

**Town of Drumheller  
COUNCIL MEETING  
MINUTES**

**September 6, 2016 at 4:30 PM**  
**Council Chamber, Town Hall**  
224 Centre Street, Drumheller, AB, T0J 0Y4



**PRESENT:**

**MAYOR:**  
Terry Yemen

**COUNCIL:**  
Jay Garbutt  
Patrick Kolafa  
Tara McMillan  
Sharel Shoff

**CHIEF ADMINISTRATIVE OFFICER/ENGINEER:**  
Ray Romanetz

**DIRECTOR OF CORPORATE SERVICES:**  
Barb Miller

**DIRECTOR OF PROTECTIVE SERVICES:**  
Greg Peters

**INFRASTRUCTURE TRANSITION OFFICER:**  
Al Kendrick

**RECORDING SECRETARY:**  
Linda Handy

**ABSENT:**

COUNCILLOR Lisa Hansen-Zacharuk  
COUNCILLOR Tom Zariski  
**DIRECTOR OF COMMUNITY SERVICES:**  
Paul Salvatore  
**DIRECTOR OF INFRASTRUCTURE SERVICES:**  
Darryl Drohomerski

**1.0 CALL TO ORDER**

**2.0 MAYOR'S OPENING REMARK**

- 2.1 Mayor Terry Yemen proclaimed Muscular Dystrophy Awareness Month - September 2016.

### **3.0 PUBLIC HEARING**

- 3.1 Mayor Terry Yemen called the Public Hearing to order at 4:35 PM.

Mayor Yemen advised that the Public Hearing is being held to consider Bylaw 10-16 which proposes amendments to Land Use Bylaw No.10-08, to provide clarification for existing land uses as well as new definitions; amend portions of the general regulations; and refine standards pertaining to front setbacks within the Town of Drumheller.

Mayor Yemen asked Cynthia Cvik - Planning Director – Palliser Regional Municipal Services to provide her report.

Cynthia Cvik provided the following report:

*"A substantive number of the proposed amendments to the Land Use Bylaw are being reintroduced in this report, as many of the changes were originally presented to Council in 2014. As there were some contentious issues with the entire package of proposed amendments, Council chose to defeat the bylaw in its entirety. This iteration of the amendment package draws upon those issues which were not deemed contentious in 2014; refines some of the work previously done; and adds to the list of proposed updates, since there have been some new issues emerge over the past two years. Some of the proposed amendments will ensure continuity with terminology used in the document and they also serve to update references to other authorities and legislation which are intertwined with the Land Use Bylaw."*

#### **Proposed Changes**

##### **1) Land Use Bylaw Reference - Part 1 (2) Definitions:**

- 3 existing definitions are being amended, ("Dwelling - Duplex", "Dwelling – Multiple Unit (Attached Housing)" and "Secondary Suite");
  - 5 new definitions are being added, ("Granny or Garden Suite", "Media Production Services", "Medical Marijuana Production Facility", "Mural" and "Self Storage Facility"); and
  - 1 existing definition is being eliminated, ("Dwelling-Semi-Detached").
- *Dwelling – Semi Detached is proposed to be removed since the use is already covered under the definitions for Dwelling-Multiple Unit (Attached Housing) and the revised definition for Dwelling - Duplex.*
  - *The changes are proposed to reflect the commonly used and understood vernacular of a "Duplex" being 2 units, whether the two units are stacked, or side by side.*
  - *The definition for "Dwelling –Multiple Unit (Attached Housing) already exists in the LUB. The only change to this definition is to remove Garden suite from the list of examples under the definition, since "Granny" or "Garden" suite is being proposed to have its own definition.*
  - *Only minor changes to the definition for Secondary Suite are being proposed. This will serve to remove dated cross references to other portions of the document and clarify*

*that the suite must be established inside a single detached dwelling on the subject property.*

