

Town of Drumheller COUNCIL MEETING AGENDA

October 25, 2010 at 4:30 PM (Prior to the Organizational Meeting)
Council Chamber, Town Hall
703-2nd Ave. West, Drumheller, Alberta



Page

1.0 CALL TO ORDER

2.0 MAYOR'S OPENING REMARK

3.0 PUBLIC HEARING

4.0 ADOPTION OF AGENDA

5.0 MINUTES

5.1. ADOPTION OF REGULAR COUNCIL MEETING MINUTES

3-8 5.1.1 Regular Council Meeting Minutes of October 12, 2010

5.2. MINUTES OF MEETING PRESENTED FOR INFORMATION

9-16 5.2.1 Municipal Planning Commission Meeting Minutes of September 2, 2010

17-23 5.2.2 Municipal Planning Commission Meeting Minutes of September 28, 2010

24-30 5.2.3 Municipal Planning Commission Meeting Minutes of October 7, 2010

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

8.2. 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

11.0 UNFINISHED BUSINESS

12.0 NOTICES OF MOTIONS

13.0 COUNCILLOR REPORTS

14.0 IN-CAMERA MATTERS

**Town of Drumheller
COUNCIL MEETING
MINUTES**

October 12, 2010 at 4:30 PM
Council Chamber, Town Hall
703-2nd Ave. West, Drumheller, Alberta



PRESENT:

MAYOR:

Bryce Nimmo

COUNCIL:

Andrew Berdahl

Karen Bertamini

Blaine McDonald

Don Guidolin

Sharel Shoff

Terry Yemen

CHIEF ADMINISTRATIVE OFFICER/ENGINEER:

Ray Romanetz

DIRECTOR OF INFRASTRUCTURE SERVICES:

Allan Kendrick

DIRECTOR OF CORPORATE SERVICES:

Michael Roy

DIRECTOR OF COMMUNITY SERVICES:

Paul Salvatore

RECORDING SECRETARY:

Linda Handy

1.0 CALL TO ORDER

2.0 MAYOR'S OPENING REMARK

- 2.1 Mayor Bryce Nimmo proclaimed - Canadian Foster Families Week
October 18 - 22, 2010

Mayor Bryce Nimmo announced that Anne Wade, Manager of Drumheller Aquaplex received the Commonwealth Service Award (Service Medal) from the Lieutenant Governor of Alberta based on her dedication with teaching Lifesaving Society skills. The award recognizes Anne's dedication and long standing service in providing education and training within her community that supports the public safety mandate for drowning and injury prevention and active living and fitness. The award also recognizes heros for their courage and resourcefulness and for their ability to make the right decision during an aquatic emergency.

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3.0 PUBLIC HEARING

4.0 ADOPTION OF AGENDA

MO2010.134 Shoff, McDonald moved to adopt the agenda as presented. Carried unanimously.

5.0 MINUTES

5.1. ADOPTION OF REGULAR COUNCIL MEETING MINUTES

- 5.1.1 Regular Council Meeting Minutes of September 27, 2010
MO2010.135 Berdahl, Yemen moved to adopt the regular Council meeting minutes of September 27, 2010. Carried unanimously.

5.2. MINUTES OF MEETING PRESENTED FOR INFORMATION

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 Bylaw 16.10 (Community Standards Bylaw) - 1st Reading
R. Romanetz presented the Community Standards Bylaw 16.10 for the purpose of prohibiting certain activities in order to prevent and compel the abatement of noise, nuisances, unsightly premises, control weeds and public disturbances. He further advised that it proposes to repeal four existing bylaws being the Weed Bylaw, Noise bylaw, Nuisance Bylaw, and the Curfew Bylaw. He stated that Administration along with the Town's Solicitor has reviewed the bylaw in detail. He asked C. Kloot to speak to the bylaw.

C. Kloot provided an overview of the bylaw as follows:

- Definition of "Graffiti" has been removed as it is repetitious and there are clauses governing graffiti within the body of the bylaw.
- Definition of "Minor" has been removed and replaced with the words "Young Person" as this is the language used with the Statutes.
- "Weed Control Act" references the new Act and Regulations (RSA 2008 cW-5.1) and under *Section 11 Weeds and Grass* weeds are now

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designated as a noxious weed or prohibited noxious weed.

- Definition of "Nuisance" refers to unsightly and there are more details in the body of the bylaw as to what constitutes unsightly under Section 6.

C. Kloot explained that the bylaw allows for the issuance of: 1) Violation tickets which the fine is either paid to the Town or the individual must appear in Court; or 2) Remediation orders (*as set out in Sections 545 and 546 of the Municipal Government Act*) which the offence is either remedied or an appeal is filed under the Town's Community Standards Appeal Bylaw.

Questions and Comments from Council

Councillor B. McDonald asked if words the "Chief Administrative Officer or the Chief Administrative Officer's designate" were appropriate in some areas of the definition and body of the bylaw. C. Kloot explained that by appointing a CAO's designate, it allows for flexibility of resources.

Councillor K. Bertamini questioned the exclusion of industrial properties under *Section 6 Unsightly Premises*. C. Kloot explained that other legislation such as the building permit process and the Land Use Bylaw have specific requirements for control of industrial areas. R. Romanetz concurred that industrial areas are better controlled through a permit system and the Alberta Environmental Protection and Enhancement Act. Councillor K. Bertamini asked how to distinguish between residential and downtown areas under *Sections 9(4) and 9(5) Noise (Continuous Sound in Residential Developments / Downtown)*. C. Kloot explained that the Land Use Bylaw would define the zonings. Councillor K. Bertamini stated that she disagrees with the sound levels, noting that the Town of Drumheller is not the City of Calgary (as sound levels have been cited from their bylaw) and the levels should be lower.

