



**MINUTES OF THE MUNICIPAL PLANNING COMMISSION
of the Town of Banff in the Province of Alberta
Wednesday, April 13, 2022 at 9:00 a.m.**

COMMISSION MEMBERS PRESENT

Brian Smythe	Public Representative (Chairperson)
Leslie Taylor	Public Representative (Vice Chairperson)
Scott McElhone	Public Representative
Dana Humbert	Public Representative
Stavros Karlos	Public Representative
Bryan Howie	Parks Canada Representative
Hugh Pettigrew	Council Representative
Barbara Pelham	Council Representative

COMMISSION MEMBERS ABSENT

ADMINISTRATION PRESENT

Dave Michaels	Manager, Planning and Development
Emma Sanborn	Development Planner
Kathleen Gallagher	Development Planner
Kerry MacInnis	Administrative Assistant, Planning and Development (MPC Recorder)

PLEASE NOTE: Due to the extraordinary circumstances and measures being taken to slow the spread of COVID-19, this meeting will be held **electronically** and will be **live streamed** on www.banff.ca/live
All Members of MPC will be participating remotely.

1.0 CALL TO ORDER

The Chair to the Municipal Planning Commission called the April 13, 2022, MPC meeting to order at 9:03a.m.

The April 13, 2022, Regular Meeting of the Municipal Planning Commission will be conducted virtually using Zoom and will be live streamed on the internet, and recorded, in accordance with Council Policy C8002-1, Video Recording and Live Streaming of Legislated Meetings. It will be made available on the Town of Banff website.

Minutes approved by: _____



2.0 APPROVAL OF AGENDA

2.1. Approval of the Municipal Planning Commission agenda for April 13, 2022

MPC22-8 **Moved by** Councillor Pelham

That the agenda for the April 13, 2022, meeting of the Municipal Planning Commission be approved as presented.

For: (8): Commissioner Smythe, Commissioner Taylor, Commissioner McElhone, Commissioner Humbert, Commissioner Howie, Commissioner Karlos, Councillor Pelham and Councillor Pettigrew

MOTION CARRIED

2.2. Declaration of Conflicts

Commissioner Karlos stated that he has relationships with both applicants of agenda items #5.1 and #5.2. No objections from MPC members for Commissioner Karlos to hear both agenda items.

Councillor Pettigrew stated he had previously declared a conflict of interest in hearing bed and breakfast applications but stated that he won't be declaring a conflict of interest in hearing agenda item #5.2. No objections from MPC members for Councillor Pettigrew to hear agenda item #5.2,

3.0 ADOPTION OF PREVIOUS COMMISSION MINUTES

3.1 Minutes of the March 09, 2022, meeting of the Municipal Planning Commission

MPC22-9 **Moved by** Commissioner Taylor

Minutes approved by: _____



That the minutes of the March 09, 2022, meeting of the Municipal Planning Commission be adopted as amended.

- MPC22-10 – should read “approve” (not approved) and remove the words “and be”.

For: (8): Commissioner Smythe, Commissioner Taylor, Commissioner McElhone, Commissioner Humbert, Commissioner Howie, Commissioner Karlos, Councillor Pelham and Councillor Pettigrew

MOTION CARRIED

4.0 UNFINISHED BUSINESS

Commissioner Karlos previously stated that he has a personal relationship with the applicant, Ms. Hamel and asked if Ms. Hamel objects to him hearing the application. Ms. Hamel stated there are no concerns with Commissioner Karlos hearing agenda item #5.1.

5.0 REPORTS

5.1 22DP11

Proposed Home Occupation Type 2
136 Otter Street, unit C

- 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
Ms. Hamel, applicant, was presented to answer questions from the commission.

Minutes approved by: _____



MPC22-10 Moved by Commissioner Humbert

That Municipal Planning Commission approve Development Permit application 22DP11 for a proposed Home Occupation Type 2, subject to the conditions of approval attached as Appendix 'A'.

For: (8): Commissioner Smythe, Commissioner Taylor, Commissioner McElhone, Commissioner Humbert, Commissioner Howie, Commissioner Karlos, Councillor Pelham and Councillor Pettigrew

MOTION CARRIED

Appendix 'A' Conditions of Approval

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

- a) Pay to the Town of Banff the fees as established in Schedule G of the Land Use Bylaw:
 - i. Development Permit Fee of \$150.00; and,
 - ii. Municipal Planning Commission Surcharge Fee of \$125.00

(2) Specific Conditions:

- a) This approval allows only for the activities associated with the production of small batch cosmetics, such as salves and balms. Any future expansion of the business will require a new development permit in accordance with the requirements of the *Land Use Bylaw*; and
- b) The Home Occupation Type 2 shall not involve the sale or display of any goods on the site other than those goods constituting the finished principal product of the home occupation.