- *The proposed new definition for “Media Production Facility” has been introduced in response to a recent development permit application which does not fit in with the standards contained in the current LUB. The definition has been drafted in a fairly broad manner to ensure that it will accommodate a wide variety of movie and production uses within the community.*

**2) Land Use Bylaw Reference – Part III Development Permits and Relaxation/Variance of Development Standards:**

- *The modification of this section of the bylaw will allow the Municipal Planning Commission, (MPC), authority to approve Development Permit applications which propose a variance or relaxation to standards greater than 20%. Relaxations must be considered relative to the introduction of criteria for assessing each proposal on its individual merits. This should reduce the need for appeal hearings and as a result, decisions will be rendered based on the direction provided by Drumheller’s statutory and non-statutory documents. (The SDAB is legally required to “consider” those documents, but does not have to abide by them.) As mandated in the Municipal Government Act, neither “Use” nor “Density” can be varied, even with the proposed amendments, so these criteria are not affected.*

**3) Land Use Bylaw Reference Part IV – Land Use Districts:**

- *Add and remove uses in accordance with attached Schedule “A”*
- *Add clarification for the required 7.6 m (25 ft.) setback for an attached garage in eight (8) existing land use districts*
- *Identify minimum gross floor areas for Dwelling – Single Detached and Dwelling - Duplexes in the R-1A District*

**4) Land Use Bylaw Reference Part VII – General Land Use Regulations:**

- *The proposed changes to be included in this section of the Land Use Bylaw provide clarification and introduce/modify general standards for Secondary Suites and Granny Suites; Parking; Industrial and Commercial Development; the Physical Environment; Signage; and potential Marijuana facilities in the community.*
- *It is proposed that Section 75 - Industrial and Commercial Development also have a requirement for an Emergency Response Plan to be included with an application. This type of document can aid the emergency response department by being an effective tool to determine the nature of the chemicals stored on site, as well as their volumes. By having a list of chemicals provided to the Drumheller Fire Department, it can be determined, in an emergency event, whether foam, water or chemical suppressants should be used. Information of this nature can also help to determine if there should be evacuation notice given.*
- *The Occupational Health and Safety Act, ties Workplace Hazardous Material Information System (WHIMIS), and the associated site Material Safety Data Sheets into a standard way of doing business across Canada. This information is required to be updated, at minimum, every 3 years, or sooner if there are substantive changes to the materials information for the subject property. The requirement to provide this information should not pose any additional costs that a business dealing with potentially hazardous materials does not already bear.”*

C. Cvik advised that the Municipal Planning Commission reviewed the proposed Land Use Bylaw amendments at their meeting held on July 14, 2016 and received the proposed changes for information.

*"Self Storage & Sea Cans*

- *One of the specific discussion items which was considered involves the interpretation of "Sea Cans" being allowed in a stand-alone self-storage facility which is new definition, proposed as a discretionary use in the M-1, M-2 and M2R districts.*
- *The exiting definition for "Storage Structure" already allows shipping containers or sea cans and is listed as discretionary in the CR, C1, Hwy. Com., M1, M2R, Cs, A and UT zones. It is the report author's interpretation that a "Self Storage Facility" is a stand-alone building; with individual doors with units for rent and that sea cans are accommodated elsewhere in the Land Use Bylaw. The only zone that would be substantially impacted by this interpretation is the M2 zone, which would not allow sea cans if they are excluded from the definition for self storage facility.*

*Off-Setting Relaxations:*

- *Additional discussion occurred regarding the Development Authority being able to ask for "higher standards" if a relaxation to the bylaw is being considered. This is a "Trade off" situation where, for example, a parking space provision was relaxed, and the proponent is required to provide bicycle racks; or, additional landscape screening may be requested to block the view of a structure where a height variance was supported.*

*MPC Allowance for Considering Relaxations of > 20%:*

- *Discussion occurred around the proposal to allow the Municipal Planning Commission the ability to render a decision on a development permit application even if the relaxation or variance requested exceeds 20% as is stated currently in the Land Use Bylaw. See Section 2) Land Use Bylaw Reference – Part III Development Permits and Relaxation/Variance of Development Standards listed on page 1 of this report.*