Councillor K. Bertamini referred to *Section 10(3) Nuisances Escaping Property (Smoke and Dust)* and requested that the word "excessive" be added as follows: (a) A Person shall not engage in any activity that is likely to allow "excessive" smoke, dust or other airborne mater, etc. C. Kloot stated that the word "excessive" is not required because the factors are determined by the Courts under Section 10(1)(b) which sets out the frequency, the intensity, the time of day, etc.

Councillor B. McDonald referred to *Section 11 Weeds and Grass (4)* and requested that the words "member of a Fire Department" be changed to Fire Chief. C. Kloot agreed with the word change.

Councillor K. Bertamini referred to *Section 15 Littering* and requested that the words "private property" be added to Clause (1). C. Kloot stating that removing the word "Town" from the clause would serve the same purpose. Council agreed.

C. Kloot referred to *Section 15 Littering* and stated that the words "or part thereof" was added after tobacco product to ensure cigarette butts were included.

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Councillor A. Berdahl referred to *Section 18 Bullying* and questioned the need for this section. C. Kloot stated that although an individual could be charged under the Criminal Act, this section allows the matter to be handled through the Town's bylaw and not under the Criminal Act. C. Kloot explained that if the matter is serious enough, it could be referred under the Criminal Justice System.

MO2010.136 McDonald, Yemen moved for first reading to Bylaw 16.10.
In favour - Yemen, McDonald, Nimmo, Shoff, Berdahl, Guidolin
Opposed - Bertamini
Carried.

R. Romanetz advised that the Community Standards Bylaw will be published on the website to allow for public comments. He further stated that a Press Release will be prepared explaining what the bylaw intends to accomplish, that it repeals four existing bylaws and highlight any new sections, such as sound decibels under the Noise Section.

8.1.2 Bylaw 20.10 being a bylaw to amend the Permit Bylaw 12.01 - All Three Readings

R. Romanetz introduced Bylaw 20.10 which proposed to amend Schedule A of the Permit Bylaw 12.10 by adding a fee for the installations, removals or alterations of storage tank systems in accordance with new Provincial regulations. He further explained that enforcement for verification is carried out by the Petroleum Tank Management Association of Alberta (PTMAA). He stated that although governed by Provincial regulations, all municipalities have the option for inspections through the Fire Chief to ensure compliance with the Fire Code rather than using the PTMAA.

MO2010.137 Yemen, McDonald for first reading to Bylaw 20.10.
Carried unanimously.

MO2010.138 Shoff McDonald for second reading to Bylaw 20.10
Carried unanimously.

MO2010.139 Bertamini, McDonald for no objection to third reading to Bylaw 20.10.

In Favour - Yemen, McDonald, Bertamini, Nimmo, Shoff, Guidolin
Opposed - Berdahl.
Motion defeated.

Councillor A. Berdahl requested that the public be made aware of the new regulations and permit fees.

8.1.3 Bylaw 21.10 being a Bylaw to repeal bylaws that are inoperative, obsolete, expired, spent or otherwise ineffective - All Three Readings
R. Romanetz introduced Bylaw 21.10 which proposed to repeal several

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bylaws on the Town's books that have no relevance today. He explained that the majority of the bylaws date back to the 1930's, 1940's and 1950's.

MO2010.140 Berdahl, Shoff for first reading to Bylaw 21.10. Carried unanimously.

MO2010.141 McDonald, Guidolin for second reading to Bylaw 21.10. Carried unanimously,

MO2010.142 Bertamini, Shoff for no objection to third reading. Carried unanimously.

MO2010.143 Shoff, Yemen for third reading to Bylaw 21.10. Carried unanimously.

8.2. Director of Infrastructure Services

8.2.1 RFD - 2010 2011 Loader Backhoe

A. Kendrick advised that the Town received grant funding (MSI) in September of 2010 in the amount of \$225,000 for the purchase of a new loader backhoe. The original grant submission was warranted based on the need for replacing one of the Town's existing backhoes dated 1997 (7500 hrs) tenders and 1998 (9500 hrs). The proposal is to replace Unit #449, a 1998 John Deere Model 710D with 9490 hrs.

MO2010.144 Bertamini, Guidolin that Council instruct Administration to purchase the John Deer 710J inclusion of the front bucket with grapple, a 36" digging bucket, and a 48" clean up bucket, and further that Administration be directed to use Unit #449 as a trade for a total purchase price of \$188,805.75 including GST.

Discussion on Motion:

In response to a question from Council, R. Romanetz advised that the surplus funds will be reviewed as part of the 2011 Capital Plan. He advised that it may be in our best interest to purchase a small backhoe for more maneuverability when replacing the second backhoe in the future.

Vote on Motion:

Carried unanimously.

8.2.2 RFD - 2010-2011 Tandem Combination Sewer Flusher / Hydro-Excavator Truck

A. Kendrick advised that the Town received MSI grant funding in September, 2010 in the amount of \$370,000 for the purchase of a combination sewer flusher-excavator truck. The purchase was identified in the long term Capital plan to replace Unit #307, a 1994 combination

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sewer flusher-excavator truck. Tenders closed on September 3, 2010 after being appropriately posted on purchasing websites as per Corporate Services purchasing policies. Six tender proposals were received from three suppliers with the preferred proposal received from WestVac Industrial. This is a demo unit with approximately 500 hours which also had \$48,000 in additional options that was not included in the specs.

