

**Municipal Planning Commission
MINUTES
Meeting of Thursday March 25, 2021**

Present: Darryl Drohomerski, CAO/Development Officer
Antonia Knight, Development Officer in Training
Linda Taylor, Recording Secretary
Tom Zariski, Chair - Councillor/Member - online
Tony Lacher, Councillor/Member - online
Shelley Rymal, Member - online
Stacey Gallagher, Member – in person and online
Scott Kuntz, Member - online
Andrew Luger, Member – online
Art Erickson, Member - online
Darwin Durnie - Chief Resiliency & Flood Mitigation Officer – exit 12:25
Albert Frootman - Senior Advisor, Resiliency and Flood Mitigation
Devin Diano, Palliser Regional Municipal Services Rep. – Planner
Garry Wilson, Palliser Regional Municipal Services Rep. – Subdivision Planner

Attendee(s): Daniel MacGregor – B&A Planning Group – Senior Planner – exit 1:05
Bob Doornenbal – Project Manager – exit 1:05
Marty Fletcher – exit 1:05

1.0 CALL TO ORDER – 12:01 pm

T. Zariski presented the Agenda for the March 25, 2021 meeting.

1.1 Agenda – Additions, Deletions or Amendments

Addition - none

Deletion - none

Amendment -

1.2 Acceptance of Agenda

Motion: - S. Rymal moved to accept the agenda for the March 25, 2021 meeting

Second: – A. Luger - Carried

2.0 MINUTES FROM PREVIOUS MEETINGS

2.1 February 11, 2021

Motion: A. Luger moved to accept the minutes of February 11, 2021

Second: – T. Lacher – Carried A. Erickson abstained

2.2 Summary of Development Permits

Motion: S. Rymal moved to accept the Summary of Development Permits for information only

Second: – A. Erickson - Carried

3.0 DEVELOPMENT PERMITS

No development permits were presented in this meeting

4.0 PALLISER REGIONAL MUNICIPAL SERVICES

4.1 File 80-160 – Raptor Ridge

SUBDIVISION REPORT

FILE No. 80/160

PRMS No. 2021-003

APPLICANT : Daniel MacGregor, B & A Planning Group (Agent)

OWNERS: Raptor Ridge RV Resort Inc.

PROPOSAL: 155 Bareland Condominium Units including common property, and one Municipal Reserve lot as seen in the attached Tentative Plan (Appendix 1.0).

LOCATION: Covering two quarter sections on the South side of Highway 576 and on the north side of the Red Deer River (Appendix 2.0).

LEGAL DESCRIPTION:

"Parcel B"- That portion of the NW1/4- Sec 12-Twsp 29- Rge 20- W4 which lies to the south west of the north east limit of the roadway as shown on plan 7042BM containing 58.4 hectares (144.3 acres) more or less

"Parcel C"- That portion of the SW1/4- Sec 12-Twsp 29- Rge 20- W4 which lies to the north of the left bank of the red deer river as shown on township plan containing 48.84 (120.60 acres) more or less

TITLE AREA:

"Parcel B"- 58.4 Ha (144.3 Ac) more or less

"Parcel C"- 48.84 Ha (120.60 Ac) more or less

PROPOSED SUBDIVISION AREA: Area affected by proposed tentative plan contains 105.Ha (259.0 Ac) more or less

NUMBER OF PROPOSED PARCELS: 155 Bareland Condominium Units including common property and 1 Municipal Reserve Parcel

EXISTING USE: Agriculture-General

PROPOSED USE: Recreation Vehicle Resort

LAND USE CLASSIFICATIONS: Rural Development District & Badlands District

RESERVE STATUS: Subject to section 661 of the Municipal Government Act (*MGA*) an owner of a parcel of land subject of a proposed subdivision must provide land for municipal reserve to a maximum of 10% of the parcel of land (excepting road plans).

The amount of reserve owing on the combined titles to a maximum of 10% of the parcel size would be 10.48 Ha (25.9 Ac).

The submitted Tentative Survey Plan has proposed a Municipal Reserve dedication of 10.48 Ha (25.9 Ac) along the Red Deer River.

APPEAL STATUS: Provincial - Proximity to Highway 576 and named body of water (Red Deer River) [Municipal Government Act, RSA 2000 Section 678(2)(a)].

The Secretary
Municipal Government Board
2nd Floor, Summerside Business Centre
1229 91 Street SW
Edmonton, Alberta
T6X 1E9

PURPOSE:

The purpose of this subdivision is to create 155 Bareland Condominium Units (and 1 Municipal Reserve Unit) for the purpose of establishing a Recreational Vehicle Resort. The 155 bareland units would include 150 units for the purchase and use as RV lots. 1 Unit has been established for the RV resort office, and the remaining 3 large Bareland Condominium Units have been set aside as block planning for the future phases. The remainder of the parcel is proposed as common property or Municipal Reserve land which will contain parks or natural open spaces throughout the resort.

This proposed application is for Phase 1 of an anticipated 4 phase development with a potential total of 420 lot RV Resort as seen in the attached Concept Plan (Appendix 3.0).

Surrounding Area Features: The parcels are bordered by Provincial Highway 576 to the north, and the surrounding properties to the north, west and east contain land used predominately for agricultural purposes. The parcels are bordered to the south by the Red Deer River with Downtown Drumheller located across the river.

Land Use Considerations:

The current lands proposed for the development footprint of RV lots are designated as Rural Development District within the Towns Land Use Bylaw 16.20 (LUB). The remainder portions of the Parcels B and C contain lands designated as Badlands District as they predominately consist of the river valley, coulees and badlands (Appendix 4.0).

Recreation Vehicle Resort is currently a discretionary use under the Rural Development District. The proposed subdivision meets all LUB requirements for a Recreation Vehicle Resort including ensuring that a designated vehicle lot shall be a minimum of 140 square metres in size, and a maximum of 62 designated recreational vehicle lots shall be permitted per gross developable hectare.

