



**MINUTES OF THE MUNICIPAL PLANNING COMMISSION
of the Town of Banff in the Province of Alberta
Thursday, January 14, 2021 at 9:00 a.m.**

COMMISSION MEMBERS PRESENT

Brian Smythe	Public Representative (Chairperson)
Barbara Pelham	Public Representative (Vice Chairperson)
Scott McElhone	Public Representative
Dana Humbert	Public Representative
Jean Macpherson	Public Representative
Corrie DiManno	Council Representative
Chip Olver	Council Representative
Bryan Howie	Parks Canada Representative

COMMISSION MEMBERS ABSENT

ADMINISTRATION PRESENT

Darren Enns	Director, Planning and Development
Dave Michaels	Manager, Planning and Development
Emma Sanborn	Development Planner
Eric Bjorge	Development & Heritage 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 called the January 14, 2021 Municipal Planning Commission meeting to order at 9:00a.m.

2.0 APPROVAL OF AGENDA

2.1. Approval of the Municipal Planning Commission agenda for January 14, 2021

MPC21-1 **Moved by** Councillor Olver

That the agenda for the January 14, 2021 meeting of the Municipal Planning Commission be approved.

Minutes approved by: _____



For: (8): Commissioner Smythe, Commissioner McElhone, Commissioner Pelham, Commissioner Humbert, Commissioner Macpherson, Commissioner Howie, Councillor Olver and Councillor DiManno

MOTION CARRIED

2.2. Declaration of Conflicts

The Chair asked if any members of the Municipal Planning Commission would be declaring a conflict of interest in hearing today's meeting.

No conflicts were declared.

3.0 ADOPTION OF PREVIOUS COMMISSION MINUTES

3.1 Minutes of the December 9, 2020 meeting of the Municipal Planning Commission

MPC21-2 **Moved by** Commissioner Macpherson

That the minutes of the December 9, 2020 meeting of the Municipal Planning Commission be adopted.

For: (8): Commissioner Smythe, Commissioner McElhone, Commissioner Pelham, Commissioner Humbert, Commissioner Macpherson, Commissioner Howie, Councillor Olver and Councillor DiManno

MOTION CARRIED

4.0 UNFINISHED BUSINESS

There was no unfinished business.

5.0 REPORTS

5.1 19DP86

Proposed Amendment: Accessory Dwelling and One Bed and Breakfast Guest Room
220 Otter Street

i. Staff Presentation

Administration provided a presentation and overview on the proposal as included in the agenda package. Administration provided the revised circular response from Parks

Minutes approved by: _____



Canada regarding the plan amendment to 19DP86. The revised response has been included in these meeting minutes.

- ii. Public input
There was no public input.
- iii. Applicant input
There was no applicant input.

MPC21-3 Moved by Commissioner Howie

That pursuant to Sections 24 (advice from officials) of the *Freedom of Information and Protection of Privacy Act* and Section 3.2.12 of the Land Use Bylaw, MPC moved into closed meeting at 9:23a.m., to deliberate and discuss confidential matters with respect to Item 5.1, Proposed Amendment: Accessory Dwelling and One Bed and Breakfast Guest Room 220 Otter Street, 19DP86.

For: (8): Commissioner Smythe, Commissioner McElhone, Commissioner Pelham, Commissioner Humbert, Commissioner Macpherson, Commissioner Howie, Councillor Olver and Councillor DiManno

MOTION CARRIED

Administration in attendance during the closed meeting discussions with respect to Item 5.1, Proposed Amendment: Accessory Dwelling and One Bed and Breakfast Guest Room 220 Otter Street, 19DP86.

Advice: D. Michaels

MPC reconvened in public meeting at 9:50a.m., with Commissioner Smythe in the chair.

MPC21-4 Moved by Commissioner Humbert that Commission rise and report.

