



**MINUTES OF THE MUNICIPAL PLANNING COMMISSION  
of the Town of Banff in the Province of Alberta  
Wednesday, March 8, 2023, at 9:00 a.m.**

**COMMISSION MEMBERS PRESENT**

Dana Humbert	Public Representative
Stavros Karlos	Public Representative (Chairperson)
Leslie Taylor	Public Representative (Vice Chairperson)
Avery Vanwynsberghe	Public Representative
Tamra Malczyk	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
Kathleen Gallagher	Development Planner, Planning and Development
Kerry MacInnis	Administrative Assistant, Planning and Development (MPC Recorder)

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**1.0 CALL TO ORDER**

The Chair called the March 8, 2023, Municipal Planning Commission meeting to order at 9:00a.m. The March 8, 2023, Regular Meeting of the Municipal Planning Commission will be conducted both in-person in the Council Chamber located at Banff Town Hall and virtually using Zoom. The meeting 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.

**2.0 APPROVAL OF AGENDA**

2.1. Approval of the Municipal Planning Commission agenda for March 8, 2023

MPC23-17 **Moved** by Councillor Pelham

That the agenda for the March 8, 2023, meeting of the Municipal Planning Commission be approved.

**MOTION CARRIED**

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



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 conflict was declared.

**3.0 ADOPTION OF PREVIOUS COMMISSION MINUTES**

3.1 Minutes of the February 15, 2023, meeting of the Municipal Planning Commission

MPC23-18 **Moved by** Commissioner Taylor

That the minutes of the February 15, 2023, meeting of the Municipal Planning Commission be adopted as presented.

**MOTION CARRIED**

**4.0 UNFINISHED BUSINESS**

There was no unfinished business.

**5.0 REPORTS**

5.1 Proposed Accessory Dwelling at 123 Spray Avenue (23DP07)

i. Staff Presentation

Administration provided a presentation and overview as included in the agenda package.

ii. Public input

There was no public input.

iii. Applicant input

Cam Sinclair, applicant, was present to answer questions from the commission.

MPC23-19 **Moved by** Councillor Pelham

That the Municipal Planning Commission approve Development Permit application 23DP07 for a proposed Accessory Dwelling at an existing single detached dwelling, subject to the conditions of approval attached as Appendix 'A'.

**MOTION CARRIED**

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



Appendix A – conditions of approval

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

- a) Pay to the Town of Banff the \$400.00 Municipal Planning Commission Surcharge as established by *Schedule G of the Town of Banff Land Use Bylaw*;
- b) Pay to the Town of Banff the \$550.00 Accessory Dwelling Development Permit Application fee as established by *Schedule G of the Town of Banff Land Use Bylaw*;
- c) Pay to the Town of Banff \$950.00 in-lieu of On-Site Garbage Facilities (\$950/dwelling rate) as established by *Town of Banff Waste Bylaw 18-4*;
- d) Pay to the Town of Banff the Address Assignment Fee of \$250.00 (\$125/Unit) as per *Schedule G of the Town of Banff Land Use Bylaw*;
- e) Submit a revised plans for review and approval by the Development Officer, that are in conformance with the *Land Use Bylaw* and *Banff Design Guidelines* and that include: details of driveway width at the property line;
- f) 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;
- g) Submit a proposed Construction Waste Management Plan that includes details of Construction Waste Storage Containers and stream separation in accordance with the Residential/Non-Residential Waste Bylaw, to the satisfaction of the Development Officer. Be advised that all projects that require a building permit in Banff must adhere to strict zero waste requirements, following deconstruction or green demolition principles. More information about the Zero Waste Requirements can be found here - <https://banff.ca/1173/Zero-Waste-Requirements-for-Building-Per>;
- h) Submit a plan showing the exterior entrance to the dwelling, as well as the address displayed to Spray Avenue at the property line, clearly labelled as the entrance for both units;
- i) Provide confirmation, to the satisfaction of the Director of Engineering, that the existing site servicing is sufficient to meet the proposed development and is in conformance with the Town of Banff Engineering Design Standards. If the site servicing is not satisfactory, replacement, to the Town of Banff Engineering Standards, may be required;



- j) Submit a detailed 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. 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,
- k) Submit a completed Subcontractor Information Sheet to the Town of Banff Business License Clerk, providing a list of the sub-contractors to be employed in the construction of the development.

(2) Specific 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) This approval provides for the addition of an Accessory Dwelling within the existing Single Detached House; and,
- (c) The hardscaping work must be complete before occupancy of the Accessory Dwelling.