Phase 1 is approximately 10.47 Ha of developable land and the lots will range from 40ft, 45ft, and 50ft lot widths X 80ft lengths which would result in a minimum of 3,200 Sq feet per lot.

The Intent of the Badlands District is to;

"To protect, conserve, and enhance natural areas and their scenic or aesthetic values, and retain a healthy ecological function throughout the Valley. The Badlands District consists of lands that remain in or are reverting to a wilderness condition, including lands unsuitable for development due topography, hydrology, or vegetation."

Uses allowed on Badlands District land are limited to non-intensive recreation and general agriculture. The current proposed footprint of RV lots has been restricted to the Rural Development District.

The application also aligns with the Drumheller Municipal Development Plan 17.20 (MDP) as will be discussed in several sections this report.

CIRCULATIONS:

Adjacent landowners: Application was circulated to adjacent landowners and no responses have been received to date regarding the application.

External Agencies:

Agencies with no concerns or no response: Atco Electric, ALTA Gas, TELUS, ATCO Gas, Golden Hills School Division, Alberta Culture and Tourism and Alberta Environment.

Alberta Transportation – Responded with questions regarding the drainage / storm water plans, specifically wanting to ensure there are no negative potential impacts as a result of water drainage on the highway. Their questions were regarding the amount of permeable surface area (whether lots and road ways are paved or graveled) and wanting to ensure that the highway (including ditch) would not be effected by runoff and scouring as a result of the site improvements. Alberta Transportation also wanted to confirm the design met the Stormwater Management Guideline for the Province of Alberta. Alberta Transportation also stated that in general, they do not have any issues with the subdivision as proposed.

These comments were circulated to the applicant, and their engineers provided additional information and a revised stormwater design to ensure there are no impacts to highway. The final redesign of stormwater was completed on March 23rd, so PRMS is awaiting final confirmation from Alberta Transportation that they are satisfied with the revised stormwater system design. The conditional approval of the subdivision will not be issued without confirmation from Alberta Transportation.

Starland County:

Starland County submitted a letter regarding the proposal. In summary:

Land Use Impacts:

Starland County did not have any major concerns regarding the proposed use of the land and felt the projected impact is limited given the neighboring properties are used for agricultural operations with minimal occupation. However due to the scope of the use, the County did express that there is potential for concerns to arise from area residents and landowners with respect to nuisance issues, particularly, the potential liability or risk from unauthorized persons entering private lands.

Waterline Connection and Utility Right of Way:

The County identified that the CLV Rural Water transmission line has a registered "blanket" easement upon the property and is situated within the proposed subdivision area. The existing blanket easement for the water line indicates the location of these facilities for the purpose of protection of the facilities and future

access by the County. The developers do propose to access the Starland County water line for water supply and services to the development, and the development has incorporated the existing pipeline alignment as part of the overall design and layout while allowing a utility corridor within.

The applicants have proposed the utility right of way for the water line to be accommodated within a narrow path or roadway with a width of 6 meters or 20 feet. However, Starland County policy for water easements and registered plans is typically 15 meters in width. This is to allow sufficient workspace and separation from adjacent properties or improvements. As such, Starland County will require:

1. The Blanket Utility Easement to remain in place on the property for protection and continued access to the water line by Starland County, OR allowance for a 15-meter easement within the parcel as described for the purpose of making repairs or maintenance operations
2. A Letter of Understanding between the Developer and Starland County with respect to the location of Starland County facilities within the property and understanding of those limitations and restrictions upon Starland County due to the development in proximity to existing waterline
3. Developer to enter into a "Water Use Agreement" with Starland County for provision of water services.

Overall, the County feels the proposed subdivision does not appear to adversely impact surrounding properties and existing use of lands. The expressed concerns for Starland are in regard to the water transmission line and any limitation or risk they may incur as a result of the location and proximity to the proposed development.

These concerns have been discussed with the applicant who is supportive of leaving the blanket utility right of way in place to ensure Starland County access to the water transmission line. A condition of subdivision approval will be for the utility right of way to remain in place on title for Parcel B and also registered on Parcel C, and for the developer to enter into the requested agreements with the County.

Big Country Gas Co-op:

PRMS did circulate to Big Country Gas Co-op however we have not received a response back with any concerns. The applicants have been in contact with Big Country Gas Co-op and there will be a utility right of way registered on title to provide access to the existing gas line as seen in in the proposed tentative plan.

Alberta Health Services:

AHS does not recommend or support septic sewage or open discharge whenever possible. The mismanagement or irresponsible use of open discharge of sewage can contribute to nuisance issues and contamination of ground water including drinking water aquifers. Our office has received complaints about the mismanagement of private sewage system in the surrounding area. AHS would support the concept of communal, regional or municipal collection and treatment of waste water, if this is made available to the subject area.

Require that all setbacks of the Nuisance and General Sanitation Regulation (NGS) must be met including not locating a pump out septic tank within 10m of an existing water well.

Applicants are proposing a private sanitary system including underground septic lines and tanks. Sanitary holding tanks will be located near the main entrance to the site, to be pumped out by truck as required.

Access:

Legal and physical access to the parcel will be provided from Provincial Highway 576. A Traffic Impact Assessment was completed by Alberta Transportation confirming a Type IIA intersection would be required

for the proposal. Intersection designs have been completed by the developers. The Town will require this construction prior to the Construction Completion Certificate issued through the Development Agreement (as indicated in the Towns Engineering review).

6m internal roadways are proposed by applicant and shown on the plan as common property. Internal roads must be constructed to the satisfaction of the Town and the Development agreement will require roads to be built to the standards of the Town.