MO2010.145 Bertamini, Guidolin that Council instruct Administration to purchase the tandem combination sewer flusher / hydro excavator truck as per Option #1 from WestVac Industrial Ltd. for \$333,000 less trade in of \$35,000 for a total amount of \$298,000 plus GST. Carried unanimously.

8.3. Director of Corporate Services

8.4. Director of Community Services

9.0 PRESENTATION OF QUARTERLY REPORTS BY ADMINISTRATION

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Mayor

Chief Administrative Officer



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COMMUNITY SERVICES



**Municipal Planning Commission
MINUTES
Meeting of Thursday, September 02, 2010**

Present: Dennis Simon, Chairperson
Robert Greene, Member
Cindy Woods, Safety Codes
Judy Quintin-Arvidson, Recording Secretary
Jeanette Neilson, Member
Sharel Shoff, Councillor/Member
Irene Doucette, Member
Brad Wiebe, PRMS
Paul Salvatore, Director of Community Services

Absent: Andrew Berdahl, Councillor

1.0 CALL TO ORDER – 12:05 p.m.

2.0 MINUTES FROM PREVIOUS MEETINGS

2.1 Aug. 12, 2010

Motion: J. Neilson moved to approve the minutes of Aug. 12, 2010 as presented. Second D. Simon Carried

3.0 DEVELOPMENT PERMITS

3.1 T10140H – Sonja Koustrup – Vending Machine Business – “R1A” Residential District

C. Woods presented Development Permit T10140H submitted by Sonja Koustrup for a Vending Machine business to be located at 391 – 3rd. Street East, Plan 2089BN, Block 15, Lot(s) 25 & 26. Zoning is “R1A” Residential District. Home Occupation is a discretionary use.

This business will purchase Vending Machines to be distributed to businesses that require this service. There will be minimal stock kept at the residence. The machines will be sorted and delivered as received.

Motion: D. Simon that the Development Permit T10140H submitted by Sonja Koustrup for a Vending Machine business to be located at 391 – 3rd. Street East, Plan 2089BN, Block 15, Lot(s) 25 & 26 be approved subject to the following conditions:

1. Must conform to Land Use Bylaw 10-08.
2. Annual Business License is required.
3. There shall be no outside storage of materials, commodities or finished products.
4. Placement/replacement of signage must be made under separate development application. Must be maintained to satisfaction of development officer. Signage is restricted to one sign per site attached to a building. Signage is not to exceed 0.9 m (10 square feet).
5. If the holder of the permit wishes to make any change in the operation of the business that departs from the description in the application or from any other condition or restrictions imposed, the holder of the permit must obtain prior permission of the Development Officer/Municipal Planning Commission.



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6. Permit expires December 31, 2010.

Seconded by I Doucet – Carried.

3.2 T10056D – R.A. Hamilton & Associates –To Create parking to meet Conditionally Approved Application of June 16, 2010– “DT” Downtown Transition District

C. Woods presented Development Permit T10056D submitted by R.A. Hamilton & Associates for Creating Parking to meet a Conditions on approved application located at 356 – 4 St. W. Plan 2193CC, Block 40, Lot(s) 5. This property is zoned “DT” Downtown Transition District. There are no permitted uses in this Zoning.

C. Woods read a letter from Wm. R. Hunter, Alberta and Canada Land Surveyor addressed to R. Romanetz. P. Eng. And CAO of the Town of Drumheller as follows:

**RE: Road Development and Subdivision
Affecting Lot 5, Block 40, Plan 2193C.C.
356 – 4th Street West. Drumheller, Alberta
YOUR FILE: T10056D....R. A. Hamilton & Associates.**

The subject was considered and conditionally approved by Drumheller Community Services dated 23 June 2010.

It is our understanding this decision is subject to a subdivision to include part of the adjacent lot to the south and the consolidation of same with the subject lands to provide for additional parking and a fire escape on the south side of the existing building.

This is to advise the existing site has ample room to provide the necessary parking to satisfy the parking requirements for the proposed improvements. To satisfy the fire escape requirements; we propose to immediately register an easement on the adjacent lands to provide for this.

Notwithstanding the temporary foregoing solution; we have also been retained to proceed with the subdivision and consolidation to provide additional parking and fee simple title to the fire escape. In the event the subdivision is denied your requirements have been met.

If this meets with your approval it would allow the improvements and subdivision to proceed concurrently. We are available at your convenience to meet and discuss this further if you so desire.

Thank you for this consideration.

Subdivision takes up to 90 days. Both easement and caveat will be needed. Registering these documents now meets the requirement and SDB approval should be requested. The pictures show he has 5 and needs 3.

B. Weibe informed the board the subdivision has not been applied for yet. This is not uncommon and the requirements will be covered by the caveat. We should wait for the easement and caveat registration for protection.

