

MINUTES OF THE MUNICIPAL PLANNING COMMISSION
of the Town of Banff in the Province of Alberta
Town Hall Council Chamber
Wednesday, April 10, 2019 at 9:00 a.m.

COMMISSION MEMBERS PRESENT

Scott McElhone	Public Representative
Brian Smythe	Public Representative (Chairperson)
Adriana Calvo-Matos	Public Representative
Chip Olver	Council Representative (<i>left meeting at 11:50a.m.</i>)
Corrie DiManno	Council Representative
Bryan Howie	Parks Canada Representative

COMMISSION MEMBERS ABSENT

Amber Wanless	Public Representative (Vice Chairperson)
Richard Church	Public Representative

ADMINISTRATION PRESENT

Randall McKay	Director, Planning and Development
Jennifer Laforest	Planner
Dave Michaels	Planner
Kerry MacInnis	Administrative Assistant, Planning and Development (MPC Recorder)

1.0 CALL TO ORDER

The Chair called the April 10, 2019 Municipal Planning Commission meeting to order at 9:00a.m.

2.0 APPROVAL OF AGENDA

MPC19-31 Moved by DiManno to approve the agenda of the April 10, 2019 meeting of the Municipal Planning Commission agenda as amended.

Add to 7.3 Appeal #03-19 – Proposed Change of Use to Apartment Housing at 149 Eagle Crescent (19DP09). Development Appeal Board hearing – Thursday, May 2, 2019.

CARRIED

2.1 The Chair asked if any members of the Municipal Planning Commission would be declaring a conflict of interest in hearing today's meeting.
No conflict was declared.

Minutes approved by: _____

3.0 ADOPTION OF PREVIOUS COMMISSION MINUTES

MPC19-32 Moved by Olver to approve the minutes of the March 13, 2019 meeting of the Municipal Planning Commission as presented.

CARRIED

4.0 UNFINISHED BUSINESS

4.1 Determination of Use: Bed and Breakfast Inn Redevelopment – 18DP74

i. Staff Presentation

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

ii. Public input

Warren MacDonald, Canmore resident and advocate for accessibility/barrier free environments, addressed the commission.

George Shelton, Rocky Mountain Adaptive, addressed the commission.

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

Lynne Huras, Luxton Home Museum Manager and Michale Lang, Board member, provided written correspondence which has been attached with these meeting minutes.

iii. Applicant input

Alisdair Russell, Russell + Russell Design for the applicant, addressed the commission about this proposal and provided a summary of the issues.

MPC19-33 Moved by Olver that MPC move in camera at 945a.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 asked that Laforest and McKay attend the in camera deliberation.

CARRIED

MPC19-34 Moved by Calvo-Matos that MPC return to the public meeting at 11:15a.m.

CARRIED

Minutes approved by: _____

MPC19-35 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 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, does 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.

CARRIED

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.

Minutes approved by: _____

MPC19-36 Moved by DiManno that the Municipal Planning Commission approve Development Permit application 19DP15 for a Bed and Breakfast Home containing two (2) Commercial Accommodation Units, located at 111 Cave Avenue, subject to the conditions of approval attached as Appendix 'A'.

CARRIED

Appendix 'A' - Conditions of Approval – 19DP15

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

- (a) Submit written confirmation from the Parks Canada Realty Office, to the satisfaction of the Development Officer, that a Leasehold Assignment has occurred naming the applicant as the Owner;
- (b) Submit a Statutory Declaration, to the satisfaction of the Development Officer, confirming that:
 - i. The owner resides at 111 Cave Avenue as their primary residence;
 - ii. The Bed and Breakfast Home will be managed and operated exclusively by the Live-in Owner;
 - iii. The Live-in Owner will not operate any of the Commercial Accommodation Units while not in residence at the property; and,
 - iv. The Live-in Owner is aware that any non-conformance with the conditions of approval or non-compliance with the Land Use Bylaw will result in the revocation of the Development Permit.
- (c) Enter into a Restrictive Covenant with the Town of Banff to be registered against the Certificate of Title for the property for the purposes of prohibiting the operation more than two (2) Commercial Accommodation Units and prohibiting the use of any Commercial Accommodation Units while the owner is not residing at the property. The terms and wording of the Agreement shall be to the satisfaction of the Development Officer. Pay the Town of Banff the Legal Agreement Surcharge of \$600 as established by Town of Banff Development Fee Schedule 'G';
- (d) Provide evidence of the removal of the kitchen within the Commercial Accommodation Unit to the satisfaction of the Development Officer in accordance with s.10.3.2(f) of the Land Use Bylaw;
- (e) Submit confirmation, to the satisfaction of the Development Officer, that an Easement has been registered against the title for Lot 11-2, Block 7, Plan 7810785 (112 Cave Avenue) that permits unencumbered access to all parking stalls; and,
- (f) Submit confirmation from the Fire Safety Codes Officer that the property complies with the Alberta Fire Code, including bedroom egress, smoke alarms and placement of fire extinguishers.