Landscape Sensitive Development:

Section 9.2 of the Towns MDP outlines the importance of the badlands to the Drumheller valley and the major draw the landscape has for residents and visitors. The MDP requires that critical views of the landscapes are considered and protected as the Town grows. Section 9.2 also includes high level mapping to identify areas of significant views in the valley, where development could have an impact on the overall experience of the valley, and where these impacts will need to be mitigated.

An on-ground viewshed test was completed in conjunction with the applicants, the Town of Drumheller staff, and PRMS which identified that there are few areas that may be visible from various highway locations within the Valley. The applicants proposed screening and berming as a mitigation measure to ensure sensitive views are protected.

Through discussions with Town administration, it was determined that berming and screening would be supported as an approach to ensure development sensitive viewscapes are protected. Further, this would be under the condition that any proposed berm or screening is integrated and fits naturally into the landscape, and is constructed with native vegetation.

The applicants have submitted proposed berming and screening plans to ensure significant views are protected (Appendix 5.0 & 6.0). The berm plans were designed by a professional Landscape Architect and reviewed and signed off on by the applicants Geotechnical Engineer confirming the berm can be safely constructed. The final berm and screening designs will be required to be completed and constructed to the satisfaction of the Town through a development agreement to ensure critical viewscapes are protected.

Emergency Response Plan:

Section 12.2 of the MDP has the intent of ensuring community and protective services are provided to ensure safety of residents. Further, section 12.2 requires subdivision and development to ensure safe and efficient access is provided for emergency vehicles. Comments were received back from the Fire chef and Director of Protective Services in conjunction with the Towns CAO. The applicants were requested to provide an Emergency Response Plan (ERP) completed by a qualified professional for the resort to the satisfaction of the Town. The larger items that were requested to be identified for this site included:

1. How access/egress will occur for residents and emergency response
2. How water supply and fire suppression will be handled for the proposed lots, including showing sufficient water supply for fire suppression for the amount of lots approved
3. Procedures followed by the resort residents in the case of a local disaster
4. Ensuring proper signage occurs on lots
5. And all other requirements of an ERP to the satisfaction of the Town.

A Draft ERP was created by the applicants and has been sent to the Town for its review and approval. A condition of approval will be a final approved ERP to the satisfaction of the Towns standards.

Abandoned Well Map:

There is currently one existing ConocoPhillips abandoned well located within "Parcel B". The abandoned well is located within proposed Phase 4 that would be later considered under a future application. The applicants and PRMS have been in contact with ConocoPhillips who have confirmed that as long as development activities are not within a 5m buffer there are no concerns with any activities commencing. ConocoPhillips has also requested to complete an additional gas mitigation test and well review in the spring. They have stated that "If both gas migration test and well review result in a no impacts or concerns, which is the majority of the outcomes, the Energy company will have no concerns with the development commencing as long as directive 79 is followed".

For the purpose of Phase 1 and this current proposal, the abandoned well is not anticipated have any impact on the development. The overall concept plan for the resort has taken into consideration 5m buffer for the lot layout in Phase 4. However, should future development of Phase 4 occur, the developers will need to ensure all tests required by ConocoPhillips are completed and Directive 79 (AER regulations on Surface Development in Proximity to Abandoned Wells) is followed.

Environmental and Historic Resource Considerations:

Applicants have completed multiple environmental studies including:

1. Environmental Desktop Review

Notable recommendations included:

- *"Initiate dialogue with the wellsite licensees to determine if a gas detection survey is required and if the minimum 5 m setback is acceptable, given development plans."*

In responses the applicants completed a Electromagnetic Survey and report for the RecCertified ConocoPhillips wellsite located within the development area and it was determined through the survey and report that no further environmental investigation would be required. Further, the applicant noted that correspondence with ConocoPhillips took place in November and December and no further issues were noted.

- *"If buried debris, stained soils, or soils of unknown quality are encountered during development, contract a qualified environmental professional."*

2. Biophysical Impact Assessment

Notable recommendations included:

- *"Conduct a site visit to confirm the status of the wetland and if required, prepare documents as required under the Alberta Wetland Policy and submit a Water Act application"*
- This site visit was completed by Tannas Conservation Services on November 6, 2020. Their site visit confirmed that the area identified by Trace is not a wetland.
- *"Conduct a site visit to confirm the status of the on-site watercourses"*
- This site visit was completed by Tannas Conservation Services on November 6, 2020. Their site visit confirmed that the areas identified by Trace are not watercourses.
- *"Conduct site clearing, and stripping and grading work during the period of September 1 to April 14 to avoid general nesting period."*

Historic Resources:

Historic Resource Act Clearance was granted by the Province on December 11, 2020 with the condition that *"a person who discovers an historic resource in the course of making an excavation for a purpose other than for the purpose of seeking historic resources shall forthwith notify the Minister of the discovery."*

Title Encumbrances:**Tower Site:**

There are existing caveats forbidding registration (Registration Number 542JB and 3808JC) on title from 1964 for a tower site under the Caveator of "CICT Sub Inc". The caveat states that "Calgary Television Limited" claims an interest in said lands. The Caveats overlaps approximately 3 of the proposed RV units and a portion of an internal roadway as seen in the proposed tentative plan. The applicants have provided a copy of a letter from the Calgary Television Centre dated April 18, 1988, stating that "Calgary Television Limited" no longer holds an interest in said lands. Since this letter in 1988 the Caveat was not removed from the title and the Caveator "CICT Sub Inc" is believed transferred ownership. The applicants have been working since last year to trace the chain of ownership and reasonably believe the successor in interest (if there is any successor in interest) to the original caveator is "Corus". However they have gotten limited responses or interest from Corus in taking any steps towards discharging the caveat from the title.

Typically we would want to see any caveat forbidding registration discharged before the endorsement of a new lot or unit on the effected area. However PRMS has run into issues at times with old caveats on titles, and we do recognize that it is not always possible to follow through with discharge of old caveats on title in a reasonable amount of time. The applicants have since proceeded with a legal process where they can begin discharging the caveat in 60 days if they have not heard back from Corus within that time and have also provided significant information in this respect identifying that efforts have been made for months to discharge the caveat.