*Front Yard Setback for an Attached Garage:*

- *The current draft proposal recommends a setback of 7.6 m from the front property line. Although a setback is recommended to ensure that there is an adequate amount of room to park a full sized vehicle on the parking pad in front of the garage without overhanging onto the sidewalk, there was limited discussion on whether or not 7.6 m (24.9 ft.) was the correct distance."*

*C. Cvik advised Council of their options:*

- 1) *That Council give Bylaw 10-16 as presented, second and third readings; or*
- 2) *That Council remove a portion of the bylaw and proceed with adoption proceedings on the remainder; or*
- 3) *That Council direct Administration to amend the bylaw in the following specific areas, and bring the Bylaw back for second and third reading as amended.*

Mayor Terry Yemen asked if there were any items of correspondence to be read into the record. Secretary, L. Handy advised there was one letter received from Ms. Eileen Lefley however the concerns expressed in her letter are not relevant to Bylaw 10.16. She further advised that Ms. Lefley's concerns will be addressed as part of a traffic review the Town is currently undertaking.

Mayor Yemen asked if there were any public who wished to speak either in favor or against the proposal. He stated there were no members from the public to speak to the proposal.

Mayor Yemen asked if there were any questions from Council.

Councillor J. Garbutt referred to Section 75(b) Industrial and Commercial Development and questioned the requirement for an Emergency Response Plan. C. Cvik explained that this requirement is common in other jurisdictions as companies are mandated under Provincial legislation to submit a list and volume of chemicals stored on their premises. Councillor J. Garbutt stated that the list and volumes of chemicals may change on a daily basis so he does not feel it is a useful document unless required on an annual basis. R. Romanetz stated that most large firms provide their Emergency Response Plans to the Town as part of the Provincial regulations and these reports are passed on to the Director of Protective Services and the Fire Chief. He further stated that as they are mandated to be provided, he does not feel it is a hardship for companies to provide these plans to the Town as well. Councillor J. Garbutt asked for clarification on what the Town is asking for – a list of chemicals or an Emergency Management Plan. R. Romanetz stated that the Town is asking for companies to supply an Emergency Management Plan and a Risk Assessment. He explained that if there was an emergency / hazard, the Town would refer to these documents to assess how the chemicals should be contained. He further stated that when a company stores chemicals on site, the Town would refer to this document to review any potential risks to the adjacent neighborhood, such as in the case with Plantum Chemicals. He reiterated that the requirement for Material Safety Data Sheets and Emergency Response Plans are standard in the industry and they are site specific and may include containment plans.

Councillor P. Kolafa referred to the same section and asked how specific the Town will be when dealing with industries that have proprietary chemicals that are copied. R. Romanetz advised that companies will have a check list in their Emergency Response Plan that will provide information on their core safety program, the safety culture of their organization and a site specific assessment because all parties need to be aware of how chemicals are stored on the site. G. Peters stated that an Emergency Response Plan is also associated with the transport of dangerous goods and if this is occurring off site, it is under federal jurisdiction. He further stated that responders need to know the chemicals that are stored on site for emergencies because some chemicals are not responsive to water. He further explained that it is incumbent on the owners to contain their chemicals however once a spill occurs, Environment and other parties will be involved. He further stated that it is reasonable for the Town to have a list of the chemicals because of theft, etc., the Town responders need to know the impact.

