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1.0 COMPOSITION OF THE WORKING GROUP

1.1 The Bed and Breakfast Working Group (Working Group) shall be comprised of Ten (10) members consisting of:
   a. Three (3) existing Bed and Breakfast Home operators or current Bed and Breakfast Home applicants;
   b. One (1) existing Bed and Breakfast Inn owner;
   c. One (1) Banff Hotel operator; and,
   d. Five (5) members of the public who are not current Bed and Breakfast Home or Inn operators or current Bed and Breakfast Home Applicants. Preference will be given to those with proven experience and/or knowledge of: Banff heritage; finances and property tax; destination marketing; housing sustainability; residing adjacent to, or in close proximity of, existing Bed and Breakfast’s; and/or, development.

1.2 Should more applications be received than the number of positions available, members of the Working Group will be appointed by the Director of Planning and Development from eligible applications.

1.3 An applicant is required to meet the member criteria as specified in the application form.

1.4 Only one application per person shall be accepted.

1.5 An applicant may only apply to hold one of the member positions listed in 1.1(a) – (d).

1.6 For the purposes of this Working Group, a member who serves on another Council Committee shall be eligible for this Working Group.

1.7 The Working Group shall elect a chairperson at their first meeting.

2.0 STATEMENT OF PURPOSE

2.1 The purpose of the Working Group shall be to review and provide recommendations to the Town of Banff Council (Council), by way of a report, with respect to:
   a. The maximum number of Bed and Breakfasts permitted through Schedule ‘D’ of the Land Use Bylaw;
   b. Options for enforcement measures within the Land Use Bylaw for commercial accommodation in residential properties;
   c. Options for additional regulations in an effort to strengthen the intent that Bed and Breakfast Homes remain an accessory use and do not negatively impact housing;
   d. Options for amendments to the current regulations regarding new Bed and Breakfast Home applications for heritage properties;
e. Options for amendments to the regulations regarding Bed and Breakfast Inns;
f. Options for amendments to the relevant bylaws with regards to property tax and/or fees and renewals relating to Bed and Breakfast to explore a differential tax rate associated with Bed and Breakfasts;
g. Impacts of changes on existing Bed and Breakfasts; and,
h. Other amendments to the Land Use Bylaw related to Bed and Breakfasts.

3.0 DUTIES & POWERS

3.1 The Working Group is advisory in nature, making recommendations to Council by way of a report.

3.2 The report shall have a target date of October 1, 2019.

3.3 The chairperson and/or another Working Group member shall present the Working Group’s recommendations to Council.

3.4 All decisions and recommendations of the Working Group will endeavour to be made through a consensus based approach. Consensus does not mean a decision that is perfect for all participants. It does mean a decision that all participants can live with, and that all participants agree to support the decision. For issues where consensus cannot be reached, the majority vote will determine the final decision.

4.0 MEETINGS

4.1 The Working Group will determine the meeting schedule they require to complete their mandate.

4.2 The Working Group meetings are open to the public while allowing in camera meetings where necessary.

4.3 Any public attending the meeting, attend as gallery to observe, and that all discussion within the meeting take place amongst the working group members, with public input allowed at the discretion of the facilitator.

5.0 LIAISON

5.1 A member/members of Planning and Development shall attend the Working Group meetings to act in an advisory capacity as a non-voting member.

5.2 A third-party facilitator will be engaged to aid the Working Group.

5.3 A member of Administration shall provide administrative support to the Working Group.

6.0 CONFIDENTIALITY

6.1 Information relating to, and discussions of, the Working Group shall remain confidential until after the report has been presented to Council.
### Legislative Hierarchy

<table>
<thead>
<tr>
<th>National Parks Act</th>
<th>National Park Management Plan</th>
<th>National Park Lease Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Establishes framework for the preservation and protection of National Parks in Canada. Includes Commercial Growth limits.</td>
<td>Agreement that allows Banff to be an incorporated municipality within a National Park and allows the Town of Banff to govern, manage and regulate certain aspects eg. Tax, Land Use Planning etc.</td>
<td>Town of Banff Incorporation Agreement</td>
</tr>
<tr>
<td>• Management Plan: Guiding document for Banff</td>
<td>Long-range planning document that sets the vision and values that guide decision-making. It guides strategic priority setting and financial planning.</td>
<td>Community Plan</td>
</tr>
<tr>
<td>• Lease Regulations: Regulates who can occupy residential property (Eligible Residency)</td>
<td>Sets the specific rules and regulations surrounding land use and planning in Banff.</td>
<td>Land Use Bylaw</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Administrative Practices: These are practices of staff which assist in implementing decisions and are intended to be consistent with higher level legislation and policy.</td>
</tr>
</tbody>
</table>

The Bed and Breakfast regulations are found within the Land Use Bylaw and, as with any other requirements of the Land Use Bylaw, must comply with all above legislation.
First National Parks Act with the purpose to preserve and maintain the Parks. A number of summer tourist cabins exist but are unregulated. Parks Canada conducts a ‘Backyard Cabin’ survey.

‘Boarding House’ use added to Parks zoning regulations to capture the use of residential property for short term accommodation.

First Land Use Bylaw (LUB) had limited regulations regarding Bed and Breakfasts (B&B’s) however stated that they should not be approved where, in the opinion of the MPC, they would displace needed boarding and staff housing.

LUB amendments added more objective clauses regarding B&B’s such as: minimum area of guest rooms; maximum number of guest bedrooms to 2 or 4 depending on Land Use District; no kitchens; 1 and 0.5 required parking stalls per guest room for B&B Homes and Inns respectively.

Parks Canada introduces commercial growth management within National Parks with limits to new commercial development. LUB amendments introduce: B&B quota by limiting number per Land Use District; 75m separation distance between B&B’s; Minimum indoor and outdoor amenity area.

LUB amendments including: ownership by a corporation; live-in owners room requirements; removal of separation requirement; maximum of four rooms proportional to the number of parking stalls provided.
Banner (see Sign, Banner)

Basement means the portion of a development which is wholly or partially below grade, having above finish grade no more than 0.76 m of its clearance which lies below the finished level of the floor directly above.

Bay Window means an architectural feature window that projects from the exterior of a building and comprises not more than 20% of the exposing building face on which it is located.

Bed and Breakfast Establishment or Guest Home means a single detached dwelling of an owner, or as joint tenants or tenants in common, who is an eligible resident of Banff National Park and resides therein as his/her principal residence containing at least one (1) bedroom for his/her exclusive use and containing accessory guest accommodation in rooms for the purposes of supplying temporary living accommodation to the public, for a fee. For the purposes of this definition an owner may be a corporation of not more than two (2) shareholders who reside therein as their principal residence.

Bed and Breakfast Inn means an existing bed and breakfast home larger than typical that does not have more than 10 commercial accommodation units and there is evidence it was in operation and licensed continuously for at least five (5) years immediately prior to January 1, 1990.

Bed-Sitting-Room Dwelling means a dwelling consisting of one large room containing living, eating, and sleeping functions with a minimum gross floor area of 30 m² and a maximum gross floor area of 70 m². The kitchen may be located in an alcove and a full bathroom shall be provided.

Bedroom means a room in a dwelling, which, in the opinion of the Development Approving Authority, due to its design, location in the dwelling, and compliance with relevant building and health codes is, or may be used, primarily for sleeping.

Boarder means a resident who rents or is provided lodging within another resident’s dwelling.

Building means any structure, object or sign constructed or placed on, in, over or under land but does not include a public roadway or a bridge forming part of a public roadway.

Building Permit means a building permit issued pursuant to the Building Permit Bylaw.

Business means a business, as defined in the Business Licence Bylaw, which is conducted on public or private lands within the Town.

Business Support Services means support services to businesses which are characterized by the use of minor mechanical equipment for printing, duplicating, binding or photographic processing; the provision of office maintenance or custodial services; the provision of office security; or the sale, rental, repair or servicing of office equipment, furniture and machines. Typical uses include printing establishments, film-processing establishments, janitorial firms and office equipment sales and repair establishments.

Bylaw Enforcement Officer means a person appointed as such by Council who may also be appointed a Special Constable by the Solicitor General of Alberta.
C

**Cannabis** means cannabis as defined in the Controlled Drugs and Substances Act and includes any products containing cannabis.

amended 2018.03.27 Bylaw 420

**Cannabis Production Facility** means a premise used for growing, producing, testing, destroying, storing, or distribution of Cannabis authorized by a license issued by the federal Minister of Health. Distribution of Cannabis does not include a Storefront Cannabis Retail use.

amended 2018.03.27 Bylaw 420

**Cannabis - Related** means a business where the use of cannabis for medical or any other purposes is advocated or promoted.

amended 2018.03.27 Bylaw 420

**Cannabis Store Licence** means a licence issued by the Alberta Liquor and Gaming Commission that permits the retail of Cannabis.

amended 2018.10.18 Bylaw 421

**Canopy** means a non-retractable, solid projection that projects outwards at least 1.0 m from the exterior of a building.

**Canopy Sign** (see Sign, Canopy/Awning)

**Cemetery** means a parcel of land that is primarily landscaped open space for the entombment of the deceased. Typical uses in this class include memorial parks, burial grounds, columbaria and gardens of remembrance.

**Change of Use** means a change in the use of land or a building or an act done in relation to land or a building that results, or is likely to result, in a change in the use of such land or building with or without major structural alterations.

**Clearance** means the unobstructed vertical distance between the finish grade or finish floor and the underside of a canopy, awning, ceiling, or structure.

**Colour Rendering Index (CRI)** is an international system used to rate a lamp’s ability to render the colour of an object. The higher the CRI (based upon a 0-100 scale), the better colors appear.

**Columbarium** means a structure designed for interment of cremated human remains in sealed compartments.

**Commercial Accommodation Unit** means a room or suite of rooms containing at least one bed within a hotel, hostel, bed and breakfast home, or a bed and breakfast inn, where short term accommodation is offered to the travelling public for remuneration.

**Commercial Use Development Allotment** means the total amount of development for commercial uses allowed in any year, which shall not exceed 4.5% of 318,471 m² over any three year period and shall not exceed 2% of 318,471 m² in any one year.
Outdoor Recreation Services means facilities which are available to the public at large for sports and active recreation conducted outdoors. This does not include community recreation services, and spectator sports establishments. Typical uses include sports fields, outdoor tennis courts, unenclosed ice surfaces or rinks, athletic fields, boating facilities, outdoor swimming pools, bowling greens, horseshoe pits, riding stables, interpretive, walking and fitness trails, skateboard parks, and includes accessory uses such as park maintenance and service facilities.

Owner means an owner as defined in the Municipal Government Act and also includes a person who is the lessee of Crown land and that person's successors and assigns.

Owner, Live-in means a natural person who is an owner or shareholder of a corporation which is an owner of a property permitted to be operated as a bed and breakfast home and who:

a. Lives in the bed and breakfast home; and

b. Manages the bed and breakfast home while maintaining eligible residency status.

Parcel means a single lot or single block which is not divided into lots, shown on a registered plan of subdivision or a registered condominium plan or described in an instrument as a single lot or a single block which is not divided into lots, and a parcel includes the land comprised in a condominium plan and also the aggregate of one or more areas described in a lease from the Crown.

Parking Area means a portion of land or of a building dedicated to the parking and maneuvering of motor vehicles, which is accessible to a public roadway and which may include a parking structure.

Parking Stall means that portion of a parking area, excluding vehicle-maneuvering areas, which will accommodate one vehicle.

Parking Area (Recreation Centre) means a parking lot dedicated to the parking and maneuvering of motor vehicles associated with the Town of Banff Recreation Centre, located on a portion of Parcel T, 40402 CLSR, and which does not include a parking structure.

Party Wall means a wall constructed at, or upon, a line separating two parcels of land or two dwellings that can be subdivided or divided under the Condominium Property Act.

Passenger Terminal means a building operated by one or more registered inter-provincial bus lines serving as a terminal for passengers and freight. This includes accessory food services, office uses, and housing.

Peace Officer means a member of the Royal Canadian Mounted Police, a Park Warden appointed pursuant to the National Parks Act (Canada) or a Special Constable employed by the Town.
6.0.0 **Enforcement of the Bylaw**

6.1.0 **Enforcement Officers**

6.1.1 Development Officers are hereby appointed as Bylaw Enforcement Officers, pursuant to the Act, for the purpose of enforcing this Bylaw.

6.1.2 The Minister may exercise any of the powers of enforcement conferred on a Development Officer or on Council by this Bylaw, the Agreement, or the Act.

6.2.0 **Offences**

6.2.1 An owner, lessee, tenant or occupant of land, or a building or a structure thereon, who, with respect to such land, building or structure, contravenes, or causes, suffers or permits a contravention of any provisions of this Bylaw commits an offence.

