



**MINUTES OF THE MUNICIPAL PLANNING COMMISSION  
of the Town of Banff in the Province of Alberta  
Wednesday, May 12, 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
Bryan Howie	Parks Canada Representative
Chip Olver	Council Representative

**COMMISSION MEMBERS ABSENT**

Corrie DiManno	Council Representative
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**ADMINISTRATION PRESENT**

Darren Enns	Director, Planning and Development
Dave Michaels	Manager, Planning and Development
Eric Bjorge	Development & Heritage Planner
Emma Sanborn	Development Planner
Kerry MacInnis	Administrative Assistant, Planning and Development (MPC Recorder)

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**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](http://www.banff.ca/live)  
**All Members of MPC will be participating remotely.**

**1.0 CALL TO ORDER**

The Chair called the May 12, 2021 Municipal Planning Commission meeting to order at 9:01a.m.

**2.0 APPROVAL OF AGENDA**

2.1. Approval of the Municipal Planning Commission agenda for May 12, 2021



**MPC21-31 Moved by Commissioner Pelham**

That the agenda for the May 12, 2021 meeting of the Municipal Planning Commission be approved as amended.

Change the order of 7.1 and 7.2, to hear 7.2 first.

For: (7): Commissioner Smythe, Commissioner McElhone, Commissioner Humbert, Commissioner Pelham, Commissioner Howie, Commissioner Macpherson, Councillor Olver

**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 April 14, 2021 meeting of the Municipal Planning Commission

**MPC21-32 Moved by Commissioner Pelham**

That the minutes of the April 14, 2021 meeting of the Municipal Planning Commission be adopted.

For: (7): Commissioner Smythe, Commissioner McElhone, Commissioner Humbert, Commissioner Pelham, Commissioner Howie, Commissioner Macpherson, Councillor Olver

**MOTION CARRIED**

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



#### 4.0 UNFINISHED BUSINESS

There was no unfinished business.

#### 5.0 REPORTS

##### 5.1 21DP18

Proposed single detached dwelling  
206 Otter 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  
Heather Petecky, applicant, and Bob Hughes, contractor addressed the commission and answered questions.

MPC21-33 **Moved by** Commissioner Howie that condition 1(n) be replaced with the following:

1(n) 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;

For: (7): Commissioner Smythe, Commissioner McElhone, Commissioner Humbert, Commissioner Pelham, Commissioner Howie, Commissioner Macpherson, Councillor Olver

**APPROVED**



**MPC21-34 Moved by Councillor Olver**

That Municipal Planning Commission approved Development Permit application 21DP18 for a proposed Single Detached Dwelling located at 206 Otter Street subject to the amended conditions as attached as Appendix 'A' with the following added condition 2b:

2(b) Upon occupancy of the dwelling an updated Statutory Declaration listing each occupant of Block 26, Lot 3, LTO Plan 6719BC is required to confirm all resident occupants are eligible residents as defined under the National Parks of Canada lease and License of Occupation Regulations.

For: (7): Commissioner Smythe, Commissioner McElhone, Commissioner Humbert, Commissioner Pelham, Commissioner Howie, Commissioner Macpherson, Councillor Olver

**APPROVED**

Appendix 'A' Amended Conditions of Approval - Application No. 21DP18

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

- (a) Pay to the Town of Banff the following fees as established in the Land Use Bylaw:
- i. \$250 address assignment fee (\$125/dwelling);
  - ii. \$1,900 cash in lieu of garbage collection (\$950/dwelling)
  - iii. \$3,240.44 Off-Site Levy (\$22.82/m<sup>2</sup> of Gross Floor Area);
  - iv. \$2200 Single Detached Housing application fee;
  - v. \$400 Municipal Planning Commission surcharge; and
  - vi. \$110 Notice Fee;
- (b) Submit, for review and approval by the Director of Engineering, a detailed Deep Utilities Servicing Plan showing:
- i. Connection to existing water service and sanitary sewer;
  - ii. Sump and/or trench drain connections to Town sanitary or storm system
  - iii. Details of pipe material(s) and size(s); and
  - iv. Location of new water meters and remote reading devices.
- (c) 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.
- (d) Submit, for review and approval by the Director of Engineering, a detailed Storm-water Management Plan:
- i. Drainage details for the property, relating to neighboring properties and public right of ways.

