

**MINUTES OF THE MUNICIPAL PLANNING COMMISSION**  
**of the Town of Banff in the Province of Alberta**  
**Town Hall Council Chamber**  
**Wednesday, April 11, 2018 at 9:00 a.m.**

**COMMISSION MEMBERS PRESENT**

Amber Wanless	Public Representative
Scott McElhone	Public Representative
Brian Smythe	Public Representative (Chairperson)
Ken Riordon	Public Representative (Vice Chairperson)
Chip Olver	Council Representative
Corrie DiManno	Council Representative

**COMMISSION MEMBERS ABSENT**

Richard Church	Public Representative
Bryan Howie	Parks Canada Representative

**ADMINISTRATION PRESENT**

Darren Enns	Manager, Development Services
David Michaels	Planner
Jennifer Laforest	Planner
Kerry MacInnis	Administrative Assistant, Planning (MPC Recorder)

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**1.0 CALL TO ORDER**

The Chair to the Municipal Planning Commission called the April 11, 2018 meeting of MPC to order at 9:00a.m.

**2.0 APPROVAL OF AGENDA**

MPC18-60 Moved by McElhone to approve the agenda of the April 11, 2018 meeting of the Municipal Planning Commission agenda as amended.

Add 7.2 Development Appeal Board – verbal update

**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

MPC18-61 Moved by DiManno to approve the minutes of the March 14, 2018 meeting of the Municipal Planning Commission as amended.

Update: Motion MPC18-54 was moved by DiManno not Olver.

**CARRIED**

### 4.0 UNFINISHED BUSINESS

There was no unfinished business.

### 5.0 REPORTS

- 5.1 Proposed Accessory Dwelling Containing Two (2) Bedrooms at 137 Rainbow Avenue – 18DP05
- i. Staff Presentation  
Administration provided a presentation and overview on the proposal as included in this agenda package.
  - ii. Public input  
There was no public input.
  - iii. Applicant input  
Oakley/Hann – spoke to the proposed development and stated their intention to create a two bedroom rental unit not to change the proposed development into additional bed and breakfast units.

MPC18-62 Moved by Olver that the Municipal Planning Commission approve Development Permit application 18DP05 for the proposed addition of an Accessory Dwelling to an existing Single Detached Home at 137 Rainbow Avenue subject to the conditions of approval attached as Appendix ‘A’.

**CARRIED**

Appendix ‘A’ Conditions of Approval

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

- (a) Submit a revised Landscape Plan for review and approval by the Development Officer, that is in conformance with the *Land Use Bylaw* and *Banff Design Guidelines* and that includes: details of landscaping materials; hardsurfacing materials of driveway and parking stall surfaces; and, planting materials;
- (b) Submit a Storm Water and Site Water Management Plan for review and approval by the Director of Engineering;
- (c) Provide information regarding how the project meets the requirements of the *Banff Design Guidelines* with regards to its location within a moderate wildfire risk zone;

Minutes approved by: \_\_\_\_\_

- (d) Provide information regarding how the project incorporates high-quality environmental design (which may include building standards that exceed the minimum construction requirements otherwise applicable) and are complementary to the town's unique location and surrounding context in accordance with section 8.3.0 of the Land Use Bylaw, to the satisfaction of the Development Officer;
- (e) Submit an Exterior Lighting Plan showing numbers, types, locations and technical specifications for individual light fixtures in conformance with s.8.22.0 of the Land Use Bylaw for review and approval by the Development Officer;
- (f) Submit, for review and approval by the Director of Engineering, a detailed Deep Utilities Servicing Plan showing:
  - i. connection to existing water service and sanitary sewer;
  - ii. details of pipe material(s) and size(s); and
  - iii. location of new water meters and remote reading devices.
- (g) Submit, for review and approval by the Director of Engineering, a detailed Shallow Utilities Servicing Plan showing:
  - i. location(s) of proposed underground lines for gas, power and communications; and
  - ii. location(s) of existing services to be removed.
- (h) Submit a materials sample board and colour board indicating conformance with the *Banff Design Guidelines* for the review and approval by the Development Officer;
- (i) Submit a Construction Site Plan and provide description of soil and erosion control mitigations that will be used during construction for review and approval by the Development Officer;
- (j) Submit a Site De-Watering Plan for review and approval of the Director of Engineering and Parks Canada Environmental Assessment Office;
- (k) Submit a Construction Hoarding Plan, for review and approval by the Development Officer, 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. 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;
- (l) Submit a proposed Truck Route and Traffic Plan for construction vehicles. Show locations of all on-site storage (e.g. material, equipment, etc.) during construction;
- (m) Submit a detailed cost estimate, as determined by the Landscape Architect, for all on and off-site landscaping specifying all plant materials, their size, numbers, location and species. Provide an irrevocable letter of credit in the amount of 125% of the cost of landscaping to secure completion of this work;
- (n) Submit a detailed cost estimate, as determined by the contractor or Landscape Architect, for all on-site hard-surfaced areas (driveway, parking area, walkways, patios) and repair of off-site surfaces (roadway, sidewalk, curb/gutter, driveway crossing) specifying type of materials and finishes. Provide an irrevocable letter of credit

