



**MINUTES OF THE MUNICIPAL PLANNING COMMISSION
of the Town of Banff in the Province of Alberta
Wednesday, June 08, 2022, at 9:00 a.m.**

COMMISSION MEMBERS PRESENT

Brian Smythe	Public Representative (Chairperson)
Leslie Taylor	Public Representative (Vice Chairperson)
Scott McElhone	Public Representative
Dana Humbert	Public Representative
Stavros Karlos	Public Representative
Bryan Howie	Parks Canada Representative (remotely via zoom)
Hugh Pettigrew	Council Representative
Barbara Pelham	Council Representative

COMMISSION MEMBERS ABSENT

ADMINISTRATION PRESENT

Darren Enns	Director, Planning and Development
Dave Michaels	Manager, Planning and Development
Emma Sanborn	Development Planner
Kathleen Gallagher	Development 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 to the Municipal Planning Commission called the June 08, 2022, MPC meeting to order at 9:06a.m.

The June 08, 2022, 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.

Minutes approved by: _____



2.0 APPROVAL OF AGENDA

2.1 Approval of the Municipal Planning Commission agenda for June 08, 2022

MPC22-14 **Moved by** Commissioner Taylor

That the agenda for the June 08, 2022, meeting of the Municipal Planning Commission be approved as presented.

For: (8): Commissioner Smythe, Commissioner Taylor, Commissioner McElhone, Commissioner Humbert, Commissioner Howie, Commissioner Karlos, Councillor Pelham and Councillor Pettigrew

MOTION CARRIED

2.2 Declaration of Conflicts

There were no conflicts declared.

3.0 ADOPTION OF PREVIOUS COMMISSION MINUTES

3.1 Minutes of the May 11, 2022, meeting of the Municipal Planning Commission

MPC22-15 **Moved by** Commissioner Humbert

That the minutes of the May 11, 2022, meeting of the Municipal Planning Commission be adopted as presented.

For: (8): Commissioner Smythe, Commissioner Taylor, Commissioner McElhone, Commissioner Humbert, Commissioner Howie, Commissioner Karlos, Councillor Pelham, and Councillor Pettigrew

Minutes approved by: _____



MOTION CARRIED

4.0 UNFINISHED BUSINESS

There was no unfinished business.

5.0 REPORTS

5.1 22DP30

Proposed Home Occupation Type 2
340 Otter Street

- 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
Raven Oak, applicant, was presented to answer questions from the commission.

MPC22-16 Moved by Councillor 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 9:43a.m., in the Council Boardroom, to deliberate and discuss confidential matters with respect to Item 5.1, Proposed Home Occupation Type 2 at 340 Otter Street 22DP30.

MOTION CARRIED



Administration in attendance during the closed meeting discussions with respect to Item 5.1, Proposed Home Occupation Type 2 at 340 Otter Street 22DP30.

Advice: D. Michaels and E. Sanborn

MPC reconvened in public meeting at 10:15 a.m., with Commissioner Smythe in the chair.

MPC22-17 Moved by Commissioner Karlos that Commission rise and report.

For: (8): Commissioner Smythe, Commissioner Taylor, Commissioner McElhone, Commissioner Humbert, Commissioner Howie, Commissioner Karlos, Councillor Pelham, and Councillor Pettigrew

MOTION CARRIED

MPC22-18 **Moved by** Commissioner Karlos

That Municipal Planning Commission refuses application 22DP30 for a proposed massage therapy studio at 340 Otter Street as it meets the definition of Professional, Financial, Health and Office Services, and does not meet the definition of Home Occupation Type 2. MPC encourages the applicant to seek advice from Administration on alternative application routes.

For: (8): Commissioner Smythe, Commissioner Taylor, Commissioner McElhone, Commissioner Humbert, Commissioner Howie, Commissioner Karlos, Councillor Pelham and Councillor Pettigrew

MOTION CARRIED

5.2 21DP69
Proposed Accessory Dwelling
113 Glacier Drive

- 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.

