

**MINUTES OF THE MUNICIPAL PLANNING COMMISSION**  
**of the Town of Banff in the Province of Alberta**  
**Town Hall Council Chamber**  
**Thursday, July 26, 2018 at 9:00 a.m.**

**COMMISSION MEMBERS PRESENT**

Scott McElhone	Public Representative
Brian Smythe	Public Representative (Chairperson)
Corrie DiManno	Council Representative
Chip Olver	Council Representative
Bryan Howie	Parks Canada Representative

**COMMISSION MEMBERS ABSENT**

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

**ADMINISTRATION PRESENT**

Darren Enns	Manager, Development Services
Dave Michaels	Planner
Shauna Baker	Business License Assistant, Planning and Development (MPC Recorder)

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**1.0 CALL TO ORDER**

The Chair to the Municipal Planning Commission called the July 26, 2018 meeting of MPC to order at 9:00a.m.

**2.0 APPROVAL OF AGENDA**

MPC18-107 Moved by Olver to approve the agenda of the July 26, 2018 meeting of the Municipal Planning Commission agenda as amended.

Add under 7.2 - New Business: Land Use Bylaw Amending Bylaw 362.

Add under 7.3 - New Business: Land Use Bylaw Amending Bylaw 421.

**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.

### 3.0 ADOPTION OF PREVIOUS COMMISSION MINUTES

MPC18-108 Moved by Olver to approve the minutes of the July 11, 2018 meeting of the Municipal Planning Commission as presented.

**CARRIED**

### 4.0 UNFINISHED BUSINESS

4.1 18DP17 – Proposed Bed and Breakfast Home at 220 Bow Avenue

- i. 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  
Hugh Ham, on behalf of the applicant, spoke to the written submission included in this agenda package and these meeting minutes.

Kerry-Lee Schultheis, the applicant, spoke to the written submission included in this agenda package and these meeting minutes.

MPC18-109 Moved by Olver that the MPC move in camera at 10:07a.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.

**CARRIED**

MPC18-110 Moved by Olver to return to the public meeting at 10:52a.m.

**CARRIED**

MPC18-111 Moved by Olver that the MPC move in camera at 10:53a.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 the Manager of Development Services, Enns, attend the in camera discussion to answer questions of process and procedure.

**CARRIED**

MPC18-112 Moved by DiManno to return to the public meeting at 11:22a.m

**CARRIED**

Moved by DiManno that the Municipal Planning Commission approve the development permit application 18DP17 for a Bed and Breakfast Home containing four (4) Commercial Accommodation Units, located at 220 Bow Avenue subject to the conditions of approval attached as appendix 'A'.

MPC18-113 Moved by Olver to amend the conditions of approval for 18DP17 by adding the following as 1(b)(iv): The Live-in Owner will not operate any of the Commercial Accommodation Units while not in residence at the property.

**CARRIED**

MPC18-114 Moved by Olver to amend the conditions of approval for 18DP17 by adding the following as 1(b)(v): 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**

MPC18-115 Moved by DiManno that the Municipal Planning Commission approve the development permit application 18DP17 for a Bed and Breakfast Home containing four (4) Commercial Accommodation Units, located at 220 Bow Avenue subject to the conditions of approval attached as appendix 'A' as amended.

**CARRIED**

**Olver and Howie opposed**

#### **Appendix 'A' - Conditions of Approval – 18DP17**

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

- (a) Submit a revised Landscape Plan to a metric scale that conforms to the Land Use Bylaw and Banff Design Guidelines, for review and approval by the Development Officer, that includes:
  - i. Confirmation of existing landscaping and any landscaping proposed to be removed;
  - ii. Additional soft landscaping in the rear yard including a one for one replacement of any tree removed. Planting with a low or very low flammability rating is encouraged and mature conifers within 5m of any structure shall be limbed to 3m and all standing dead shall be removed;
  - iii. Proposed hard landscaping materials, including hard surfacing material of parking stalls; and,
  - iv. The removal of the non-conforming chain link fence in the front and rear yards.
  
- (b) Submit a Statutory Declaration, to the satisfaction of the Development Officer, confirming that:
  - i. The applicant is the owner of 220 Bow Avenue;
  - ii. The applicant lives in the property at 220 Bow Avenue and that it is their primary residence;
  - iii. The Commercial Accommodation Units are operated and managed exclusively by the applicant;

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- iv. The Live-in Owner will not operate any of the Commercial Accommodation Units while not in residence at the property; and,
  - v. 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 four (4) 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;
  - (d) 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;
  - (e) Submit confirmation, to the satisfaction of the Development Officer, that the fire pit has been brought into compliance with Section 32 of the *Community Standards Bylaw*;
  - (f) Submit a detailed cost estimate to the satisfaction of the Development Officer, as determined by the contractor or Landscape Architect, for all on-site hard-surfaced areas (driveway, parking area, walkways, patios), 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;
  - (g) Submit a detailed cost estimate to the satisfaction of the Development Officer, as determined by the contractor or 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; and,
  - (h) Submit confirmation, to the satisfaction of the Development Officer, that the required parking stalls have been created.

**(2) 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 four (4);
- (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;

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- (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;
- (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*.

## 5.0 REPORTS

There were no reports.

## 6.0 CORRESPONDENCE

There was no correspondence.

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

**7.0 NEW BUSINESS**

7.1 MPC/DAB Honorariums  
Administration provided a verbal update on MPC/DAB Honorariums that was approved by Council on July 16, 2018.

7.2 Land Use Bylaw Amending Bylaw 362  
Administration provided an overview of Bylaw 362 – Appropriate Bedrooms in Required Housing.

MPC18-116 Moved by DiManno that the Municipal Planning Commission support Bylaw 362 as presented. **CARRIED**

7.3 Land Use Amending Bylaw 421  
Administration provided an overview of Bylaw 421 – Storefront Cannabis Retail.

MPC18-117 Moved by DiManno that the Municipal Planning Commission support Bylaw 421 as presented. **CARRIED**

**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 September 12, 2018 at 9:00 a.m.

MPC18-118 Moved by Smythe to adjourn the meeting at 11:53a.m. **CARRIED**

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Brian Smythe  
Chair

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Shauna Baker  
Planning and Development