



**MINUTES OF THE MUNICIPAL PLANNING COMMISSION  
of the Town of Banff in the Province of Alberta  
Wednesday, April 12, 2023, at 9:00 a.m.**

**COMMISSION MEMBERS PRESENT**

Dana Humbert	Public Representative
Stavros Karlos	Public Representative (Chairperson)
Avery Vanwynsberghe	Public Representative
Bryan Howie	Parks Canada Representative
Hugh Pettigrew	Council Representative
Barbara Pelham	Council Representative

**COMMISSION MEMBERS ABSENT**

Leslie Taylor	Public Representative (Vice Chairperson)
Tamra Malczyk	Public Representative

**ADMINISTRATION PRESENT**

Darren Enns	Director, Planning and Development
Dave Michaels	Manager, Planning and Development
Emma Sanborn	Development Planner, 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 April 12, 2023, Municipal Planning Commission meeting to order at 9:00a.m.

The April 12, 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 April 12, 2023

MPC23-25 **Moved by** Commissioner Humbert

That the agenda for the April 12, 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 March 8, 2023, meeting of the Municipal Planning Commission

MPC23-26 **Moved by** Councillor Pelham

That the minutes of the March 8, 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 Duplex Housing with Accessory Dwellings at 222 Otter Street (21DP82)

- 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  
Matthew Magbanua, applicant, was present to answer questions from the commission.

MPC23-27 **Moved by** Commissioner Humbert

That the Municipal Planning Commission approve Development Permit application 21DP82 for duplex housing with two accessory dwellings at 222 Otter Street subject to the conditions of approval attached as Schedule 'A' and proposed plans attached as Schedule 'B'.

**MOTION CARRIED**

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



Appendix A – conditions of approval

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

- a) Pay to the Town of Banff the following fees as established by Town of Banff *Land Use Bylaw* and *Fees and Charges Bylaw*:
  - (i) \$2,500 development permit fee for multi-unit residential housing (\$1,700 + \$200/dwelling);
  - (ii) \$400 Municipal Planning Commission surcharge;
  - (iii) \$2,850 in-lieu of On-Site Garbage Facilities (\$950/net new dwelling rate);
  - (iv) \$500 Address Assignment Fee (\$125/dwelling rate);
  - (v) \$15,283.66 Offsite levies (\$24.48/ m<sup>2</sup> x 624.33 m<sup>2</sup> net new GFA); and
  - (vi) \$600.00 Development Agreement Surcharge Fee;
  
- b) Submit a revised landscape plan, to the satisfaction of the Development Officer, showing:
  - (i) Number of trees consistent with the requirements in the *Land Use Bylaw*; and
  - (ii) Parking area consistent with the requirements in the *Land Use Bylaw*, so that the landscaping plan matches the proposed parking plan.
  
- c) Submit a detailed cost estimate, as determined by the Landscape Architect, for all on and off-site landscaping and hardscaping specifying all plant materials (their size, numbers, location and species) and 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 or cheque held as performance bond in the amount of 125% of the cost of landscaping and hardscaping to secure completion of this work;
  
- d) Submit plans showing conformance with the provisions of the Town of Banff *Land Use Bylaw* for the review and approval by the Development Officer, including:
  - (i) An Exterior Lighting Plan showing numbers, types, and locations and technical specifications for individual light fixtures in conformance with Section 8.22.0;
  - (ii) Details of the wood brackets and the wood truss design on the front and rear elevation; and
  - (iii) Details of a wall to be provided at the back of the side elevation, to bring the design more into conformance with the *Banff Design Guidelines*.
  
- e) Submit a physical material sample board demonstrating the materials and finishes to be used for the review and approval of the Development Officer;
  
- f) Submit a detailed Stormwater Management Plan in compliance with the *Town of Banff Engineering Standards* to the satisfaction of the Director of Engineering;
  
- g) Submit, for review and approval by the Director of Engineering, a detailed Deep Utilities Servicing Plan to the Town of Banff Engineering Standards showing:
  - (i) Connection to existing water service and sanitary sewer;
  - (ii) Details of pipe material(s) and size(s);