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



- (e) Submit a Construction Site Plan and provide description of soil and erosion control mitigations that will be used during construction for review and approval by the Development Officer;
- (f) Submit a proposal to phase out the metal roof and replace with an alternate material in accordance with the Banff Design Guidelines. This may include considering alternate materials for the proposed new Single Detached Housing, and entering into a Restrictive Covenant with the Town of Banff, and payment of \$600 legal agreement surcharge, all to the satisfaction of the Development Officer;
- (g) Submit a materials sample board, showing compliance with the Town of Banff Design Guidelines, to the satisfaction of the Development Officer;
- (h) Submit a Site De-Watering Plan for review and approval of the Director of Engineering and Parks Canada Environmental Assessment Office;
- (i) Submit a Construction Hoarding Plan for the site including proposed height, colour, location of access points and any off-site encroachments associated with the required construction hoarding, in accordance with the Town of Banff Policy C3000, for review and approval by the Development Officer. Due to the visibility of the site, solid wood hoarding is required. For further information see [www.banff.ca/DocumentCenter/View/5911](http://www.banff.ca/DocumentCenter/View/5911). All existing trees to be retained shall be protected by fencing set at the outer canopy (drip line) of the tree during demolition, excavation and construction;
- (j) Submit a proposed Truck Route and Traffic Plan for construction vehicles. Show locations of all on-site storage (e.g. material, equipment, etc.) during construction;
- (k) 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;
- (l) 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;
- (m) 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; and,
- (n) 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;

**(2) Specific Conditions**

- a) Issuance of this Development Permit allows for the construction of new Single Detached Housing, in addition to the existing Single Detached Housing and Accessory Dwelling.
- b) Upon occupancy of the dwelling an updated Statutory Declaration listing each occupant of Block 26, Lot 3, LTO Plan 6719BC is required to confirm all resident occupants are eligible residents as defined under the National Parks of Canada lease and License 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 *Environmental Guidelines for Development Projects in Banff National Park (Directive 17)* 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) Town of Banff requires all developers to collect all waste, separate into appropriate categories on-site and store appropriately. Trade waste may be disposed of at the Bow Valley Waste Management Commission's Class III landfill (Francis Cooke) and garbage to the Waste Transfer Station. Ensure that materials and waste being transported are covered with tarps or equivalent material. Please review the Town of Banff How-to Guide to Construction Waste Management;
- d) Obtain any necessary agreements with adjacent leaseholders for any use or disruption of adjacent leaseholds;
- e) 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;
- f) 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;



- g) 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;
- h) 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;
- i) Tree removal as specified in the landscaping plan shall be limited to trees on site. Tree removal and/or pruning on adjacent leasehold properties shall be addressed as part of a separate tree cutting application;
- j) All site drainage is to be contained on site. No connection of weeping tile to storm sewer is permitted;
- k) Any water meter and remote reading device shall be installed to issuance of an Occupancy Permit. Property owners shall provide free and convenient access to the premises and building at all reasonable times for the purpose of reading meters. The installation of the water meter shall be inspected by the Town of Banff Utilities Department, please call 403.762.1240 to arrange for an inspection;
- l) All exposed metal flashing, mechanical equipment and flues shall be coordinated to match the building colour;
- m) No satellite dishes, antennas or other rooftop communication equipment shall be installed without prior written permission of the Development Officer;
- n) 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;
- o) 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;
- p) Install hoarding around the perimeter of the site, in accordance with the approved plans, prior to commencing excavation and construction;
- q) 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 will not be stored within 100m of any waterbody;
- r) Confine “noise” activities to hours set out in *Town of Banff Community Standards Bylaw 260*;
- s) 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;



- t) 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;
- u) Minimize the idling of construction vehicle engines at all times in accordance with *Town of Banff Traffic Bylaw 16-7*;
- v) 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;
- w) 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,
- x) 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;
  - iv. Construction, repair and rehabilitation of street surfacing.

