

**Town of Drumheller
COUNCIL MEETING
MINUTES**

April 10, 2012 at 4:30 PM
Council Chamber, Town Hall
703-2nd Ave. West, Drumheller, Alberta



PRESENT:

MAYOR:

Terry Yemen

COUNCIL:

Andrew Berdahl

Lisa Hansen-Zacharuk

Sharel Shoff

Doug Stanford

Tom Zariski

CHIEF ADMINISTRATIVE OFFICER/ENGINEER:

Ray Romanetz

ACTING DIRECTOR OF CORPORATE SERVICES:

Bill Wulff

DIRECTOR OF COMMUNITY SERVICES:

Paul Salvatore

RECORDING SECRETARY:

Linda Handy

ABSENT: Councillor Jay Garbutt

DIRECTOR OF INFRASTRUCTURE SERVICES: Allan Kendrick

1.0 CALL TO ORDER

Mayor Terry Yemen called the meeting to order at 4:30 PM.

2.0 MAYOR'S OPENING REMARK

2.1 Mayor Terry Yemen proclaimed April 28, 2012 as WCB Day of Mourning.

3.0 PUBLIC HEARING

3.1 Public Hearing to consider Bylaw 04.12 being a bylaw to amend Land Use Bylaw #10.08 by redesignating the area in LSD 5 of SW 1/4 11-29-20-W4M in the Town of Drumheller from "CR" Country Residential District to "R1" Residential District

Mayor T. Yemen called the public hearing to order at 4:32 PM.

Councillor Doug Stanford, as an adjacent neighbor to the property in

question, asked Council if he should remove himself from deliberation and voting on this matter or if so, if he could remain in the gallery. Mayor Terry Yemen stated that in the past if a Councillor felt there was a conflict, the Councillor would disqualify himself and step out of the room. Council agreed. Councillor D. Stanford stated that he was in conflict with the matter being heard and he left the room at 4:35 PM.

Dave Suen, Planner, Palliser Regional Municipal Services provided the following report:

- The purpose of the application is to change the land use designation of a proposed 0.5 acre +/- parcel and expanded areas of three existing lots to the north from CR – Country Residential to R-1 residential district.
- The purpose of the land use change is to fulfill a condition of the subdivision of the proposed lots as shown on the drawing.
- The amendment is recommended to ensure consistency of the land use requirements for adjacent parcels would also apply to the new 0.5 acre +/- parcel.
- Surrounding land uses include single-detached dwelling units on larger parcels within the R-1 Residential Land Use District. The remainder of the parcel is to remain as CR – Country Residential and contains an existing single detached dwelling and related residential accessory buildings.
- The purpose of the subdivision is to create a 0.51 acre (0.21 ha +/-) parcel on the west of the LSD in order that the applicant can have a separate title and sell the parcel for the construction of a residence. As part of this application the owners/applicants would like to subdivide an additional parcel of 0.2 acres (0.08 ha +/-), to be consolidated with existing lot to the west (Lots 18, Block 1, Plan 9210893). This would extend the adjacent neighbor's property to Area F, Plan 0212715 of the Michichi Creek diversion property. These proposed subdivision would leave a remnant parcel of 5.156 acres (2.081 ha).
- The area is currently designated as CR where the intent is to accommodate residential development, free from incompatible uses at rural densities. The proposed lot and consolidations would be used for residential purposes which will comply with the North Drumheller area structure plan that was adopted in 1994, as the area was planned for low density residential. However, PRMS recommends amending proposed lot B, to R-1 to be consistent with the previously subdivided lots to the north with Lots 16-19 as they are all zoned as R-1.

D. Suen concluded that the proposed subdivision application is consistent with the Town's statutory planning framework to provide low density residential land use in the plan area. He recommended that Council proceed with second and third reading of the bylaw based on planning perspectives.

Mayor Yemen asked if there was any written correspondence. Secretary, L. Handy advised that there were no items of correspondence.

Mayor Yemen asked if there was anyone who wished to speak in favour or against the proposed amendment.

Jay O'Dwyer stated that he wished to speak against the proposed amendment. He stated that he is the property owner adjacent to the Warkentins and he has concerns with the subdivision proposal. He stated that they have been long time neighbors and he does not wish to impede Mr. Warkentin's plans for his property however he is opposed that another development would be permitted without the requirement of a green space or improvements to the roadway. He further stated that the lot as drawn does not conform to any existing lots that are already developed. He stated that if the development is permitted, there will be two houses butting up back to back which will have a negative effect on the area. He stated that the entire area should be zoned R1 and it should be developed properly as the new development as proposed would not aesthetically pleasing to the neighborhood.

Mayor asked for questions from Council:

Councillor A. Berdahl asked Mr. O'Dwyer if he was concerned that any future development on the proposed lot would affect the value of his property. J. O'Dwyer stated that the hodge / podge appearance of lots is his main concern. He stated that the proposal should include 4 conforming R-1 lots.

Councillor A. Berdahl asked if there is a requirement for an Area Structure Plan and for CAO R. Romanetz to clarify the purpose of an area structure plan. R. Romanetz advised that any large sized parcels with a mixture of uses such as UT would require an area structure plan prior to subdivision. He stated that he will confirm with PRMS whether the need for an area structure plan was considered. He stated that at some point an area structure plan should be prepared to properly deal with services and alignment of houses so it looks appropriate for the area. Because he was not present at the Municipal Planning Commission meeting as to whether this discussion for an area structure plan occurred, he referred the question to Paul Salvatore, Director of Community Services. P. Salvatore stated that the requirement for an area structure plan was not discussed - only the general purpose for an area structure plan. D. Duen advised that the document referred to at this hearing is the North Drumheller area structure plan that was adopted in 1994. Councillor A. Berdahl stated that although the actual subdivision is not problematic any future development approved by Municipal Planning Commission and may or may not address some of the concerns voiced by Mr. O'Dwyer.

