

**MINUTES OF THE MUNICIPAL PLANNING COMMISSION**  
**of the Town of Banff in the Province of Alberta**  
**Town Hall Council Chamber**  
**Wednesday, November 14, 2018 at 9:00 a.m.**

**COMMISSION MEMBERS PRESENT**

|                     |                                     |
|---------------------|-------------------------------------|
| Scott McElhone      | Public Representative               |
| Brian Smythe        | Public Representative (Chairperson) |
| Adriana Calvo-Matos | Public Representative               |
| Richard Church      | Public Representative               |
| Amber Wanless       | Public Representative               |
| Chip Olver          | Council Representative              |
| Corrie DiManno      | Council Representative              |
| Bryan Howie         | Parks Canada Representative         |

**COMMISSION MEMBERS ABSENT**

**ADMINISTRATION PRESENT**

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

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**1.0 CALL TO ORDER**

Administration called the November 14, 2018, Municipal Planning Commission meeting to order at 9:00a.m.

1.1. Election of Chairperson

MPC18-127 Moved by DiManno to elect Smythe as Chairperson of the Municipal Planning Commission for the 2018/19 term.

**CARRIED**

MPC18-128 Moved by DiManno to postpone electing the Vice-Chairperson of the Municipal Planning Commission for the 2018/19 term until the December MPC meeting.

**CARRIED**

**2.0 APPROVAL OF AGENDA**

MPC18-129 Moved by Howie to approve the agenda of the November 14, 2018 meeting of the Municipal Planning Commission agenda as presented.

**CARRIED**

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

- 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

MPC18-130 Moved by McElhone to approve the minutes of the September 12, 2018 meeting of the Municipal Planning Commission as amended.

Agenda 2.1 – “Church stated that he met the *applicant* (18DP55), Mr. Christou....” Remove the word *applicant* and replace with *property owner*.

**CARRIED**

### 4.0 UNFINISHED BUSINESS

There was no unfinished business.

### 5.0 REPORTS

- 5.1 Proposed Bed and Breakfast at 137 Lynx Street – 18DP59
- i. Staff Presentation  
Administration provided a presentation and overview on the proposal as included in the agenda package.
  - ii. Public input  
Anita Battrum, neighbor, spoke in support of the application.
  - iii. Applicant input  
Jane Cheung, spoke on behalf of her family; the applicant.

MPC18-131 Moved by Olver that Municipal Planning Commission add as a condition of approval for development permit application 18DP59 the following:

1.(b) iii. The joint tenants understand that non-compliance with any conditions of the Development Permit will result in revocation of the ‘Bed and Breakfast Home’ permit;

**CARRIED**

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

MPC18-132 Moved by Olver that Municipal Planning Commission approved development permit application 18DP59 for a bed and breakfast home containing four (4) guestrooms located at 137 Lynx Street subject to the amended conditions of approval attached in Schedule 'A'.

**CARRIED**

**Appendix 'A' - Conditions of Approval – 18DP59**

**(1) Conditions to be met prior to the issuance of a development permit:**

- (a) Pay to the Town of Banff the Municipal Planning Commission Surcharge of \$375.00 as specified by schedule G of the Land Use Bylaw;
- (b) Submit a Statutory Declaration, to the satisfaction of the Development Officer, confirming that:
  - i. 137 Lynx Street Bed and Breakfast has three joint tenants; and,
  - ii. The Bed and Breakfast Home will be managed and operated exclusively by a live-in owner in accordance with the Land Use Bylaw;
  - iii. The joint tenants understand that non-compliance with any conditions of the Development Permit will result in revocation of the 'Bed and Breakfast Home' 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) The applicant is required to submit a Project Description Form to Parks Canada Environmental Assessment office to obtain a determination of environmental impact. The project description form shall provide the following information:
  - i. Ground disturbance and excavation requirements (volume of material to be excavated),
  - ii. Disposal of excavated soil; and,
  - iii. Disposal of construction debris.
  - iv. A determination of environmental impact indicating the project is not likely to have significant adverse environmental effects must be rendered by Parks Canada prior to the issuance of a Development Permit;
- (e) 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;
- (f) Submit Detailed Drawings for the construction of the deck within the front yard. The drawings should include floor plan and building elevation. The new deck shall be architecturally sympathetic to the historic character of the McLeod/Crosby Residence;