in the amount of 125% of the cost of finishing and repairing all hard surfaced areas to secure completion of this work; and,

- (o) Submit a completed *Subcontractor Information Sheet* to Town of Banff Business Licensing, Corporate Services Department, providing a list of the sub-contractors to be employed in the construction of the development.

**(2) Specific Conditions:**

- (a) Any further changes to the approved plans or building shall be submitted for review and approval of the Development Officer prior to implementation on-site;
- (b) This approval provides for the addition of a two bedroom Accessory Dwelling associated with the existing Single Detached Home; and,
- (c) Use of the Accessory Dwelling as Commercial Accommodation is prohibited without first receiving a Development Permit to allow for the change in use.

**(3) General Conditions:**

- (a) It is the responsibility of the project proponent to ensure that any and all mitigation measures, and any additional instructions, identified in the Determination of Environmental Impacts issued by Parks Canada Environmental Assessment Office (BNP-001254) are adhered to;
- (b) The project proponent shall ensure that any hazardous materials discovered during excavation are immediately reported to Parks Canada and properly disposed of according to current regulations;
- (c) Town of Banff requires all developers to collect all waste, separate into appropriate categories on-site and store appropriately. Dispose trade waste at the Bow Valley Waste Management Commission's Class III landfill (Francis Cook) and garbage to the Waste Transfer Station. Ensure that materials and waste being transported are covered with tarps or equivalent material. Please review the *Town of Banff How-to Guide to Construction Waste Management*;
- (d) Apply for a Street Use Permit from the Director of Engineering at least 48 hours prior to any work on Town streets, lanes or sidewalks. Enter into a Temporary Encroachment Agreement with the Town of Banff for the use of municipal property during construction, if necessary;
- (e) Disturbance of public roadways and installation of utility trenches shall be inspected and approved in writing by the Director of Engineering prior to backfill. Please contact Town of Banff Engineering at 403.762.1210 to arrange for an inspection. All installations shall conform to the standards of the City of Calgary;
- (f) 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;

Minutes approved by: \_\_\_\_\_

- (g) The backflow prevention device shall be inspected annually and the device and inspection recorded with the Town of Banff Utilities Department. Please call 403.762.1240 to record the device and inspection;
- (h) 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;
- (i) A water meter and remote reading device should be installed at each dwelling prior to issuance of an Occupancy Permit. 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. Property owners shall provide free and convenient access to the premises and building at all reasonable times for the purpose of reading meters;
- (j) Hot tap of new water service is required. Contact the Town of Banff Utilities Department at 403.762.1240 to arrange for an inspection;
- (k) All exposed metal flashing, mechanical equipment and flues shall be coordinated to match the building colour;
- (l) No satellite dishes, antennas or other rooftop communication equipment shall be installed without prior written permission of the Development Officer;
- (m) 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;
- (n) 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;
- (o) Install hoarding around the perimeter of the site, in accordance with the approved plans, prior to commencing excavation and construction;
- (p) Provide dust suppression (spraying) of site during demolition activities. A hydrant meter can be obtained from the Town of Banff Operations Department by telephone at 403.762.1240;
- (q) Protect undisturbed land by only stockpiling materials on heavy canvas or polypropylene tarpaulins to protect native vegetation. All materials will be stored within the confines of the work site. All fuels, oils, lubricants, and other petrochemical products shall not be stored within 100m of any waterbody;
- (r) Confine “noise” activities to hours set out in *Town of Banff Community Standards Bylaw 260*;
- (s) 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;

Minutes approved by: \_\_\_\_\_

- (t) 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;
- (u) Minimize the idling of construction vehicle engines at all times in accordance with *Town of Banff Traffic Bylaw 16-7*;
- (v) 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;
- (w) 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,
- (x) Pay the cost of the following, as may be required, in accordance with municipal standards and to the satisfaction of the Development Officer:
  - i. Construction of new sanitary sewer, storm sewer and water connections, which shall include the cutting off of any redundant connection(s); and,
  - ii. Construction, repair and rehabilitation of street surfacing.