6.2.2 A contractor, worker, or other person who removes a tree, constructs a building or structure, or makes an addition or alteration thereto for which a development permit is required but has not been issued or is not subsisting under this Bylaw, or in contravention of a condition of a development permit issued under this Bylaw, commits an offence.

6.3.0 **Penalties**

6.3.1 A person who commits an offence under s.6.2.0 is, based upon summary conviction, liable to a fine of not less than $100.00 and not more than $2,500.00 and, in addition, to a fine of not less than $50.00 for every day the offence continues, exclusive of costs, and in case of non-payment of the fine and costs imposed, to imprisonment for a period not exceeding six months, unless the fine and costs are paid sooner.

6.4.0 **Offence Tickets**

6.4.1 A notice or form commonly called an offence ticket having printed wording approved by the Director of Corporate Services, may be issued by a peace officer or a Bylaw Enforcement Officer to any person alleged to have breached any provision of this Bylaw, and the said notice shall specify the alleged offence and require the payment within 14 days to the Town in the amount specified in this Bylaw, as amended, or the regulations pursuant to the Alberta Provincial Offences Procedure Act, as amended.

6.4.2 Persons contravening sections of this Bylaw, to whom offence tickets are issued, shall be liable for the penalty of $50.00 for a first offence and $250.00 for a second or subsequent offence.

6.4.3 An offence ticket shall be deemed to be sufficiently served:

   a. if served personally on the alleged offender; or
b. if mailed by single registered mail to the address of the alleged offender or registered lessee of the property concerned; or to the person concerned.

6.4.4 If a contravention of this Bylaw is of a continuing nature, an offence ticket may be issued for each day that the contravention continues.

6.4.5 If a contravention of this Bylaw continues 14 days after a conviction has been entered as a result of such contravention, then the person against whom the conviction has been entered is guilty of a further offence.

6.4.6 The above offences and penalties are supplementary to s.557 and s.566 of the Act, under which any person who commences a development and fails or neglects to obtain a development permit or fails to comply with a condition of a permit is guilty of an offence.

6.5.0 Stop Orders and Injunctions

In addition to any other enforcement proceedings that may be taken for a contravention of this Bylaw, a Development Officer may take enforcement action by issuing a stop order or compliance order pursuant to s.645 of the Act; or upon a resolution of Council authorizing him to do so, may apply in the name of the Town to the Court of Queen's Bench for a remedy pursuant to the Municipal Government Act; or do both.
ix. In the event of subdivision by leasehold condominium plan, payment in lieu of parking will also be accepted in the amount of $75,000 per parking stall. Such payment in lieu amount shall be adjusted upwards on January 1st of each year after 2017 to reflect a two percent annual inflation rate increase.

x. Where off-street parking for apartment housing has been reduced in accordance with Section 8.16.1(c)(v), parking shall be provided without cost and free of encumbrance to tenants on a first come first served basis.

amended 2017.01.31 Bylaw 380

d. Senior Citizens Housing
   i. 0.5 parking stalls per dwelling.
   ii. A minimum of 30% of the required parking shall be clearly identified as "guest parking" and shall not be tandem parking.

e. Bed and Breakfast Homes
   i. 1.0 parking stall per commercial accommodation unit in addition to the parking requirements of the owner's dwelling.

f. Bed and Breakfast Inns
   i. 0.5 parking stalls per commercial accommodation unit in addition to the parking requirements of the owner's or manager's dwelling.

g. Home Occupations
   i. Where the parking of a commercial vehicle is part of the approval of a home occupation type 2, this parking stall is in addition to the minimum parking requirement for the residential use. At its discretion, the Municipal Planning Commission may require additional parking if it is deemed necessary given the nature of the home occupation.

8.16.2 Commercial, Government, Health or Office Uses or Services, not located in the CS District:

a. Any commercial or office development not listed separately in this section:
   i. 2.5 parking stalls per 100 m² of gross floor area.

b. Eating and Drinking Establishments
   i. 4.0 parking stalls per 100 m² of gross floor area, except that the Kitchen shall be calculated at 2.5 parking stalls per 100m². A Development Approving Authority may waive the parking requirement for unenclosed outdoor eating and drinking areas used only on a seasonal basis and which are part of a principal eating and drinking establishment that has more indoor than outdoor seating area.
10.2.6 Service stations shall adhere to the following:

a. All pump islands shall be located at least 6.0 m from any property line or parking area on the site, or laneways intended to control traffic circulation on the site.

b. A canopy over a pump island shall not extend to within 3.0 m of the property line of the site. The canopy area shall not constitute part of the site coverage for the purpose of this section.

10.3.0 Bed and Breakfast Homes

10.3.1 No person shall use a dwelling, building or site for the purpose of providing bed and breakfast to non-residents for remuneration without a development permit.

10.3.2 Subject to s.10.3.8, bed and breakfast homes shall comply with the following regulations:

a. the regulations of any district within this Bylaw shall apply to the development of a bed and breakfast home in that district;

b. on-site parking shall conform to the regulations of this Bylaw and there shall be no parking of guest vehicles on public roadways;

c. signs shall conform to the regulations of this Bylaw;

d. bed and breakfast homes shall only be located within single detached housing or accessory structures providing that these do not contain a kitchen;

e. a bed and breakfast home shall be operated exclusively by a live-in owner as an accessory use and shall not change the principal residential character, use or external appearance of the dwelling;

f. no commercial accommodation unit shall contain a kitchen;

g. the minimum size of any commercial accommodation unit, exclusive of closets, is 9.0 m² with no dimension less than 2.4 m;

h. a bed and breakfast home shall provide an outdoor amenity space adjacent to the dwelling that is suitable for the relaxation of guests, which shall have a minimum area of 9 m²;

i. in addition to all commercial accommodation units within the dwelling, a bed and breakfast home shall contain an indoor amenity space suitable for the relaxation of guests, which shall have a minimum area of 9.0 m²;

j. commercial accommodation units located primarily below grade or with limited access to natural light are discouraged;

k. the applicant will provide to the Town of Banff, a floor plan to identify the rooms, which are to be licenced by name, number or physical description and location, and to identify the bedrooms for the exclusive use of the owner;
l. no person shall operate or permit to operate more commercial accommodation units in a Bed and Breakfast establishment or Guest Home than have been authorized by the Development Approving Authority and are shown on the valid licence issued for the establishment;

m. vehicular traffic generated by a bed and breakfast home shall not be in excess of that which is characteristic of the district in which it is located; and

n. subject to s.10.3.8, a bed and breakfast home shall not contain more than four commercial accommodation units.

10.3.3 Subject to s.10.3.8, the number of bed and breakfast homes permitted within each district shall not contribute to exceeding the total combined maximum number of bed and breakfast homes and bed and breakfast inns outlined in Schedule “D” to this Bylaw.

10.3.4 The number of licenced rooms shall be limited to the number of dedicated parking spaces available and the number of bedrooms available. Dedicated parking spaces shall be determined by subtracting the total spaces used by the resident owner’s vehicles from the total number of spaces available. The total number of parking spaces available must be shown on the plan submitted with the application.

10.3.5 In the event that the total combined number of permitted bed and breakfast homes and inns has been reached but not exceeded within a district, and the Town has been notified of a leasehold assignment affecting one of the permitted bed and breakfast homes in the same district, or if a development permit for a bed and breakfast home has been revoked or not renewed, then the Town shall:

a. in the case of the leasehold assignment, cancel the previous owner’s development permit for a bed and breakfast home;

b. advertise that there is available an unallocated development permit for a bed and breakfast home in a particular district; and

c. accept any complete development permit applications received by a specified date for a bed and breakfast home within the district.

10.3.6 If within 14 days of the date of advertising described in s.10.3.5 more than one development permit application is submitted for a bed and breakfast home, the Town shall administer a lottery draw for the purpose of determining which development permit application to consider for approval. In the event that a development permit is refused and the appeal procedure described in s.4.15.0 has been exhausted, then the Town may administer another lottery draw for the purpose of determining which remaining development permit applications to consider for approval.

10.3.7 Within 14 days of receiving an eligible development permit application pursuant to s.10.3.5, the Town shall post a sign on the subject parcel that describes the nature and type of development permit application.
10.3.8 A Development Approving Authority may approve a development permit for a bed and breakfast home that does not conform to this Bylaw only if, in its opinion, a variance to this Bylaw would contribute to the preservation of a recognized ‘A’ or ‘B’ ranked heritage resource as identified in the Town of Banff Heritage Corporation Inventory.

10.3.9 When deliberating upon and deciding a development permit application for a bed and breakfast home, a Development Approving Authority may take into consideration any comments received from adjacent land owners.

10.3.10 Prior to a development permit for a bed and breakfast home being considered for approval, the Town shall inspect the subject property to determine whether the site conforms to the information provided in the respective development permit application and bed and breakfast regulations of this Bylaw. In addition, an applicant shall arrange to have the subject dwelling inspected to determine compliance with all relevant provincial health and safety regulations.

10.3.11 The Town may inspect a bed and breakfast home for which a development permit has been issued, upon giving at least 24 hours written notice to the owner. To enable compliance checks, 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.

10.3.12 Each 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.

10.3.13 A Development Approving Authority shall restrict the use of a bed and breakfast home to a specified time period. Before this time period expires, a new development permit application may be made to continue the use on or before January 31st. A development permit shall not be issued for a period that exceeds two years. In the event that a development permit expires, then a new development permit application is required.

10.3.14 A copy of the valid licence must be posted by the owner in a prominent and visible place in the home at all times and in each licenced room, while licenced.

10.4.0 Bed and Breakfast Inns

10.4.1 Bed and breakfast inns shall comply with the following regulations:

a. the most restrictive regulations of any district within this Bylaw shall apply to the development of a bed and breakfast inn in that district;

b. the operator shall demonstrate to the Development Approving Authority that the bed and breakfast inn was in operation and held a valid business licence from Parks Canada for a period of not less than 5 consecutive years immediately prior to January 2, 1990.
e. up to a maximum of 10 commercial accommodation units may be permitted at the discretion of a Development Approving Authority. In reaching a decision, the Municipal Planning Commission shall consider the number of bedrooms previously licensed by Parks Canada, the quality and size of each bedroom, whether the bedrooms comply with current health and safety codes, and the size and quality of common space and kitchen serving those bedrooms;

f. a maximum of two of the permitted number of commercial accommodation units may be contained in an accessory building, provided that building contains adequate washroom facilities;

g. the number of commercial accommodation units which may contain kitchens shall be determined by the Development Approving Authority, having regard for the number of dwellings including kitchens which would otherwise be permitted in similar developments in that district;

h. bed and breakfast inns shall contain a separate dwelling for a resident owner or manager, commercial accommodation units, common space, and a common kitchen;

i. bed and breakfast inns may serve meals to the guests, but shall not sell meals or alcoholic beverages to non-overnight guests;

j. the minimum area of any commercial accommodation unit, exclusive of closets, is 9.0 m² with the minimum width or length of room being not less than 2.4 m; and

k. parking and signs shall be in conformance with the regulations of this Bylaw.

10.4.2 All bed and breakfast inns shall be inspected for compliance with this Bylaw, the Alberta Safety Codes Act, and other fire and health regulations prior to a Development Approving Authority making a decision on a development permit, and may be inspected after the issuance of the Permit at any time upon 24 hours notice being given in writing to the permit holder by the Town.

10.4.3 The Municipal Planning Commission may grant a development permit for a specified term but no longer than a maximum period of 5 years, after which time a new application must be made to continue the use.

10.5.0 Duplex Housing

10.5.1 No duplex dwelling shall be allowed which:

a. provides more than two points of entry for each dwelling. In all cases, only 1 entry per façade will be allowed, excluding sliding glass patio doors and garage entrances;

b. has the connecting stairway accessing onto an entrance hall; or

c. provides independent access to the basement area from outside the building except where a development permit has been issued for an accessory dwelling.
## Bed And Breakfast Home & Bed and Breakfast Inn Allocation Table

<table>
<thead>
<tr>
<th>Maximum Number of Bed and Breakfast Homes and Bed and Breakfast Inns</th>
<th>District</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>RBA</td>
</tr>
<tr>
<td>3</td>
<td>RCA</td>
</tr>
<tr>
<td>6</td>
<td>RCM</td>
</tr>
<tr>
<td>6</td>
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<td>RMR (North)</td>
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<td>RMR (South)</td>
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<td>9</td>
<td>RNC</td>
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<td>RTM</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>65</strong></td>
</tr>
</tbody>
</table>
RECOMMENDATION
That Council provide direction to administration on:
1. Whether or not any amendments to the Land Use Bylaw for Bed and Breakfast Homes and Bed and Breakfast Inns are required; and
2. Whether or not any additional policy changes are needed regarding Bed and Breakfast Homes and Bed and Breakfast Inns.

BACKGROUND

Reason for Report
At the 2018 Service Level Review the following motion was passed by the Governance and Finance Committee:

FIN17-111 Moved by Mayor Sorensen that the governance and finance committee direct administration to return with a report to council outlining review of bed and breakfast home quotas and associated regulations in the first half of 2018.