PRMS would be comfortable moving forward with the proposed conditional approval however, we have requested that the developers legal counsel provided a letter releasing PRMS and the Town from any liability regarding the final endorsement of the plan with the existing caveat on title.

Geotechnical Considerations:

Section 3.1.2 of the Town of Drumheller Land Use Bylaw includes regulations regarding Development Near Slopes and requires the completion of a Geotechnical Analysis. The applicant has submitted a detailed Geotechnical Report prepared by McIntosh Lalani Engineering Ltd. The primary consideration of the Report was to ensure the consistency of surficial soils to support utilities and surface improves and the stability of sloping lands adjacent to the development area.

The Geotechnical Report was reviewed by the Towns third party engineer (MPE) who did not identify any major issues in relation to the report and the proposed development. MPE did recommended that the lot layout adhere to the 10m setback from the top of slope as recommended in the report, and the applicants have confirmed through a submitted plan that all lots are setback a minimum of 10m from the top of slope. Additionally, MPE's review recommended the Geotechnical Engineer sign off on the Stripping and Grading Plan prior to any construction occurring and this confirmation must be provided to the Town prior to signing a Development agreement. The applicants engineers have since provided this confirmation.

Sewage System Details:

The applicant is proposing a private sewer septic system which would include piped services form lots connected to holding tanks. The proposal has been reviewed by MPE and determined to be feasible. The developer will be required to enter into a development agreement to ensure the final sewage system will be constructed to Town standards.

Water System Details:

Water will be supplied through a connection to Starland County's water line and run through a private piped system to each site. Developers will be required to enter into a "Water Use Agreement" with Starland County for provision of water services. The proposed water system has been reviewed by MPE and no concerns were raised regarding the proposed water system. The developer will be required to enter into a development agreement to ensure the final water system will be constructed to Town standards.

Stormwater Drainage:

Applicants have submitted a detailed stormwater management plan that has been reviewed by MPE. There were concerns expressed regarding the initial stormwater design, particularly regarding the permeable service area and run off with paved roads. These plans have since been revised and MPE has not expressed any major concerns. The developer will be required to enter into a development agreement to ensure the final storm water drainage system will be constructed to Town standards.

Further, as previously discussed Alberta Transportation raised concerns regarding the initial proposed stormwater drainage plan. The revised stormwater drainage plan has since be resubmitted to Alberta Transportation for their additional review. Conditional approval will not occur until final sign off from Alberta Transportation.

PRMS RECOMMENDATIONS:

Pending final sign off from Alberta Transportation, that the application be approved, subject to the following conditions:

- (1) Registration of the subdivision by means suitable to the Registrar of the Land Titles Office, [Section 81 and 89 of the Land Titles Act];
- (2) All outstanding taxes to be paid to the municipality, [Section 654 (1)(d) of the Municipal Government Act];
- (3) Concurrent registration of utility easements and rights-of-way as required by relevant authorities [Section 654(1)(a) of the Municipal Government Act].
- (4) Arrangements with Big County Gas Co-op for the concurrent registration of proposed utility right-of-way and the discharge of existing utility right-of way (registration number 751061474) if required. [Section 654(1)(a) of the Municipal Government Act].
- (5) Arrangements made with Starland County for the waterline utility right of way (Registration number 89118879) to be remain in place on "Parcel B" and to be concurrently registered on "Parcel C". [Section 654(1)(a) of the Municipal Government Act].
- (6) The developer shall enter into a Water Use Agreement and Letter of Understanding with Starland County regarding the provision of water services and development in proximity to existing waterline. [Section 655 of the Municipal Government Act].
- (7) The developer shall enter into a Development Agreement with the Town of Drumheller in accordance with Section 655 of the MGA, at the cost of the developer, and shall include (without restriction) the following provisions:
 - a. Design and construction of all infrastructure in accordance with the submitted servicing plans and to Standards of the Town of Drumheller

- b. Access and roadway construction to the Standards of the Town of Drumheller and Alberta Transportation
 - c. Provision of security to the satisfaction of the Town of Drumheller
- (8) Through the development agreement with the Town of Drumheller, ensure essential services (water, sewer and power) are in place prior to occupancy of Units or issuance of a development permit. [Section 655 of the Municipal Government Act].
- (9) Through the development agreement with the Town of Drumheller, ensure the construction of berms and screening are designed to the standards of the Town to ensure sensitive viewshed landscapes are protected. [Section 655 of the Municipal Government Act].
- (10) Emergency Response Plan completed to the satisfaction of the Town. [Section 655 of the Municipal Government Act].
- (11) Dedication of 10.48 Ha (25.9 Ac) Municipal Reserve as shown on the proposed tentative plan [Section 666 of the Municipal Government Act].

D. McGregor and B. Doornenbal spoke to the development of Raptor Ridge.

Al Frootman spoke to the berms noted in the plans; careful consideration should be taken so as to protect the view from the valley floor.

Discussion items:

- Are there any permanent spaces at the resort?
 - This is only going to be a 3-season resort
- Traffic turning off the highway into the resort
 - Impact study was done on the traffic
 - There will be a bump out for vehicle passing by going west
 - A turning lane for the traffic coming from the west into the resort
 - Most traffic is thought to be coming in from the west
- Sewage from the resort
 - Sewage will be contained in holding tanks located near the entrance
 - Sewage will be trucked out about once per week
 - Sewage details will be included in the development agreement
- Historic resources
 - Clearance was granted, however any findings shall be reported to the Minister
- Berms for screening
 - Work with the developer to minimize the view of the Raptor Ridge development on the top of the valley
 - A pathway is to be created on the top of the berm
- Relaxations for development
 - There is no relaxations required for this development as it meets the Land Use Bylaw 16.20

Motion: by S. Gallagher for Municipal Planning Commission to support Palliser Regional Municipal Services recommendations and conditions as stated in the Raptor Ridge subdivision report: file number 80-160, PRMS number 2021-003.