MPC22-19 **Moved by** Commissioner Taylor

That Municipal Planning Commission approve Development Permit application 21DP69 for a proposed accessory dwelling at an existing duplex at 113 Glacier Drive, subject to conditions of approval attached as Appendix 'A'.

For: (8): Commissioner Smythe, Commissioner Taylor, Commissioner McElhone, Commissioner Humbert, Commissioner Howie, Commissioner Karlos, Councillor Pelham and Councillor Pettigrew

MOTION CARRIED

Appendix 'A' Conditions of Approval

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

- (a) Pay to the Town of Banff the \$400.00 Municipal Planning Commission Surcharge as established by *Schedule G of the Town of Banff Land Use Bylaw*;

Minutes approved by: _____



- (b) Pay to the Town of Banff the \$550.00 Accessory Dwelling Development Permit Application fee as established by *Schedule G of the Town of Banff Land Use Bylaw*;
- (c) Pay to the Town of Banff \$950.00 in-lieu of On-Site Garbage Facilities (\$950/dwelling rate) as established by *Town of Banff Waste Bylaw 18-4*;
- (d) Pay to the Town of Banff the Address Assignment Fee of \$250.00 (\$125/Unit) as per *Schedule G of the Town of Banff Land Use Bylaw*;
- (e) Submit a revised plans for review and approval by the Development Officer, that are in conformance with the *Land Use Bylaw* and *Banff Design Guidelines* and that include: details of landscaping planting materials to provide additional screening of the parking area; and details of the work to be done on the shed, which should be relocated in accordance with the *Land Use Bylaw*;
- (f) 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;
- (g) Submit a proposed Construction Waste Management Plan that includes details of Construction Waste Storage Containers and stream separation in accordance with the Residential/Non-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. More information about the Zero Waste Requirements can be found here - <https://banff.ca/1173/Zero-Waste-Requirements-for-Building-Per>;
- (h) Submit a detailed cost estimate, as determined by the contractor or Landscape Architect, for all on-site hard-surfaced areas (driveway, parking area, walkways, patios) and repair of off-site surfaces (roadway, sidewalk, curb/gutter, driveway crossing) specifying type of materials and finishes. Provide an irrevocable letter of credit in the amount of 125% of the cost of finishing and repairing all hard surfaced areas to secure completion of this work; and,
- (i) Submit a completed Subcontractor Information Sheet to the Town of Banff Business License Clerk, providing a list of the sub-contractors to be employed in the construction of the development.

(2) Specific Conditions:

- (a) Any further changes to the approved plans or building shall be submitted for review and approval of the Development Officer prior to implementation on-site;
- (b) This approval provides for the addition of an Accessory Dwelling within the existing Duplex Home and the enclosure of the existing carport to make an enclosed garage;



- (c) The hardscaping work must be complete before occupancy of the Accessory Dwelling; and,
- (d) Upon occupancy of the dwelling, an updated Statutory Declaration listing each occupant of villa block 25, Lot 7, LTO Plan 8911519 is required to confirm that they are 'eligible residents' as defined under the National Parks of Canada Lease and Licence of Occupation Regulations.

(3) General Conditions:

- a) It is the responsibility of the project proponent to ensure that any and all mitigation measures, and any additional instructions, identified in any Determination of Environmental Impacts issued by Parks Canada Environmental Assessment Office specific to this project are adhered to;
- b) The Town of Banff requires contractors to collect and separate all on-site waste into appropriate categories and store appropriately. Trade waste may be disposed at the Francis Cooke Regional Class III Landfill and garbage to the Town of Banff Waste Transfer Station at 160 Hawk Avenue;
- c) 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;
- d) 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;
- e) Installation of new services and the termination of redundant services shall be inspected and approved in writing by the Town of Banff Utilities Department prior to backfill. Please contact the Town of Banff Utilities Department at 403.762.1240 to arrange for an inspection. All installations shall conform to the standards of the City of Calgary;
- f) The backflow prevention device shall be inspected annually and the device and inspection recorded with the Town of Banff Utilities Department. Please call 403.762.1240 to record the device and inspection;
- 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) All site drainage is to be contained on site. No connection of weeping tile to storm sewer is permitted;
- i) Management of all uncontaminated (clean) soil excavated from the site shall be arranged through Parks Canada. Contractors must obtain a *Restricted Activity Permit* in order to dispose of clean fill. Further direction and information about permit approval may be obtained by contacting Banff National Park Dispatch at 403.762.1470;



- 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 within the confines of the work site. All fuels, oils, lubricants, and other petrochemical products shall not be stored within 100m of any waterbody;
- o) Confine “noise” activities to hours set out in *Town of Banff Community Standards Bylaw 260*;
- p) 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;
- q) 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;
- r) Minimize the idling of construction vehicle engines at all times in accordance with *Town of Banff Traffic Bylaw 16-7*;
- s) 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;
- 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); and,
- u) 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*.



5.3 22DP36
Proposed Bed and Breakfast Inn (change of ownership)
137 Muskrat Street

- 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.

MPC22-20 **Moved by** Commissioner Taylor

That Municipal Planning Commission approve Development Permit application 22DP36 for a Bed and Breakfast Inn (Renewal) at 137 Muskrat Street subject to the conditions of approval attached as Appendix 'A'.

For: (8): Commissioner Smythe, Commissioner Taylor, Commissioner McElhone, Commissioner Humbert, Commissioner Howie, Commissioner Karlos, Councillor Pelham and Councillor Pettigrew

MOTION CARRIED

Appendix 'A' Conditions of Approval

- (1) Conditions to be met prior to the issuance of the Development Permit:
 - (a) Pay to the Town of Banff the outstanding Municipal Planning Commission surcharge of \$400.00 as established by the *Town of Banff Development Permit Fee Schedule Bylaw 308*;

Minutes approved by: _____

- (b) Prior to the issuance of any Development Permit, the requirements outlined below must be completed and/or provided to Parks Canada:
- A complete Development Application with the ‘authorization of agent’ section completed by the leaseholder.
 - A current title document shall be provided to Parks Canada Realty Services.
 - A Ministerial Consent to the assignment of lease is required. Please contact the Parks Canada Realty Office to complete the process.

(2) Specific Conditions:

- (a) 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;
- 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) On-site parking shall conform to the approved site plan. No parking of guest vehicles is permitted on adjacent public roadways;
- h) Confine “noise” activities to hours set out in *Town of Banff Community Standards Bylaw 260*;



- i) 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;
- j) All signs require a separate Development Permit in accordance with Town of Banff Land Use Bylaw 31-4;
- k) 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;
- l) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 to obtain a food establishment/handling permit prior to operation;
- m) Non-compliance with any conditions of the Development Permit will result in revocation of the 'Bed and Breakfast Inn' permit.

6.0 CORRESPONDENCE

There was no correspondence for this meeting.

7.0 NEW BUSINESS

7.1 Verbal Updates on Development Permits

Administration provided a verbal update on Bylaw 460. This bylaw has now been approved (change of use for sports equipment rental).

8.0 INQUIRIES

There were 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, July 13, 2022 at 9:00 a.m.**

MPC22-21 **Moved by** Commissioner Smythe

That the Municipal Planning Commission adjourn at 10:53a.m.

For: (8): Commissioner Smythe, Commissioner Taylor, Commissioner McElhone, Commissioner Humbert, Commissioner Howie, Commissioner Karlos, Councillor Pelham and Councillor Pettigrew

MOTION CARRIED

Brian Smythe
Chairperson

Kerry MacInnis
Planning and Development

Minutes approved by: _____