Motion: I. Doucette that Development Permit T10056D submitted by R.A. Hamilton & Associates –To Create parking to meet Conditionally Approved Application of June 16, 2010 located at 356 – 4 St. W. Plan 2193CC, Block 40, Lot(s) 5 be approved subject to the following conditions:



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1. Development shall conform to Land Use Bylaw 10-08.
2. Subject to subdivision approval to create additional parking and access to units via attached staircase.
3. Construction shall be in accordance with submitted site plan. If the holder of the permit wishes to make any changes from the site plan, the details of the application or from any condition, guideline or restriction imposed, the holder of the permit must obtain prior permission of the Development Officer/Municipal Planning Commission. An additional development permit application may be necessary.
4. The landscaping Plan to be in accordance with Land Use Bylaw 10-08; Policy C04-02 and to the satisfaction of the Development Officer.
5. Parking requirements as per regulations in Land Use Bylaw 10-08. For parking requirements being met through an alternate site the applicant shall agree with the Town in writing under seal, which document shall be in such form that it can be protected by registration of a caveat under the Land Titles Act, that the site on which the alternate parking site is located shall be used for such purpose as long as it is required by this development.
6. All necessary Safety Codes permits (building, electrical, gas, plumbing, etc.) to be in place prior to commencement of any construction/installation.
7. Construction shall be in conformance with the Alberta Building and Fire codes.
8. Garbage and waste materials must be stored in weather proof and animal proof containers and screened from adjacent sites and public thoroughfares.
9. Development to conform to any and all Municipal, Provincial or Federal legislation.
10. Designated parking to be provided as per Land Use Bylaw #10-08.
11. All signage to be made under separate development permit application.
12. All Contractors and Sub-Contractors to be in possession of a Valid Town of Drumheller Business License.
13. **Prior to subdivision approval, a registered easement on adjacent property to satisfy the fire escape requirements, and a registered caveat on the alternate parking site location must be submitted to the Development Authority prior to commencement of any construction/installation.**

Seconded – S. Shoff – Carried.

3.3 T10076D – Single Family Residence "AG" - Agricultural

C. Woods presented Development Permit T10076D for a single family residence to be located at Wayne, Alberta 4.69 Hectares (11.60 acres) civic address, 765 Excelsior Ave. Ptn. SE ¼ Sec. 7, Twp. 28, Rng 19, W4th. Zoning is "AG" – Agricultural.

Land Use Bylaw, Part VI, Sec. 37, Page 115 (c) states:

(c) Minimum Requirements

- 1. Site Area:***
(a) 8 ha (20 acres).

Land Use Bylaw Part III, Sec. 9, Page 33, (b) (iv) states:

(iv) The minimum site area or lot width may be relaxed on an existing non-conforming lot where the proposed development is otherwise in accordance with the Land Use Bylaw and any other provincial or municipal regulations.

The Land Use Bylaw was amended August 30, 2010 and we may permit the relaxation. The house more than meets the requirements and is 3600 sq. Ft. plus a garage.



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Motion: S. Shoff that Development Permit T10076D for a Single Family Residence to be located at Wayne, Alberta, 4.69 Hectares (11.60 acres) civic address, 765 Excelsior Ave. Ptn. SE ¼ Sec. 7, Twp. 28, Rng 19, W4th. be approved as presented subject to the following conditions:

1. Development shall conform to Land Use Bylaw 10-08.
2. Relaxation granted for site area.
3. Placement of construction as per plans submitted with application.
4. Proper placement of foundation walls -- as per application -- to be determined by a Registered Alberta Land Surveyor.
5. Any required Safety Codes permits (i.e. building, electrical, etc.) to be obtained prior to commencement of construction/installation.
6. All contractor's to be in possession of a valid Town of Drumheller business license.
7. All local improvements including, however not limited to driveways, frontage charges, water/sewer services, are at the expense of the owner.
8. Development to conform to any and all Federal, Provincial and/or Municipal regulations and/or guidelines that may apply.

Seconded by D. Simon – Carried.

3.4 T10082D – Royal Tyrrell Museum – Walkways and Barriers to Prevent Access – “AG” - Agricultural

C. Woods presented Development Permit T10082D submitted by the Royal Tyrrell Museum for Walkways and Barriers to Prevent access at the Hoodoo Site located at NW ¼ Sec. 7, Twp 28, Rng. 18, W 4th. Zoning is “AG” - Agricultural.

Tyler Eddy attended the meeting prior to the vote. C. Woods advised the boxed area shown on page 2 is Town land and the Museum would like to store their construction materials there.

P. Salvatore and A. Kendrick have agreed this is fine with the Town of Drumheller. The area should be caged for security. There is no exact start up date but it should be completed by December. Most of it will be pre-fabricated off site and the onsite will be grading, concrete, etc.

Motion: S. Shoff that Development Permit T10082D submitted by the Royal Tyrrell Museum for Walkways and Barriers to Prevent access at the Hoodoo Site located at NW ¼ Sec. 7, Twp 28, Rng. 18, W 4th. be approved as presented with the following conditions:

1. Development must conform with Land Use Bylaw 10-08.
2. Developer must have approval from the Town of Drumheller for use of land indicated in the site plan for storage of materials during construction.
3. Placement of construction as per plot plan submitted.
4. Construction to be in accordance with the Alberta Building Code.
5. All necessary Safety Code Permits (building, electrical, gas, etc) to be in place prior to construction/installations.
6. If the holder of the permit wishes to make any changes in the proposed development from application as approved, the holder of the permit must first obtain permission from the Development Officer/Municipal Planning Commission. An additional development permit may be necessary.
7. Development to meet with all requirements of the Alberta Environment Protection Act and any other applicable Provincial Acts, regulations and/or guidelines.



8. Development to conform to any and all Federal, Provincial and/or Municipal regulations and/or guidelines that may apply.
9. Contractor(s) to have a valid Business License with the Town of Drumheller.

Seconded by J. Neilsen - Carried.

3.5 T10083D – Dwelling Above Commercial Bldg. "C-B" Central Commercial District

C. Woods presented Development Permit T10083D for a Dwelling above a Commercial Building to be located at 175 – 3 Ave. East, Plan 7710AP, Block 20, Lot(s) 2 – 4 & 107.7 of 11. Zoning is "C-B" – Central Commercial District.