Second: A. Luger – Carried

4.2 File 80-161 – Castonguay

SUBDIVISION REPORT

FILE No. 80/161

PRMS No. 2021-007

PROPOSAL: Residential

LOCATION: Located along the south side of 6 Avenue East, between 12 Street East and 14 Street East on the former site of the Saint Anthony School. Civic address: 1311, 1321 & 1331 Sixth Avenue East.

LEGAL DESCRIPTION: Lots 5, 6 & 7, Block 2, Plan 161 1903
All within the NW 1/4 Sec.01 - Twp. 29 - Rge 20 W4M
C. of T. 161 187 644; C. of T. 161 187 644 +1 and C. of T. 161 187 644 +2

APPLICANT: Grant Wallace - ALS Hunter Wallace Surveys Ltd.

OWNERS: 1962860 Alberta Ltd.

TITLE AREA: Three (3) existing Lots

Existing Lot 5	5,996.5 sq. ft. (557.09 m ²)	0.138 ac. (0.056 ha.)
Existing Lot 6	5,400.0 sq. ft. (501.7 m ²)	0.124 ac. (0.050 ha.)
Existing Lot 7	5,419.1 sq. ft. (503.5 m ²)	0.124 ac. (0.050 ha.)
Total Title Area	16,815.6 sq. ft. (1,562.29 m²)	0.386 ac. (0.156 ha.)

PROPOSED SUBDIVISION AREA:

Proposed Lot 20	4,088.4 sq. ft. (379.83 m ²)	0.094 ac. (0.038 ha.)
Proposed Lot 21	3,964.1 sq. ft. (368.27 m ²)	0.091 ac. (0.037 ha.)
Proposed Lot 22	3,963.4 sq. ft. (368.21 m ²)	0.091 ac. (0.037 ha.)
Proposed Lot 23	4,779.4 sq. ft. (444.02 m ²)	0.110 ac. (0.044 ha.)

Total Title Area 16,795.3 sq. ft. (1,560.33 m²) 0.386 ac. (0.156 ha.)

NUMBER OF PROPOSED PARCELS: Four (4)

EXISTING USE: Residential/ Vacant

PROPOSED USE: Residential

LAND USE CLASSIFICATION: "ND" – Neighbourhood District

RESERVE STATUS: Not required [Municipal Government Act, RSA 2000 Section 663(a)]
A subdivision authority may not require the owner of a parcel of land that is the subject of a proposed subdivision to provide reserve land or money in place of reserve land if
(c) one lot is to be created from a quarter section of land,

APPEAL STATUS: Provincial (Proximity to a Highway 10 and the Red Deer River [Municipal Government Act, RSA 2000 Section 678(2)(a)]). Deferred by Alberta Transportation to the local or municipal level.

The Clerk
Subdivision & Development Appeal Board
Town of Drumheller
224 Centre Street
Drumheller, AB, T0J 0Y4

CIRCULATION: One adjacent landowner called the office and was curious as to the type of housing that was to be placed on the proposed lots and expressed that when he moved into the area and constructed his home, he was under the impression that the area would be single detached dwellings.

An email was received by the PRMS office with the following comments as a follow-up to an earlier telephone conversation.

1. I was calling on behalf of a friend who had received a letter regarding the noted proposed subdivision. Her concern is that if the subject property is subdivided, and duplexes built, will the status quo in this development area...notably, that owners, must be 55 years of age, or older...apply to the duplex owners. If there is to be any change to the age requirement, she wants to be notified and given an opportunity to speak to the issue.
2. I live within this 55-plus development area as well. Although, not immediately adjacent to the subject property, we believe we might be affected by the proposed subdivision, for the same reason as noted above.

Alberta Health Services (AHS) received notification of the application and are satisfied that it poses minimal risk to the public health. AHS recommends consideration of the following items be made in order to ensure that the development of this property does not create a nuisance as defined in the Public Health Act; *Nuisance and General Sanitation Regulation, NGS Reg, (AR 243/2003)*:

- The setback distances outlined in Section 15(1) and (2) the *NGS Reg* must be met, these include:
 - No person shall locate a water well with in:
 - a) **10 m** of a watertight septic tank, pump out tank or other water tight compartment of a sewage or waste water system,
 - b) **15 m** of a weeping tile field, evaporation treatment mound, or other outdoor pit privy.
 - c) **30 m** of a leaching cesspool,
 - d) **50 m** of a sewage effluent on the ground surface,
 - e) **100 m** of a sewage lagoon,
 - f) Or **450 m** of any area where waste is or may be disposed of at a landfill within the meaning of the Waste Control Regulation (AR 192/96)
 - Nor shall you locate any of the aforementioned items in a-f within the stipulated distances of an existing well.

Additional mapping of the current surrounding land use, existence use of neighbor's wells and sewage systems should be done in order to ensure compliance with Section 15 of the *NGS Reg*. At this time AHS have no objections to the approval of this application. (Contact: Balraj Deol, Public Health Inspector/Executive Officer – Alberta Health Services, PH: 403-820-7953, E-mail: Balraj.Deol@albertahealthservices.ca)

Alberta Transportation (AT) noted the proposed subdivisions are located within the Town of Drumheller and are serviced by a local road. Alberta Transportation expresses no concerns with the proposed subdivision. Any appeals regarding this proposal may be dealt with at the local government level. (Contact: Michele Buchwitz, Development and Planning Technologist, Alberta Transportation, Central Region, P.O. Box 1300, Hanna, AB T0J 0Y0, PH: 403-854-5560).