For: (8): Commissioner Smythe, Commissioner McElhone, Commissioner Pelham, Commissioner Humbert, Commissioner Macpherson, Commissioner Howie, Councillor Olver and Councillor DiManno

MOTION CARRIED

MPC21-5 Moved by Commissioner Humbert



That Municipal Planning Commission approve Development Permit application 19DP86 for:

- A two (2) Bedroom Accessory Dwelling in association with a Single Detached Home; and,
- One (1) Commercial Accommodation Unit associated with a Bed and Breakfast Home,

located at 220 Otter Street with a variance to Section 8.16.28 to allow the driveway off a lane to be wider than 60% subject to the conditions of approval attached as Appendix 'A' with the following amendments:

- Add condition 3(i) as follows:
3(i) Prior to issuance of the Business License, provide evidence, to the satisfaction of the Development Officer, of the removal of the kitchen within the Commercial Accommodation Unit in accordance with s.10.3.2(f) of the Land Use Bylaw.
- And delete condition 1(g)

For: (8): Commissioner Smythe, Commissioner McElhone, Commissioner Pelham, Commissioner Humbert, Commissioner Macpherson, Commissioner Howie, Councillor Olver and Councillor DiManno

MOTION CARRIED

Appendix 'A' Amended Conditions of Approval - Application No. 19DP86

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

- (a) Pay to the Town of Banff \$125.00 for a new Address Assignment (\$125/dwelling rate) as established by Town of Banff Land Use Bylaw;
- (b) Submit a Statutory Declaration, to the satisfaction of the Development Officer, confirming that:
 - i. The owner resides at 220 Otter Street 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; and,
 - 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;
- (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 one (1) Commercial Accommodation Unit and prohibiting the use of the 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';

Minutes approved by: _____



- (d) Submit a revised Parking Plan for review and approval by the Development Officer, that is in conformance with the *Land Use Bylaw*;
- (e) Submit written confirmation that the existing Deep Utilities (water and sewer service) servicing the property are adequate for the proposed development, to the satisfaction of the Director of Engineering. A camera inspection of the existing sewer service is recommended. Should the Director of Engineering determine that the Deep Utilities are not adequate to service the proposed development, new services, to the Town of Banff Engineering Standards, shall be required;
- (f) Submit a current complete land title for Lot: 8, Block: 26, LTO: 6719BC, for review and approval by the Development Officer; and,

(2) Specific Conditions:

- (a) This approval provides for the Change of Use of the residential property from 'Duplex Housing' to 'Single-Detached Housing' and a two-bedroom Accessory Dwelling. Any future changes to the subject dwelling shall require a valid Development Permit.

(3) Bed and Breakfast Conditions:

- (a) This approval permits one (1) commercial accommodation unit in association with the Bed and Breakfast Home only;
- (b) A valid Business License from the Town of Banff for the operation of a Bed & Breakfast Home is required;
- (c) The approval of the Bed and Breakfast Home is valid for a period not to exceed the term of the Business License, one (1) year from the date of issuance of this Development Permit 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) 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;
- (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) Prior to issuance of the Business License, provide evidence, to the satisfaction of the Development Officer, of the removal of the kitchen within the Commercial Accommodation Unit in accordance with s.10.3.2(f) of the Land Use Bylaw.
- (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; and,
- (l) Non-compliance with any conditions of the Development Permit will result in revocation of the 'Bed and Breakfast Home' permit.

(4) General Conditions:

- (a) 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;
- (b) All signs require a separate Development Permit in accordance with the Town of Banff Land Use Bylaw;
- (c) Prior to backfill of new services and the termination of redundant services, please contact the Town of Banff Utilities Department at 403.762.1240 to confirm if an inspection is required. All installations shall conform to the standards of the City of Calgary;
- a) All exposed metal flashing, mechanical equipment and flues shall be coordinated to match the building colour;
- b) No satellite dishes, antennas or other rooftop communication equipment shall be installed without prior written permission of the Development Officer;
- c) 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,
- d) 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.



6.0 CORRESPONDENCE

There was no correspondence for this meeting.

7.0 NEW BUSINESS

7.1 Development Updates

Administration provided a verbal update on current developments in the Town of Banff.

8.0 INQUIRIES

There was 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, February 10, 2021 at 9:00 a.m.**

MPC21-6 **Moved by** Commissioner Pelham

That this Municipal Planning Commission adjourn at 10:08a.m.

For: (8): Commissioner Smythe, Commissioner McElhone, Commissioner Pelham, Commissioner Humbert, Commissioner Macpherson, Commissioner Howie, Councillor Olver and Councillor DiManno

MOTION CARRIED

Brian Smythe
Chairperson

Kerry MacInnis
Planning and Development

Minutes approved by: _____