CARRIED

History
Banff has a history of commercial accommodation that dates back to the first hotels that were constructed shortly after the National Park was founded in the 1880's. As Banff developed as a tourist centre, the number and style of commercial accommodations grew and included hotels, motels, bungalow courts, boarding houses and backyard cabins.

Through early zoning regulations commercial accommodations were permitted in Parks Canada’s Business Zone and the Motel and Bungalow Court Zone but not contemplated in residential zones. In 1966 the concept of a Boarding House was added to the zoning regulations and was only permitted in some residential zones. A Boarding House was defined as a building or portion thereof, other than a hotel or apartment block, where lodging or meals for four or more persons, exclusive of the proprietor and his family, are provided for gain or reward.
From incorporation of the Town of Banff in 1990, requirements have been included in the Land Use Bylaw to regulate commercial accommodation within residential properties. This type of accommodation was seen as an alternative accommodation option to hotels/motels for the traveling public as it included more interaction with the owner and often included meals and was referred to as Bed and Breakfast Homes.

The first Land Use Bylaw (Bylaw 31) included a clause that stated that Bed and Breakfast Homes should not be approved where, in the opinion of the Municipal Planning Commission, they would displace needed boarding and staff housing. Later amendments to the Land Use Bylaw removed this clause in favour of more objective clauses surrounding Bed and Breakfast Homes that focused on ensuring they were accessory to the principal use as a residence and that clustering of this type of use didn’t occur. A separate Bed and Breakfast Inn definition was added to allow the continuation of the larger commercial accommodation residential properties. In 1998, Bylaw 31-3 introduced a cap to the total number of Bed and Breakfasts allowed in each residential Land Use District. This was set out in Schedule ‘D’ of the Land Use Bylaw which has remained unchanged. The most recent Land Use Bylaw amendments related to Bed and Breakfast requirements were in late 2012.

Through the popularity of websites that allow individual users to advertise and promote the rental of their property, cities and towns all over the world have been challenged to control the number of short term rental accommodations being offered. These changes of use for residential properties has impacted housing availability as well as housing prices in many cities.

In 2014, the Town of Banff was proactive in addressing the changing market and on August 18, 2014, Council made the following motion:

**COU14-249 Moved by Councillor Karlos that council direct administration to proactively enforce the provisions of the Land Use Bylaw pertaining to the use and occupation of residential properties as commercial accommodation units, including vacation rentals by owner, unauthorized Bed and Breakfast operations and holiday home exchange/home swap service.**

*CARRIED*

With this direction, Banff has been very successful in ensuring that the only accommodation that is available in residential properties is through approved Bed and Breakfast Homes and Inns and that enforcement action is taken against those who do not comply with the Land Use Bylaw. Through ongoing monitoring, administration noted that a few operators of approved Bed and Breakfast Homes were operating outside of their approved conditions. This has resulted in enforcement action on some operators and the refusal of renewal by the Municipal Planning Commission (MPC). Both Council and MPC have also observed that some of the more recent Bed and Breakfast Home applications that have met the specific requirements of the Land Use Bylaw, might be operating in manner that is inconsistent with the intent that a Bed and Breakfast is accessory to the primary residential use.

Additionally a number of other motions were made by Council and the MPC relating to the Bed and Breakfast regulations and enforcement:

**COU17-161 Moved by Councillor Karlos that council direct administration to return at service review with options for further enforcement procedures for unauthorized commercial accommodation units including, but not limited to, VRBO and Air B&B.**

*CARRIED*
MPC17-34  Moved by Horyn that Municipal Planning Commission recommend that Council direct administration to review the Bed and Breakfast Home regulations at the appropriate time, including the requirement to restrict kitchens within communal accommodation units.

CARRIED

MPC17-90  Moved by Olver that the Municipal Planning Commission recommend Council give consideration to the review of Bed and Breakfast Inns when reviewing Bed and Breakfast Homes.

CARRIED

Current Status
The number of Bed and Breakfast Homes and Inns allowed in Banff is limited through Schedule ‘D’ of the Land Use Bylaw. Current Bed and Breakfast Development Permits are as follows:

<table>
<thead>
<tr>
<th>Land Use District</th>
<th>Maximum Allowed</th>
<th>Permits Issued</th>
<th>Approved Pending Conditions</th>
<th>Application Pending</th>
<th>Allocation Available</th>
</tr>
</thead>
<tbody>
<tr>
<td>RBA</td>
<td>8</td>
<td>1</td>
<td></td>
<td></td>
<td>7</td>
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<tr>
<td>RCA</td>
<td>3</td>
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<td>2</td>
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<tr>
<td>RCM</td>
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</tr>
<tr>
<td>RNC</td>
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<td>0</td>
</tr>
<tr>
<td>RRA</td>
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<td>2</td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>RRF</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>RSA</td>
<td>8</td>
<td>8</td>
<td></td>
<td></td>
<td>0</td>
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<tr>
<td>RSC</td>
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</tr>
<tr>
<td>RTM</td>
<td>10</td>
<td>5</td>
<td>1</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>65</strong></td>
<td><strong>43</strong></td>
<td><strong>3</strong></td>
<td><strong>1</strong></td>
<td><strong>18</strong></td>
</tr>
</tbody>
</table>

The allocation for Bed and Breakfasts includes both Homes and Inns. These numbers were arrived at through community discussion in 1998 based on analysis of the number of existing Bed and Breakfast Homes and Inns in each residential land use district, a spatial separation of approximately 75 metres and what seemed appropriate for each Land Use District. Some of the Land Use Districts that are at the maximum number allowed have received multiple enquires as to additional allocation in those districts, or reallocation of available allocation from other Land Use Districts.

The breakdown of the number approved, including the total number of approved guest bedrooms within the Bed and Breakfasts is as follows:

<table>
<thead>
<tr>
<th></th>
<th>Number Approved</th>
<th>Number of Approved Guest Bedrooms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and Breakfast Homes</td>
<td>38</td>
<td>88</td>
</tr>
<tr>
<td>Bed and Breakfast Inns</td>
<td>8</td>
<td>62</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>46</strong></td>
<td><strong>150</strong></td>
</tr>
</tbody>
</table>
As Bed and Breakfast Inns are capped at their current number, but are allowed up to a maximum of 10 bedrooms, the total potential for bedrooms at Inns could be 80. The theoretical maximum number of guest bedrooms for Bed and Breakfast Homes is 228 as every Bed and Breakfast Home is permitted up to a maximum of 4 bedrooms assuming parking requirements are met, and there is at least one bedroom for the dedicated use of the Live-in Owner.

Under the Land Use Bylaw, Bed and Breakfast Homes are only permitted when located within a Single Detached Home or accessory structure associated with a Single Detached Home. Single Detached Homes are the second most common dwelling type in Banff (13.5% of the total residential dwellings). Within residential Land Use Districts that allow Bed and Breakfast Homes, almost 1 in 10 (9.5%) Single Detached Homes are currently approved as Bed and Breakfast Homes. Should the current maximum number of Bed and Breakfasts be approved (65), then approximately 14% of Single Detached Homes in those Land Use Districts would contain Bed and Breakfasts.

Backyard cabins were often used as summer accommodation for visitors in Banff pre-incorporation, and the Land Use Bylaw allows Bed and Breakfast Homes in accessory structures. Approximately 11 of the 38 approved Bed and Breakfast Homes contain guest rooms that are either in stand-alone accessory structures or accessory units within the main building. Of those, at least 8 were used as dwellings prior to approval as Bed and Breakfast Homes.

In 2017 the average hotel occupancy in Banff was 72.4%, with over 90% occupancy in July, August and September. The average daily rate for 2017 was $250 with a maximum average of $363 in July and August. These figures include Bed and Breakfast Inns, but not Homes. The high occupancy rates and daily averages has also translated to Bed and Breakfast Homes where administration have seen a number of rooms in Bed and Breakfasts advertised for over $300 a night, as well as all approved guest rooms in an approved Bed and Breakfast Home offered for one rate up to $1,990 per night with a 5 night minimum stay. These rates may offer operators a greater incentive to offer short term commercial accommodation rather than long term rental. In addition, an operator may have a similar revenue per bedroom as a hotel/motel without the additional costs of commercial tax.

The current approved Bed and Breakfasts operate in a variety of manners. These range from the more traditional Bed and Breakfast model with a lot of interaction between owners and guests both through booking and at the time of check-in as well as providing breakfast, to a more hands-off approach where booking and pre-trip communication is done online and guests are given a door code to gain entry to the property and there is little, to no, physical interaction between owners and guests over the duration of a stay.

The more hands-off operation has become more prevalent since the rise in popularity of online services such as Airbnb and VRBO. The ease of use of these services has not only changed the way visitors search for and book accommodation, but has also increased the ease in which property owners can reach a large market.

A review of Google search terms shows that the comparison of people searching for “Banff bed and breakfast” has seen a steady decline compared to “Banff Airbnb” which has seen a rapid increase since 2014. In 2018, approximately four times the amount of people searched for “Banff Airbnb” compared to “Banff bed and breakfast”. The number of Google searches for “Banff vrbo” have been comparable to searches for “Banff bed and breakfast” since 2014.
The following graph shows the comparison of Google searches for “Banff bed and breakfast” compared to “Banff Airbnb” over the last 10 years as well as the number of Bed and Breakfast Home applications that have been received:

In 2017, fourteen applications for Bed and Breakfasts were received which was the highest number received since incorporation, and double the previous highest amount. The 2017 Bed and Breakfast applications accounted for 13% of all development permit applications. Of these 14, 6 were for new applications, 5 were due to new ownership of previously approved bed and breakfasts and 3 were the addition of new guest rooms at existing Bed and Breakfasts. Of the 5 applications due to new ownership, 3 were withdrawn at various stages due to issues with the purchase of the properties.

Bed and Breakfast Homes are issued a Development Permit that expires in line with the Business Licence. This means that a new Development Permit is required every year which gives the community the opportunity to review all applications on a regular basis.

**Considerations**

Two of the five purposes and objectives for Banff as set out in the Incorporation Agreement are:

1. To serve, as its primary function, as a centre for visitors to the Park and to provide such visitors with accommodation and other goods and services; and,
2. To provide a comfortable living community for those persons who need to reside in the townsite in order to achieve its primary function.

Bed and Breakfasts have a different impact on both of these purposes and objectives.

In order to meet the primary function as a centre for visitors, Bed and Breakfasts in residential properties have offered an alternative accommodation option and experience for visitors to Banff since pre-incorporation. The more intimate, personal experience offered by Bed and Breakfast operators has typically been seen as a complementary option to the more hands-off accommodation services offered by hotels in Banff.
Conversely, the undersupply of both affordable rental housing and affordable homes to purchase in Banff is a challenge to providing a comfortable living community. The conversion of residential bedrooms into guest rooms for Bed and Breakfasts can have a negative impact on housing due to the loss of those rooms for residents. Additionally, the potential for higher revenue from Bed and Breakfast Homes may be a disincentive for developers to add additional dwellings to Single Detached Homes or to rent the property/rooms to Eligible Residents.

One of the intents of the Land Use Bylaw requirements for Bed and Breakfasts is to balance these purposes and objectives by allowing a limited number of Bed and Breakfasts as an alternative accommodation option for visitors while ensuring that Bed and Breakfasts are accessory to the principal use of the property as a Single Detached Home of a Live-in Owner.

Response Options

1. Receive this report as information and take no further action regarding the existing Land Use Bylaw requirements for Bed and Breakfasts Homes and Inns at this time.

2. Should Council desire to mitigate the impact that Bed and Breakfasts can have on the housing supply, then Council could direct administration to seek stakeholder and community input regarding the maximum number of Bed and Breakfasts allowed through Schedule ‘D’ of the Land Use Bylaw.

Schedule ‘D’ currently allows for a maximum of 65 Bed and Breakfasts in Banff. There are currently 46 approved and 1 application pending, with some Land Use Districts at their maximum allocation. Options could include:

i. Increasing the number of Bed and Breakfasts allowed under Schedule ‘D’ to meet visitor demand;

ii. Reducing the total number of Bed and Breakfasts to the current number of approved Bed and Breakfasts (46), or less, therefore not allowing any more applications until an allocation became available;

iii. Reducing the number of available allocations in those Land Use Districts that are not at the maximum allocation to allow one more in each district. This would reduce the total number of potential Bed and Breakfasts to 52 with 5 remaining allocations. It is worth noting that for some of the Land Use Districts that have allocations available, administration have not received any enquiries regarding potential for Bed and Breakfasts in recent years where as other districts that are full have received a number of enquiries;

iv. Reducing the total number of Bed and Breakfast Homes allowed (e.g. 50), but remove the limits per Land Use District and have a Banff wide allocation. It is worth noting that, with the exception of the RMS I: Middle Springs I District, Bed and Breakfast Homes are Discretionary Uses only in those Land Use Districts listed in Schedule ‘D’; or

v. Keep the maximum number of Bed and Breakfasts at 65, but reallocate the number of Bed and Breakfasts permitted in each Land Use District to allow new allocations in the districts that are currently at their maximum.
3. Should Council desire to strengthen the existing regulatory framework to improve compliance for commercial accommodation in residential properties, then Council could direct administration to seek stakeholder and community input regarding additional enforcement options within the Land Use Bylaw.