ATCO Electric has no comments or concerns with this application. (Contact: Lisa Takacs, Land Administrator, Land Administration Environment and Land Development Electricity, 10th Floor AC-EDM, 10035 – 105 St. Edmonton, AB T5J 1C8, PH: 780-508-4986, E-mail: landinquiries@atcoelectric.com)

Telus Communication Inc. (TELUS) has no objections to the mentioned circulation. (Contact: Chris Rvachew, Real Estate Specialist, Customer Network Implementation, TELUS, Rights of Way, 2930 Centre Avenue NE, Calgary, AB T2A 4Y2, PH: 403-384-3066, E-mail: circulations@telus.com)

Canada Post has responded that they wish to be advised when the addresses are assigned to the new lots. (Contact: Wendy Bauer, Officer, Delivery Planning Canada Post Corporation, PH: 403-974-2000 Ext 42106, Cell: 587-284-4225, E-mail: wendy.bauer@canadapost.postescanada.ca.)

Review of the **Alberta Energy Regulator (AER)** website and map viewer indicates there are no abandoned wells that should have any bearing on the development within the proposed parcel.

Abandoned well information is now found on the AER website under Directive 079: Surface Development in Proximity to Abandoned Wells. The AER has released an Abandoned Well Viewer for proponents of a subdivision or development to use to locate abandoned wells. Bulletins 2012-20 provides additional information and can be found on the AER website

<https://extmapviewer.aer.ca/AERAbandonedWells/Index.html> Questions regarding Directive 079 should be submitted to directive079@ercb.ca.

Questions concerning the wells and/or pipelines listed on the enclosure to this letter should be directed to the licensee. Questions about this reply may be directed to the Emergency Preparedness and Audit Help Line at (403) 297-2625 or Inquiries@aer.ca.

STAFF COMMENTS: The purpose of this subdivision is to create four (4) new lots by re-configuring three (3) existing lots. The original three lots were created as part of a subdivision that was originally applied for in 2016 (File No. 80/139; PRMS # 2016-002) subdividing the 1.05 hectare (2.55 acre) area into fourteen (14) residential lots and one (1) centrally located municipal reserve (1MR) lot. The site was the former athletic grounds of the Saint Anthony School block. Before undertaking the multi-lot subdivision "infill", the area was subject to an area structure plan being completed which also included the rezoning of the site to the appropriate land use district. By means of this subdivision, the applicant is looking at creating an additional lot resulting in an even number of lots so that two (2) semi-detached structures can be built in a manner so that the common wall of the units are built on the lot line.

Surrounding Area Features: The Red Deer River is about 200 meters to the north-east, however these subject parcels are well outside the "Conveyance Zone" as well as outside the edge of the "Protected Zone". The Conveyance Zone is to have no development with the potential to obstruct floodwaters and used only for agricultural or non-intensive recreation. Within the "Protected Zone" buildings shall be designed and constructed with the ground floor elevation at or above the flood constructed level. The Area Structure Plan makes note of there having been no history of flooding in this location. To the south, across 7 Avenue East, is the discontinued Canadian National Railway right of way with its extra widening for a railway yard, where the tracks have been removed. Running parallel and south of the rail bed is Highway 10.

Access: Legal access to all parcels will be by the local street network within the Town. All four of the new parcels will front onto Sixth Avenue East, which lies along the northern boundary. All the proposed lots have

a laneway adjacent to their southern boundary and proposed Lot 23 will have an existing laneway along its eastern boundary as well.

Land Use Considerations: Within the current Town of Drumheller Land Use Bylaw 16-20, which was recently adopted and replaces the former Bylaw: 10-08 this property is currently zoned as “ND” – Neighbourhood District. This area was also the subject of the Previous St. Anthony’s School Site – East Drumheller District Area Structure Plan (ASP). As part of this ASP and moving forward with the subdivision and development of this property this area, Lot 4, Block 2, Plan 131 0788, was re-classified to “R-1” – Single Family Residential District under the former Bylaw 10-08.

3.5 NEIGHBOURHOOD DISTRICT

3.5.1 General Intent

To enable primarily ground-oriented residential development with an emphasis on diverse, walkable neighbourhoods with varying built forms and housing typologies. To achieve complete communities, as envisioned in the Municipal Development Plan, select non-residential uses such as small-scale Restaurants/Cafes, Offices, Home Occupations, Education, and personal services are allowed.

Development shall be predominantly residential and may have a wide range of building types: single detached, duplex, rowhouses, and secondary suites. All development, regardless of use, shall have a built form that is consistent with surrounding residential properties, with the exception of uses listed in the Institutional Use Category in Subsection 3.4.2.

3.5.2. Uses

Use Category	Permitted Uses	Discretionary Uses
(1) Residential	Dwelling Units(s)	Dwelling Unit - temporary
(2) Lodging Tourist Dwelling	Bed & Breakfast	Campground
(3) Commercial Home Occupation – Urban Home Occupation – Basic	Artist Studio Restaurant/Café Retail & Service – General Office	Restricted Substance Retail
(4) Institutional Education	Culture Government Health Services Human Services Recreation - Intensive Recreation – Non-Intensive	
(5) Other Uses Structure	Accessory Building or Freestanding Sign Projecting Sign Solar Energy System Communication Structure	Fascia Sign
Restaurant/Café (a) (b)	The maximum use area for a Restaurant/Café is 300 square metres. 1 Sign is permitted, in accordance with part 4.	

- Retail and Service (a) The maximum use area for Retail & Service is 300 square metres.
 (b) Permanent outdoor display, service, and/or outdoor storage is not permitted.
 (c) 1 Sign is permitted, in accordance with Part 4.

Additional Standards (a) No use shall cause or create any nuisance, by way of noise, vibration, smoke, dust, fumes, odors, heat, light, or traffic generation, at the discretion of the Development Authority.