(3) General Conditions:

- a) The Town of Banff requires contractors to collect and separate all on-site waste into appropriate categories and store appropriately. Trade waste may be disposed at the Francis Cooke Regional Class III Landfill and garbage to the Town of Banff Waste Transfer Station at 160 Hawk Avenue;
- b) Apply for a Street Use Permit from the Director 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;
- c) Disturbance of public roadways and installation of utility trenches shall be inspected and approved in writing by the Director 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;
- d) 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;



- e) The backflow prevention device shall be inspected annually and the device and inspection recorded with the Town of Banff Utilities Department. Please call 403.762.1240 to record the device and inspection;
- f) The project proponent shall ensure that any hazardous materials discovered during any excavation are immediately reported to Parks Canada and properly disposed of according to current regulations;
- g) All site drainage is to be contained on site. No connection of weeping tile to storm sewer is permitted;
- h) 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;
- i) All exposed metal flashing, mechanical equipment and flues shall be coordinated to match the building colour;
- j) No satellite dishes, antennas or other rooftop communication equipment shall be installed without prior written permission of the Development Officer;
- k) 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;
- l) 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;
- m) 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 shall not be stored within 100m of any waterbody;
- n) Confine “noise” activities to hours set out in *Town of Banff Community Standards Bylaw 260*;
- o) 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;



- p) 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;
  - q) Minimize the idling of construction vehicle engines at all times in accordance with *Town of Banff Traffic Bylaw 16-7*;
  - r) 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;
  - s) 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,
  - t) 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 Change of Use to Vehicle Rental Services, Sports Equipment Rental and General Retail at 405 Spray Avenue (23DP06)
- i. Staff Presentation  
Administration provided a presentation and overview as included in the agenda package.
  - ii. Public input  
There was no public input.
  - iii. Applicant input  
There was no applicant input.



**MPC23-20 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 move into a closed meeting at 9:35a.m., in the Council Boardroom, to deliberate and discuss confidential matters with respect to Item 5.2, Proposed Change of Use to Vehicle Rental Services, Sports Equipment Rental and General Retail at 405 Spray Avenue (23DP06).

**MOTION CARRIED**

Administration in attendance during the closed meeting discussions with respect to Item 5.2, Proposed Change of Use to Vehicle Rental Services, Sports Equipment Rental and General Retail at 405 Spray Avenue (23DP06)

Advice: D. Michaels

MPC reconvened in public meeting at 9:55a.m., with Commissioner Karlos in the chair.

**MPC23-21 Moved by** Commissioner Humbert that Commission rise and report.

**MOTION CARRIED**

**MPC23-22 Moved by** Councillor Pettigrew

That the Municipal Planning Commission approve Development Permit application 23DP06 for a proposed change of use to Vehicle Rental Services, Sports Equipment Rental & General Retail Store at 405 Spray Avenue, subject to the conditions of approval attached as Appendix 'A'.

**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 application fee of \$1,500.00 for discretionary commercial use; and,
  - ii. Municipal Planning Commission Surcharge Fee of \$400.00.

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



(2) Specific Conditions

- a) Issuance of this Development Permit allows for the use of 37 m<sup>2</sup>, as shown in the approved plans, as General Retail Store, Sports Equipment Rental and/or Vehicle Rental Services only; and,
- b) In accordance with section 8.16.7 and 8.19.4 of the *Town of Banff Land Use Bylaw*, there are no off-street parking requirements and no housing requirements.

(3) General Conditions:

- (a) Any changes to the approved plans shall be submitted for review and final approval of the Development Officer prior to implementation on-site;
- (b) A Sign Permit is required for any new signs or replacement of existing signs on the building;
- (c) Confine “noise” activities to hours set out in *Town of Banff Community Standards Bylaw 260*;
- (d) Any future change of use will require a Development Permit and shall be subject to the provisions of the *Town of Banff Land Use Bylaw*;
- (e) Ensure that all garbage and food waste is stored in bear-proof bins as per *Town of Banff Waste Bylaw 18-4*;
- (f) The applicant or future tenants shall obtain, and maintain, a valid Business Licence from the Town, which shall reflect the use approved by this Development Permit; and,
- (g) 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*.

MPC23-23 **Moved by** Commissioner Taylor

That the Municipal Planning Commission recommend to Council that Council add to their current review of parking and housing cash-in-lieu as follows: add an analysis and possible revision of parking and housing requirements for various uses.

**MOTION CARRIED**

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





**6.0 CORRESPONDENCE**

There was no correspondence for this meeting.

**7.0 NEW BUSINESS**

There were no updates for this meeting.

**8.0 INQUIRIES**

There were no inquiries for this meeting.

**9.0 DATE OF NEXT MEETING**

The next scheduled meeting of the Municipal Planning Commission is scheduled for **Wednesday, April 12, 2023, at 9:00 a.m.**

**10.0 ADJOURNMENT**

MPC23-24 **Moved by** Councillor Pettigrew

That this Municipal Planning Commission adjourn at 10.00a.m.

**MOTION CARRIED**

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Stavros Karlos  
Chairperson

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Kerry MacInnis  
Planning and Development

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