(2) Specific Conditions:

- (a) This approval provides for the Change of Use of the residential property from 'Duplex Housing' to 'Single-Detached Housing'. Any future changes to the subject dwelling shall require a valid Development Permit.

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(3) General Conditions:

- (a) Obtain a valid Business Licence from the Town of Banff for the operation of a Bed & Breakfast Home. The number of commercial accommodation units shall be restricted to two (2);
- (b) The Development Permit is valid for a period not to exceed the lesser of the term of the business license, a period of one year from the date of issuance or until transfer/change in ownership of the subject property;
- (c) A copy of the Development Permit shall be posted in a prominent and visible place in the home and in each approved guest bedroom at all times;
- (d) On-site parking shall conform to the approved site plan. No vehicle parking is permitted within the Front Yard and no parking of guest vehicles is permitted on adjacent public roadways;
- (e) All signs require a separate Development Permit in accordance with the Town of Banff Land Use Bylaw;
- (f) The Bed and Breakfast Home shall be operated exclusively by the live-in owner as an accessory use. The Bed and Breakfast Home shall not change the principal residential character, use or external appearance of the dwelling;
- (g) Vehicular traffic generated by the Bed and Breakfast Home shall not be in excess of what which is characteristic of the neighbourhood in which it is located;
- (h) The owner will maintain a daily guest registry which will include rooms occupied and vehicle license plate information. If a complaint is received, the owner, upon request from the Town shall provide the daily guest registry for inspection and shall provide license plate numbers of permanent resident vehicles. The Town may request this at any time between the hours of 8:00 a.m. and 8:00 p.m.;
- (i) The owner shall be responsible for ensuring that each guest is advised that they must park in the areas designated on the application and not on a public roadway;
- (j) The owner shall be responsible for complying with the Alberta Fire Code;
- (k) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 regarding the *Guidelines for Bed and Breakfast Establishments* and to arrange an inspection of the property prior to operation;
- (l) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 to obtain a food establishment permit prior to operation if required;
- (m) Non-compliance with any conditions of the Development Permit will result in revocation of the 'Bed and Breakfast Home' permit; and

- (n) Obtain all permits required in accordance with the *Province of Alberta Safety Codes Act Revised Statutes of Alberta, Chapter S-1*. The Act requires that all property owners and contractors working in Alberta obtain permits prior to commencing work on buildings covered by the Alberta Building Code or prior to conducting work governed by the regulations of the *Canadian Electrical Code*, the *Alberta Gas Code* or the *Alberta Plumbing Code*.

Olver left the meeting at 11:50a.m.

5.2 Request for Development Permit Extension – 17DP94 – 510 Deer Street

i. Staff Presentation

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

ii. Public input

There was no public input.

iii. Applicant input

Lee O'Donnell, applicant, addressed the commission.

MPC19-37 Moved by Howie that MPC move in camera at 12:20p.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 asked that McKay and Laforest attend the in camera deliberation.

CARRIED

MPC19-38 Moved by Howie that MPC return to the public meeting at 12:50p.m.

CARRIED

Moved by McElhone that the Municipal Planning Commission approve a six (6) month extension to 17DP94, with an additional final (6) month extension should the RTM Land Use District have one (1) or more bed and breakfast home allocations available after six (6) months with conditions of approval attached as Appendix 'B'.