Currently the enforcement options available to administration for unauthorized commercial accommodation are limited to a Stop Order issued under the authority of the Municipal Government Act, or an Offence Ticket issued under either the Land Use Bylaw or Business Licence Bylaw with varying penalties of $50 and up. Enforcement can also be a lengthy time consuming process and requires constant monitoring. Options could include:

i. Higher penalties specific to unauthorized Commercial Accommodation. Penalties in excess of the rental rate for unapproved accommodation may offer a higher disincentive to offer unapproved commercial accommodation as well as offset some of the costs associated with continued enforcement. Currently Canmore issue fines of $2,500 for the first offence and $5,000 for subsequent offences;

ii. Other penalties on advice from legal counsel;

iii. Prohibiting application for a Bed and Breakfast for an extended period (eg. two years) after either a Bed and Breakfast Permit has been revoked for non-compliance or successful enforcement action has been undertaken against a property for unauthorized commercial accommodation;

iv. Change the notification required for the Town to inspect an approved Bed and Breakfast. Currently a minimum of 24 hours notice must be provided in writing. Notification via email, or telephone and/or a shorter notice period would allow easier inspection of existing Bed and Breakfasts to ensure compliance; and/or,

v. Requiring approved accommodation to include their Development Permit number/business Licence Number in any/all advertising to ease in enforcement investigation.

4. Should Council affirm that Bed and Breakfasts should continue to be an Accessory Use and incidental to the principal use of the site as a Single Detached dwelling, then Council could direct administration to seek stakeholder and community input on additional regulations in an effort to strengthen the intent that Bed and Breakfast Homes remain an accessory use and do not negatively impact housing.

There are a number of requirements for Bed and Breakfast Homes where potential amendments could strengthen the intended accessory nature of Bed and Breakfast Homes and limit potential negative impacts on housing availability:

a) Bed and Breakfast rooms within Accessory Structures

Bed and Breakfast Homes are currently permitted in Accessory Structures provided they do not contain a kitchen. In a number of development applications, Accessory Dwellings have been converted into rooms for Bed and Breakfast Homes which has reduced the number of dwellings in Banff. Options could include:

i. Prohibit Bed and Breakfasts within any Accessory Structure. This would ensure that Bed and Breakfasts would be contained within the same structure as the principal dwelling on site and would remove the option of back yard cabin style accommodation or stand-alone guest units at residential properties in Banff. This would reduce the development options for accessory structures which could lead to repurposing of some existing structures to dwellings however may mean that other accessory structures become unused and sit vacant;

ii. Prohibit the conversion of existing Accessory Dwellings or Duplex’s into Bed and Breakfast Homes. This would ensure that no separate dwellings that have previously been approved would be lost to Bed and Breakfasts; and/or,
iii. Allow greater flexibility for an Accessory Structure to be used as both an Accessory Dwelling and a Bed and Breakfast with, or without, a limit the number of days/seasons the structure can be used as a Bed and Breakfast. This would allow more flexibility for operators to adapt to seasonal changes.

b) Maximum number of bedrooms for guests and location of owners bedroom
Currently all Bed and Breakfast Homes are permitted up to a maximum of four guest rooms provided that there is at least one bedroom dedicated for the Live-in Owner and required parking can be provided on site. There are minimum dimensions for guest bedrooms, but no requirements relating to the size or location of the owners bedroom(s). Depending on the layout of the property, there are instances where the number, location and size of guest bedrooms compared to the Live-in Owners bedroom(s) gives the appearance that the primary use of the property is as commercial accommodation rather than a residential dwelling of the owner/operator. The following images shows some examples of currently approved 4 bedroom Bed and Breakfasts with the areas dedicated for guests (guest bedrooms and required indoor guest amenity area) shown in blue and the owner’s bedroom(s) shown in red:

Options could include:

i. Reduce the maximum number of guest bedrooms permitted at a Bed and Breakfast Home to three;

ii. Introduce a bedroom quota that limits the total number of guest bedrooms associated with Bed and Breakfasts in Banff;

iii. Restricting the maximum number of bedrooms to 50% (or less) of the total number of bedrooms at the property;
iv. Restricting the maximum floor area of a property associated with a Bed and Breakfast (bedrooms, dedicated amenity areas etc.) to 40% (or less) of the total Gross Floor Area of the property;
v. Requiring that one of the owners bedrooms is the largest bedroom at the property; and/or,
vii. Requiring that at least one of the owners bedrooms is above grade.

c) Requirements on the type of service that is provided
While commercial accommodation in residential properties is referred to as Bed and Breakfast, there is currently no requirement that breakfast be provided to guests. Requiring that breakfast be provided to guests could differentiate accommodation at residential properties to suites at hotels. This could also help strengthen the requirement that operators are at the property in order to provide this level of service. It is worth noting that under the Alberta Health Food Regulations, a Bed and Breakfast operator is only allowed to provide breakfast for up to 8 guests. An option could include:
i. Requiring that Bed and Breakfast operators provide breakfast to guests.

d) Operation of Bed and Breakfast
There is no requirement that a Bed and Breakfast, once approved, is actually operated. This means that an approved Bed and Breakfast can maintain their Development Permit and Business Licence and never offer accommodation but still hold an allocation under Schedule ‘D’. An option could include:
i. Requiring that a Bed and Breakfast is operated for a minimum number of nights per year.

e) Ownership Structure
The Land Use Bylaw requires that Bed and Breakfast Homes are operated by the live-in owner(s) who may be a sole owner, joint tenants or tenants in common, or a corporation of not more than two shareholders who reside at the property as their principal residence. Unlike shareholders of a corporation, there may be two or more joint tenants or tenants in common and only one of the owners is required to reside at the property. A limited number of applications have raised questions about corporate ownership of Bed and Breakfasts and multiple owners who do not reside at the property. Options could include:
i. Removing corporate ownership for Bed and Breakfast Homes; and/or,
ii. Restricting the number of owners (joint tenants or tenants in common) and requiring that all owners reside at the property as their primary residence.

f) Management of the Bed and Breakfast by the Live-in Owner
The Land Use Bylaw requires that the live-in owner resides therein as his/her principal residence. A Live-in Owner is defined as a natural person who is an owner or shareholder of a corporation which is an owner of a property permitted to be operated as a bed and breakfast home and who:
a. Lives in the bed and breakfast home; and
b. Manages the bed and breakfast home while maintaining eligible residency status.
Section 10.3.2(c) also states that a bed and breakfast home shall be operated exclusively by a live-in owner as an accessory use and shall not change the principal residential character, use or external appearance of the dwelling. Confirming that the property is the owners primary residence is currently done through a Statutory Declaration signed by the owner that states that the property is their primary residence. In addition, recent Bed and Breakfast applications have required that a Restrictive Covenant be registered against the title for the property which was drafted and approved by legal counsel. The Restrictive Covenant limits the operation of the guest rooms to when the owner is in actual residence. Some existing Bed and Breakfast operators have expressed concern that should they be unable to be in residence at the property due to unforeseen circumstances, or should they wish to take vacation, that they would have to cancel bookings or risk being in violation of their Development Permit and potentially being subject to enforcement action. The requirement for a Live-in Owner ties back to the Eligible Residency requirements of residential leases with Parks Canada that requires that the property is occupied by Eligible Residents.

In addition, some operators have requested clarity regarding the requirement that a Bed and Breakfast is managed and operated exclusively by the Live-in Owner. A number of Bed and Breakfast operators utilize a third party for some aspects of their operation such as: a laundry service; additional help preparing breakfasts; cleaning of the property; managing online bookings and online communications; managing websites and/or social media etc. Options could include:

i. Requiring that a Bed and Breakfast shall not be operated when the Live-in Owner is absent for more than a certain number of consecutive nights (eg. five consecutive nights). This would allow greater clarity for operators;

ii. Requiring that Live-in Owners keep a log of who is in residence at the property when guests are present. This could allow for greater compliance monitoring; and/or,

iii. Add additional clarity regarding the exclusive management and operation of Bed and Breakfasts.

5. Should Council desire to use Bed and Breakfast approvals to help preserve and protect heritage properties, then Council could direct administration to seek stakeholder and community input on amendments to the current regulations regarding new Bed and Breakfast Home applications for heritage properties.

At the September 20, 2018, the Banff Heritage Corporation passed the following motion:

HER18-82 Moved by Hempstead that heritage corporation recommend council consider regulations and policies which support bed and breakfast home applications which conserve buildings identified on the heritage inventory.

CARRIED

Currently 13 of the 46 approved Bed and Breakfasts are located at buildings identified on the heritage inventory, only one of which is a designated heritage resource. Without designation, there is no legislated protection for the recognized buildings. Within the Land Use Districts that permit Bed and Breakfast Homes, there are a total of 110 buildings identified on the heritage inventory that are not designated. Options could include:

i. Only permitting new Bed and Breakfast Homes in Designated Heritage properties. This could add an incentive for people to invest in heritage properties and would benefit Banff by increasing the number of protected heritage resources;

ii. Only permitting new Bed and Breakfast Homes in buildings identified on the heritage inventory. This could add an incentive for people to invest in heritage properties however without designation, it would not offer long term protection of those properties; and/or
iii. Permitting a Bed and Breakfast Home to be owned and operated by a not-for-profit organization without a requirement for a live-in owner at a Designated Heritage property. This could offer an incentive for larger not-for-profit organizations to acquire and preserve heritage resources.

6. Should Council wish to improve the regulatory language as it relates to the redevelopment of existing Bed and Breakfast Inns, then Council could direct administration to seek stakeholder and community input on amendments to the regulations regarding Bed and Breakfast Inns.

At the December 14, 2017, MPC meeting, the following motion was passed:

MPC17-90 Moved by Olver that the Municipal Planning Commission recommend Council give consideration to the review of Bed and Breakfast Inns when reviewing Bed and Breakfast Homes.

Questions had been raised by the MPC about redevelopment of Bed and Breakfast Inns as the definition in the Land Use Bylaw refers to ‘existing’ Bed and Breakfasts but the specific use regulations contemplate increases to the number of permitted commercial accommodation units up to a maximum of 10 rooms. In addition, an application for an accessory dwelling on the same property as a Bed and Breakfast Inn was refused by the MPC as it was determined that the principal use of the site was as a Bed and Breakfast Inn and therefore the accessory dwelling was not permitted. Further clarity regarding redevelopment of Bed and Breakfast Inns would benefit Bed and Breakfast Inn operators who may wish to redevelop their site. Options could include:

i. Prohibiting existing Bed and Breakfast Inns from adding additional guest rooms above the existing (approved) number of rooms. This would prevent the development of any additional guest rooms associated with Bed and Breakfast Inns;

ii. Limiting redevelopment of Bed and Breakfast Inns to the existing Gross Floor Area on site. This would allow operators to reconfigure their existing area (e.g. splitting one large room into two smaller rooms) but would prevent the addition on new floor area;

iii. Prohibiting the construction of new structures for the purposes of Bed and Breakfast Inns. This would prohibit the expansion of Bed and Breakfast Inns outside of their existing structures; and/or,

iv. Prohibiting multiple uses on a site that contains a Bed and Breakfast Inn. This would add further clarity to the Land Use Bylaw and would limit the intensification of these sites which are located in residential Land Use Districts.

7. Should Council wish to explore a differential tax rate associated with Bed and Breakfasts, then Council could direct Administration to seek stakeholder and community input on amendments to the relevant bylaws with regards to property tax and/or fees relating to Bed and Breakfasts.

a) Property tax for Bed and Breakfast Homes

At the April 30, 2018, Special Town of Banff Council meeting, the following motion was passed:

COU18-122 Moved by Mayor Sorensen that council direct administration to return to council with a report outlining options for differential tax rates for bed and breakfast and home occupation properties for further consideration.

CARRIED

Currently Bed and Breakfast Homes and home occupations are taxed as residential properties and at the same tax rate as all other residential properties. Council could direct administration to treat these properties differently and recommend that amendments come back with the tax rate bylaw. Options could include:
i. Set a differential tax rate. This would apply a tax rate higher than the current residential tax rate on these properties. With a differential rate, the rate would be applied to the full assessed value of the property. This option is the easiest to administer however it does not reflect the percentage of the property that is related to the operation of the Bed and Breakfast or home occupation. An example of this would be a large newer home that had one bedroom used as a guest room could pay more in tax than a similar older Bed and Breakfast home that was licensed to operate 4 guest rooms; or,

ii. Proportionately assess the property as non-residential. This would look at taxing the portion of use related to non-residential activity and tax that use at the non-residential tax rate. This would be difficult to administer and validate for home occupations. Bed and Breakfasts would be easier although some operators that operate seasonally may question the fairness of the taxation.

