

**REVISED BRIEFING****Subject: Railway Lands Area Redevelopment Plan  
Council Review Process**

Presented to:  
Governance and Finance Committee

Date: October 23, 2023

Submitted by: Randall McKay  
Manager, Strategic Initiatives + Special Projects

Item #: 7.3

**ADMINISTRATIVE RECOMMENDATION**

That the Governance and Finance Committee:

1. Receive this Briefing for the Corporate Record;
2. Direct that **revised** confidential Attachment B remain confidential pursuant to Section 27 (Privileged information) of the *Freedom of Information and Protection of Privacy Act*.

**BACKGROUND****Reason for Report**

To present an overview of the Railway Lands Area Redevelopment Plan review process.

**Summary of Issue**

The Town of Banff has helped guide and work with the project proponent, Liricon Capital Inc., and their consulting team to prepare an Area Redevelopment Plan for the railway lands in accordance with a Terms of Reference endorsed by Council on February 19, 2019 (See Attachment A), that established the boundary of planning area and a summary of what Council desired to be addressed in the ARP (COU19-59). It also allowed the applicant to commence work on the plan.

Earlier this year, the proponent previously requested that any formal readings or review of the document by Council be deferred until such time as additional information could be sought to clarify several queries raised by stakeholders regarding certain components of the draft plan, and to seek community input. This resulted in the preparation of a “What We Heard Report” all of which was conducted and led by the applicant.

**What is an Area Redevelopment Plan?**

An Area Redevelopment Plan is a statutory plan that guides land use and development decisions over time. Alberta’s *Municipal Government Act* allows a municipality to adopt ARPs in order to provide a long-term vision for the future redevelopment of a specific geographic area.

Area Redevelopment Plans are planning documents which set out land use policies and other programs that help guide the redevelopment of existing, developed, or previously disturbed areas in a community which are in need of some form of rehabilitation. ARPs are shaped by public input, Council direction, technical considerations, and existing policy documents.

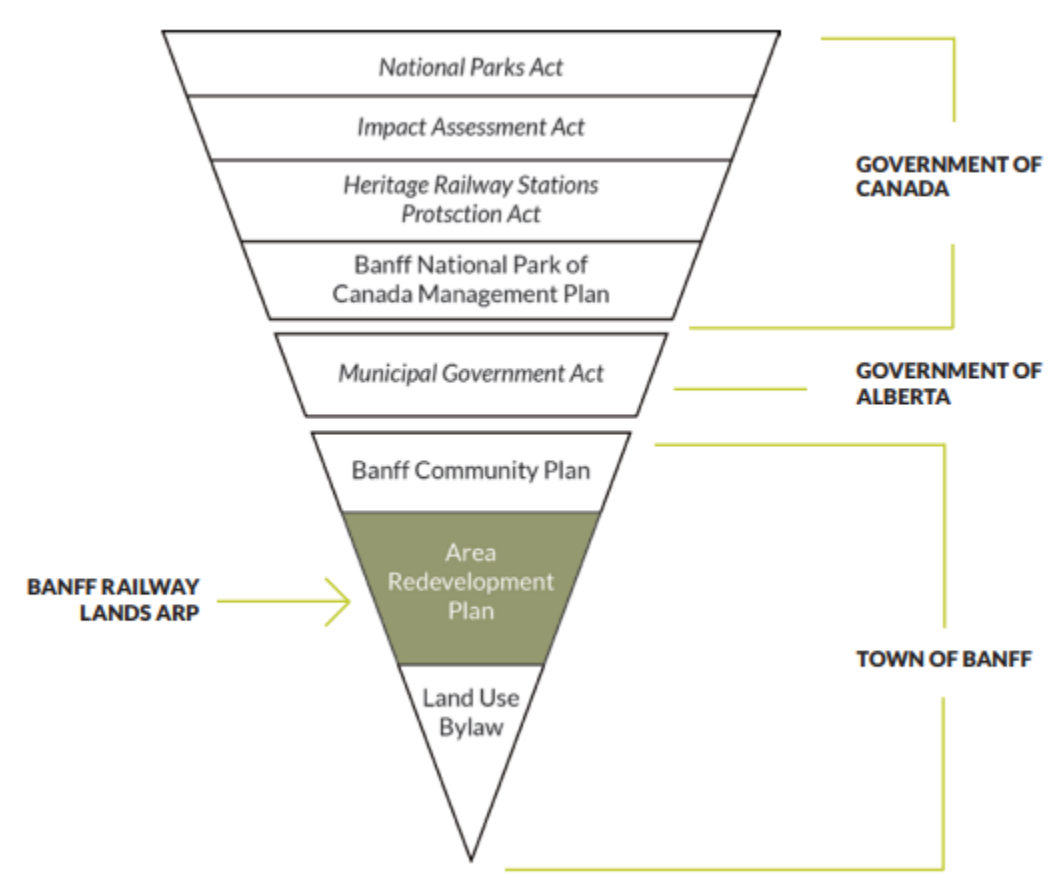
An ARP is intended to provide a land use planning framework to guide future redevelopment by:

- describing the objectives of the plan and how they are to be achieved;
- establishing land uses and development standards for the redevelopment area;
- preserving or improving land and buildings in the area;
- rehabilitating buildings in the area;
- removing buildings from the area;
- constructing or replacing buildings in the area;
- establishing, improving or relocating roads, public utilities or other services in the area;
- facilitating any other development in the area; and
- any other proposals that council considers necessary.

Policies and guidelines in an ARP are not to be interpreted as an approval for a use on site, as the policies do not address the specific situation or condition of each site within a plan area. In that regard, particular site conditions, including all newly proposed development, environmental contamination, etc. must be assessed on a case-by-case basis on application for development approvals.

### Enabling Legislation

An ARP sits within a hierarchy of federal and provincial legislation and regulations, municipal policies, strategies, and bylaws. The figure below illustrates where the ARP fits within this hierarchy.



Examples of existing ARPs in Banff include the Banff Centre ARP and the Cave / Spray / Kootenay ARP. The Town of Banff Incorporation Agreement between the Government of Canada and Province of Alberta outlines the purposes and scope of the planning functions and authorities for the Town of Banff. The Alberta *Municipal Government Act* (MGA) outlines the scope of responsibilities for municipalities for adopting an Area Redevelopment Plan (ARP).

**What is the purpose of the Railway Lands Area Redevelopment Plan?**

The purpose of the Railway Lands ARP is to provide an integrated planning framework and a long-term vision for the future redevelopment of the railway lands area. It will provide guidance on future land use and built form and include an implementation plan to direct this work over time. This includes planning for future infrastructure upgrading and considering any required changes to the Land Use Bylaw that will help direct future development proposals. The ARP will also help guide future public and private investment in the short term (within 5 years), medium term (5-10 years), and longer term (+10 years), and to assist decision makers during the review of future land use bylaw amendments and development permit applications.

**Legislated Decision-Making Process**

The MGA enables the municipality to create a Municipal Development Plan (Community Plan), Area Redevelopment Plans and Area Structure Plans. These are statutory plans, meaning they are legal documents that must go through three readings and a public hearing before being adopted by a municipal council. All three readings of the amending bylaw to consider the ARP must occur in a public meeting of council. Banff is unique in that the ARP must also conform with applicable federal legislation and policy, the Town of Banff Incorporation Agreement, the Banff National Park of Canada Management Plan (as per articles 5.15 and 6.1 of the Incorporation Agreement).

A summary of the legislated decision-making process is follows:

<p><b>First Reading</b></p>	<p>First reading is the initial step in moving the ARP towards approval. If after considering the proposed document, council does not vote to give the document first reading, the process ends.</p> <p>If council does vote to give first reading, a public hearing is then scheduled. Administration will also be requesting permission from council to proceed with the public input process in advance of the public hearing.</p>
<p><b>Public Hearing</b></p>	<p>The Public Hearing is an opportunity for council to hear directly from the public on the proposed document. Members of the public can make a verbal presentation or written submission to council on the document under consideration. Parks Canada could also provide comment at the public hearing should they wish to do so. Council can ask questions of those who make verbal presentations or submissions. The applicant/project proponent will also typically make a presentation at the public hearing to provide further clarity and insight on their proposed</p>

