

MINUTES OF THE MUNICIPAL PLANNING COMMISSION
of the Town of Banff in the Province of Alberta
Town Hall Council Chamber
Wednesday, September 12, 2018 at 9:00 a.m.

COMMISSION MEMBERS PRESENT

Scott McElhone	Public Representative
Brian Smythe	Public Representative (Chairperson)
Ken Riordon	Public Representative (Vice Chairperson)
Richard Church	Public Representative
Amber Wanless	Public Representative
Corrie DiManno	Council Representative
Chip Olver	Council Representative
Bryan Howie	Parks Canada Representative

COMMISSION MEMBERS ABSENT

ADMINISTRATION PRESENT

Darren Enns	Manager, Development Services
Dave Michaels	Planner
Kerry MacInnis	Administrative Assistant, Planning and Development (MPC Recorder)

1.0 CALL TO ORDER

The Chair to the Municipal Planning Commission called the September 12, 2018 meeting of MPC to order at 9:00a.m.

2.0 APPROVAL OF AGENDA

MPC18-119 Moved by Olver to approve the agenda of the September 12, 2018 meeting of the Municipal Planning Commission agenda as amended.

7.1 Updates on LUB amendments

7.2 Committee application process/Annual Organizational Meeting

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.

Church stated that he met the property owner (18DP55), Mr. Christou, on site at 138 Otter Street to go over various aspects of this BnB application. Church didn't declare a conflict, just wanted to be transparent that he had met the owner on site about this proposal.

No conflict was declared.

Minutes approved by: _____

3.0 ADOPTION OF PREVIOUS COMMISSION MINUTES

MPC18-120 Moved by DiManno to approve the minutes of the July 26, 2018 meeting of the Municipal Planning Commission as presented.

CARRIED

4.0 UNFINISHED BUSINESS

There was no unfinished business.

5.0 REPORTS

5.1 18DP55 – Proposed Bed and Breakfast Home at 138 Otter Street

- i. Administration provided a presentation and overview on the proposal as included in the agenda package. Administration also presented to the commission the Parks Canada feedback which was received after this agenda package was prepared. Parks Canada written feedback has been added to these meeting minutes.
- ii. Public input
There was no public input.
- iii. Applicant input
The applicant, Albert Moser, addressed MPC and answered questions of the MPC.

Moved by DiManno that the Municipal Planning Commission approve the development permit application 18DP55 for a Bed and Breakfast Home containing four (4) Commercial Accommodation Units, located at 138 Otter Street subject to the conditions of approval attached as appendix 'A'.

MPC18-121 Moved by Olver that the Municipal Planning Commission add as a condition of approval for 18DP55 the following:
1(b) iv. The Live-in Owner will not operate any of the Commercial Accommodation Units while not in residence at the property.

CARRIED

MPC18-122 Moved by Olver that the Municipal Planning Commission add as a condition of approval for 18DP55 the following:
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

MPC18-123 Moved by Howie that the Municipal Planning Commission amend 1(a) as a condition of approval for 18DP55 the following:
1(a) and provide to Parks Canada Realty Services a current title for Block 27, Lot 14, Plan 6719BC;

CARRIED

MPC18-124 Moved by Howie that the Municipal Planning Commission approve the development permit application 18DP55 with the following condition:
1(g) Submit written confirmation from the Parks Canada Realty Office, to the satisfaction of the Development Officer, that the Live-in Owner is an Eligible Resident of Banff National Park;

CARRIED

MPC18-125 Moved by DiManno that the Municipal Planning Commission approve the development permit application 18DP55 as amended for a Bed and Breakfast Home containing four (4) Commercial Accommodation Units, located at 138 Otter Street subject to the conditions of approval attached as appendix 'A'.

CARRIED

Appendix 'A' - Conditions of Approval – 18DP55

(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 Beaujolais Boutique B&B Ltd. as the Owner and provide to Parks Canada Realty Services a current title for Block 27, Lot 14, Plan 6719BC;
- (b) Submit a Statutory Declaration, to the satisfaction of the Development Officer, confirming that:
 - i. Beaujolais Boutique B&B Ltd. has two shareholders;
 - ii. The two shareholders reside at 138 Otter Street as their primary residence; and,
 - iii. The Bed and Breakfast Home will be managed and operated exclusively by the shareholders of Beaujolais Boutique B&B Ltd.
 - 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.

Minutes approved by: _____

- (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) Obtain an approved Development Permit for the construction of the parking stalls and landscaping in accordance with the Land Use Bylaw that includes a grading plan showing all hard surfacing for the parking area to drain to the soft landscaping areas on site;
- (f) Submit confirmation, to the satisfaction of the Development Officer, that the required parking stalls have been created; and,
- (g) Submit written confirmation from the Parks Canada Realty Office, to the satisfaction of the Development Officer, that the Live-in Owner is an Eligible Resident of Banff National Park.

(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;
- (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*.

6.0 REPORTS

There were no reports.

6.0 CORRESPONDENCE

There was no correspondence.

7.0 NEW BUSINESS

- 7.1 Updates on LUB amendments
Administration provided updates on Bylaw 362 – Appropriate Bedrooms and Bylaw 421 - Cannabis
- 7.2 Committee application process/Annual Organizational Meeting
Administration confirmed the date of the Annual Organizational Meeting of Council – Monday, October 22, 2018

The deadline for applications (MPC, DAB, Heritage, etc) is October 5, 2018 – Apply to be a Member here - <http://www.banff.ca/index.aspx?NID=313>

Minutes approved by: _____

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 October 10, 2018 at 9:00 a.m.

MPC18-126 Moved by Smythe to adjourn the meeting at 10:15a.m.

CARRIED

Brian Smythe
Chair

Kerry MacInnis
Planning and Development

Minutes approved by: _____

18DP55 – PCA Review, 2018-08-29

A. Parks Canada has reviewed the information provided in circular 18DP55 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:

- There was no current Title for the property provided in the circular package.
- The applicant 'Beaujolaïs Boutique B&B Ltd.' is not the current Lessee of 138 Otter Street; the current Lessee '387599 Alberta Inc.' has signed the application for the Bed and Breakfast Development Permit.
- It is assumed that the new owners already meet the eligible resident criteria as defined in the National Park Lease and Licence of Occupation Regulations as the B&B operation in itself would not qualify.
- Upon initial review, Parks Canada has determined that the proposed project is unlikely to result in adverse environmental effects that require mitigation. In accordance with applicable environmental legislation and related policy, no Environmental Impact Analysis is required.
- The circular states that the required parking for the B&B is being proposed under a separate circular (18DP51), which has not been sent to Parks Canada and was therefore not reviewed.

C. Parks Canada Requirements

Prior to the issuance of any Development Permit, the following is required:

- A Ministerial Consent to the assignment to the applicant 'Beaujolaïs Boutique B&B Ltd.' to be executed for Block 27, Lot 14, Plan 6719 BC.
- A Title for Block 27, Lot 14 that reflects the new ownership to be provided to Parks Canada Realty Services.
- Updated Statutory Declaration from the new owners providing verification as to how they meet the eligible residency criteria as defined in the National Park Lease and Licence of Occupation Regulations.

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.

Thank you.