3.5.4 Setbacks for Principal Buildings

- | | | |
|-----|--|--|
| (1) | Front Setback | Minimum 3 metres – Maximum 6 metres |
| (2) | Secondary Front Setback | Minimum 3 metres – Maximum 6 metres |
| (3) | Side Setback | Minimum 1.2 metres |
| (4) | Rear Setback | Minimum 6 metres |
| (5) | Projections into Setbacks | The following features may project into a setback; |
| (a) | Unenclosed steps and wheelchair ramps; | |
| (b) | Signs; | |
| (c) | Fences; | |
| (d) | An unenclosed deck, porch or other similar structure below 0.6 metres in height; | |
| (e) | An unenclosed deck, porch or other similar structure above 0.6 metres in height may project 50 % in a front setback or rear setback; | |
| (f) | Eaves, chimneys, cantilevers, bay windows, or other similar architectural features may project up to 0.6 metres in a front setback or side setback and up to 1.5 metres in a rear setback; and | |
| (g) | Balconies may project up to 1.5 metres in a front setback or rear setback. Balconies may project into a side setback but must maintain a minimum, of 1.2 metres from the side parcel boundary. | |

3.5.5 Setbacks for Accessory Buildings

- | | | |
|-----|-------------------------|---|
| (1) | Front Setback | Principal building front setback plus 1 metre |
| (2) | Secondary Front Setback | Minimum 3 metres |
| (3) | Side Setback | Minimum 1.2 metres |
| (4) | Rear Setback | Minimum 1.2 metres |

3.5.6 Parcel Coverage Standards

- | | | |
|-----|-------------------------|-----|
| (1) | Maximum parcel coverage | 70% |
|-----|-------------------------|-----|

3.5.7 Building Height Standards

- | | | |
|-----|--------------------------------------|--|
| (1) | Principal Building | Maximum 11 metres |
| (2) | Accessory Building | Maximum 7.5 metres |
| (3) | Additional Building Height Standards | There is no maximum building height for uses listed in the Institutional Use Category in Subsection 3.5.2. |

3.5.11 Additional Standards

- | | | |
|-----|-------------|--|
| (1) | Subdivision | A development requiring subdivision shall not be issued a development permit until approval of the subdivision application by the Subdivision Authority or, upon appeal, the Subdivision and Development Appeal Board. |
|-----|-------------|--|

(2) Stormwater Management (a) Unless otherwise determined by the Development Authority, the applicant shall be required to grade a parcel in such a way that all surface water will drain from the parcel to the back lane, the street, and/or a stormwater management system.

(b) A stormwater management plan shall be required for all subdivision and development applications for industrial and commercial properties.

3.1 RULES THAT APPLY TO ALL LAND USE DISTRICTS

3.1.1 Specific Use Standards

(1) Accessory Buildings (a) No Accessory Building shall be used as a Dwelling Unit unless the building meets the requirements of the Alberta Safety Codes Act.

(b) A structure which is attached to the principal building by a roof, floor, or a foundation is not an Accessory Building, it is considered part of the principal building and shall comply with all requirements applicable to the principal building.

3.1.5 Design, Character, and Appearance of Buildings and Landscaping

(1) The design, siting, external finish, architectural appearance, and landscaping of any building or structure requiring a development permit shall be to the satisfaction of the Development Authority having due regard to:

- (a) The policies and objectives contained within the Town's Statutory Plans;
- (b) The character of existing development in the Land Use District;
- (c) The effect on adjacent Land Use District(s) and parcels;
- (d) The effect on natural site features, views, streetscapes, mobility, and historic resources; and
- (e) Other factors such as sunlight and privacy.

DRUMHELLER MUNICIPAL DEVELOPMENT PLAN (MDP)

Bylaw 17.20

9.3 RESIDENTIAL NEIGHBOURHOODS

9.3.1 General

General residential neighbourhood policies apply to both infill neighbourhoods and new neighbourhoods in Drumheller.

b) Encourage a mix of uses in all residential neighbourhoods.

d) Through the Land Use Bylaw, support the development of a wide variety of housing forms and densities scaled to fit within traditional single-unit areas, such as cottages, courtyard housing, row housing, duplexes, triplexes, and stacked flats.

e) Encourage the development of attached and detached secondary residences.

j) Support the development of seniors' housing and age-in-place facilities.

n) Ensure the location, design, and scale of residential development is sensitively integrated with adjacent parks, open space, pathways and trails in a comprehensive and supporting manner.

9.3.2 INFILL NEIGHBOURHOODS

Infill areas allow future development to capitalize upon the assets and amenities in Drumheller's existing neighbourhoods. The following provides direction on how infill areas may be developed to compliment existing neighbourhoods and character. Over time, new development should move above 2100 cms.

- a) Allow infill development in existing neighbourhoods and the construction of already planned neighbourhoods within the protected zone.
- b) Ensure infill development within existing neighbourhoods is compatible with existing development, including consideration for:
 - i. Compatibility in height and scale;
 - ii. Continuity with existing lot patterns, laneways, and streetscapes;
 - iii. Preservation of existing vegetation;
 - iv. Integration of buildings considered to have historical significance; and
 - v. Capacity of municipal utilities and infrastructure
- c) Develop Area Redevelopment Plan to support community revitalization efforts or redevelopment of major sites.
- d) Consider the provision of specific neighbourhood overlays in the Land Use Bylaw, to retain and enhance the characteristics and/or built form of neighbourhoods.

AREA STRUCTURE PLAN (ASP)

Previous St. Anthony's School Site East Drumheller District

The ASP was prepared in December 2015 to examine the development potential of a former School site by studying the history, existing development and the land uses of the surrounding neighbourhood with the intent to the best, orderly economical and beneficial long term use of the property.

Prior to any further subdivision of this property into lots, land use district amendments or development, a concept plan/ ASP was to be required in accordance with the Town of Drumheller Municipal Development Plan (MDP) to provide a planning framework and public consultation to determine the future land use potential of the site.