MPC19-39 Moved by DiManno to amend the conditions of approval of 17DP94 1(h) as follows:

1(h) Submit a Statutory Declaration, to the satisfaction of the Development Officer, confirming that:

- i. The owner resides at 510 Deer Street as their primary residence;
- ii. The Bed and Breakfast Home will be managed and operated exclusively by the Live-in Owner;
- iii. The Live-in Owner will not operate any of the Commercial Accommodation Units while not in residence at the property; and,

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- iv. The Live-in Owner is aware that any non-conformance with the conditions of approval or non-compliance with the Land Use Bylaw will result in the revocation of the Development Permit.

CARRIED

MPC19-40 Moved by McElhone that the Municipal Planning Commission approve a six (6) month extension to 17DP94, with an additional final (6) month extension should the RTM Land Use District have one (1) or more bed and breakfast home allocations available after six (6) months with amended conditions of approval attached as Appendix 'B'.

CARRIED

Appendix 'B' Revised Conditions of Approval

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

- (a) Submit three (3) copies of plans showing conformance with the provisions of the *Town of Banff Land Use Bylaw* for the review and approval by the Development Officer, including:
- (i) A revised Elevation Drawing demonstrating changes to the roof structure above the loft storey which meet the definition for 'half storey' as provided in Schedule C and in section 2.3.4 of the Land Use Bylaw;
 - (ii) A revised Landscaping Plan in conformance with the *Recommended Planting Materials List* of the Banff Design Guidelines and incorporating Firesmart considerations as per the Land Use Bylaw and further clarification of pedestrian flow;
 - (iii) A Lighting Plan showing numbers, types, and locations and technical specifications for individual exterior light fixtures in conformance with Section 8.22.0;
- (b) Submit a Materials Sample Board and Colour Board indicating conformance with the *Banff Design Guidelines* for the final review and approval by the Development Officer.
- (c) Pay to the Town of Banff the outstanding Municipal Planning Commission Surcharge of \$125.⁰⁰ as established by *Schedule G* of the Town of Banff Land Use Bylaw;
- (d) Pay to the Town of Banff Pay Off-Site Levies in the amount of \$2,340.36 as established by *Town of Banff Off-Site Levy Bylaw 388* ($\$21.⁶⁷/m^2 \times 108m^2$ gross floor area);
- (e) Applicant to submit an executed Access Agreement (easement) ensuring perpetuity to the satisfaction of the Director of Engineering and to the satisfaction of the Development Officer that allows for the unobstructed access across Lots 15, 16, 17, 18, 19, Block 32 Plan 638HD and Lot 20 Block 32 Plan 6719BC as per Schedule C within one (1) year; and further provide proof of registration of the Access Agreement from Alberta Land Title's Office by August 13th 2019. Should 1 or more Bed and Breakfast allocations be available in the RTM land use district on August 13th,

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2019 then the deadline for fulfilling this condition will automatically extend to February 13th, 2020;