Bed and Breakfast Homes and Home Occupations do not have to be treated the same, any of the options could be selected for either Bed and Breakfast Homes or Home Occupations.

b) Bed and Breakfast Application and Renewal Fees

Schedule ‘G’ of the Land Use Bylaw contains the fees associated with new Bed and Breakfast applications and Bed and Breakfast renewals. Schedule ‘G’ was amended in 2018 to increase the fees for new applications to $1,500 + $100 per guest room. Renewal fees were also increased to $300 + $50 per guest room. In 2018 the revenue from Bed and Breakfast renewals was $17,400 and the revenue from new applications was $9,300.

Administration estimates that an average Bed and Breakfast application requires approximately 70-100 hours of staff time to process. This would include pre-consultation meetings and working with the applicant to prepare their application, site visits/inspections by planners and the Fire Department, reviewing and processing the application, preparing MPC reports and meetings, notification and informing adjacent property owners and follow up with applicants on conditions of approval.

In 2018, a supplementary review and analysis was conducted for every Bed and Breakfast renewal application. This included confirmation of Eligible Residency status, review of individual property ownership and comparison of advertising of a Bed and Breakfast to the original approved permit. Administration estimates that renewals in 2018 required 250 hours of staff time for 41 renewals (approximately 6.1 hours per renewal).

Council motion COU14-249 directed administration to proactively enforce on unauthorized commercial accommodation. Administration estimates that it spends 150 hours a year on proactive enforcement. A large number of this is now done by the new Development Compliance Officer position.

Under the Land Use Bylaw, the fees for dedicated staff time are listed at $90/hr for a Planner and $60/hr for an Administrative Assistant. Options could include:

i. Increasing Bed and Breakfast Application fees to $8,700 (90 hours of Planner time at $90/hr and 10 hours of Administrative Assistant time at $60/hr) to cover the full cost of staff time required for applications;

ii. Increasing Bed and Breakfast renewal fees to $530 (5.5 hours of Planner time at $90/hr and 0.6 hours of Administrative Assistant time at $60/hr) to cover the full cost of staff time required for renewals;
iii. Add an additional annual fee of $150 for Bed and Breakfasts to partly offset the costs of ongoing monitoring and enforcement of unapproved commercial accommodations. Ongoing monitoring and enforcement ensures that residential bedrooms are not lost to unapproved commercial accommodation which can also be beneficial to Bed and Breakfast operators as it ensures that there is limited competition; and/or,
iv. Reduce current fees associated with Bed and Breakfasts.

c) Additional fees for Bed and Breakfasts
Due to the potential for intensification of properties that are approved as Bed and Breakfasts, additional fees could be introduced to offset additional costs associated with increased service requirements. This could be used to offset additional costs for waste, water, sanitary etc. associated with intensification of use at a residential property. An option could include:
i. Investigation of additional fees in order to offset potential costs associated with intensification of residential properties.

8. Should Council desire to limit the impact of any Land Use Bylaw amendments on existing Bed and Breakfast operators, then Council could direct Administration to seek stakeholder and community input regarding existing Bed and Breakfasts.
Development Permits for Bed and Breakfast Homes currently expire every year in conjunction with the Business Licence. The Land Use Bylaw specifies that in order to continue the operation of a Bed and Breakfast, the request to continue operation should be treated as a new application. As such, any existing Bed and Breakfast’s would be required to comply with any Land Use Bylaw amendments on the expiry of their Development Permit. Depending on the extent of Land Use Bylaw Amendments, this could mean that some current Bed and Breakfast operations would not be allowed to continue as previously approved without changes to their application to come into compliance. Options could include:
i. Allowing any Bed and Breakfast that was approved prior to Land Use Bylaw amendments to continue operation until a time when a Development Permit is cancelled or revoked;
ii. Allowing any Bed and Breakfast that was approved prior to Land Use Bylaw amendments to continue operation for a specific time period (e.g. 5 years) after which time the permit will expire and a new permit would be required in accordance with the Land Use Bylaw of the day; or,
iii. Require all Bed and Breakfast applications to comply with any Land Use Bylaw amendments at the time of yearly expiry. This could result in some current operators being unable to operate past the January after Land Use Bylaw amendments.

9. Should Council wish to explore other items relating to the regulation of Bed and Breakfast Homes and Inns, then Council could direct Administration to seek stakeholder and community input regarding other amendments to the Land Use Bylaw related to Bed and Breakfasts.
In addition to the areas discussed above, other items relating to Bed and Breakfast’s could include:
i. Limiting applications to existing owners only. A number of applications received in the past two years have been by applicants prior to purchase of a property. In some instances the sale of the property has not completed which has led to the application being withdrawn after the application has been reviewed by MPC and notification has been done;
ii. Changing any relevant references to recognized ‘A’ or ‘B’ ranked heritage resource to buildings identified on the heritage inventory, as the Heritage Corporation has moved to a single list of properties that have heritage value rather than a ranking system;
iii. Amend the notification requirements for renewal of previously approved Bed and Breakfast’s to remove the requirement to provide written notification to adjacent property owners. Written notification to adjacent property owners is required when an application is first approved and at annual renewal. Written notification annually is administratively time consuming and concern has been raised by a number of property owners that they only wish to be notified when there has been a change in the operation only rather than the continuation of approved operation; and,

iv. Remove the limit to variances associated with Bed and Breakfast Homes. Currently the Land Use Bylaw allows for variances for Bed and Breakfast Homes only when a variance to this Bylaw would contribute to the preservation of a recognized ‘A’ or ‘B’ ranked heritage resource as identified in the Town of Banff Heritage Corporation Inventory. Administration believes the original intent of this was to allow greater flexibility for heritage resources applying for a Bed and Breakfast for requirements such as bedroom size, amenity area etc. A recent legal opinion suggested that the current wording is much more restrictive than intended however an applicant would be able to apply for a variance when not connected to a Bed and Breakfast, and if granted, could then separately apply for a Bed and Breakfast thus negating this clause. It’s administrations opinion that the options under section 5 above would offer a better approach to the preservation of Heritage Resources.

Should Council direct Administration to seek stakeholder and community input on any of the items listed above, this would be done by utilizing in-person and online tactics suitable to the topics in question.

IMPLICATIONS OF DECISION

Budget
There are no direct budget implications on drafting amendments to the Land Use Bylaw however any amendments that could impact the number of Bed and Breakfast applications received and/or the renewal frequency could have budget implications. Additionally, any change in application or renewal fees would have budget implications.

Internal Resources
With a high number of inquiries regarding Bed and Breakfasts, applications, annual renewal and the 2014 direction from council to proactively enforce on unapproved commercial accommodation, a disproportionate amount of internal resources are dedicated to Bed and Breakfasts. This is predominantly comprised of staff time.

Communication
Existing Bed and Breakfast operators have been notified via email about this report. In addition, a number of people who expressed an interest in this report to Planning and Development have also been notified via email.

All Land Use Bylaw amendments are advertised on Banff.ca, and require a Public Hearing which is advertised in local media.

Banff Community Plan
Fostering a healthy community: our social and cultural goals
The housing goals of the Banff Community Plan include:

- To supply a mix of affordable housing options to ensure those working in Banff live in Banff.
- Respect neighbourhood character that personifies and reinforces Banff’s sense of place.

The character and heritage objectives of the Banff Community Plan include:
Council Strategic Priorities

Review of the Bed and Breakfast regulations is a 2018 Service Review Priority.

Legislation/Policy

The purposes of the Town of Banff are set out in section 4.3 of the Incorporation Agreement as:

a) to maintain the townsite as part of a World Heritage Site;
b) to serve, as its primary function, as a centre for visitors to the Park and to provide such visitors with accommodation and other goods and services;
c) to provide the widest possible range of interpretive and orientation services to Park visitors;
d) to maintain a community character which is consistent with and reflects the surrounding environment; and
e) to provide a comfortable living community for those persons who need to reside in the townsite in order to achieve its primary function.

Circulation date: November 30, 2018

Submitted By: On original
Dave Michaels, Development Planner

Reviewed By: On original
Robert Earl, Town Manager
7.1.4 Theresa Gawron and James Bannon – Buffalo Berry B&B - Agenda Item 9.1
Received as information and added to the agenda package for this meeting.

7.1.5 Adam White – Banff Mountain Home B&B – Agenda Item 9.1
Received as information and added to the agenda package for this meeting.

7.1.6 Richard Norton Hall – Agenda Item 9.1
Received as information and added to the agenda package for this meeting.

7.2 Oral Submissions
7.2.1 Ross Glenfield
Mr. Glenfield requested that council consider removing the limits to variances for Bed & Breakfast homes to allow for greater latitude in decision making. Mr. Glenfield’s speaking notes have been added to the agenda package for this meeting.

7.2.2 April Wood
Ms. Wood provided her opinion on the options provided in the report for Bed & Breakfast homes. She requested that, should council determine further action and public engagement and input is required, that council consider a working group format comparable to the one assembled for the Banff community housing strategy in 2010. Ms. Wood’s speaking notes have been added to the agenda package for this meeting.

7.2.3 Rod Green, Peter and Catherine Whyte Foundation
Mr. Green spoke to Brett Oland’s written submission in support for the proposed framework option 5 contained in the report.

7.2.4 Lee O’Donnell
Mr. O’Donnell provided his opinion on the visitor desire for a B&B experiences in Banff. He requested that council consider not taking any further action on B&B regulations at this time and review the regulations in conjunction with a comprehensive Land Use Bylaw review.

8.0 UNFINISHED BUSINESS
None considered.

9.0 BYLAWS AND STAFF REPORTS

9.1 Bed and Breakfast Homes & Bed and Breakfast Inns Regulatory Framework

COU19-3 Moved by Mayor Sorensen that council receive this report as information and take no further action regarding the existing Land Use Bylaw requirements for Bed and Breakfasts Homes and Inns at this time.
DEFEATED

COU19-4 Moved by Mayor Sorensen that council direct administration to seek stakeholder and community input regarding the maximum number of Bed and Breakfasts allowed through Schedule ‘D’ of the Land Use Bylaw.
CARRIED

Minutes approved by: ___________________ ___________________
Moved by Mayor Sorensen that council direct administration to seek stakeholder and community input regarding modified enforcement options within the Land Use Bylaw for commercial accommodation in residential properties. **CARRIED**

Moved by Mayor Sorensen that council direct administration to seek stakeholder and community input on additional regulations in an effort to strengthen the intent that Bed and Breakfast Homes remain an accessory use and do not negatively impact housing. **CARRIED**

Moved by Mayor Sorensen that council direct administration to seek stakeholder and community input on amendments to the current regulations regarding new Bed and Breakfast Home applications for heritage properties. **CARRIED**

Moved by Mayor Sorensen that council direct administration to seek stakeholder and community input on amendments to the regulations regarding Bed and Breakfast Inns. **CARRIED**

Moved by Mayor Sorensen that council direct administration to seek stakeholder and community input on amendments to the relevant bylaws with regards to property tax and/or fees relating to Bed and Breakfast to explore a differential tax rate associated with Bed and Breakfasts. **CARRIED**

Moved by Mayor Sorensen that council amend motion COU19-9 as follows:
- add the words “and renewals” after the word “fees”. **DEFEATED**

Moved by Councillor DiManno that council amend motion COU19-10 by adding the following bullet to the motion:
- remove the words “property tax and/or” from the motion. **DEFEATED**

The vote followed on motion COU19-10: that council amend motion COU19-09 as follows:
- add the words “and renewals” after the word “fees”. **CARRIED**

The vote followed on motion COU19-09 as amended: that council direct administration to seek stakeholder and community input on amendments to the relevant bylaws with regards to property tax and/or fees and renewals relating to Bed and Breakfast to explore a differential tax rate associated with Bed and Breakfasts. **CARRIED**
Moved by Mayor Sorensen that council direct administration to seek stakeholder and community input regarding impacts to changes on existing Bed and Breakfasts.  
CARRIED

Moved by Mayor Sorensen that council direct administration to seek stakeholder and community input regarding other amendments to the Land Use Bylaw related to Bed and Breakfasts.  
CARRIED

9.2 Extended Producer Responsibility

Moved by Councillor Olver that council accept this report for information and;
   a. participate in initiatives that advocate for a provincial EPR program, including:
      i. the Alberta Urban Municipalities Association’s letter writing campaign, which calls for provincial action to update Alberta’s recycling regulatory framework and;
   b. collaborate with other municipalities in Alberta to actively engage with the provincial government in EPR program design.  
CARRIED

9.3 Records Retention Bylaw 251-2 and Information Governance and Records Management Policy C8001

Moved by Mayor Sorensen that council give first reading to Records Retention Bylaw 251-2 as presented.  
CARRIED

Moved by Councillor Olver that council give second reading to Records Retention Bylaw 251-2 as presented.  
CARRIED

Moved by Councillor Christensen that council go to third reading of Records Retention Bylaw 251-2.  
CARRIED

Moved by Councillor DiManno that council give third reading to Records Retention Bylaw 251-2 as presented.  
CARRIED

Moved by Mayor Sorensen that council approve Information Governance and Records Management Policy C8001 as presented.  
CARRIED

9.4 GIS Support of Trails Maps and Apps

The report was received as information.