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

- (g) The applicant may pursue opportunities with the Development Officer for Integrating Solar Energy within the development;
- (h) Submit a detailed Landscaping Cost Estimate for all on and off-site landscaping prepared by a Landscape Architect, specifying all plant materials, their size, numbers, location and species.
- (i) Submit a detailed Hard Surfacing 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;
- (j) Provide two (2) separate Irrevocable Letters of Credit in the amount of 125% of the value of the cost estimate for both the hard surfacing and landscaping to secure completion of work; and,
- (k) It is recommended the applicant submit to the Director of Engineering a Utilities Plan which includes:
  - i. Details of onsite pipe material(s), location, size(s), condition; and,
  - ii. Inspection footage.

**(2) Specific Conditions:**

- a) This notice provides the decision of the Municipal Planning Commission regarding the application for a four (4) bedroom Bed and Breakfast Home at 137 Lynx Street. The development permit will not be released until the conditions 1(a)-(k) have been met to the satisfaction of the Development Officer;
- b) The existing buildings on site (single detached housing and detached garage) are considered legally non-conforming building as they are built within required side yards. Future expansion the buildings will require the legally non-conforming aspects of the existing development be addressed; and,
- c) The applicant is required to Schedule a Site Inspection with the Development Officer following the completion of the interior renovations, landscaping and hardsurfacing to ensure the guestrooms, amenity areas and exterior landscaping areas are in compliance with the plans received August 20<sup>th</sup> 2018;

**(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 are adhered to;
- (b) Obtain a valid Business License 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);
- (c) The Development Permit is valid for a period not to exceed the term of the Business Licence, one (1) year from the date of issuance or until transfer/change in ownership of the subject property, whichever first occurs;

- (d) On-site parking shall conform to the approved site plan. No parking of guest vehicles is permitted on adjacent public roadways;
- (e) 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;
- (f) All signs require a separate Development Permit in accordance with the Town of Banff Land Use Bylaw;
- (g) 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;
- (h) 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;
- (i) 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.;
- (j) 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;
- (k) The owner shall be responsible for complying with the Alberta Fire Code;
- (l) 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;
- (m) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 to obtain a food establishment permit prior to operation;
- (n) Non-compliance with any conditions of the Development Permit will result in revocation of the 'Bed and Breakfast Home' permit; and
- (o) 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*.

- 5.2 Proposed Duplex Housing at 2 Kootenay Ridge – 18DP67
- 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  
Dak Kerr, project manager, addressed the commission.

MPC18-133 Moved by Olver that the Municipal Planning Commission (MPC) approve Development Permit application 18DP67 to allow for the construction of Duplex Housing at 2 Kootenay Ridge, subject to the conditions of approval attached as Appendix 'A'.

**CARRIED**

**Appendix 'A' - Conditions of Approval – 18DP67**

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

- (a) Pay to the Town of Banff the outstanding Development Permit application fee of \$1,500.<sup>00</sup> and MPC Surcharge (\$125.<sup>00</sup>)
- (b) Pay to the Town of Banff off-site levies in the amount of \$10,206.<sup>57</sup> as established by *Town of Banff Off-Site Levy Bylaw 305* (\$21.<sup>67</sup>/m<sup>2</sup> x 471. m<sup>2</sup> gross floor area);
- (c) Pay to the Town of Banff \$1,900.<sup>00</sup> in-lieu of on-site garbage facilities (\$950.<sup>00</sup>/dwelling rate) as established by *Town of Banff Waste Bylaw 18-4*;
- (d) Provide to the satisfaction of the Development Officer that Parks Canada has rendered a written Determination of Impacts that the project is not likely to have significant adverse environmental effects, and any mitigations specified in the Determination must be a condition of the project approval;
- (e) Provide to the satisfaction of the Development Officer that Parks Canada has received confirmation whether the owner will undertake a subdivision of the property for the development of a duplex or have the future duplex ownership structured as each side having an undivided ½ interest as 'tenants in common' under one lease. Depending on the outcome of the confirmation, further Lease implications and requirements may be issued by Parks Canada;