Councillor S. Shoff questioned the lot configuration as proposed. D. Suen stated that the lots have been configured to allow for future lots on the east side with a cul de sac and roadway. Councillor S. Shoff expressed asked if the area was located in the flood plain. D. Suen confirmed that the area to the south would not be developable as it is in the flood way however the proposed subdivision area is developable as it is not within the flood way.

Councillor A. Berdahl asked Administration what authority the Municipal Planning Commission has to allow any future development. R. Romanetz advised that the MPC would makes recommendation on whether an area structure plan is required, the configuration of the development, services and accesses. He confirmed that the MPC could use their discretion and request an area structure plan. He stated that the existing Land Use Bylaw does not require an area structure plan on CR. Councillor A. Berdahl stated that although there is no reason to deny the land use amendment, he recommended that the applicant speak with his neighbors prior to any development.

Councillor T. Zariski asked if any future development would be impacted by any bank erosion of the Michichi Creek. R. Romanetz advised that since the Province has provided for a new alignment and stabilization of the bank along the Michichi Creek, he does not foresee any further bank erosion to impact development.

Councillor L. Hansen-Zacharuk asked why the proposed lots are changed to R1. D. Suen stated that the R1 lots conform to the zoning currently in place and the remaining area remains a CR until a development plan is presented.

Mayor asked J. O'Dwyer if he wished to make a rebuttal. Mr. O'Dwyer stated that his concerns remain as stated earlier.

Mayor Yemen closed the Public Hearing at 5:05 PM.

Councillor D. Stanford returned to the Council meeting at 5:06 PM.

4.0 ADOPTION OF AGENDA

Addition to agenda: 8.1.1 Appointment to the Marigold Library System

MO2012.45 Berdahl, Shoff moved to adopt the agenda as amended. Carried unanimously.

5.0 MINUTES

5.1. ADOPTION OF REGULAR COUNCIL MEETING MINUTES

5.1.1 Regular Council Meeting Minutes of March 26, 2012

MO2012.46 Shoff, Stanford moved to adopt the regular Council Meeting Minutes of March 26, 2012 as presented. Carried unanimously.

5.2. MINUTES OF MEETING PRESENTED FOR INFORMATION

5.2.1 Municipal Planning Commission Meeting Minutes of March 8, 2012
Councillor A. Berdahl stated that the MPC is in process of addressing their recommendations for the Municipal Sustainability Plan as directed by Council. He requested the Mayor send a letter asking all groups to meet the requirements of the MSP in a timely fashion. Mayor Yemen agreed to send a letter.

5.3. BUSINESS ARISING FROM THE MINUTES

6.0 DELEGATIONS

7.0 COMMITTEE OF THE WHOLE RECOMMENDATIONS

8.0 REQUEST FOR DECISION REPORTS

8.1. CAO

8.1.1 Appointment to the Marigold Library Board System

R. Romanetz presented a letter from the Drumheller Public Library advising that their Board met on March 16th and recommended the appointment of Darlene Raketti as the Drumheller representative to the Marigold Regional Library System Board.

MO2012.47 Berdahl, Zariski that Council approve the appointment of Darlene Raketti as Drumheller's representative to the Marigold Regional Library System Board. Carried unanimously.

8.2. Director of Infrastructure Services

8.3. Director of Corporate Services

8.4. Director of Community Services

9.0 PRESENTATION OF QUARTERLY REPORTS BY ADMINISTRATION

10.0 PUBLIC HEARING DECISIONS

10.1 Bylaw 04.12 being a bylaw to amend Land Use Bylaw 10.08 (second and third readings)

Councillor D. Stanford left the room at 5:13 PM.

MO2012.48 Berdahl, Hansen-Zacharuk for second reading of Bylaw 04.12.

In response to a question from Council, R. Romanetz clarified that in this instance there is no requirement for an area structure plan prior to the approval of the subdivision

application. Once the bylaw is approved and other conditions of the subdivision application are met, the applicant will be entitled to register the new title and proceed with his development plans. If the land classification bylaw is not approved, the applicant would be required to start the subdivision process over again because the applicant would not have complied with the approval conditions as set by PRMS.

Vote on Motion: Carried unanimously.

MO2012.49 Shoff, Hansen-Zacharuk for third reading of Bylaw 04.12.

In response to a question from Council, R. Romanetz clarified that once the subdivision is registered and the applicant applies for a development permit, the development authority must consider conformity with the other houses in the area and the proposed development would be advertised which would allow for affected parties to appeal any decision of the MPC.

Vote on Motion: Carried unanimously.

Councillor D. Stanford returned to the Council meeting at 5:25 PM.

11.0 UNFINISHED BUSINESS

12.0 NOTICES OF MOTIONS

13.0 COUNCILLOR REPORTS

14.0 IN-CAMERA MATTERS MO2012.50 Shoff, Zariski to move in camera at 5:30 PM. Carried unanimously.

14.1 Land Matter - Request from Canadian Badlands Passion Play

MO2012.51 PM Shoff, Stanford to revert to regular Council meeting at 5:45 PM. Carried unanimously.

There being no further matters, the Mayor declared the meeting adjourned at 5:45 PM.

Mayor

Chief Administrative Officer