- (f) Enter into a Restrictive Covenant with the Town of Banff to be registered against the Certificate of Title for the property for the purposes of prohibiting the operation more than three (3) Commercial Accommodation Units and prohibiting the use of any Commercial Accommodation Units while the owner is not residing at the property. The terms and wording of the Agreement shall be to the satisfaction of the Development Officer. Pay the Town of Banff the Legal Agreement Surcharge of \$600.00 as established by Town of Banff Development Fee Schedule Bylaw 389;
- (g) Enter into a Development Agreement with the Town of Banff indicating that should the rear driveway become non-functional in the future, that the property owner will construct a parking from Deer Street to accommodate the uses on site and provide landscaping in the rear yard which meets the requirements of the Land Use Bylaw and the Banff Design Guidelines;
- (h) Submit a Statutory Declaration, to the satisfaction of the Development Officer, confirming that:
 - i. The owner resides at 510 Deer Street as their primary residence;
 - ii. The Bed and Breakfast Home will be managed and operated exclusively by the Live-in Owner;
 - iii. The Live-in Owner will not operate any of the Commercial Accommodation Units while not in residence at the property; and,
 - iv. The Live-in Owner is aware that any non-conformance with the conditions of approval or non-compliance with the Land Use Bylaw will result in the revocation of the Development Permit;
- (i) Submit a detailed Deep Utilities Servicing Plan to the satisfaction of the Director of Engineering showing:
 - i. connection to existing water service and sanitary sewer
 - ii. details of pipe material(s) and size(s)
 - iii. location of new water meter(s) and remote reading device(s)
 - iv. location of existing/redundant services to be abandoned at main line and removed from the public roadway, if applicable;
- (j) Submit a detailed Shallow Utilities Servicing Plan to the satisfaction of the Director of Engineering showing location of gas, power and communications lines;
- (k) Submit a Construction Site Plan and provide description of soil and erosion control mitigations that will be used during construction;
- (l) Submit a Construction Hoarding Plan for the perimeter of the site including proposed height, colour, location of access points and any off-site encroachments associated with the required construction hoarding. Specify solid hoarding (min. 1.8m height) for safety and screening adjacent to Deer Street, with other appropriate fencing on all other property lines. All existing trees to be retained shall be protected by fencing set at the outer canopy (drip line) of the tree during demolition, excavation and construction;
- (m) Submit a proposed Truck Route and Traffic Plan for construction vehicles entering and exiting the site. Show locations of all on-site storage (e.g. material, equipment, etc.) during construction;
- (n) Submit a Landscaping Cost Estimate, as determined by the Landscape Architect, for all on and off-site landscaping

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specifying all plant materials, their size, numbers, location and species. Provide an irrevocable letter of credit in the amount of 125% of the cost of landscaping to secure completion of this work;

- (o) Submit a Hardsurfacing Cost Estimate, as determined by the contractor, for all on-site hard-surfaced areas (driveway, parking area, walkways, patios) and repair of off-site surfaces (roadway, sidewalk, curb/gutter, driveway crossing) specifying type of materials and finishes. Provide an irrevocable letter of credit in the amount of 125% of the cost of finishing and repairing all hard surfaced areas to secure completion of this work;
 - (p) Prior to the issuance of any Development Permit, the requirements outlined below must be completed and/or provided to Parks Canada:
 - i. Parks Canada must receive a detailed Project Description to determine if an Environmental Impact Analysis (EIA) will be required for the 17DP94 development proposal.
 - ii. From an initial review, key aspects to include in the project description are:
 - Disposal of excavated soils;
 - Any geotechnical reporting conducted for this site;
 - Landscape plan and plant species (as per the Town of Banff's approved planting list)
 - (q) Submit a completed Subcontractor Information Sheet to the Business License Clerk Planning and Development Department providing a list of the sub-contractors to be employed in the construction of the development;
 - (r) Pay to the Town of Banff the Development Permit Extension Fee of \$1,000 as per Schedule G of the Town of Banff Land Use Bylaw; and,
 - (s) The applicant may pursue opportunities with the Development Officer for integrating solar energy within the development.
- (2) Specific Conditions:**
- (a) Upon occupancy, an updated Statutory Declaration listing each occupant of Block 32 Lot 16 is to be provided to Parks Canada to confirm that they are 'eligible residents' as defined under the National Park Lease and Licence of Occupation Regulations;
 - (b) The encroachment of soft landscaping (shrubs and mulch), hard landscaping (driveway, walkways and steps) is permitted into the public boulevard. The property owner is responsible for the care and maintenance of the subject encroachment. Failure to maintain the encroachment to the satisfaction of the Town of Banff will result in revocation of the Development Permit;
 - (c) Further approval of tree removals may require replacement trees in accordance with s.8.4.3 of Town of Banff Land Use Bylaw 31-4 where it states that "Tree removals will be issued only upon the replacement with an equivalent plant material, unless a Development Officer is of the opinion that the site will retain adequate tree and landscape coverage or that replacement trees may create potential wildfire hazard"; and,

- (d) Tree removal shall be conducted in accordance with all applicable Acts and Regulations including, but not limited to, the Canada National Parks Act and the Migratory Birds Convention Act, 1994.