This is the "Frankenstein Building" and is Discretionary Use. C. Woods read the application letter which states:

This application pertains to the property located @ 175 – 3 Ave E. I recently purchased the property from the Court of Queens Bench and am in the process of bringing the building back up to code. The first renovation/development we are looking to do with the property is to convert the office space located on the second level of the building into a two bedroom apartment.

The current office space takes up approximately 2800 sq. Ft. of usable space. The overall layout of the upstairs would have very minimal changes with the incorporation of one new wall (1) in the main floor area, rebuilding a hallway wall (2), moving an existing wall slightly (6), and building a new wall to seal off the rest of the attic space from the apartment (4).

We intend to strip all the old materials from the apartment space and update all of the electrical up to code. After which we would drywall the entire space leaving the one wall exposed brick (north facing wall) which we are going to upgrade all the 5 front windows with more weatherproof fixtures. We are then planning on installing a kitchen along wall (6). We are also intending on increasing the size of the washroom and upgrading all of the bathroom facilities (5), as well as putting in a laundry room (3).

We are also planning on installing a rear access to the apartment through the one garage bay (7). There is already a hole cut in the ceiling above the one garage unit that we are planning on getting a staircase built for giving full front and rear access to the apartment.

This application only pertains to developing a dwelling of one or more units above a commercial building. At this time we have not determined the usage for the remainder of the property.

A fire inspection was done for the upstairs only and submitted with this application. All of the recommendations are to be met on the fire inspection report.

Motion: D. Simon that Development Permit T10083D for a Dwelling above a Commercial Building to be located at 175 – 3 Ave. East, Plan 7710AP, Block 20, Lot(s) 2 – 4 & 107.7 of 11 be approved subject to the following conditions:

1. Development shall conform to Land Use Bylaw 10-08.
2. Construction shall be in accordance with submitted site plan. If the holder of the permit wishes to make any changes from the site plan, the details of the application or from any condition, guideline or restriction imposed,



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- the holder of the permit must obtain prior permission of the Development Officer/Municipal Planning Commission. An additional development permit application may be necessary.
3. All necessary Safety Codes permits (building, electrical, gas, plumbing, etc.) to be in place prior to commencement of any construction/installation.
 4. Construction shall be in conformance with the Alberta Building and Fire codes.
 5. Garbage and waste materials must be stored in weather proof and animal proof containers and screened from adjacent sites and public thoroughfares.
 6. Development to conform to any and all Municipal, Provincial or Federal legislation.
 7. Designated parking to be provided as per Land Use Bylaw #10-08.
 8. All Contractors and Sub-Contractors to be in possession of a Valid Town of Drumheller Business License.

Seconded – J. Neilsen – Carried.

**3.6 T10084D – Scott Headrick – Occupy Building as Small Engine Repair & Service.
"M-1" Light Industrial District**

C. Woods presented Development Permit T10084D – Scott Headrick – to occupy a building as a Small Engine Repair and Service to be located at 1013 South Railway Ave. S. Plan 7611210, Block 1, Lot(s) 12. Zoning is "M-1" – Light Industrial District.

This is the district over by the Veterinary Clinic and is a discretionary use not specific to small engines. Land Use Bylaw 10-08, Sec. 33, Page 101 (b), states:

(b) Discretionary Uses

- ***Automotive, truck and recreation vehicle service and repair establishments***

Land Use Bylaw 10-08, Part III, Sec. 9, Page 32 (5) states:

(5) Where a proposed specific use of land or a building is not provided for in a district, the Municipal Planning Commission may determine that the use is similar in character and purpose to another use of land or building that is included in the list of permitted or discretionary uses prescribed for that District.

B. Weibe was questioned about landscaping issues when this is a renter rather than a Land Owner. The landscaping should be a condition of the Development Permit and the approval will hold this condition.

Motion: S. Shoff that Development Permit T10084D – Scott Headrick – to occupy a building as a Small Engine Repair and Service to be located at 1013 South Railway Ave. S. Plan 7611210, Block 1, Lot(s) 12 be approved subject to the following conditions:

1. Development shall conform to Land Use Bylaw 10-08.
2. Garbage and waste materials must be stored in weather proof and animal proof containers and screened from adjacent sites and public thoroughfares. Separate containment should be provided for the disposal and recycling of cardboard materials.
3. Landscaping to be in accordance with Policy C4-02 and Land Use Bylaw 10-08 and to the satisfaction of the Development Authority.



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4. Any/all required Safety Codes Permits (i.e, building, electrical, gas and plumbing) to be in place prior to modifications/ renovations to building that may be required.
5. Prior to commencement of occupancy confirmation must be provided to the Development Officer from the Local Fire Authority that building is occupiable for such purposes. (Call 823.1323 for inspections)
6. Parking requirements as per regulations Land Use Bylaw 10-08.
7. A Development to conform to any and all Federal, Provincial and/or Municipal regulations and/or guidelines that may apply.
8. Property to be kept in a clean and tidy manner satisfactory to the Development Officer and in conformance with any other Town of Drumheller Bylaw.
9. If the holder of the permit wishes to make any change in the conduct of the business that departs from the description in the application or from any other condition or restrictions imposed, the holder of the permit must obtain prior permission of the Development Officer/Municipal Planning Commission. An additional development application may be necessary.
10. Development application is required for new signage placement and to be made under separate application prior to placement.
11. Annual business license from the Town of Drumheller is required.

Seconded – D. Simon – Carried.

