



**MINUTES OF THE MUNICIPAL PLANNING COMMISSION
of the Town of Banff in the Province of Alberta
Wednesday, May 11, 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
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 May 11, 2022, MPC meeting to order at 9:02a.m.

The May 11, 2022, 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.

Minutes approved by: _____



2.0 APPROVAL OF AGENDA

2.1. Approval of the Municipal Planning Commission agenda for May 11, 2022

MPC22-8 Moved by Commissioner Karlos

That the agenda for the May 11, 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

There were no conflicts declared.

3.0 ADOPTION OF PREVIOUS COMMISSION MINUTES

3.1 Minutes of the April 13, 2022, meeting of the Municipal Planning Commission

MPC22-9 Moved by Commissioner Karlos

That the minutes of the March 13, 2022, meeting of the Municipal Planning Commission be adopted as amended.

- Page 11, 6.0 the word “correspondence” is misspelt
- Unfinished business 4.0, the wording should be “work” relationship not “personal” relationship
- MPC22-11 should include the following wording “subject to the conditions of approval attached as appendix ‘A’”

Minutes approved by: _____



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

There was no unfinished business.

5.0 REPORTS

5.1 22DP16

Proposed Four-Plex
311 and 317 Squirrel Street

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

MPC22-10 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 moved into closed meeting at 10:10 a.m., in the Council Boardroom, to deliberate and discuss confidential matters with respect to Item 5.1, Proposed Four-Plex at 311 and 317 Squirrel Street 22DP16.

MOTION CARRIED



Administration in attendance during the closed meeting discussions with respect to Item 5.1, Proposed Four-Plex at 311 and 317 Squirrel Street 22DP16.

Advice: D. Michaels and E. Sanborn

MPC reconvened in public meeting at 11:20 a.m., with Commissioner Smythe in the chair.

MPC22-11 Moved by Councillor Pettigrew that Commission rise and report.

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

MOTION CARRIED

MPC22-12 **Moved by** Commissioner Smythe

That Municipal Planning Commission approve Development Permit application 22DP16 for three Fourplex Housing buildings at 311 and 317 Squirrel Street subject to the conditions of approval attached as Appendix 'A' and proposed plans attached as Appendix 'B' with a variance to section 8.16.1.b.iv of the Land Use Bylaw to allow more than 20% of parking to be in tandem, and a variance to section 8.16.28 to allow a driveway located off a lane to be wider than 60% of the lineal distance measured along the rear lot line of the site.

Additionally, adds as a specific condition of this approval that a restrictive covenant is registered on Title prior to occupancy, that limits the use of the basements as follows:

a. the basement is used for storage, service rooms, and other accessory uses and does not include any habitable rooms, commercial accommodation units, retail, or commercial space (as per Land Use Bylaw definitions). Habitable rooms are defined as "a room other than a space in a dwelling which provides a service function and is not intended primarily for human

Minutes approved by: _____



occupancy such as bathrooms, entry ways, corridors, or storage areas. Habitable rooms include bedrooms, kitchens, dens, living rooms, family rooms, dining rooms, and the like, which are normally used for habitation.”

- b. the basement does not have direct or independent access to the outside of the building; and*
- c. the number and size of windows in the basement is extremely limited.*

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 the Development Permit:

- (a) Pay to the Town of Banff application fee \$3,300.⁰⁰ (\$1,700.00 + \$200.⁰⁰/dwelling) rate as established by *Town of Banff Land Use Bylaw*;
- (b) Pay to the Town of Banff off-site levies in the amount of \$24,099.⁰⁵ as established by *Town of Banff Off-Site Levy Bylaw* and *Bylaw 388-4 Fees and Charges Bylaw 2022* (\$23.¹⁹ /m² x 1039.2m² gross floor area);
- (c) Pay to the Town of Banff \$9,500.⁰⁰ in-lieu of on-site garbage facilities (\$950.⁰⁰/dwelling rate) as established by *Town of Banff Land Use Bylaw*;
- (d) Pay to the Town of Banff the Address Assignment fee in the amount of \$1,500 as established by *Town of Banff Land Use Bylaw* (\$125/dwelling);
- (e) Pay to the Town of Banff the variance fee in the amount of \$600.00 as established by *Town of Banff Land Use* (\$300.00/variance);
- (f) Pay to the Town of Banff the development agreement surcharge fee in the amount of \$600.00 as established by *Town of Banff Land Use*;
- (g) 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:

Minutes approved by: _____



- 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. 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;
 - iii. Proposed bike rack specifications;
 - iv. Proposed retaining wall heights and finishes;
 - v. Revised drawings of the front porch timber trusses; and,
 - vi. Proposed fence and railing specifications.
- (h) Submit a materials sample board and colour board (hard copy) indicating conformance with the *Banff Design Guidelines* for the final review and approval by the Development Officer;
- (i) Submit a detailed Stormwater Management Plan in compliance with the *Town of Banff Engineering Standards* to the satisfaction of the Director of Engineering;
- (j) 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. New connections to water service and sanitary sewer;
 - ii. Details of pipe material(s) and size(s); and
 - iii. Location of new water meters and remote reading devices.
- (k) 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;
- (l) Submit a Construction Site Plan that includes hoarding details consistent with the *Town of Banff Hoarding Policy C3000*, receptacles for waste stream separation, truck routes, site trailers etc.
- (m) Provide description of soil and erosion control mitigations compliant with the *Town of Banff Engineering Standards* that will be used during construction;



- (n) 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. More information about the Zero Waste Requirements can be found here - <https://banff.ca/1173/Zero-Waste-Requirements-for-Building-Per>.
- (o) Submit a 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*;
- (p) 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;
- (q) 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,
- (r) 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).
- (s) Prior to the issuance of any Development Permit, the requirements outlined below must be completed and/or provided to Parks Canada:
 - The lessee must surrender the current individual leases for Block 56 Lots 16 & 17 and execute a consolidated lease agreement for Block 56 Lots 16 & 17 inclusive.
- (t) The following items must be addressed by the proponent for an Impact Assessment determination to be made by Parks Canada:
 - Pre-demolition survey of the existing buildings for bats, completed by a Qualified Environmental Professional.
 - Completed Town of Banff Model Class Screening Report Form



- Description of the mechanisms/engineering that will be used to waterproof the proposed foundations, as well as confirmation that permanent dewatering will not be required for the project.
- (u) 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 and pay to the Town of Banff the Legal Agreement Surcharge of \$600.00 as established by *Town of Banff Land Use Bylaw*.
- (v) A restrictive covenant to be registered on Title prior to occupancy, that limits the use of the basements as follows:
- a. the basement is used for storage, service rooms, and other accessory uses and does not include any habitable rooms, commercial accommodation units, retail, or commercial space (as per Land Use Bylaw definitions). Habitable rooms are defined as “a room other than a space in a dwelling which provides a service function and is not intended primarily for human occupancy such as bathrooms, entry ways, corridors, or storage areas. Habitable rooms include bedrooms, kitchens, dens, living rooms, family rooms, dining rooms, and the like, which are normally used for habitation.”
 - b. the basement does not have direct or independent access to the outside of the building; and
 - c. the number and size of windows in the basement is extremely limited.

(2) Specific Conditions:

- a) This approval allows for the development of three Fourplex Housing buildings;
- b) The hardscaping work must be complete before final occupancy of the building;
- c) Upon completion of the landscaping work, enter into an encroachment agreement with the Town of Banff including offsite landscaping improvements such as the front yard retaining wall; and,
- d) Upon occupancy of the dwelling, an updated Statutory Declaration listing each occupant of Block 56, Lots 16 & 17, LTO Plan 1988GE is required to confirm that they are ‘eligible residents’ as defined under the National Parks of Canada Lease and Licence of Occupation Regulations



(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 in the Parks Canada's *BCS Environmental Screening Determination Using a Class Screening Report* and the guidelines identified in the *Parks Canada Directive on Impact Assessment Act 2019 the Town of Banff Model Class Screening - Sub Class 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;
- 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 *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 *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) 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;
- l) 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;
- m) 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;
- 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*; and,
- o) 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; and,
 - iv. Construction, repair and rehabilitation of street surfacing.



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 the Kidney Resident DAB Order 328 Muskrat Street; the appeals were denied. Banff Avenue will be closed starting next week for outdoor merchandising and sidewalk seating. Proposed new development of the Bow Valley Credit Union building at 206 Banff Avenue.

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, June 08, 2022 at 9:00 a.m.**

MPC22-13 **Moved by** Councillor Pettigrew that the Municipal Planning Commission adjourn at 11:30a.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: _____