10.0 COMMITTEE REPORTS

10.1 Minutes of the October 10, 2018 Meeting of the Bow Valley Regional Transit Services Commission

Received as information.

11.0 CORRESPONDENCE

None received.
Dear Dave

Thank you for sending me this report.

I just hope that every B&B will have to follow the same rules as we just have been approved for 4 rooms, when they renew.

and that B&B can keep the 4 room maximum option.

I do agree with some of the others operators, that there should be a way to attend an emergency (funeral etc.) for a few days

without having to jeopardize our agreement, see below from your proposal.

In addition, some operators have requested clarity regarding the requirement that a Bed and Breakfast is managed and operated exclusively by the Live-in Owner. A number of Bed and Breakfast operators utilize a third party for some aspects of their operation such as: a laundry service; additional help preparing breakfasts; cleaning of the property; managing online bookings and online communications; managing websites and/or social media etc. Options could include:

i. Requiring that a Bed and Breakfast shall not be operated when the Live-in Owner is absent for more than a certain number of consecutive nights (eg. five consecutive nights). This would allow greater clarity for operators;

ii. Requiring that Live-in Owners keep a log of who is in residence at the property when guests are present. This could allow for greater compliance monitoring; and/or,

iii. Add additional clarity regarding the exclusive management and operation of Bed and Breakfasts

Unfortunately we will not be here for your meeting this month. Our B&B is currently closed until February 8th. 2019

and we will be visiting Switzerland.

Kindest regards

Albert
Dear Council Members
I am writing pertaining to the proposed B&B bylaw discussions.

I have a few comments and thoughts regarding the review:

I am a small operator with 2 rooms 16 years in business and don’t believe I should be paying the same property taxes as larger operations. Some have 10 rooms, lots have 4 rooms and I only have 2 rooms which occupies 33% of my house. I shouldn’t be taxed the same as other properties that have 90% B&B occupation. I believe property taxes should be off the table because it’s just not fair to everyone.

Limiting the percentage of space for use in a B&B for rental purposes makes sense to me and also ensures that there is enough room for the owner to reside in the house.

I think licenses should be renewed yearly and automatically until there is a breach in the rules and then it gets reviewed at that time.

I don’t think I should have to pay for the town to monitor the rules this is a cost of doing business for the town of Banff and should be budgeted for like all other costs of doing business. Increase application fees even more if needed.

Zoning - maybe removing the zones that are not being used and limiting B&B’s would help the town manage the volume and keep the costs down. Opening up more licenses in existing zones will cause too much congestion and more money to manage.

I, along with many small operators have provided a welcoming and comfortable experience for my guests for many years and just wish to continue to do so. Most of us have great reviews happy guests and in this day and age it’s easy to see whose not providing a pleasing service or more than the rooms allowed etc. For me, it’s about the people and their experience in our beautiful town.

Thank you for your time.
Edwina Handley
Mountain View Bed & Breakfast
To the Mayor and Council of the Town of Banff,

The Peter and Catharine Whyte Foundation would like to give this letter of support to the proposed Bed and Breakfast Regulatory Framework, specifically Response Option #5.

Please reach out if you have any questions or require further comments of the Peter and Catharine Whyte Foundation.

Thank you.

Brett Oland
CEO Peter and Catharine Whyte Foundation
Letter to Council
January 12, 2019

Dear Members,

As Bed and Breakfast operators in Banff for the past 15 years and concerned community members, we wish to add our comments for your consideration regarding the “response options” made to Council’s request for direction on potential amendments or additional policy changes that made be deemed necessary.

First off, we would like to express our appreciation and good fortune to have been able to contribute to the Town of Banff and community under the existing framework of the Land Use Bylaw with respect to Bed and Breakfasts, in several ways;

1) Serving the broad visitor experience of the Town of Banff and similarly our National Parks, providing a “hands on” showcase of our values and culture. We have had so much positive feedback from our guests,
2) Adding to our tax base locally and federally, through renewed permit applications, GST, AHT and TIF contributions and to municipal land taxes, along with charitable donations in the past to the Community Daycare, Library Society, Banff Community Foundation and Banff Hospital through our collective Bed and Breakfast Association,
3) Allowing for the possibility of developing an old and failing housing structure with a new and unique property, far from the norm of typical large multi–residential structures with ever reduced square footage, adding variety of housing inventory in Banff,
4) Providing us with “comfortable living” as we’ve grown with the Town thru more than 40 years of service industry work, while also allowing us to continue to contribute to the Town as concerned citizens through volunteerism and comradery.

The internet has allowed for so much improvement and ease of operation of our economic and social interests, at the same time putting strains on governance and regulation as well as having negative impacts society. Locally, we have seen these some of these outcomes.

Blame for these impacts and strains should not only be placed on only one segment of a long existing section of commercial operations in Banff, namely Bed and Breakfast and Bed and Breakfast Inn operations, but instead, we need to find new and imaginative solutions over a potentially broader range to mitigate these negative impacts without taking a “knee-jerk” reaction to a potentially larger problem.
Under the existing regulations, it could be argued that the percentage of accommodation provided to tourists, and thus displacing needed housing for locals is extremely minimal given the number of existing licences and outstanding, and the fact that if those units were altogether removed, the addition of units of additional housing for monthly rental would be insignificant. Example, if a homeowner was not providing tourist accommodation, this does not immediately preclude that they would give up their personal residence to be shared with a monthly tenant. Yet those homeowners would remain as, and are in fact holders of eligible residency and contributors to the community. Banff’s housing shortage, in our opinion, is and will continue to be a constant issue given the demand for visitorship and premium lifestyles. The Town should not be looking at coming down hard on existing B &B licences to solve this problem but rather address the housing shortage through re-development options.

In regards to the “Response Options”, it is in our view that these are valuable and very broad reaching, meticulously outlined options that have been presented to Council, and we applaud that effort. It is also in our view that some of these options may be beneficial to the existing framework and others, very detrimental, as for example, some of the proposed changes and their impact on administration and enforcement. We do not intend to give our critique or analysis on each and every point at this time as we feel there are mixed benefits and detractions to each of the options outlined.

Because this document is broad in scope and we anticipate in it’s interpretation to have contentious and devastating fallout with licence holders and the community at large, that we believe it is in the best interest that Council table this document to be adopted as a viable entry point of discussion and scrutiny between community stake holders in a potential “working group” going forward to help council make the best decisions possible for everyone.

We would look forward to contributing our help and input towards an in depth review of any proposed amendments or policy changes to the existing bylaws if the opportunity for should arise from this introductory effort.

Sincerely,

Theresa Gawron

James Bannon

Buffaloberry Bed and Breakfast
To the Town of Banff Council,

As a Bed and Breakfast Home owner I am deeply concerned with the contents of the Request for Direction Report that was presented to Council this week.

It would appear that Dave Michaels, the Development Planner, is leading the town towards imposing harsher restrictions on Bed and Breakfasts in Banff at a time when the Bed and Breakfast sector is performing well and serving an important need for Banff’s visitors.

As Bed and Breakfasts are strictly regulated at present, I see no need for further strict rules on the industry. Since nearly all owners appear to be in compliance with the existing laws, I find myself at a loss to understand why the report appears to be so restrictive.

At present, the number of Bed and Breakfasts is not dramatically increasing in Banff and all enforcement of existing regulations on Bed and Breakfasts has been successful, informative for other owners and positive for the town. I see no need to substantially change this.

Even though the report does open the door in some of its proposed options to loosen regulations, the majority of the proposed options to Bed and Breakfast bylaws come off as trying to make it more difficult to both obtain a Bed and Breakfast license and to operate one.

With the type of visitors coming to Banff changing, the town should instead be adopting regulations that welcome positive change and encourage more people to visit the Park. Traditional hotels cannot fulfill this demand alone, and Bed and Breakfasts should be allowed to continue to operate unimpeded to cater to Banff’s visitors.

While limiting housing supply in the town is a concern, it should not be the responsibility of Bed and Breakfast owners to attempt to address this issue. The town has granted all Bed and Breakfast owners their licenses over the years knowing that Banff has perpetually faced a housing crisis and the town alone is responsible for addressing this crisis.

Instead of limiting the number of Bed and Breakfasts, denying guests access to kitchens, reducing the number of guests or rooms, forcing owners to be the complete and sole operators of all aspects of their properties or trying to bury our heads in the sand and turn back time by viewing modern web-booking platforms as a scourge for the accommodation sector and the town, Banff should try to work with Bed and Breakfasts in a positive way to help create the best possible experiences for Banff’s visitors in a productive and collaborative manner.

In this regard, a comprehensive discussion should be had with all Bed and Breakfast owners with the town and the planning department to work together to make Banff better.

Thank you for your consideration,

Adam White
Banff Mountain Home B&B
129 Muskrat St.
From: Banff Bear B&B [mailto:info@banffbear.ca]

Sent: January 10, 2019 10:06 AM

To: Michaels, Dave <Dave.Michaels@banff.ca>; Sorensen, Karen <karen.sorensen@banff.ca>; Canning, Grant <Grant.Canning@banff.ca>; Christensen, Ted <Ted.Christensen@banff.ca>; Olver, Chip <chip.olver@banff.ca>; Standish, Brian <Brian.Standish@banff.ca>

Subject: Re: Draft Council Report regarding Bed and Breakfasts

Dear Mayor and Council

Having read the Request For Direction draft, relating to Bed & Breakfasts, kindly provided by Dave Michaels. I do have comments to make.

The Request is concise in its observations and well written. For the majority I have no issues. I have a few observations on the Considerations:

Considerations

3) v) Some booking companies such as booking.com do not allow input on the text – it may be difficult to ensure that an operator complies with the requirement to include their Development Permit number/business Licence Number in any/all advertising

4) e) ii) Restricting the number of owners (joint tenants or tenants in common) and requiring that all owners reside at the property as their primary residence. This might prove difficult for example in the event of a marriage breakdown where one owner, who does not operate the business, vacates the property.

f) i) Requiring that a Bed and Breakfast shall not be operated when the Live-in Owner is absent for more than a certain number of consecutive nights (eg. five consecutive nights) is a reasonable option but unforeseen circumstances are just that. And while one may plan to be closed for one’s own vacations etc. deaths and illness must be attended to immediately. However, perhaps the onus should be on the operator to advise the Development Compliance Officer of a temporary breach (this is not seeking permission but an advisement).

9) i) Limiting applications to existing owners only would be difficult in that, while one does not want to see AirBnB type purchases, a couple buying in Banff may only be able to purchase with the assurance of a stated secondary income. That sort of oversight, to ascertain the bona fide nature of the business, might be best left to MPC or a similar body.

My main concern is with the financial aspects, commencing at section 7, which taken together make up what might be viewed as a cash grab.
The aspect of a property tax differential, for homes with a B&B element, assumes that the Bed and Breakfast (B&B) is geared toward a year round operation on which there should be a year round levy. However many B&Bs, such as our own, are run on a seasonal basis. In addition, as the B&B in a home does not provide a need to reside, then it’s nature is of a business more likely run by a retiree, or a part time operator.

We run a small B&B from a fairly large, newish, house. If such a tax differential were to be considered then the size in terms of the percentage of square footage of the operation within the dwelling should be a consideration, as would the percentage of the taxable year that the B&B operates – perhaps through retrospective taxation following reporting of days occupied.

The additional fees for services such as water and waste are again considered inequitable for a small B&B operation such as our own, and the supposition of greater burden on those services is somewhat disingenuous. Given the days of occupation through a year there is in fact less use of services, sewer, water etc than if the two rooms were occupied full time (however if our guests did prove wasteful and use excess water etc then that is already accounted for in our metered billing).

The one area in which the document is not clear is section 8 where it refers to certain parts to new permit / new application when referring to existing license renewals. For clarity if this would then be an event that attracted an Application Fee of the proposed $8,700 then I would be steadfastly opposed to such an approach. Greater clarity is required.