5.2 21DP22  
Proposed Triplex Housing  
444 Muskrat 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  
Robb Findlay, applicant, addressed the commission and answered questions.





**MPC21-35 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 9:50a.m., to deliberate and discuss confidential matters with respect to Item 5.2, Proposed Triplex Housing at 444 Muskrat Street, 21DP22.

For: (7): Commissioner Smythe, Commissioner McElhone, Commissioner Pelham, Commissioner Humbert, Commissioner Macpherson, Commissioner Howie, Councilor Olver

**MOTION CARRIED**

Administration in attendance during the closed meeting discussions with respect to Item 5.2, Proposed Triplex Housing at 444 Muskrat Street, 21DP22.

Advice: D. Michaels, E. Sanborn

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

**MPC21-36 Moved by Commissioner Smythe that Commission rise and report.**

For: (7): Commissioner Smythe, Commissioner McElhone, Commissioner Pelham, Commissioner Humbert, Commissioner Macpherson, Commissioner Howie, Councilor Olver

**MOTION CARRIED**

**MPC21-37 Moved by Commissioner Smythe**

That Municipal Planning Commission approved Development Permit application 21DP22 for Triplex Housing at 444 Muskrat Street subject to the conditions of approval attached as Appendix 'A' and proposed plans attached as Appendix 'B' with a variance to section 12.30.6.g of the Land Use Bylaw to allow side yard setbacks to be less than 1.8m.

For: (7): Commissioner Smythe, Commissioner McElhone, Commissioner Humbert, Commissioner Pelham, Commissioner Howie, Commissioner Macpherson, Councilor Olver

**APPROVED**



Appendix 'A' Amended Conditions of Approval - Application No. 21DP22

**(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. \$400 Municipal Planning Surcharge;
  - ii. \$110 Notice Fee;
  - iii. \$300 Variance Fee (\$300/variance);
  - iv. \$950 in-lieu of On-Site Garbage Facilities (\$950/dwelling rate); and,
  - v. \$125 Address Assignment Fee (\$125/dwelling rate).
- b) Submit a revised site plan, to the satisfaction of the Development Officer showing the following:
  - (i) A rear driveway that accommodates the stall widths required by the Land Use Bylaw; and,
  - (ii) A revised planting plan showing screening of the parking on Muskrat Street.
- c) Submit a detailed cost estimate for landscaping, as determined by the Landscape Architect, for all on and off-site landscaping specifying all plant materials (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;
- d) 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,
- e) 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.

**(2) Specific Conditions:**

- a) This approval allows for conversion of Duplex Housing to Triplex Housing.



**(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) Town of Banff requires all developers to collect all waste, separate into appropriate categories on-site and store appropriately. Trade waste may be disposed of at the Bow Valley Waste Management Commission's Class III landfill (Francis Cooke) and garbage to the Waste Transfer Station. Ensure that materials and waste being transported are covered with tarps or equivalent material. Please review the Town of Banff How-to Guide to Construction Waste Management;
- d) 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;
- e) 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;
- f) 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;
- g) 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;
- h) All site drainage is to be contained on site. No connection of weeping tile to storm sewer is permitted;
- 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) 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;
- n) 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;
- o) 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;
- p) 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,
- q) 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.



- 5.3 21DP08  
Proposed Bed and Breakfast Home  
345 Beaver 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  
Nicole Stratton, applicant, was present.

**MPC21-38 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 10:30a.m., to deliberate and discuss confidential matters with respect to Item 5.3, Proposed Bed and Breakfast at 345 Beaver Street, 21DP08.

For: (7): Commissioner Smythe, Commissioner McElhone, Commissioner Pelham, Commissioner Humbert, Commissioner Macpherson, Commissioner Howie, Councilor Olver

**MOTION CARRIED**

Administration in attendance during the closed meeting discussions with respect to Item 5.3, Proposed Bed and Breakfast Home at 345 Beaver Street, 21DP08.

Advice: D. Michaels, E. Bjorge

MPC reconvened in public meeting at 11:15a.m., with Commissioner Smythe in the chair.