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

- (f) 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:
- 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;
  - An Exterior Lighting Plan showing numbers, types, and locations and technical specifications for individual light fixtures in conformance with Section 8.22.0;
  - A summary of technical specifications demonstrating how New Housing shall conform with the Environmental Design Standards of Section 8.3.3 – Energy Conservation Techniques, Energy Star-certified Window Glazing, Wall and Roof Insulation R-values, Water Efficient Plumbing Fixtures;
- (g) 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;
- (h) Submit a detailed Deep Utilities Servicing Plan to the satisfaction of the Director of Engineering showing:
- connection to existing water service and sanitary sewer
  - details of pipe material(s) and size(s)
  - location of new water meter(s) and remote reading device(s)
  - location of existing/redundant services to be abandoned at main line and
  - removed from the public roadway, if applicable;
- (i) Submit a detailed Shallow Utilities Servicing Plan to the satisfaction of the Director of Engineering showing location of gas, power and communications lines;
- (j) Submit a detailed Stormwater Management Plan to the satisfaction of the Director of Engineering showing detailed specifications for the device(s) which demonstrate that the system can handle a 1:100 year storm event and can contain a 1:25 year storm event on-site, or comparable standard as approved by the Director of Engineering;
- (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. 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 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;
- (o) Submit a detailed 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; and,
- (p) 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 (see attached).

**(2) 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) 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* (see attached);
- (d) 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;
- (e) Disturbance of public roadways and installation of utility trenches shall be inspected and approved in writing by the Manager 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.

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



- (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.
- (g) 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;
- (h) All site drainage is to be contained on site. No connection of weeping tile to storm sewer is permitted;
- (i) 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;
- (j) All exposed metal flashing, mechanical equipment and flues shall be coordinated to match the building colour;
- (k) No satellite dishes, antennas or other rooftop communication equipment shall be installed without prior written permission of the Development Officer;
- (l) All rooftop mechanical equipment must be screened from view to the satisfaction 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) 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;

- (q) Confine “noise” activities to hours set out in *Town of Banff Community Standards Bylaw 260*;
- (r) 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;
- (s) 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;
- (t) Minimize the idling of construction vehicle engines at all times in accordance with *Town of Banff Traffic Bylaw 16-7*;
- (u) 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
- (v) 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*;
- (w) 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)
  - (ii) Construction of new driveway crossing, concrete sidewalk, curb and gutter, including repair/replacement of all adjacent surfaces;
  - (iii) Rehabilitation and closing of existing and redundant driveway crossing, concrete sidewalk, curb and gutter, including repair/replacement of all adjacent surfaces;
  - (iv) Construction, repair and rehabilitation of street surfacing;

- 5.3 Request for Decision – Proposed Bylaw 404 – Land Use Amending Bylaw Driveway Width and RNC: North Central District Design
- i. Staff Presentation  
Administration provided a presentation and overview on the proposal as included in the agenda package.

MPC18-134 Moved by Church that Municipal Planning Commission (MPC) recommend Council give Second Reading to Bylaw 404 as presented.

**CARRIED**

## 6.0 REPORTS

There were no reports.

## 6.0 CORRESPONDENCE

There was no correspondence.

## 7.0 NEW BUSINESS

- 7.1 Bylaw 402: Committees Honorarium Bylaw  
Administration provided a verbal update on Bylaw 402 (attached in the agenda package).

## 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 Tuesday, December 11, 2018 at 9:00 a.m.

MPC18-135 Moved by DiManno to adjourn the meeting at 10:10a.m.

**CARRIED**

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Brian Smythe  
Chair

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Kerry MacInnis  
Planning and Development

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