1.4 FLOOD PLAIN:

The highest know flood water levels occurred in 1948 and 1952. This area was not affected by these floods and is above the current 1:00 year regulated flood risk fringe as defined by Alberta Environment. The elevation of this property varies from 683.3 to 684.4 metres. The 1:100 year regulated flood risk plain on this site is 682.3 metres.

In view of this no special flood mitigation measures should be required for the development of this land except for the good construction practice of installing back flow preventer valves in sanitary sewer services.

4.1 EXISTING DEVELOPMENT NORTH:

This north side of the subject site is serviced by a paved public street (6th Avenue East) including the Town of Drumheller water, sanitary and storm sewer services. The adjacent subdivision to the north is fully developed into single family fully serviced dwellings with a public lane in the rear of these lots. With one or two exceptions, garages are detached with access from the lane. This subdivision was created in 1962 and is classified as R-1 (Single Family Residential). Lot frontages are 55 feet.

6.1 SITE DRAINAGE:

Surface drainage of this site into the Storm Sewer at the north east corner of this site seems possible. However, this issue will be dealt with during the detailed engineering design study including consulting the Town of Drumheller.

7.0 SITE DESIGN:

After due consideration and to be compatible with the surrounding existing development; all proposed lots are facing the front existing houses. Similarly lanes are proposed to allow for detached lane entry garages, attached lane entry garages or front drive attached garages.

7.1 LOT SIZES:

Proposed lots are a minimum of 45 feet in width and a 120 foot depth resulting in a minimum lot size of 5,400 sq. ft. Street corner lots are made larger to provide for additional side yard widths required on corner lots.

7.2 PUBLIC RESERVE:

Municipal Reserve requirements to be dealt with during the subdivision application process.

7.3 PUBLIC RESERVE DEDICATION:

Tentative Plan proposes a 0.29 Acre Municipal Reserve dedication which is subject to a subdivision application approval process.

7.4 WALKWAYS:

Walkways are provided to allow access between 6th and 7th Avenues and to the Municipal Reserve.

9.0 SUMMARY:

In view of our findings and after giving due consideration to the character of the adjacent residential development in this area; we believe this proposed subdivision and development have captured the best long term use of this property.

Title Encumbrances: There are two documents of note as encumbrances which were placed on title of all the affected parcels when they were created as part of the original subdivision process back in 2016 when Plan 161 1903 was created (File No. 80/139; PRMS # 2016-002).

The first is Registered Document No. 161 176 394 which was a Development/Servicing Agreement caveat between the Town of Drumheller and the Developer which deals with the requirements of the municipality in regard to servicing, construction and road standards of the subject area.

The second is Registered Document No. 171 025 478 which is a Restrictive Covenant registered January 27, 2017 between the Developer (owner and representative of The Residences of Riverside Estate Association) and the registered owners of Lots 5 to 18, Block 2, Plan 161 1903. It is an agreement that the development is marketed to provide property and housing for the exclusive use, enjoyment and security of citizens who have exceeded the age of Fifty-five (55).

Seniors-only housing

- Seniors-only housing is allowed so that older Albertans can choose to live together in a community of people at a similar life stage.

- The minimum age cut-off for seniors-only housing is 55 years of age. Communities can set age restrictions that are older than 55 as well.
- This applies to housing where all units are reserved for one or more people, at least one of whom is 55.

<https://www.albertahumanrights.ab.ca/services/Pages/age.aspx#:~:text=Seniors%2Donly%20housing%20is%20allowed,older%20than%2055%20as%20well.>

Sewage and Water System Details: municipal services are available and within the area.

STAFF RECOMMENDATIONS:

That the application be approved, subject to the following conditions:

- (12) Registration of the subdivision by means suitable to the Registrar of the Land Titles Office, [Section 81 and 89 of the Land Titles Act];
- (13) All outstanding taxes to be paid to the municipality, [Section 654 (1)(d) of the Municipal Government Act];
- (14) Satisfactory arrangement to be made with the municipality for the provision of services, at the cost of the developer, [Section 655 of the Municipal Government Act].
- (15) Concurrent registration of utility easements and rights-of-way as required by relevant authorities [Section 654(1)(a) of the Municipal Government Act].

Discussion items:

- Area Structure Plan
 - Bylaw 02.16
 - Minimum lot sizes
- Resident concerns
 - The homes were to be single detached homes
 - The homes were to be for seniors over 55

Municipal Planning Commission would like clarification on the Area Structure Plan and Bylaw 02.16 before making a recommendation.

5.0 OTHER DISCUSSION ITEMS

- 5.1 Chickens in the Land Use Bylaw and where they are allowed

4.0 PALLISER REGIONAL MUNICIPAL SERVICES**4.1 File No. 80/161**

D. Diano presented an update to File No. 80/161.

An amendment to the Area Structure Plan for the former St Anthony's Site (Riverside Estates) has been proposed.

First Reading of Bylaw 08.21 presented at council on Monday, April 19 2021. Public Hearing planned for Monday, May 3 2021. Discussion will be brought back to MPC for Thursday, 6 May 2021.

5.0 OTHER DISCUSSION ITEMSPrior to the Call to Order

Chairman T. Zariski wanted to express the gratitude of the Municipal Planning Commission members to Scott Kuntz for his commitment, dedication and outstanding work over many years as a member of the board. Scott is an excellent volunteer who asked many questions and added insight on many developments during his terms on the board.

5.1 In Camera

Motion: A. Erickson to go In Camera at 12:40pm

Second: S. Gallagher – Carried

Motion: T. Lacher to go out In Camera – 1:30pm

Second: A. Erickson

6.0 NEXT MEETING DATE – May 6, 2021**7.0 Adjournment – Meeting adjourned** by T. Lacher at 1:30 pm.

Second by A. Erickson - Carried



Chairperson

Development Officer**Attachments:**

- Agenda
- Summary of development permits