by** Commissioner Pelham

That Municipal Planning Commission approve Development Permit application 20DP17 for a proposed Home Occupation Type 2 at 412 Squirrel Street subject to the conditions of approval attached as Appendix 'A'; and adding condition 1(b) that written support from the condominium board be required.

For: (6): Commissioner Smythe, Commissioner McElhone, Commissioner Pelham, Commissioner Howie, Commissioner Trundle and Councillor Olver

MOTION CARRIED

Appendix 'A'

(1) <u>Conditions to be met prior to the issuance of Development Permit:</u>

a) Pay to the Town of Banff the outstanding fees as established in the Schedule G of the Land Use Bylaw:
   i. Development Permit Fee of $150.00; and,
   ii. Municipal Planning Commission Surcharge Fee of $125.00; and,

b) That written support from the condominium board be required.

(2) <u>Specific Conditions:</u>

a) This approval allows only for the activities associated with a fishing lure (fly) production and sales. Any future expansion of the business will require a new development permit in accordance with the requirements of the Land Use Bylaw;

b) The Home Occupation Type 2 shall not involve the sale or display of any goods on the site other than those goods constituting the finished principal product of the home occupation.

(3) General Conditions:

a) No variation from the residential character and appearance of land or buildings shall be permitted except as an incidental use by a resident of a Dwelling Unit for a business purpose, the scale and intensity of which are limited so that no impacts of the business are observed or felt outside of the Dwelling Unit;

b) A home occupation shall not generate any electronic interference, dust, noise, odour, smoke or anything of an offensive or objectionable nature, which is detectable to normal sensory perception, outside the building containing the use;

c) At all times the privacy and enjoyment of adjacent dwellings shall be preserved and the Home Occupation shall not adversely affect the amenities of the neighborhood;

d) The home occupation shall not occupy more than 20% of the gross floor area of the dwelling unit, or 30.0 square meters, whichever is less;

e) The home occupation shall not generate more than two clients to the site from which the occupation is being operated at any given time;

f) The home occupation shall have no more than three (3) business associated vehicle visits per day, where business associated vehicle visits to the use include drop-offs or pick-ups, deliveries, and visits from customers or consultants;

g) The home occupation shall not generate any pedestrian or vehicular traffic or parking in excess of that which is characteristic of the neighborhood within which it is located;

h) No exterior storage of materials, tools, products or equipment or any activities related to the use or operation of the home occupation shall be permitted outside of the a building;

i) No signs advertising Home Occupations are permitted;

j) The Development Permit is valid for a period not to exceed the lesser of the term of the Business License or a period of one year from the date of issuance; and

k) The applicant shall obtain a valid Town of Banff Business Licence. Please contact the Business Licence Clerk at Town Hall or by telephone at 403.762.1215.

6.0 CORRESPODENCE

There was no correspondence for this meeting.

7.0 NEW BUSINESS

No was no new business for this meeting.

8.0 INQUIRIES

There was no inquiries for this meeting.

9.0 DATE OF NEXT MEETING and ADJOURNMENT

The next scheduled meeting of the Municipal Planning Commission is scheduled for **Wednesday, June 10, 2020 at 9:00 a.m.**

MPC20-75 **Moved by** Commissioner Howie

That this Municipal Planning Commission adjourn at 1:40 p.m.

For: (6): Commissioner Smythe, Commissioner McElhone, Commissioner Pelham, Commissioner Howie, Commissioner Trundle and Councillor Olver

MOTION CARRIED

_on original_____
Brian Smythe
Chairperson

__on original_____
Kerry MacInnis
Planning and Development

Minutes approved by: On original _____ On original _____