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



- (iii) Location of new water meters, remote reading devices and backflow prevention devices; and
  - (iv) Locations of existing services to be removed;
- h) Any existing sanitary infrastructure proposed to remain must be video inspected for the approval of the Director of Engineering;
- i) Submit, for review and approval by the Director of Engineering, a detailed Shallow Utilities Servicing Plan showing:
  - (i) Location(s) of proposed underground lines for gas, power and communications; and
  - (ii) Location(s) of existing services to be removed;
- j) Submit a hoarding plan that includes hoarding details consistent with the Town of Banff Hoarding Policy C3000;
- k) Submit a proposed Truck Route and Traffic Plan for construction vehicles;
- l) Provide description of soil and erosion control mitigations compliant with the Town of Banff Engineering Standards;
- m) Submit a proposed Construction Waste Management Plan that includes details of Construction Waste Storage Containers and stream separation in accordance with the Non-Residential/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. Complete the *Zero Construction, Renovation, and Demolition Waste Plan* form here: <https://banff.ca/FormCenter/Operations-7/Zero-CRD-Waste-Plan-155>;
- n) Submit a Geo-technical Report and Site De-Watering Plan for review and approval of the Director of Engineering and Parks Canada Environmental Assessment Office that complies with the *Town of Banff Engineering Standards*. Be advised that if groundwater is disturbed at any point during construction, the construction must stop and not proceed further until the approved De-Watering Plan has been executed;
- o) Enter into a Development Agreement with the Town of Banff to be registered to the Certificate of Title for the property – the terms and wording of the Agreement shall be to the satisfaction of the Development Officer. Pay the cost of registering the Agreement with Alberta Land Titles Office;
- p) 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;
- q) Submit 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;



- r) Submit an Off-site Improvement Plan and/or Landscaping Plan for review and approval by the Director of Engineering, that includes the remediation of any infrastructure impacted by the development and the tie-in of the property's walkway connections to existing infrastructure in the public right of way;
- s) Prior to Issuance of the Development Permit, Parks Canada requires confirmation as to whether or not the owner will undertake a subdivision of the property for the development of a duplex or will have the duplex ownership structured as each side having an undivided 1/2 interest as tenants in common under one lease for Block 26, Lot 9 LTO#6719BC.
- t) Prior to issuance of a Development Permit and works commencing, the Proponent must complete Parks Canada's requirements and receive the record of Impact Assessment Determination (decision), required mitigations, and confirm project scheduling. To facilitate this, the Proponent must contact the assigned Impact Assessment Officer Bhupesh Khadka at [bhupesh.khadka@pc.gc.ca](mailto:bhupesh.khadka@pc.gc.ca).

2) **Specific Conditions:**

- a) This approval allows for the development of Duplex Housing with two Accessory Dwellings.

3) **General Conditions:**

- a) Any 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 by Parks Canada 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;
- c) 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;
- d) 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 *Town of Banff Engineering Standards*;
- e) 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 *Town of Banff Engineering Standards*;



- 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) All exposed metal flashing, mechanical equipment and flues shall be coordinated to match the building colour;
- i) No satellite dishes, antennas or other rooftop communication equipment shall be installed without prior written permission of the Development Officer;
- j) 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;
- k) 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;
- l) 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;
- m) 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;
- n) 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;
- 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*;
- p) 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)

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



- 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; and,
  - iv. Construction, repair and rehabilitation of street surfacing; and
- q) Should more details become available about the project or should the scope, scale, or nature of the project change, Parks Canada Development Officer Joshua Simpson (joshua.simpson@pc.gc.ca) must be contacted with an updated project description, as this may change the review results and impact assessment requirements.

Appendix B – proposed plans (as attached in this agenda package)

5.2 Proposed Bed and Breakfast Home at 218 St. Julien Road (23DP12)

- 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  
Michelle Lemieux, applicant, was present to answer questions from the commission.

**MPC23-28 Moved by** Councillor Pettigrew

That the Municipal Planning Commission approve Development Permit application 23DP12 for a bed and breakfast home containing one (1) commercial accommodation unit, located at 218 St. Julien Road subject to the amended conditions of approval attached as Schedule 'A' and proposed plans attached as Schedule 'B'.

Addition of condition of approval 1(g):

Prior to issuance of a Development Permit and works commencing, the Proponent must complete Parks Canada's requirements and receive the record of Impact Assessment Determination (decision), required mitigations, and confirm project scheduling. To facilitate this, the Proponent must contact the assigned Impact Assessment Officer Bhupesh Khadka at bhupesh.khadka@pc.gc.ca.