5.2 Development Permit Renewals for Home Occupations Type 2 in 2018

- i. Staff Presentation  
Administration provided a presentation and overview on the renewals included in this agenda package.
- ii. Public input  
There was no public input.
- iii. Applicant input  
There was no applicant input.

MPC18-63 Moved by DiManno that the Municipal Planning Commission (MPC) renew all Development Permits for Home Occupations (Type 2) listed in Appendix 'A' for a 1-year term through 2018, subject to the original conditions of approval.

**CARRIED**

Appendix 'A' Home Occupations 2018 Development Permit – renewals

DP #	LOCATION OF BUSINESS	TYPE OF BUSINESS
04DP68	201 SPRINGS CRESCENT	LEADERSHIP DEVELOPMENT CONSULTANT
06DP71	514 BUFFALO STREET	VIOLIN WORKSHOP
10DP18	337 OTTER STREET	GENERAL CONTRACTOR CONSULTANT
12DP16	218 JASPER WAY	GENERAL CONTRACTOR CONSULTANT
16DP08	349 MUSKRAT STREET	OUTDOOR EQUIPMENT SEWING SERVICE
TOTAL: 5		

**6.0 CORRESPONDENCE**

There was no correspondence.

**7.0 NEW BUSINESS**

- 7.1 Bylaw 393 – Land Use Bylaw Amending Bylaw – Schedule F -Wild Fire Risk Zones  
Accepted as information.

MPC18-64 Moved by Olver that the Municipal Planning Commission has received the proposed Bylaw 393 as information and support the amending bylaw.

**CARRIED**

- 7.2 Development Appeal Board – verbal updates  
Administration provided a verbal update.

**8.0 INQUIRIES**

- 8.1 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 9, 2018 at 9:00 a.m.

MPC18-65 Moved by Wanless to adjourn the meeting at 10:00a.m.

**CARRIED**

\_\_\_\_\_  
Brian Smythe  
Chair

\_\_\_\_\_  
Kerry MacInnis  
Planning and Development

Minutes approved by: \_\_\_\_\_

Sunday, April 8, 2018

Regarding: Request for Decision  
Subject: Proposed: Accessory Dwelling (18DP05)  
137 Rainbow Avenue

Response from affected property:  
132 Park Avenue, Banff  
LOT 23 BLOCK 4 PLAN 1926 HH  
(Directly across the alley from proposed development)

Attention: Municipal Planning Commission

This proposed addition was previously conditionally approved by the Development Officer (17DP61) as duplex housing with the requirement that the B&B license be given up.

Now by changing the application to accessory dwelling (with no changes to the construction plan) the applicant is proposing to keep the B&B license.

To be clear, this proposed request is for an accessory dwelling (18DP05). Yet, as stated in the proposal section 8.9.2 of the Land Use Bylaw states *where a building is attached to a principal building on the site by a roof, an open or enclosed structure above grade, a floor or a foundation which is above grade, or any structure below grade allowing access between the buildings such as a parking garage or corridor or passageway connecting the buildings, it is part of the principal building and is not an accessory building.* The proposed development includes an open 'breezeway' covered by a roof, between the existing building and the new development therefore this development is treated as part of the principal building. This would no longer be an accessory dwelling (This would be a duplex / just semantics to call this an extension of the primary residence).

This proposal as submitted is clearly attempting to circumvent the spirit of the Section 10.3.2 code for B&B license for single family detached housing. Even if the connection to the house (breezeway) is removed, it would still not be conforming to the intent of the code.

The subject property backs onto a narrow alley. The alley is rarely plowed in the winter (zone 4). The parking stall solution for two small spaces in tandem off the alley is inadequate. To think that someone would park in the furthest space in and rely on the second vehicle parked behind them to move every time they needed to get out is absurd. There is no other means of egress for that first vehicle. While this may be using the 8.16.1 (allows in space to be in tandem) & 8.16.17 (allows up to 25% of the required parking stalls to be shorter in length to a minimum of 4.6m) Land Use Bylaw Rules, it is certainly not practical.

While there is a need for more housing in Banff, the B&B license does not contribute to more long term housing.

Six parking stalls, the Accessory Dwelling, and a Bed & Breakfast are an overdevelopment and an excessive use of this residential property.

Shirley Feragen / Kevin Feragen