	document. After the Public Hearing closes, council is not permitted to receive or consider any further submissions.
<b>Second Reading</b>	Second Reading is where council can publicly discuss the feedback they've heard from the public. Council may ask further clarifying questions of town administration. At the conclusion of that discussion, council will vote on giving the proposed document second reading with or without amendments as deemed necessary. If the vote passes, the document moves to Third reading. If the vote fails, the process ends.
<b>Third Reading</b>	Third Reading is the final step in the review process. Similar to second reading, council can discuss any matters associated with the proposed document and ask further clarifying questions of administration. Council will then vote on giving the proposed document third reading. If the vote passes, the document can be formally adopted as a Town Bylaw, pursuant to the Municipal Government Act and Incorporation Agreement. If the vote fails, the process ends.
<b>Federal Approval</b>	Under the Incorporation Agreement (s 5.5), a Statutory Plan such as an ARP does not go into effect until approved by the Federal Minister. The "Federal Minister" is defined as a member of the King's Privy Council for Canada designated by the Governor in Council as the Minister for purposes of the National Parks Act, or their delegate.

**Public Input Timeline**



**Steps to Decisions:**

- **September 2023** – Liricon submits Final Draft ARP to Town of Banff
- **October 2023** – Town of Banff submits ARP to Parks Canada for review and requests feedback
- **October 23, 2023** – Town administration presents ARP review process to Governance and Finance Committee of Banff Town Council
- **Q4 2023** – Town administration presents ARP to Council

- Council considers **First Reading** to ARP bylaw, starting to start review/assessment process
- **Q1 2024** – Phase 1 – Town produces information to start community conversation and promotes Phase 2 public input opportunities
- **Q1 and Q2 2024** – Phase 2 – Town consults to gather **public input**
  - Public input sessions
  - Key organizations, agencies, advisory committees, and Municipal Planning Commission
- **Q2 2024** – Presentation of Public Input received by the Town to council, with any recommendations or special considerations
  - Town Council Public Hearing
  - Second Reading of ARP bylaw by council with conditions, amendments or request for more information or stop process
  - Third Reading of ARP bylaw by council (if 2<sup>nd</sup> Reading is passed)
  - Submission of ARP bylaw to federal government (if 3<sup>rd</sup> Reading is passed)
- **Federal process** by Parks Canada
  - Confirm conformance of the ARP with relevant federal statutes and regulations, the Town of Banff Incorporation Agreement, and the Banff National Park of Canada Management Plan (as per Articles 5.15 and 6.1 of the Incorporation Agreement).
  - Determine if an environmental review of the ARP is required, and if so, confirm the appropriate scope and level of review, and identify any required mitigations as per Article s6.2.2 of the Incorporation Agreement.

### **Budget**

There are no budgetary implications with review and/or any formal readings of the draft plan by Council other than staff time and resources to prepare documentation and reports. However, there will be budget implications associated with the public input process to be led by the Town of Banff should First Reading be granted by council. A budget has yet to finalized but it is anticipated the cost of the public input process will be \$10,000-\$15,000.

### **Internal Resources**

The Manager, Strategic Initiatives + Special Projects and Director, Planning and Environment, have been working with the proponents consulting team throughout the process of drafting the plan and coordinating preliminary intergovernmental and interdepartmental review and comments as required.

### **Communication**

The proponent has conducted and led a significant amount of public consultation and engagement to date in conjunction with drafting of the plan. Now that the draft ARP has been finalized, the Town of Banff will proceed to initiate its own public input and engagement process. The public engagement aims to receive insights from residents who live, work, and visit within the plan area and community at large to gain feedback to help inform council decisions. The Director, Communications & Marketing, has assisted in preparing a detailed public input strategy for the ARP.

### **Council Strategic Priorities**

In the 2023 Service Review, Council approved a priority to bring forward the Railway Lands ARP to council for First Reading.

## Legislation/Policy

An Area Redevelopment Plan is a statutory plan adopted as a bylaw by Council in accordance with Sections 634 and 635 of the *Municipal Government Act* and Article 5.5 of the Town of Banff Incorporation Agreement. The document is also intended to be read in conjunction with the Banff Community Plan and Banff National Park of Canada Management Plan, among other plans and policies.

Parks Canada has consistently communicated its decision-making process and the requirement that any plan seeking Ministerial approval must first demonstrate conformance to applicable policy and legislation. Parks Canada will provide a determination on the scope and level of environmental review, which would include, among other things, the preparation of a Terms of Reference and a description of the roles and responsibilities of the municipality, the project proponent and Parks Canada.