3.7 T10086D – Badlands Ski Hill Ltd. – Re-grading of Unstable Slope – “AG” Agricultural

C. Woods presented Development Permit T10086D – Badlands Ski Hill Ltd. To Re-grade an Unstable Slope located at 605 – 17 St. SW, NE ¼ Sec. 4, Twp. 29, Rng. 20, W4th. This hill has a sloughing hole where the water line broke several years ago. The Ski Hill was subdivided a long time ago. They have had an Engineering report done on the site grading which states:

Introduction

East Slopes of Drumheller Valley Ski Hill have traditionally been unstable from its original design and development. This problem is compounded by the fact that our underground snowmaking lines, in that portion of the ski hill have been cracking. Few years ago they got replaced by above ground 2” steel pipe which due to design flaws has typically seen some dozen freezing cracks per season. As a result, further slope slides have occurred making that side of the ski hill unusable and dangerous.

Scope of Work

Based on the latest ski hill design criteria, we propose to re grade the slope and reinstall snowmaking pipes. This would be done over the original Ski Hill development disturbed grounds and as per enclosed plan. Throughout the grading surface drainage control would be built in with shoulder grade at a maximum of 4:1. Compaction of every 25cm would be done with vibrating compactors and soaking of surface.

Top soil will be scraped and replaced on finished grade and grasses, natural to the area will be seeded. Anticipated time to complete grading work would be two weeks with another two for new snowmaking line installations. As a final result we will end up with a ski run of lesser skiing and riding difficulty while having a stable slope to bring snowmaking lines through it.

Neighbouring Inconvenience



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With a minimal distance of 400m to the closest home and work done during regular daylight hours we do not anticipate traffic or nuisance inconvenience to local residential or business neighbours. In an unlikely case of severe southern winds our work will immediately cease.

Comments from R. Romanetz and A. Kendrick state as a condition the compaction for erosion be done by a Professional Engineer.

Request approval from the Drumheller Ski Hill and the Town of Drumheller Council.

Confirmation of approval from a palaeontologist was requested by A. Kendrick even though the engineer report states the ground has already been disturbed.

B. Wiebe suggested they can get a palaeontologist to sign off on the project as the hill has been buggied and catted when the Ski Hill was built. The hill must be fixed before it comes down. This project will affect no one as it is on Town of Drumheller land. They must have council approval and meet all conditions.

Motion: D. Simon that Development Permit T10086D – Badlands Ski Hill Ltd. To Re-grade an Unstable Slope located at 605 – 17 St. SW, NE ¼ Sec. 4, Twp. 29, Rng. 20, W4th. be approved subject to the following conditions:

1. Development must conform with Land Use Bylaw 10-08.
2. Applicant must have written approval from the Town of Drumheller prior to commencement of any/all work and/or construction at the site location.
3. Applicant must submit to the Development Authority written approval from the Drumheller Valley Ski Club prior to commencement of any/all work and/or construction at the site location.
4. Approval to excavate or disturb the lands from a recognized Paleontologist must be submitted to the Development Authority prior to commencement of any/all work or construction at the site location.
5. Construction/compaction must be supervised by a professional engineer and an engineering report certifying construction and testing is in accordance with drawing submitted with application. Copy of report to be provided to the Town of Drumheller upon completion.
6. Development to meet with all requirements of the Alberta Environment Protection Act and any other applicable Provincial Acts, regulations and/or guidelines.
7. Hours of site construction activity as per Town of Drumheller Noise Bylaw #25-98.
8. Development Permit issued for the grading and leveling of the above site only. Further development on these properties shall require an additional development permit(s).
9. Development to conform to any and all Federal, Provincial and/or Municipal regulations and/or guidelines that may apply.
10. Contractor(s) to have a valid Business License with the Town of Drumheller.

Seconded – I. Doucette – Carried.

Mayor Nimmo discussed the request of A. Berdahl to change the times of these meetings as A. Berdahl cannot make the lunch meetings anymore. As there is an election next month, the board reserved decision.

B. Weibe had nothing to report.

Adjourned 12:40 p.m.



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COMMUNITY SERVICES



**Municipal Planning Commission
MINUTES
Meeting of Thursday, September 28, 2010**

Present:

Irene Doucette, Member
Jeanette Neilson, Member
Robert Greene, Chairperson
Brad Wiebe, PRMS
Dennis Simon, Member
Paul Salvatore, Director of Community Services
Cindy Woods, Planning
Judy Quintin-Arvidson, Recording Secretary

Absent:

Sharel Shoff, councillor
Andrew Berdahl, Councillor

1.0 CALL TO ORDER – 12:05

2.0 MINUTES FROM PREVIOUS MEETING

2.1 September 2, 2010

Motion: J. Neilson to approve minutes of September 2, 2010 as presented.

Seconded by I. Doucette – carried

3.0 DEVELOPMENT PERMITS

3.1 T10142H – Bill Adams – Home Occupation – Carpentry – “R-1A”

C. Woods presented Development Permit T10142H submitted by Bill Adams for a Home Occupation Business located at 1215 – 1st. Ave. West, Newcastle. Zoning is “R-1A” – Residential District. Home Occupations are a discretionary use in the “R-1A” District.

C. Woods advised that the applicant is proposing to operate a home office for Bill’s Wood Working from this location. The applicant will be using the home for an office only and the work will take place offsite. The garage will be used for storage of materials and the applicant will be using a half ton truck.