(3) General Conditions:

- a) No variation from the residential character and appearance of land or buildings shall be permitted except as an incidental use by a resident of a Dwelling Unit for a business purpose, the scale and intensity of which are limited so that no impacts of the business are observed or felt outside of the Dwelling Unit;

Minutes approved by: _____



- b) A home occupation shall not generate any electronic interference, dust, noise, odour, smoke or anything of an offensive or objectionable nature, which is detectable to normal sensory perception, outside the building containing the use;
- c) At all times the privacy and enjoyment of adjacent dwellings shall be preserved and the Home Occupation shall not adversely affect the amenities of the neighborhood;
- d) The home occupation shall not occupy more than 20% of the gross floor area of the dwelling unit, or 30.0 square meters, whichever is less;
- e) The home occupation shall not generate more than two clients to the site from which the occupation is being operated at any given time;
- f) The home occupation shall have no more than three (3) business associated vehicle visits per day, where business associated vehicle visits to the use include drop-offs or pick-ups, deliveries, and visits from customers or consultants;
- g) The home occupation shall not generate any pedestrian or vehicular traffic or parking in excess of that which is characteristic of the neighborhood within which it is located;
- h) No exterior storage of materials, tools, products or equipment or any activities related to the use or operation of the home occupation shall be permitted outside of the a building;
- i) No signs advertising Home Occupations are permitted;
- j) The Development Permit is valid for a period not to exceed the lesser of the term of the Business License or a period of one year from the date of issuance; and
- k) The applicant shall obtain a valid Town of Banff Business Licence. Please contact the Business Licence Clerk at Town Hall or by telephone at 403.762.1215.

Commissioner Karlos previously stated that he has a personal relationship with the applicant, Ms. Lothrop and asked if Ms. Lothrop objects to him hearing the application. Ms. Lothrop stated there are no concerns with Commissioner Karlos hearing agenda item #5.2.



- 5.2 22DP20
Proposed Bed and Breakfast
219 Spring Crescent
- 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
Bonnie Lothrop, applicant, was present to address the commission and answer questions.

MPC22-11 Moved by Commissioner Taylor

That the Municipal Planning Commission approve Development Permit application 22DP20 for a Bed and Breakfast Home containing one (1) Commercial Accommodation Unit, located at 219 Spring Crescent.

For: (8): Commissioner Smythe, Commissioner Taylor, Commissioner McElhone, Commissioner Humbert, Commissioner Howie, Commissioner Karlos, Councillor Pelham and Councillor Pettigrew

MOTION CARRIED

Appendix 'A' conditions of approval

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

- (a) Submit a Statutory Declaration, to the satisfaction of the Development Officer, confirming that:
 - i. The owner resides at 219 Spring Crescent 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 the Commercial Accommodation Unit while not in residence at the property;

Minutes approved by: _____



- 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. and,
 - v. The live-in owner shall notify the Town of Banff of any changes to the title or ownership of 219 Spring Crescent and are aware that changes may affect the validity of the bed and breakfast development permit.
- (b) 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 one (1) Commercial Accommodation Unit and prohibiting the use of any Commercial Accommodation Unit 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';
 - (c) Submit a revised site plan to the satisfaction of the Development Officer confirming:
 - a. Species of tree to be planted in west yard; and,
 - b. Material sample of paving stone to be used in front yard.
 - (d) 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;
 - (e) Provide either an Irrevocable Letter of Credit or Cash Equivalent in the amount of 125% of the value of the cost estimate for hardsurfacing to secure completion of work;
 - (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 permits one (1) Commercial Accommodation Unit in association with a Bed & Breakfast Home in accordance with the approved plans which 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 of this permit or until transfer/change in ownership of the subject property, after which time a new Development Permit is required to continue the operation of the Bed and Breakfast Home; and,
 - (b) On-site parking shall conform to the approved site plan. Hardscaping work shall be completed within 1 year of the date of issuance of this Development Permit. No parking of guest vehicles is permitted on adjacent public roadways.



(3) General Conditions:

- (a) It is the responsibility of the project proponent to ensure that all mitigation measures from BNP-1474, known as the *Pre-Approved Impact Assessment, Town of Banff Model Class Screening Sub-Class 1: Buildings* 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;
- (b) 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 one (1);
- (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) All signs require a separate Development Permit in accordance with the Town of Banff Land Use Bylaw;
- (e) 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;
- (f) Vehicular traffic generated by the Bed and Breakfast Home shall not be in excess of that which is characteristic of the neighbourhood in which it is located;
- (g) 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.;
- (h) 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;
- (i) The owner shall be responsible for complying with the Alberta Fire Code;
- (j) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 to obtain a food establishment permit prior to operation if required;
- (k) Non-compliance with any conditions of the Development Permit will result in revocation of the 'Bed and Breakfast Home' permit; and,



- (l) 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 CORRESPONDENCE

There was no correspondence for this meeting.

7.0 NEW BUSINESS

7.1 Verbal Updates on Development Permits

Administration provided a verbal update on Land Use Bylaw amendments (postcard notifications have now been removed), the Aster project and subdivision, YWCA project is close to completion, Cascade Plaza exterior renovations and 328 Muskrat Street demolition application (development appeal board hearing scheduled for April 21, 2022).

8.0 INQUIRIES

There were no inquiries for this meeting.

9.0 DATE OF NEXT MEETING and ADJOURNMENT

The next scheduled meeting of the Municipal Planning Commission is scheduled for **Wednesday, May 11, 2022 at 9:00 a.m.**



MPC22-12 **Moved by** Councillor Pettigrew that the Municipal Planning Commission adjourn at 10:05a.m.

For: (8): Commissioner Smythe, Commissioner Taylor, Commissioner McElhone, Commissioner Humbert, Commissioner Howie, Commissioner Karlos, Councillor Pelham and Councillor Pettigrew

MOTION CARRIED

Brian Smythe
Chairperson

Kerry MacInnis
Planning and Development

Minutes approved by: _____