If the bylaw is approved, under the provisions of the Town of Banff Incorporation Agreement, the minister responsible for Parks Canada or their designate must give final approval to the amending bylaw prior to coming into effect.

## Banff Community Plan

### Local Economy

- *Establish commercial land use policies and development regulations to ensure Banff will continue to prosper.*
- *Banff will remain competitive with other worldwide visitor destinations.*
- *Provide an appropriate mix of commercial services that meet the long-term needs of visitors and residents.*
- *Ensure commercial development reflects and respects the Town's role as a visitor centre as well as the values of the national park.*
- *Commercial development will occur within the legislated commercial growth cap.*
- *Encourage capital reinvestment in existing commercial space.*

### Social

- *Ensure all new development and redevelopment incorporates the highest quality architecture, landscape architecture, environmental and urban design that is complimentary to its location and surrounding context.*
- *Educate residents and visitors about Banff's built and natural heritage.*
- *Encourage the retention, restoration, rehabilitation, and re-use of existing heritage buildings.*
- *Introduce regulations that minimize visual impact on scenic views and light trespass caused by overhead cables, decorative or excessive exterior lighting without compromising safety and aesthetics/visitor appeal.*

### Environmental

- *Provide a transportation system that encourages and complements pedestrian movement and cycling.*
- *Provide a transportation system that enhances the resident and visitor experience.*
- *Increase opportunities for residents and visitors to use non-vehicular modes of transportation.*

### Other

The intent of the ARP is to provide a planning framework and supporting policies that will guide future public and private investment in the short, medium, and longer term to assist decision makers during the review of future land use bylaw amendments and development permit applications. An ARP does not authorize or approve individual or specific projects for development. A valid development permit must be obtained for any development prior to the commencement of construction.

A copy of the final draft of the Railway Lands Area Redevelopment Plan (ARP), Railway Lands ARP Technical Appendices and the Railway Lands ARP “What We Heard Report” will be provided to council in advance of being submitted to council for First Reading.

**ATTACHMENTS**

Attachment A: Terms of Reference - Railway Lands Area Redevelopment Plan  
**Revised** Confidential Attachment B: Legal Opinion from Town of Banff Legal Counsel

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Reviewed By: On Original  
Kelly Gibson, Town Manager

# Terms of Reference

## Banff Railway Lands Area Redevelopment Plan

### Executive Summary

#### 1. Introduction

- a. Policy Framework
  - i. Town of Banff, Community Plan
  - ii. Banff National Park of Canada Management Plan
  - iii. Heritage Railway Stations Protection Act
  - iv. Canadian Environmental Assessment Act
  - v. Downtown Enhancement Concept Plan
- b. Vision
- c. Core Idea

#### 2. Site Framework

- a. Plan Area and Attributes
- b. Community Context

#### 3. Land Use

- a. Land Use Concept
- b. Land Uses
- c. Character Areas

#### 4. Urban Design and Built Form

- a. Site Design
  - i. CPR Train Station
  - ii. Building setbacks and relationships
  - iii. Built form, scale and massing
- b. View Framing Alignments
- c. Building Design
  - i. Building setbacks
  - ii. Building alignments and views
  - iii. Building servicing and loading
- d. Building Frontages
- e. Open Space Frontages



**5. Open Space**

- a. Open Space Design
- b. Gardens and Public Realm

**6. Mobility and Connectivity**

- a. Pedestrian Circulation
- b. Cyclist Circulation
- c. Transit Network
- d. Vehicle Network
- e. Parking
- f. Mount Norquay Gondola Base Station
- g. Universal Access
- h. Wayfinding

**7. Infrastructure and Environment**

- a. Water and Sanitary Servicing
- b. Stormwater Management
- c. Sustainability

**8. Natural Environment and Wildlife**

- a. Ecosystems
- b. Wildlife

**9. Heritage**

- a. Historic Resources
- b. Archeological Resources and First Nations
- c. National Park, Railway Tourism and the CPR

**10. Arts and Culture and Recreation**

- a. Promoting arts, culture and entertainment

**11. Implementation**

- a. Authority of the Plan
- b. Implementation of the Plan

**12. Appendices**