In summary I am for greater compliance and do not have objection to the increased renewal fee structure. I am against a property tax levy as it unfairly penalises without taking into account the size or scale of the B&B within the property. In fact increasing the tax burden arbitrarily, as the option does, encourages people to maximise bedrooms, at the expense of the residential feel, which is contrary to the stated intent. (Notwithstanding my objection, any tax amendment would have to include associated guarantees from the Town that their enforcement would see that legal operators were assured that there would be no illegal B&Bs operating which circumvented the tax levy, and that level of enforcement should preceed any such introduction)

Finally as most people will have taken the majority of the bookings already with rates based on projected costs etc then any financial alterations etc should come in to effect in 2020, or beyond.

Yours sincerely

Richard Norton-Hall
Ross Glenfield

January 14, 2019

Subject: Bed and Breakfast Homes and Bed and Breakfast Inns Regulatory Framework

Thank you for allowing me the opportunity to address Council today. I would like to propose that amendments to the Land Use Bylaw for Bed and Breakfast Homes are made to remove the limit to variances as proposed in section 9 iv. in the B&B Regulatory Framework. Currently, the Land Use Bylaw only allows variances to Bed and Breakfast Homes when such a variance “would contribute to the preservation of a recognized “A” or “B” ranked heritage resource as identified in the Town of Banff Heritage Corporation Inventory”. I would argue that this definition of allowable variances is far too narrow and limits the Town from making decisions that could further many more of the Town of Banff’s goals as outlined in documents such as the Banff Community Plan, the proposed Strategic Plan 2019-2022 and the Incorporation Agreement. The preservation of Banff’s heritage resources is an important goal, but I feel that a broader view of variances under the Land Use Bylaw would contribute further to the Town of Banff strategic goals and objectives.
It is possible that the current variance was added to respond to specific situations that arose in the past, but with this review Council has an opportunity to broaden the scope of the variances to allow all situations that would be beneficial to the community. Council and administration should have greater flexibility in the granting of B&B licences which could better meet the needs of park visitors and local residents while maintaining complete control of the licencing process.

The current limit to variances may have an unintended detrimental effect on the Town’s ability to provide visitors with a variety of accommodation, a key purpose espoused in the Incorporation Agreement. This would be occurring just as the demand for visitor accommodation is reaching ever higher. As it now stands the downtown land use districts of RBA, RCR, RSC, and RTM, have unused potential B&B permits. I would suggest that limits on variances might play a part in the underrepresentation in these districts. These areas close to the downtown core are precisely the areas where B&Bs should be located as they are easily accessible to town amenities through active transportation and close to public transit routes.

Instead of limiting the number of B&Bs in districts that have not filled their allocation as outlined in response option 2 sections iii, iv, and v, the Town could consider variances that would encourage B&Bs to locate in these under-represented areas. Variances to parking, mixed-use, live-in ownership and
requirements for the use of single-detached buildings, among others, could be considered.

The benefits of establishing B&Bs in the underrepresented downtown districts would be many fold. In keeping with the goals of the Banff Community Plan, B&Bs near the downtown can serve to enhance neighbourhood character, perpetuate a comfortable living community and reinforce Banff’s sense of place. B&Bs tend to be well-kept by their owners and would serve to revitalize several properties in these districts. Benefits would not only accrue to the owners but to visitors and community residents alike. Some view the establishment of B&Bs as being in conflict with the affordable housing needs of residents living in the Town of Banff. This need not be the case. With judicious use of variances, a licenced B&B property can provide accommodation for visitors AND contribute to affordable housing for local residents. For example in a mixed-use property, visitors would benefit from a unique and personal accommodation option while rental prices can be subsidized by income from the B&B. Another example of mixed-use properties is allowing accessory dwellings that are not suitable for long-term rentals to be used as visitor accommodation while the main dwelling can provide long-term accommodation for residents. This would prevent some accessory structures such as backyard cabins from sitting unused and vacant as mentioned in response option 4.a.i in the B&B Regulatory Framework.
B&Bs expand the Town’s accommodation offerings and offer a more intimate and personal experience for visitors. There will always be a certain segment of visitors who value and seek a B&B experience. This fact is recognized by the Town of Banff and I believe that the purpose of this review is to optimize the provision of B&B services while balancing the needs of residents for affordable accommodation. NOW is an opportune time to broaden the scope of possible variances to serve both these goals. I propose that Council remove the limit to variances to have greater latitude for making decisions that will further the Town of Banff strategic goals and objectives.

Thank you for your time and consideration on this subject.
Benefits and goals identified under the Banff Community Plan can include

Banff Community Plan
To provide a mix of affordable housing options to ensure those on Banff live in Banff
Respect neighbourhood character that personifies and reinforces Banff’s sense of place
Protect, preserve and commemorate historic resources
Encourage the retention, restoration, rehabilitation and re-use of heritage buildings
Create memorable national park experiences
Showcase Banff as a leader in environmental practices and hospitality
Ensure commercial development reflects and respects the Town’s role as a visitor centre as well as the values of the national park

Benefits and goals identified in the new proposed strategic plan include

Strategic Plan 2019-2022
Improving active routes and transportation
Addressing cost of living
Nurturing a model environmental community
Preserving cultural vibrancy
Example: Watters Home dating from 1917, an example of Early Residential Development in the Craftsman style

Previous Class B heritage resource, possible Bankhead house

Accessory Structure that has served as a B and B for many decades

Main structure is used for rental to locals working in Banff and meeting the reason to reside clause

Benefit to visitors (affordable option), tenants (utilities), owners (utilization of property and income) and Town (business licencing, more accommodation options)

Walkability to town

Non-conforming building so the footprint can not be altered

Will sit empty as it can’t be used for long-term accommodation as it does not have proper cooking facilities

Incorporation Agreement

To serve, as its primary function, as a centre for visitors to the Park and to provide visitors with accommodation

To provide the widest range of interpretive and orientation services to Park visitors

To maintain community character

To provide a comfortable living community for those persons who need to reside in the townsite
Hello All.......My name is April Wood. My husband is Peter and together we own and operate AT WITS END B&B on Mountain Ave.

I would like to thank you for the opportunity to speak today regarding item 9.1 - B&B regulatory framework.

As this report is lengthy and my time is limited, I will simply make a few comments on the options that are presented in the report, and then conclude with my request from council.

I believe that taking no further action - Option 1, is a reasonable course of action, as the existing Bylaw requirements seem to be more than adequate. However, if at this time, council deems the time and energy are available for this subject, I do believe there is always room for improvement.

Regarding Option 2 - I AM CONCERNED WITH THE WORDING. It indicates there may be a desire "to mitigate the impact B and B's can have on the housing supply". This wording may contribute to confusion about the actual effects BB's have had on housing.

First, there has been minimal growth since incorporation, I think it is 6 new properties creating zero new jobs....while during this time; there has been significant growth in other segments, such as retail, restaurants and hotel rooms. These have all created a significant increase of job opportunities and demands for housing. Second, it is a stretch to assume that if the bedrooms in these single family homes where not utilized for a bed and breakfast operation that they would be used for a monthly tenant. Considering this, I feel the BB's impact on the housing supply is almost negligible, however, I do believe there may be some value in looking at the max # of permits allowed and how they are allocated within land use districts.

Regarding option 3, I think it would be valuable to have a clear distinction between enforcement on non-compliance of licenced operations and enforcement on unauthorized, unlicensed operators (which is done blatantly on Air B&B and VRBO). I think these are 2 separate issues and need to be handled as such.

On Options 4 & 5, - accessory use and heritage properties, I do believe the existing bylaw is adequate and many of these recommendations seem to be trying to micro manage the operations which would provide further challenges for compliance enforcement.

Option 6...is pertaining to Inns so I would leave for the Inn owners to comment on.

Option 7 speaks to Property tax for Bed and Breakfast Homes AND Application and Renewal Fees. I strongly believe introducing a conversation about differential tax rates needs to not target bb's specifically. If there was a conversation including all residential income generating properties, including home offices, staff rentals and other rental properties, I think it should held in a different venue. Again, I do not feel it is appropriate here.
On Part B, regarding renewal fees, if this conversation is to move forward, I would argue that the renewal process should be simplified and the fees decreased. Keeping the renewals required on an annual basis may provide a cushion for easier handling of compliance issues; but it does seem cumbersome and expensive for the large majority of operators and also Town of Banff Administration. Perhaps B&Bs that consistently comply with all regulations should be granted a longer period to renew again, unless of course, there is a change in their operation.

On option 8, I do believe it would be beneficial for clarification on the impact to existing licenses if there are to be any amendments made.

NOW FOR MY REQUEST......If in fact Council determines they would like to proceed with further action and seek stakeholder and community input, I would like you to consider a working group format similar to the one conducted for housing in spring of 2010.

I contributed to this working group as representative for BHC homeowners. It was a very contentious community issue, and to my great surprise, my experience was very positive. I believe it was a very productive method and everyone that contributed felt their opinions and concerns were heard and appreciated. I feel this is very effective option for input and so much more rewarding than a survey or one on one communication.

Thank you for your consideration and I would like to again express my appreciation for allowing me the opportunity to speak with you today.
7.1.4 Theresa Gawron and James Bannon – Buffalo Berry B&B - Agenda Item 9.1
Received as information and added to the agenda package for this meeting.

7.1.5 Adam White – Banff Mountain Home B&B – Agenda Item 9.1
Received as information and added to the agenda package for this meeting.

7.1.6 Richard Norton Hall – Agenda Item 9.1
Received as information and added to the agenda package for this meeting.

7.2 Oral Submissions
7.2.1 Ross Glenfield
Mr. Glenfield requested that council consider removing the limits to variances for Bed & Breakfast homes to allow for greater latitude in decision making. Mr. Glenfield’s speaking notes have been added to the agenda package for this meeting.

7.2.2 April Wood
Ms. Wood provided her opinion on the options provided in the report for Bed & Breakfast homes. She requested that, should council determine further action and public engagement and input is required, that council consider a working group format comparable to the one assembled for the Banff community housing strategy in 2010. Ms. Wood’s speaking notes have been added to the agenda package for this meeting.

7.2.3 Rod Green, Peter and Catherine Whyte Foundation
Mr. Green spoke to Brett Oland’s written submission in support for the proposed framework option 5 contained in the report.

7.2.4 Lee O’Donnell
Mr. O’Donnell provided his opinion on the visitor desire for a B&B experiences in Banff. He requested that council consider not taking any further action on B&B regulations at this time and review the regulations in conjunction with a comprehensive Land Use Bylaw review.

8.0 UNFINISHED BUSINESS
None considered.

9.0 BY LAWS AND STAFF REPORTS
9.1 Bed and Breakfast Homes & Bed and Breakfast Inns Regulatory Framework

COU19-3 Moved by Mayor Sorensen that council receive this report as information and take no further action regarding the existing Land Use Bylaw requirements for Bed and Breakfasts Homes and Inns at this time. DEFEATED

COU19-4 Moved by Mayor Sorensen that council direct administration to seek stakeholder and community input regarding the maximum number of Bed and Breakfasts allowed through Schedule ‘D’ of the Land Use Bylaw. CARRIED
Standish opposed
The Town of Banff is of the opinion that the proposed development conforms to Parks Canada’s policy objective of requiring all new development and redevelopment to incorporate high-quality environmental design and be complementary to the town’s unique location and surrounding context given;

- the proposal includes the use of finishes and materials which meet the direction provided in the Banff Design Guidelines; and,
- the applicant will be required to make adjustments to the building roofline and massing to ensure the proposal remains complimentary to the surrounding context of Beaver Street.

PARKS CANADA REVIEW

A. Parks Canada has reviewed the information provided in circular 18DP74 in the context of the following documents:

- Canada National Parks Act
- Town of Banff Incorporation Agreement
- Banff National Park Management Plan
- National Parks of Canada Lease and Licence of Occupation Regulations
- Lease for the property

B. Accordingly we note:

- Most, if not all, B&B Inns in the Town of Banff occur on residentially zoned lands and pre-date Incorporation. They are allowable if they meet the following definition in the Land Use Bylaw – “an existing bed and breakfast home larger than typical that does not have more than 10 commercial accommodation units and there is evidence it was in operation and licensed continuously for at least five (5) years immediately prior to January 1, 1990”.
- The Town of Banff Development Application Guide for Bed and Breakfast Homes, states that no new B&B Inns are permitted within the town.
- The Land Use Bylaw 10.4.1 a) states that the most restrictive regulations of any district within this Bylaw shall apply to the development of a bed and breakfast inn.
- The current principle use of the property is a Bed and Breakfast Inn dating back to the early 1900’s. It presently has 6 commercial accommodation units.
- The proposal involves complete demolition of all existing buildings and construction of two new buildings connected by an underground parkade. The number of rooms would increase from the existing B&B Inn by 33% and the gross floor area would more than double (from 392.28m² to 819.53m²). The stated intent is to use the buildings for commercial guest accommodation. The location is in a residential land use zone.
- The town’s allowable commercial development as described in Schedule 4 of the Canada National Parks Act has been entirely allocated by the municipality, and was not applied to this proposal in whole or in part.
- The Banff National Park Management Plan states that:
  - the “limits to the size, additional commercial development, and land-use” for the community of Banff will be maintained (Sec. 5.5.1.1),
**C. Parks Canada’s Assessment**

In completely demolishing the existing B&B Inn and constructing entirely new buildings, it is the view of Parks Canada that the development no longer meets the definition of “Bed and Breakfast Inn” as stated in the *Town of Banff Land Use Bylaw*. On this basis, it is an entirely new commercial development outside legislation and the Park Management Plan, and occurs in a residential area.