Councillor J. Garbutt asked if the current definition of this requirement is sufficient to allow the MPC and Town Administration to administer these rules as they are currently being practiced. C. Cvik stated that the term Emergency Response Plan may need to be changed as they have several different names. She further stated that regardless of its name, they are a requirement through Provincial legislation. She stated that the listing of chemicals on site are mandatory and updated at a minimum every three years or as often as the amount of chemicals change on site. Councillor J. Garbutt stated that the Town's requirements need to make sense as is the requirement to keep this information updated. He further stated that it is good to know that the Provincial process supersedes the Town's and requires ongoing follow-up. C. Cvik stated that

there are Provincial requirements however the LUB is for the MPC to make good land use decisions. For example, consider whether a child day care should operate next to a company storing chemicals. She further explained that by asking for this information at the front end the Town is being proactive by looking at the mix of the Town's zonings while minimizing the potential risks to the community. R. Romanetz stated that in terms of the Emergency Response Plan, the Town has one as a municipality, and it allows us to be better prepared. He explained that just as a company shares their plan with the Town, the Town in turn shares our plan with agencies so that all parties are prepared for a worst case scenario. He further explained that when hazardous situations have the potential to impact the municipality, the Town along with a company / organization / responders may host a mock disaster exercise.

Councillor J. Garbutt asked if the MPC should be allowed to approve developments with a variance greater than 20%. He asked how common place this provision is. C. Cvik stated that over thirty years in her position, this is the first MPC that have limitations on their ability to make decisions. R. Romanetz stated that in working with the former planner, Brad Wiebe's research showed that the Town's MPC was being held back and that MPC's throughout the Province had more authority granted to them by the municipality. Councillor S. Shoff asked limitation of the MPC's ability to grant a variance over 20%. C. Cvik stated that the amount would be at the discretion of the MPC. R. Romanetz advised that there are guidelines for the MPC to follow within the Land Use Bylaw however each request for a variance is discretionary.

Mayor Yemen closed the Public Hearing at 5:06 PM.

#### **4.0 ADOPTION OF AGENDA**

Deletion: 8.4.1 Safety Codes Contract Update

**MO2016.116** McMillan, Kolafa 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 August 22, 2016

**MO2016.117** Shoff, McMillan moved to adopt the Regular Council Meeting Minutes of August 22, 2016 as presented. Carried unanimously.

##### **5.2. MINUTES OF MEETING PRESENTED FOR INFORMATION**

5.2.1 Municipal Planning Commission Meeting Minutes of July 7, 2016  
Municipal Planning Commission Meeting Minutes of July 14, 2016

##### **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 Update on Pool Modernization Upgrades**

R. Romanetz advised that, working with Stantec, the RFP was prepared and closed on August 25<sup>th</sup> for both the general contractor and Myrtha liner installer. He further advised that three proposals were received for the general work and two proposals for the liner installation. He explained that the Town has identified concerns with a project start in the fall and the amount of time required to complete the project as it did not meet the objectives as initially established. He further explained that as a result, the Town has asked the low bidder to submit an alternate proposal to complete the work in the spring of 2017. He stated that Stantec and the Town will meet with the contractor next week to confirm details, schedules, pricing and other concerns. He explained that at this point, the contractors are receptive to the change and are preparing their submissions for our review. He stated that Administration is recommending that the timeframe of May thru September 2017 for installation be approved. He explained that if the work is carried out in the summer, the outdoor pool will be available - if the work is done in the winter, there will be no access to the outdoor pool. He explained that the schedule change will allow for the continuity of staffing. He stated that the Town has also heard from the community and the swim club and this timeframe would work much better for the swim club and generally all memberships making use of the Aquaplex. He further stated that the Town expects to finalize the details over the next two weeks with a request for a decision presented to Council on September 19th asking Council for a decision to move forward. He stated that there is a willingness on the part of both low bidders to work with the Town.