(3) General Conditions:

- (a) Any further changes to the approved plans or building shall be submitted for review and approval of the Development Officer prior to implementation on-site;
- (b) It is the responsibility of the project proponent to ensure that all mitigation measures identified in the Parks Canada's *BCS Environmental Screening Determination Using a Class Screening Report* and the guidelines identified in the *Environmental Guidelines for Development Projects in Banff National Park (Directive 17)* are implemented during construction. The project proponent shall ensure that any hazardous materials discovered during excavation are immediately reported to Parks Canada and properly disposed of according to current regulations (see attached);
- (c) Obtain a valid Business Licence from the Town of Banff for the operation of a Bed & Breakfast Home. The number of commercial accommodation units shall be restricted to three (3);
- (d) The Development Permit is valid for a period not to exceed the term of the Business Licence or one (1) year from the date of issuance, whichever first occurs;
- (e) On-site parking shall conform to the approved site plan. No parking of guest vehicles is permitted on adjacent public roadways;
- (f) Protect all existing services and landscaping on adjacent roadways and properties and assume responsibility for all damages;
- (g) All signs require a separate Development Permit in accordance with the Town of Banff Land Use Bylaw;
- (h) The Bed and Breakfast Home shall be operated exclusively by the live-in owner as an accessory use. The Bed and Breakfast Home shall not change the principal residential character, use or external appearance of the dwelling;
- (i) Vehicular traffic generated by the Bed and Breakfast Home shall not be in excess of what which is characteristic of the neighbourhood in which it is located;
- (j) The owner will maintain a daily guest registry which will include rooms occupied and vehicle license plate information. If a complaint is received, the owner, upon request from the Town shall provide the daily guest registry for inspection and shall provide license plate numbers of permanent resident vehicles. The Town may request this at any time between the hours of 8:00 a.m. and 8:00 p.m.;
- (k) The owner shall be responsible for ensuring that each guest is advised that they must park in the areas designated on the application and not on a public roadway;
- (l) The owner shall be responsible for complying with the Alberta Fire Code (2014);

- (m) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 regarding the Guidelines for Bed and Breakfast Establishments and to arrange an inspection of the property prior to operation;
- (n) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 to obtain a food establishment permit prior to operation;
- (o) Non-compliance with any conditions of the Development Permit will result in revocation of the 'Bed and Breakfast Home' permit; and MPC: Proposed Bed & Breakfast Home – 510 Deer Street;
- (p) Obtain all permits required in accordance with the Province of Alberta Safety Codes Act Revised Statutes of Alberta, Chapter S-1. The Act requires that all property owners and contractors working in Alberta obtain permits prior to commencing work on buildings covered by the Alberta Building Code or prior to conducting work governed by the regulations of the Canadian Electrical Code, the Alberta Gas Code or the Alberta Plumbing Code;
- (q) Town of Banff requires all developers to Collect All Waste, separate into appropriate categories on-site and store appropriately. Dispose trade waste at the Bow Valley Waste Management Commission's Class III landfill (Francis Cooke) and garbage to the Waste Transfer Station. Ensure that materials and waste being transported are covered with tarps or equivalent material. Please review the *Town of Banff How-to Guide to Construction Waste Management*;
- (r) Apply for a Street Use Permit from the Manager of Engineering at least 48 hours prior to any work on Town streets, lanes or sidewalks. Enter into a Temporary Encroachment Agreement with the Town of Banff for the use of municipal property during construction, if necessary;
- (s) Disturbance of public roadways and installation of utility trenches shall be inspected and approved in writing by the Director of Engineering prior to backfill. Please contact Town of Banff Engineering at 403.762.1210 to arrange for an inspection. All installations shall conform to the standards of the City of Calgary.
- (t) Installation of new services and the termination of redundant services shall be inspected and approved in writing by the Town of Banff Utilities Department prior to backfill. Please contact the Town of Banff Utilities Department at 403.762.1240 to arrange for an inspection. All installations shall conform to the standards of the City of Calgary.
- (u) Management of all uncontaminated (clean) soil excavated from the site shall be arranged through Parks Canada. Contractors must obtain a *Restricted Activity Permit* in order to dispose of clean fill. Further direction and information about permit approval may be obtained by contacting Banff National Park Dispatch at 403.762.1470;
- (v) All site drainage is to be contained on site. No connection of weeping tile to storm sewer is permitted;
- (w) A water meter and remote reading device shall be installed at each dwelling prior to issuance of an Occupancy Permit. Property owners shall provide free and convenient access to the premises and building at all reasonable times for the purpose of reading meters. The installation of the water meter shall be inspected by the Town of Banff Utilities Department, please call 403.762.1240 to arrange for an inspection;
- (x) All exposed metal flashing, mechanical equipment and flues shall be coordinated to match the building colour;