**MOTION CARRIED**

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



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 218 St. Julien Road 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;
  - 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 218 St. Julien Road 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 that shows landscape screening between the proposed parking stalls and St. Julien Road, for review and approval of the Development Officer;
- (d) Submit a detailed Landscaping Cost Estimate, as determined by the contractor or Landscape Architect, for all proposed landscape work, specifying labour, species, and quantities;
- (e) Provide either an Irrevocable Letter of Credit or Cash Equivalent in the amount of 125% of the value of the cost estimate for landscaping to secure completion of work; and,
- (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.
- (g) Prior to issuance of a Development Permit and works commencing, the Proponent must complete Parks Canada’s requirements and receive the record of Impact Assessment Determination (decision), required mitigations, and confirm project scheduling. To facilitate this, the Proponent must contact the assigned Impact Assessment Officer Bhupesh Khadka at [bhupesh.khadka@pc.gc.ca](mailto:bhupesh.khadka@pc.gc.ca).

**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

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





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;

- (b) On-site parking shall conform to the approved site plan. Landscaping/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) 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);
- (b) 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;
- (c) All signs require a separate Development Permit in accordance with the Town of Banff Land Use Bylaw;
- (d) 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;
- (e) 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;
- (f) 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.;
- (g) 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;
- (h) The owner shall be responsible for complying with the Alberta Fire Code;
- (i) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 to obtain a food establishment permit prior to operation if required;
- (j) Non-compliance with any conditions of the Development Permit will result in revocation of the 'Bed and Breakfast Home' permit; and,



- (k) 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*.

Appendix B – proposed plans (as attached in this agenda package)

- 5.3 Proposed Bed and Breakfast Home at 345 Otter Street (23DP08)
- 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  
Rayni Kovacs, applicant, was present to answer questions from the commission.

MPC23-29 **Moved by** Councillor Pettigrew 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 10:25a.m., in the Council Boardroom, to deliberate and discuss confidential matters with respect to Item 5.3, Proposed Bed and Breakfast Home at 345 Otter Street (23DP08).

**MOTION CARRIED**

Administration in attendance during the closed meeting discussions with respect to Item 5.3, Proposed Bed and Breakfast Home at 345 Otter Street (23DP08).

Advice: D. Enns, D. Michaels, K. Gallagher

MPC reconvened in public meeting at 10:57a.m., with Commissioner Karlos in the chair.

MPC23-30 **Moved by** Commissioner Humbert that Commission rise and report.

**MOTION CARRIED**



**MPC23-31 Moved by Councillor Pelham**

That the Municipal Planning Commission approve Development Permit application 23DP08 for a Bed and Breakfast Home containing one (1) Commercial Accommodation Unit within an accessory structure, which is a building listed on the Town of Banff's municipal heritage inventory, and is located at 345 Otter Street, subject to the amended conditions of approval attached as Appendix 'A', with variances to the following sections of the *Town of Banff Land Use Bylaw*:

- Section 8.9.4.d.ii to allow for a side yard setback of 0.49 m for the accessory development; and
- Section 10.3.2.i to allow for an indoor amenity area of 8.6 m<sup>2</sup>.

This application also includes the demolition of an existing garage at the north edge of the site.

Amended Condition 1(b) to include the following:

Submit a revised Landscape Plan, which shows the parking area consistent with the Land Use Bylaw, including the required driveway width and hardscaping of the parking area, with consideration for semi-permeable surface material, as well as additional screening between the parking area and the property to the south, designed to the satisfaction of the Development Officer;

**MOTION CARRIED**

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 fees as established in Schedule G of the Land Use Bylaw:
  - i. Bed and Breakfast Application Fee of \$1,500.00 + \$100.00/guest room (\$1,600.00 total);
  - ii. Municipal Planning Commission Surcharge Fee of \$125.00; and
  - iii. Variance fee in the amount of \$300.00.
- (b) Submit a revised Landscape Plan, which shows the parking area consistent with the Land Use Bylaw, including the required driveway width and hardscaping of the parking area with consideration for semi-permeable surface material, as well as additional screening between the parking area and the property to the south, designed to the satisfaction of the Development Officer;
- (c) Submit evidence to the satisfaction of the Development Officer of the removal of the second dwelling in the single detached house;
- (d) Submit confirmation, to the satisfaction of the Development Officer, that an Impact Assessment determination has been completed by Parks Canada;
- (e) Submit, for review and approval by the Director of Engineering, a detailed Deep Utilities Servicing Plan, designed and stamped by a qualified engineer, to Town of Banff Standards, showing:

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



- i. Connection to existing water service and sanitary sewer;
  - ii. Details of pipe material(s) and size(s);
  - iii. Locations of water meter(s) and backflow prevention device(s); and,
  - iv. Locations of any existing services to be removed or to remain;
- (f) Submit, for review and approval by the Director of Engineering, a detailed Shallow Utilities Servicing Plan to Town of Banff Standard showing:
  - i. Location(s) of proposed underground lines for gas, power and communications; and
  - ii. Location(s) of any existing services to be removed or to remain;
- (g) Conduct an inspection and submit a report for any existing site services proposed to remain. The replacement and upgrade of site services is to be required at the discretion of Town of Banff;
- (h) Submit a Statutory Declaration, to the satisfaction of the Development Officer, confirming that:
  - i. The owner resides at 345 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;
- (i) 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'; and,
- (j) Submit a detailed cost estimate, as determined by the Landscape Architect or contractor, for all on and off-site landscaping and hardscaping specifying all surface finishes, 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.

## 2) **Specific Conditions:**

- (a) This approval allows a Bed and Breakfast Home containing one (1) Commercial Accommodation Unit within an accessory development and the demolition of an existing structure only. Use of the accessory development as a dwelling requires a separate Development Permit;
- (b) Non-compliance with any conditions of the Development Permit will result in revocation of the 'Bed and Breakfast Home' permit;
- (c) The Commercial Accommodation Unit shall not be operated until the parking area is completed; and

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



- (d) If there is to be food offered as part of the Bed and Breakfast Home, the applicant is required to contact environmental public health to obtain a food handling permit prior to beginning operation.

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) 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) The Development Permit is valid for a period not to exceed the term of the Business Licence or one (1) year from the date of issuance, whichever first occurs;
- (d) 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;
- (e) On-site parking shall conform to the approved site plan. No parking of guest vehicles is permitted on adjacent public roadways;
- (f) All landscaping is required to be completed in accordance with the approved plans within one year of the date of the issuance of the development permit;
- (g) All signs require a separate Development Permit in accordance with the Town of Banff Land Use Bylaw;
- (h) 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;
- (i) 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;
- (j) 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.;
- (k) 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;
- (l) The owner shall be responsible for complying with the Alberta Fire Code;



- (m) Contact Alberta Health Services (Banff Health Unit) at 403.762.2990 regarding the *Guidelines for Bed and Breakfast Establishments*, to arrange an inspection of the property prior to operation and to obtain a food establishment permit prior to operation if required;
- (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*.

- 5.4 Proposed Change of Use: Sports Equipment Rental and General Retail at 317 Banff Avenue (23DP10)
- 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  
Tom Couture, applicant, was present to answer questions from the commission.

**MPC23-32 Moved by Commissioner Karlos**

That the Municipal Planning Commission approve Development Permit application 23DP10 for a change of use at 317 Banff Avenue from General Retail to General Retail/Sports Equipment Rental, subject to conditions of approval attached as Appendix 'A', the proposed plans attached as Appendix 'B', and the *Land Use Bylaw*.

**MOTION CARRIED**

Appendix A – conditions of approval

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

- a) Submit payment to the Town of Banff for the following Development Permit fees in accordance with Schedule 'G' of the Land Use Bylaw:
  - \$1300 commercial change of use, permitted
  - \$400 MPC surcharge.

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



**(2) Specific Conditions:**

- a) Issuance of this Development Permit allows for the conversion of previously-approved General Retail (105.6 m<sup>2</sup>), to General Retail and Sports Equipment Rental (105.6 m<sup>2</sup>). 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*;
- b) This development results in no change to the parking requirements for the property as per section 8.16.0 of the *Land Use Bylaw*, and,
- c) This development results in no change to the housing requirements for the property as “General Retail” as per section 8.19.0 of the *Land Use Bylaw* have been applied.

**(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) The applicant or future tenant shall obtain a Business Licence from the Town, which shall reflect the use approved by this Development Permit;
- c) A Sign Permit is required for any new signs or replacement of existing signs on the building. A Sign Permit is required for decal or painted window signs with a combined area greater than 0.3m<sup>2</sup> or 10% of the window in which they are located and interior signs located closer than 0.9m to the inside face of a window; and,
- d) 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.

Appendix B – proposed plans (as attached in this agenda package)

**6.0 CORRESPONDENCE**

There was no correspondence for this meeting.

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



**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, May 10, 2023, at 9:00 a.m.**

**10.0 ADJOURNMENT**

MPC23-33 **Moved by** Councillor Pettigrew

That this Municipal Planning Commission adjourn at 11:17a.m.

**MOTION CARRIED**

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Stavros Karlos  
Chairperson

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Kerry MacInnis  
Planning and Development

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