Councillor J. Garbutt asked the scope of the increased costs due to the delayed schedule. R. Romanetz stated that the Town will keep costs as close as possible to the costs identified. He further stated that as the materials are coming from the USA, costs vary depending on the dollar and suppliers will not hold the prices for more than 90 days. He further explained that the Town can issue a Purchase Order for the materials, put the materials into inventory once they arrive and pay the supplier. He further explained that the Town is trying to move from one timeline to the other without increasing costs; trying to keep the costs close to the quotations and the budget that has been established. Councillor J. Garbutt stated that the liner is coming from an international supplier – Italy – and asked if the liner has been completed. R. Romanetz advised that the liner order was placed the first part of July and should be arriving in Drumheller the first week in November. He explained that because there is a general contractor and an installer, they can now integrate their schedules which should reduce

the amount of time to complete the project. He further stated that a report will be brought to Council once the Town has met with the contractors.

**8.2. DIRECTOR OF INFRASTRUCTURE SERVICES**

**8.3. DIRECTOR OF CORPORATE SERVICES**

**8.4. DIRECTOR OF COMMUNITY SERVICES**

~~8.4.1 Update Safety Codes Services Contract~~

**8.5. DIRECTOR OF PROTECTIVE SERVICES**

**9.0 PRESENTATION OF QUARTERLY REPORTS BY ADMINISTRATION**

**10.0 PUBLIC HEARING DECISIONS**

10.1 Bylaw 10.16 - second and third readings

**MO2016.118** Shoff, McMillan moved second reading of Bylaw 10.16

Discussion on Motion:

Councillor S. Shoff asked if the new definition for sea-cans - “self storage structure” - would require removal of the existing sea-cans already in place, for instance, in the downtown core. C. Cvik explained that the existing sea-cans would be allowed in their current zones however “self storage structure” is the term being proposed for the industrial area only.

Councillor J. Garbutt questioned the definition secondary suites / granny suites and asked for an explanation of the definitions. He further asked if it will be easier tomorrow to have a secondary suite everywhere in Drumheller. C. Cvik explained that secondary suites can only be allowed in a single family dwelling whereas a granny suite is a stand alone structure that will have its own parking requirements, water and sewer, etc. She further stated that there are substantial differences between the two and granny suites are allowed in specific zones. R. Romanetz stated that it would now be easier for someone to apply to have a granny suite.

Councillor T. McMillan asked where secondary suites are permitted. C. Cvik stated that secondary suites are discretionary in the R1, R1a, R2, etc. She further explained that a granny suite is discretionary in a limited number of zones because the residential zones are too small to accommodate a second structure. R. Romanetz stated that granny suites are discretionary in the A – Agriculture and CR – Country Residential zones.



Councillor J. Garbutt stated that at the time of first reading of Bylaw 10.16, he requested additional information about the requirement for an environmental impact study at the discretionary of the MPC. At that time, he stated that he was concerned that there is no requirement for MPC members' to be trained and how the members would have the knowledge as to when to request this report - considering the costs to compile this report. R. Romanetz advised that as part of the risk assessment, the developer would be required to provide this report under the Provincial regulations. There is a requirement that companies hold a core safety certificate and have a sophisticated approach to ensure safety for the public and their employees. He further explained that risk management assessments needs to be conducted on a site specific basis and our research confirms that the requirements are standard throughout the Province. He further explained that depending on particular chemicals, a company would need to conduct the assessment by a skilled professional. R. Romanetz stated that the Town will provide information to guide the applicant and reduce the costs to them so that the reports are not duplicated based on Provincial requirements. He further stated that Administration working with the MPC will provide the guidance needed to deal with specific applications.

Councillor Tara McMillan excused herself from the table.  
Mayor Terry Yemen recessed the meeting at 5:32 PM.  
Mayor Terry Yemen resumed the meeting at 5:35 PM.

Vote on Motion:  
Carried unanimously.

**MO2016.119** McMillan, Kolafa moved third reading of Bylaw 10.16. Carried unanimously.

#### **11.0 UNFINISHED BUSINESS**

#### **12.0 NOTICE OF MOTION**

#### **13.0 COUNCILLOR REPORTS**

#### **14.0 IN-CAMERA MATTERS**

There being no further business, the Mayor declared the meeting adjourned at 5:34 PM.

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Chief Administrative Officer

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Mayor