- (y) No satellite dishes, antennas or other rooftop communication equipment shall be installed without prior written permission of the Development Officer;
- (z) All rooftop mechanical equipment must be screened from view to the satisfaction of the Development Officer;
- (aa) Protect all existing services, including landscaping, on adjacent roadways and properties during construction. Assume responsibility and repair all damages to any existing services and landscaping on adjacent roadways and properties;
- (bb) All existing trees to be retained shall be protected by fencing set at the outer canopy (drip line) of the trees during demolition, excavation and construction;
- (cc) Install hoarding around the perimeter of the site, in accordance with the approved plans, prior to commencing excavation and construction;
- (dd) Protect undisturbed land by only stockpiling materials on heavy canvas or polypropylene tarpaulins to protect native vegetation. All materials will be stored within the confines of the work site. All fuels, oils, lubricants, and other petrochemical products will not be stored within 100m of any waterbody;
- (ee) Confine “noise” activities to hours set out in *Town of Banff Community Standards Bylaw 260*;
- (ff) The applicant shall arrange to have the landscaping completed by no later than one year from the date of issuance of the Development Permit. If in the event that this work is not completed by this date, the Town shall cash the Letter of Credit and arrange for the completion of this work at the expense of the owner;
- (gg) The applicant shall arrange to have all of the driveway and hard surfaced areas completed, including repairs to off-site areas (roadway), by no later than one year from the date of issuance of the Development Permit. If in the event that this work is not completed by this date, the Town shall cash the Letter of Credit and arrange the completion of this work at the expense of the owner;
- (hh) Minimize the idling of construction vehicle engines at all times in accordance with *Town of Banff Traffic Bylaw 16-7*;
- (ii) Ensure that all garbage and food waste is stored in bear-proof bins as per *Town of Banff Waste Bylaw 18-4*. Construction sites must undergo thorough clean-up, including removal of general litter at project completion
- (jj) Obtain all permits required in accordance with the *Province of Alberta Safety Codes Act Revised Statutes of Alberta, Chapter S-1*. The Act requires that all property owners and contractors working in Alberta obtain permits prior to commencing work on buildings covered by the Alberta Building Code or prior to conducting work governed by the regulations of the *Canadian Electrical Code*, the *Alberta Gas Code* or the *Alberta Plumbing Code*; and,
- (kk) Pay the cost of the following, as may be required, in accordance with municipal standards and to the satisfaction of the Development Officer:
 - (i) Construction of new sanitary sewer, storm sewer and water connections, which shall include the cutting off of any redundant connection(s).

Minutes approved by: _____

- (ii) Construction, repair and rehabilitation of street surfacing.

6.0 CORRESPONDENCE

There was no correspondence.

7.0 NEW BUSINESS

Administration provided the MPC with a verbal update on each of the following appeals;

- 7.1 Appeal #01-19 – Proposed Change of Use to Storefront Cannabis Retail at 119 Banff Avenue (18DP83). Development Appeal Board hearing – Thursday, April 11, 2019.
- 7.2 Appeal #02-19 – Proposed Change of Use to Storefront Cannabis Retail at 203 Bear Street (18DP77). Development Appeal Board hearing – Thursday, April 18, 2019.
- 7.3 Appeal #03-19 – Proposed Change of Use to Apartment Housing at 149 Eagle Crescent (19DP09). Development Appeal Board hearing – Thursday, May 2, 2019.

8.0 INQUIRIES

There were no inquiries.

9.0 DATE OF NEXT MEETINGS/ADJOURNMENT

The next scheduled meeting of the Municipal Planning Commission is scheduled for Wednesday, May 15, 2019 at 9:00 a.m.

MPC19-41 Moved by Howie to adjourn the meeting at 1:00p.m.