Motion: D. Simon that Development Permit T10142H submitted by Bill Adams for a Home Occupation Business located at 1215 – 1st. Ave. West, Newcastle be approved subject to the following conditions;

1. Must conform to Land Use Bylaw 10-08.
2. Annual Business License is required.
3. There shall be no outside storage of materials, commodities or finished products.
4. Property to be used for administrative purposes only.
5. Placement/replacement of signage must be made under separate development application. Must be maintained to satisfaction of development officer. Signage is restricted to one sign per site attached to a building. Signage is not to exceed 0.9 m (10 square feet).



1. If the holder of the permit wishes to make any change in the operation of the business that departs from the description in the application or from any other condition or restrictions **imposed, the holder of the** permit must obtain prior permission of the Development Officer/Municipal Planning Commission.
2. Permit expires December 31, 2010.

Seconded by I. Doucette – Carried

3.2 T10088D – Single Family Dwelling and Detached Garage – “SCR” Suburb Community Residential District

C. Woods presented Development Permit T10088D for a single family dwelling and detached garage located at 166 Railway Ave. Rosedale. Zoning is “SCR”, Suburb Community Residential District. This development meets all the set back requirements but is located within the 100 year Flood Plain. Land Use Bylaw 10-08, Part VII, Section 62 states:

- (a) Development shall be discouraged on land within the flood risk area as determined by Alberta Environmental Protection;*
- (b) Development activities in the flood risk area shall be carefully controlled. Low intensive uses such as open space, recreation and agricultural activities shall be preferred.*
- (c) Subdivision and development of permanent structures shall not be permitted within the flood way;*
- (d) Notwithstanding the above and at the discretion of the Development Authority, development defined as infill development may be allowed on land within the flood risk area. In all cases, as a condition of development approval, the Developer shall hold the Municipality harmless from any damage to or loss of the development caused by flooding by way of an agreement registered as a caveat or restrictive covenant against the titles of the property being developed; and*
- (e) At the discretion of the Development Authority and where development does not constitute an infill situation as defined in this bylaw, development may be allowed on land within the flood fringe area if sufficient landfill can be provided to raise the building or development site above the elevation of the 1:100 year flood probability contour or other suitable flood proofing techniques can be employed. The Town may require professional certification to ensure this requirement.*

C. Woods stated the site plan requirement recommendation was for no basement on this property. The foundation plans show no opening for a basement as requested. The dwelling will be placed on the highest plain available.

B. Weibe suggested we place a restrictive covenant on this property. Questions were brought up about the other properties in this area regarding the restrictive covenants. It was suggested these be checked as well and that the restrictive condition include building the site above the 1:100 flood plain as stated in the Bylaw.

Motion: D. Simon that Development Permit T10088D for a Single Family Dwelling and Detached Garage located at 166 Railway Ave., Rosedale be approved subject to the following conditions;

1. Development shall conform to Land Use Bylaw 10-08.
2. Proper placement of foundation walls -- as per application -- to be determined by a Registered Alberta Land Surveyor.
3. Construction of building and development as per plans submitted. Any modifications must be first approved by the Development Officer/Municipal Planning Commission.



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4. In accordance with Bylaw 10-08, Offsite levies to be paid prior to the issuance of Safety Code permits.
5. Make allowances for TWACS cable to be installed between the water meter and the electrical meter.
6. Any required Safety Codes permits (i.e. building, electrical, private sewage, etc.) to be obtained prior to commencement of construction/installation.
7. If the holder of the permit/property owner wishes to make any changes in the proposed development or additions to same from application as approved, the holder of the permit must first obtain permission of the Development Officer/Municipal Planning Commission. An additional development permit may be necessary.
8. **The developer shall hold the Municipality harmless from any damage to or loss of the development caused by flooding by way of an agreement registered as a caveat or restrictive covenant against the titles of the property being developed.**
9. **All buildings located on the property shall be constructed so that elevations are above the 1:100 year flood plain as described in documents 001199841 and 991155793 registered against the title of the property with the Alberta Government Land Titles office.**
10. All contractors to be in possession of a valid Town of Drumheller business license.
11. All local improvements including, however not limited to driveways, frontage charges, water/sewer services, are at the expense of the owner.
12. Development to conform to any/all Municipal, Provincial and/or Federal legislation and/or guidelines that may apply.

Seconded by I. Doucette – Carried

3.3 T10089D – Partially Enclose existing Lean To – “C-B”

C. Woods presented Development Permit T10089D to enclose an existing lean-to for a storage room located at 45 – 3rd. Ave. West, Plan 3099AD, Block 19, Lot(s) 6, Drumheller. Zoning is “C-B” Central Commercial District.

C. Woods advised that the lean-to meets set back requirements and they will be adding heat and electrical.

P. Salvatore questioned the screening, landscaping and finishing of the property. Discussion revolved around the finish and it was decided that it should be stuccoed and not finished with either metal or siding.

Motion: J. Neilsen that Development Permit T10089D to enclose an existing lean-to located at 45 – 3rd. Ave. West, Plan 3099AD, Block 19, Lot(s) 6, Drumheller be approved subject to the following conditions;

1. Development shall conform to Land Use Bylaw 10-08.
2. Construction of building and development as per plans submitted. Any modifications must be first approved by the Development Officer/Municipal Planning Commission.
3. Any and all additional, larger or modified improvements such as driveways, curb cuts, service connections, etc. shall be at Owners' expense.
4. **External finished appearance to be constructed of Stucco and to be compatible with that of the existing development.**
5. All necessary safety codes permits (i.e.; building, electrical, gas, etc.) to be in place prior to construction.
6. Construction shall be in conformance with the Alberta Building and Fire codes.
7. Garbage and waste materials must be stored in weather proof and animal proof containers and screened from adjacent sites and public thoroughfares.
8. Development to conform to any and all Federal, Provincial and/or Municipal regulations and/or guidelines that may apply.
9. All Contractors to be in possession of a Valid Town of Drumheller Business License.