**MPC21-39 Moved by** Commissioner Smythe that Commission rise and report.



For: (7): Commissioner Smythe, Commissioner McElhone, Commissioner Pelham, Commissioner Humbert, Commissioner Macpherson, Commissioner Howie, Councilor Olver

**MOTION CARRIED**

MPC21-40 **Moved by** Commissioner Pelham

That the Municipal Planning Commission approve Development Permit application 21DP08 for a Bed and Breakfast Home containing one (1) Commercial Accommodation Unit, located at 345 Beaver Street subject to the conditions as attached in Appendix 'A' with the following amendments:

- Addition of 1.j) Provide the following to Parks Canada: A current title for Block 14, Lot 15, LTO Plan 6719 BC; and Authorization for the proposed development from all registered owners of the leasehold.
- Amend condition 1.f) Submit ~~a current copy of title~~ **confirmation from Parks Canada that leasehold assignment has been completed, in accordance with the Land Use Bylaw** to the satisfaction of the Development Officer.
- Delete 1.h) ~~The owner shall either remove any and all unapproved Development of the backyard cabin, or submit a Development Permit application for additions to the backyard cabin, prior to August 31, 2021, and, and replace with~~
- 1.h) Provide either an Irrevocable Letter of Credit or Cash Equivalent in the amount of 125% of the value of the cost estimate for removal of the unauthorized additions to the backyard cabin to secure completion of work; and
- addition of 2.c) A Development Permit for alterations shall be obtained, or removal of the unauthorized additions to the backyard cabin shall be completed within 1 year of the date of issuance of this Development Permit

For: (7): Commissioner Smythe, Commissioner McElhone, Commissioner Humbert, Commissioner Pelham, Commissioner Howie, Commissioner Macpherson, Councilor Olver

**APPROVED**

Appendix 'A' Amended Conditions of Approval - Application No. 21DP08

**(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:

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



- i. The owner resides at 345 Beaver 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;
  - 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 345 Beaver Street 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 Landscape Plan showing proposed surfacing of the parking and driveway area, to the satisfaction of the Development Officer.
- (d) Submit a detailed Landscaping and Hardsurfacing Cost Estimate, as determined by the contractor or Landscape Architect, for all proposed landscape and hard-surfacing 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 and hard-scaping to secure completion of work;
- (f) Submit confirmation from Parks Canada that leasehold assignment has been completed, in accordance with the Land Use Bylaw to the satisfaction of the Development Officer;
- (g) The basement suite shall be decommissioned and suitably integrated into the main dwelling to the satisfaction of the Development Officer;
- (h) Provide either an Irrevocable Letter of Credit or Cash Equivalent in the amount of 125% of the value of the cost estimate for removal of the unauthorized additions to the backyard cabin to secure completion of work;
- (i) 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.
- (j) Provide the following to Parks Canada: A current title for Block 14, Lot 15, LTO Plan 6719 BC; and Authorization for the proposed development from all registered owners of the leasehold.



**(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. Landscaping 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.
- (c) A Development Permit for alterations shall be obtained, or removal of the unauthorized additions to the backyard cabin shall be completed within 1 year of the date of issuance of this Development Permit.

**(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*.

## 6.0 CORRESPONDENCE

There was no correspondence for this meeting.

## 7.0 NEW BUSINESS

- 7.1 Development Updates – administration provided a verbal update on the following developments: Appeal #01-21, Otter Hotel (former Swiss Village), Cascade Plaza residential development, 514 Buffalo Street and Tuesday, May 25<sup>th</sup> at 2:00pm Public Hearing Bylaw 455.
- 7.2 Bylaw 431: proposed amending bylaw was presented by Randall McKay as attached in the MPC agenda package.

## 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 09, 2021 at 9:00 a.m.**

MPC21-41 **Moved by** Commissioner Smythe that this Municipal Planning Commission adjourn at 11:42a.m.

For: (7): Commissioner Smythe, Commissioner McElhone, Commissioner Humbert, Commissioner Pelham, Commissioner Howie, Commissioner Macpherson, Councillor Olver

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



Town of Banff Municipal Planning Commission Meeting  
Wednesday, May 12, 2021  
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Approved: August 11, 2021

**MOTION CARRIED**

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Brian Smythe  
Chairperson

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Kerry MacInnis  
Planning and Development

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