CARRIED

Brian Smythe
Chair

Kerry MacInnis
Planning and Development

Minutes approved by: _____

From: [Bill Luxton](#)
To: [MacInnis, Kerry](#)
Cc: [Laforest, Jennifer](#); "[Lynne Huras](#)"
Subject: Letter of Interest - MPC #18DP74 - Beaver St. 218 - 220
Date: April 9, 2019 12:04:48 PM
Attachments: [TOB MPC Letter - Apr. 9-19 000005.pdf](#)

Hello Kerry,

Attached is a letter of interest from the Eleanor Luxton Historical Foundation regarding the above Municipal Planning Commission agenda item for the meeting tomorrow. I have discussed this matter with Jennifer Laforest and she is aware of the letter. Attending the meeting on our behalf will be Lynne Huras, Luxton Home Museum Manager and Michale Lang, Board member. Both are observers at the meeting and not expecting to make comments unless requested.

If you have any questions, please contact me at 587-777-6280.

Thanks you,

Bill Luxton, President
Eleanor Luxton Historical Foundation
Banff, AB



April 8, 2019

Municipal Planning Commission
Banff town Hall, 110 Bear St.
Banff, AB. T1L 1A1

Dear Members:

Re: Beaver Cabins - Beaver St. 218 – 220 (#18DP74)

The 200 block of Beaver St is one of the most intact contiguous historic streetscapes in Banff and the Bow Valley. It is an example of the critical importance of historic culture in Banff both for visitors and residents. The Town of Banff in 2018 included the preservation and conservation of heritage resources as part of the strategic priority of commemorating heritage. It is strongly suggested that the Municipal Planning Commission recognize Beaver St. as an important part of this strategy and the loss of a heritage plaque recognized property is not consistent with this priority.

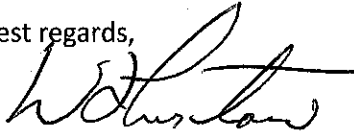
A recent article in the Rocky Mountain Outlook (3/21/2019) brought my attention to the proposed Beaver Cabins development at 218 – 220 Beaver St. As President of the Eleanor Luxton Historical Foundation, I was surprised that we had not had any informal or formal communication regarding this proposal. However, I now realize that the matter is early in the development permitting process. I acknowledge that Mr. Middleton has completed significant design work to date. However, the mass and density of the proposed development, in my opinion, is not consistent with either the intent of maintaining built heritage or the current legislation regarding B & B Inns.

The preservation of Banff's heritage culture has been part of the mandate of the Eleanor Luxton Historical Foundation since it was created in 1995 by Eleanor Luxton and the founding Board members. The purpose of the foundation is focused on the preservation and promotion of the history, culture and ecology of the Banff area, the Bow Valley and Western Canada. Also, it is important to preserve and protect the built heritage on Beaver St. including the historic Luxton buildings, gardens and contents.

We are owners of the properties from the corner (202) of Beaver St and Caribou St. to Beaver Lodge (212) including the Luxton Home (206), an accredited museum and the oldest home in Banff Tanglewood (208). The Luxton Home, Tanglewood and Beaver Lodge are currently Municipally designated heritage properties and we are in the process of applying for similar designation for the Mackenzie Home (202). This block on Beaver St. is a remarkable example of Banff's cultural heritage as evident of the historical designation markers on all properties from 202 to 220 Beaver St. It is also likely that 222, my grandparent's home, and 224 Beaver St. would be included in Banff's heritage inventory.

We are not opposed to the intent of this proposal. In order to protect built heritage, the properties must be financially sustainable. We would support a plan that would enable the current historic Beaver Cabins to be sustainable. We have faced similar problems with our properties. Maintaining historic properties is expensive and we have recently developed a plan that we believe will provide long-term sustainability for the Luxton properties. We are looking forward to communicating our plans with the Banff community in the next few weeks. We are also open to sharing our knowledge with Mr. Middleton.

Best regards,

A handwritten signature in black ink, appearing to read 'Bill Luxton', written in a cursive style.

Bill Luxton, President
Eleanor Luxton Historical Foundation
Banff, AB

cc. Ms. Jennifer Laforest
Development Planner
Town of Banff