Even if the definition of B&B Inn could be considered as still applying in this case, the proposed increase in both the number of rooms and the gross floor area, constitutes commercial growth over and above what existed previously, and this increase is outside the limits in legislation and the Park Management Plan.

Therefore approval of this development would not conform with the *Banff National Park of Canada Management Plan* which requires that limits to commercial growth within the town be respected. It would also not conform with the *Town of Banff Incorporation Agreement* Article 5.15, and the *Town of Banff Land Use Bylaw* which requires that all development decisions must conform with the Park Management Plan.

Please Note: Should more details become available about the project, or should the details of the project change as it proceeds through the development process, the review results above may change.

**RESPONSE OPTIONS**

The Municipal Planning Commission may:

1. With regard to the “existing” nature of Bed and Breakfast Inns:
   a. Municipal Planning Commission may interpret the definition for Bed and Breakfast Inns broadly, as permitting the redevelopment of these properties provided they otherwise conform to the relevant legislation; or
   b. Municipal Planning Commission may interpret the definition for Bed and Breakfast Inns narrowly as limiting the redevelopment of these sites to the existing scale, intensity, and/or structures.
Moved by Howie that the Municipal Planning Commission take no further consideration for the determination of use as presented for application 18DP74.

Speaking to this motion, and as stated in the PC circulation response, it is clear that the proposed intensification of use of the land is commercial in nature, it is also clear that the land use of the RCM district is residential. By completely demolishing the existing Bed and Breakfast Inn and erecting new buildings, this is considered new. The increase in the number of rooms and the gross floor area is also considered new. This application of 18DP74, as presented, doe not conform to the 2010 Banff National Park Management Plan and article 4.6.1 of the Land Use Bylaw and therefore, cannot be considered for further deliberation.

MPC is of the opinion that there is sufficient flexibility in the Land Use Bylaw to allow for some minor modifications of existing Bed and Breakfast Inns, however, we draw the distinction between modifications and expansions, and the outright removal and replacement of a building which detracts from the existing nature of the development, as it would no longer meet the definition of a Bed and Breakfast Inn.

With respect to s.10.4.1 of the Land Use Bylaw, MPC is of the opinion that the most restrictive of any residential district regulations should be applied, should the applicant wish to remove the existing Bed and Breakfast Inn.

MPC recognizes the importance of universal and barrier free access and eliminating barriers for people with disabilities whenever possible.

Accessibility standards for the safe design of accessibility and barrier free environments are regulated under the Safety Codes Act of the Province of Alberta. Should the applicant wish to renovate any of the existing commercial accommodation units, MPC would fully support the renovation and retrofitting of the buildings on site to allow for barrier free access.

5.0 REPORTS

5.1 Proposed Two Commercial Bedrooms Bed and Breakfast Home at 111 Cave Avenue – 19DP15

i. Staff Presentation
   Administration provided a presentation and overview on the proposal as included in the agenda package.

ii. Public input
   Lee O'Donnell, 123 Cave Avenue, addressed the commission.

iii. Applicant input
    Shawn and Cassandra Carr, applicants, addressed the commission.
5.2 Determination of Use – Bed and Breakfast Inn Redevelopment at 218/220 Beaver Street 18DP74

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
   Alisdair Russell, Russell and Russell Design for the applicant, was in attendance to answer questions from the commission.

   JP Middleton, applicant, answered questions from the commission.

MPC19-65 Moved by Howie that MPC move in camera at 9:50a.m to deliberate and reach its decision in accordance with section 197(2.1) of the Municipal Government Act and section 3.2.12 of the Town of Banff Land Use Bylaw.

MPC requested that Enns and McKay attend the in camera deliberation.

   CARRIED

MPC19-66 Moved by Olver that MPC return to the public meeting at 11:30a.m.

   CARRIED

MPC19-67 Moved by Smythe that the MPC supports the development program in principal, however the intent of a Determination of Use is to provide guidance and direction, and should not be interpreted as a Development Permit approval, refusal, or support for any variances to a future Development Permit. MPC’s intention is to bring clarity surrounding the following four principles:

1. Does retention of the Elk and Fox Cabins meet the spirit and intent of the Land Use Bylaw which requires the Bed and Breakfast Inn to be “Existing”?

   These two cabins represent a portion of the existing floor area. They are the two oldest buildings on the site, with the most historic value, and have the ability to be renovated and preserved. The proposed location at the front of the site reinforces the existing heritage streetscape. MPC strongly recommends the applicant explore a municipal heritage designation for the Fox and Elk Cabins.
2. The second aspect of this proposal is the issue of the “most restrictive land use district” as referenced in Section 10.4.1(a) of the Land Use Bylaw which states:
   a. the most restrictive regulations of any district within this Bylaw shall apply to the development of a bed and breakfast inn in that district.

   With respect to s.10.4.1 of the Land Use Bylaw, MPC reiterates our previous position that the most restrictive of any residential district regulations should be applied to the Bed and Breakfast Inn redevelopment.

   A narrow interpretation of 10.4.1(a) is that the RRF (Residential River Front) district applies to that portion of the site which hosts the Bed and Breakfast Inn (e.g. 218 Beaver Street). The remainder of the site would revert to the underlying land use of RCM (Residential Central Muskrat).

   A broad interpretation of 10.4.1(a) is that the “most restrictive land use district” applies to the entirety of a site which hosts the Bed and Breakfast Inn (e.g. 218 and 220 Beaver Street).

   MPC is of the opinion that it is important to remember that the base, underlying land use district is the RCM, and in the absence of a B+B Inn this district would apply to any redevelopment scenario on these sites. With a B+B Inn, the development potential of the B+B Inn lot would fall under the RRF land use district.

3. The amount of Commercial Floor Area allowed on the site is the third principle. MPC is of the opinion that any redeveloped commercial floor area may not exceed the existing commercial floor area on the site. MPC understands this to be the intent of the Banff National Park of Canada Management Plan and the Land Use Bylaw.

4. The fourth and final issue is that the current development spans two separate leases. The site is already being treated as one site, particularly with regards to the utilization of commercial floor area. In order to utilize the existing commercial floor area in the manner proposed, lease consolidation will be a requirement.

6.0 CORRESPONDENCE
   There was no correspondence.

7.0 NEW BUSINESS
   There was no new business.

8.0 INQUIRIES
   There were no inquiries.
Moved by DiManno that the Municipal Planning Commission make a determination as to the principal use of the site at 118 Otter Street. MPC is of the opinion that the principal use of this site is deemed as a Bed and Breakfast Inn as the ratio between the number of commercial accommodation bedrooms are higher than the number of residential use bedrooms.

CARRIED

 Moved by DiManno that the Municipal Planning Commission refuse development permit 17DP68 for a proposed accessory dwelling within an accessory dwelling at 118 Otter Street.

CARRIED

5.2 Proposed Duplex Housing at 1 Kootenay Ridge – 18DP21
   i. Staff Presentation
      Administration provided a presentation and overview on the renewals included in this agenda package.
   
   ii. Public input
       Bill Calvert, adjacent neighbor, spoke to a written submission which has been included in these meeting minutes.

       M/M Guy Clarkson, adjacent neighbors, submitted written feedback which has been included in these meeting minutes.

       Delores Carroll, adjacent neighbor, addressed MPC regarding her written submission which has been included in these meeting minutes.

       Parks Canada – PCA review – written comments received after the MPC package was prepared, have added to these meeting minutes.

   iii. Applicant input
       John Dowson, Cameriam Properties/Developer, addressed MPC regarding the proposed development.

Moved by Howie that the Municipal Planning Commission amend the conditions of approval for application 18DP21 as follows:
   • 1(q) Submit to the satisfaction of the development officer proof of registration of reciprocal access and utilities easements.

CARRIED
Parks Canada’s comments regarding Bed and Breakfast & the Eligible Residency Requirements

Parks Canada have looked into the Town’s inquiry as to whether the eligible residency requirements could be relaxed for designated heritage properties to be operated as a Bed and Breakfast for visitors without occupancy by an owner.

It is Parks Canada’s view, to remove any such requirements would effectively convert residential properties into commercial properties in residentially-zoned areas. This is not, in Parks Canada’s opinion, in keeping with the spirit or intent of:

- The policy and legislated limits to commercial growth in the community;
- The commercial growth management aspects of the Town’s own Land Use Bylaw; or,
- With the Park Management Plan.

In most instances, commercial use of a residential property will not conform with the approved uses in the lease, thus putting the Lessee in a default position with respect to their lease. It is also important to note that the authority of the Town to issue a variance under its Land Use bylaw, does not extend to any lease requirements or restrictions including eligible residency and land use, as these fall solely under federal jurisdiction.
2.3.4 In this Bylaw:

A

**Abut or Abutting** means immediately contiguous to, or physically touching, and when used with respect to a site, means that the site adjoins another site or development.

**Accessory** means customarily or normally incidental, subordinate, and primarily devoted to the principal use or building and located on the same lot or site.

**Accessory Building** means a building that does not accommodate the principal use of a site and that is not attached above grade to a principal building.

**Accessory Dwelling** means an accessory use of a building as a dwelling, which may have a separate exterior entrance.

**Accessory Use** means a use that is subordinate or incidental to the principal use of a site or building.

**Act** means those sections of the Alberta Municipal Government Act which have application in the Town as a result of the Incorporation Agreement.

**Adjacent** means land that is contiguous to a site and includes land that would be contiguous if not for a public roadway, stream, pipeline, public utility lot, powerline, railway, or similar feature but does not include a river.

**Agreement** means the Agreement entered into between Canada and Alberta for the Incorporation of the Town, including the provisions of the Alberta Municipal Government Act included in the Agreement. This Agreement may be amended from time to time.

**Alteration** means a modification but does not include normal or routine maintenance or painting, provided the exterior colour scheme and finishes remain the same.

**Alternative Building Material** means a building product or material comprising elements or substances that are synthetic or re-constituted, which given its durability or ease of maintenance, may be considered as an alternative to natural wood, stone or other traditional building materials. These include imitation or cultured stone, fibre or composite board, medium-density fibre board (MDF), high-density fibre board (HDF), polyvinyl chloride (PVC), high-density urethane, plexi-glass, pre-cast concrete blocks, metal and imitation or composite shingles.

**Amenity Area** means outdoor space, whether at grade or not, provided for the active or passive recreation and enjoyment of the occupants of a residential development, which may be for private or communal use and owned individually or in common.

**Amusement Establishment** means any building, room or area having table games or electronic games played by patrons for entertainment as the principal use. This does not include carnivals, circuses, or indoor recreation services.

**Ancillary** means subordinate or assisting.
Permitted **Use** means a use or development for which a development permit shall be issued by a Development Approving Authority, provided such use or development conforms to all the provisions of this Bylaw.

**Personal Service Shop** means the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This includes barbershops, hairdressers, beauty salons, tailors, dressmakers, and shoe repair shops and dry cleaning establishments and laundromats, but does not include medical treatment services.

**Phased Commercial Use Development** means a commercial use development which will be constructed and developed in stages and which has received the approval of the Development Officer to be carried out in phases.

**Playground** means an outdoor area used for play or recreation by members of the public that may include recreational equipment or play structures for children such as slides, climbing frames and natural play features. This does not include Outdoor Recreation Services.

amended 2018.10.18 Bylaw 421

**Porch** means an enclosed covered structure forming an entry to a building.

**Premises** means the portion of a site fully contained within a ceiling, floor and the outside of a wall or glazing line of windows.

amended 2018.10.18 Bylaw 421

**Principal Building** means a building that accommodates the principal use of a site.

**Principal Dwelling** means a dwelling that is the principal use of a site.

**Principal Use** means the main or primary activity, for which a site or its buildings are designed, arranged, developed, intended, or for which it is occupied or maintained.

**Private Babysitting Facility** means the accessory use of a dwelling to provide regular, ongoing care and supervision of six or fewer children including, where applicable, the provider’s own children. Private Babysitting Facilities operate independently and are not approved or monitored by a Family Day Home Agency.

**Private Club** means development used for the meeting, social or recreational activities of members of a non-profit philanthropic, social service, athletic, business or fraternal organization. Private clubs may include rooms for eating, drinking, and assembly of members.

**Private Education Services** means development for instruction and education which is not maintained at public expense and which may or may not offer courses of study equivalent to those offered in a public school or private instruction as a home occupation.