Seconded by D. Simon – Carried



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3.4 T10090D – Harry Hamilton, Canalta Real Estate Services – Tim Horton's Drive Through Restaurant – "HWY - C"

C. Woods presented Development Permit T10090D submitted by Harry Hamilton to construct a Tim Horton's Drive Through Restaurant to be located at 1101 – Hwy. 9 South, Plan 3583JK, Block 2, Lot(s) 3. Zoning is "HWY-C" Highway Commercial District. Land Use Bylaw 10-08, Part VI, Sec.32, Highway Commercial District states:

- (a) Permitted Uses**
 - i. Restaurant**
- (b) Discretionary Uses**
 - ii. Drive through**

C. Woods advised that the applicant would like to construct a Drive through Restaurant on the vacant lot next to Stavros Restaurant. The set back check list was presented and all requirements were met. The dimensions are within the accepted range as well. The sign will be a separate application.

Parking - Land Use Bylaw 10-08, Part VI, Sec. 32, Page(s) 99 states:

- (f) Parking**
Restaurants One (1) per four (4) seats

Parking exceeds these requirements.

Parking – Land Use Bylaw 10-08, Part VI, Sec. 51, Page(s) 126 & 127 states:

- (g) Requires a minimum of 3 vehicle parking stalls**

Parking exceeds these requirements.

Drive Through requirements: Land Use Bylaw 10-08, Part VII, Sec. 51, Page(s) 126, & 127 states:

51. Drive Through

The following regulations shall apply to the development of drive through services that are applied for in connection with another use:

- (a) If outdoor speakers are provided they shall be:**
 - i. A minimum 20 metres (66 ft) from the property boundary of a parcel designated as a residential district; or**
 - ii. Separated from a residential district by a building; or**
 - iii. Appropriately screened and/or designed so that the noise from the speaker does not adversely affect adjacent residential land uses at the discretion of the approving authority.**
- (b) Drive through aisles shall be appropriately screened from the residential land uses and/or not located within 20 metres (66 ft) of a residential building at the discretion of the approving authority;**
- (c) Drive through aisles may be located in a required setback area if there are no safety or nuisance concerns identified with adjacent land uses or if any concerns are sufficiently remedied;**



(d) A drive through window shall not provide direct access to any street or adjacent property;

(e) Must not have pedestrian access located so that it crosses a drive through aisle;

(f) Must have a minimum 5 vehicle stacking spaces per order board or ordering window for the purpose of queuing vehicles;

(g) Requires a minimum of 3 vehicle parking stalls.

Development Permit Application letter submitted from Canalta Real Estate states the speaker **will be (14m) 46 ft.** from the property boundary of the closest parcel designated as a residential district. Information supplied on the speaker system shows the loud speaker includes directional devices on both sides and the top to direct all the sound to the vehicle and not the surrounding area. The volume to the speaker can be controlled from the inside of the building. There is to be only one speaker station and it faces a parking lot. They will construct a five foot (5') fence separating the speaker from the residential district.

The site plan shows the loading dock and garbage are to be shared with the adjacent lot which is also owned by Canalta. It is recommended we register an easement for use for that section of property.

The vehicles shown in the drawing are typical of the business. Although some vehicles may be noisy, the area is zoned "Highway Commercial District" and the noise is typical for the area. The Q line leads onto a service road and not the highway. The Q line is large. The requirement is 5 and they will have 16.

The letter submitted by H. Hamilton of Canalta Group states:

(b) The drive through isle will be appropriately screened from residential land uses by a 1.5 m high fence and landscaping and will be located more or less 13m (42.6 ft.) away from the closest residential building.

Motion: J. Neilsen that Development Permit T10090D submitted by Harry Hamilton to construct a Tim Horton's Drive Through Restaurant to be located at 1101 – Hwy. 9 South, Plan 3583JK, Block 2, Lot(s) 3, be approved with the decision being circulated to the residents of 85 Hunts Crescent, 87 Hunts Crescent and the apartment owner and residents of the building located at 421 – 11 Ave. S.E. Drumheller and the following conditions;

1. Development shall conform to Land Use Bylaw 10-08.
2. Construction shall be in accordance with submitted site plan. If the holder of the permit wishes to make any changes from the site plan, the details of the application or from any condition, guideline or restriction imposed, the holder of the permit must obtain prior permission of the Development Officer/Municipal Planning Commission. An additional development permit application may be necessary.
3. Applicant to enter into a Development/Service Agreement with the Town of Drumheller prior to the commencement of any construction. Development/Service Agreement shall include, however not be limited to Grading Plan, Site Servicing Plan, Storm Water Management and extension of services.
4. All necessary Safety Codes permits (building, electrical, gas, plumbing, etc.) to be in place prior to commencement of any construction/installation.
5. Prior to commencement of occupancy and business activities, confirmation must be provided to the Development Officer from the Local Fire Authority that building is occupiable for such purposes.
6. Development to conform and meet the requirements of the Regional Health Authority.
7. Parking plan as per parking regulations in Land Use Bylaw 10-08.
8. In accordance with Bylaw 10-08 Offsite levies to be paid prior to the issuance of Safety Codes permits.
9. Construction shall be in conformance with the Alberta Building and Fire Codes.



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10. Any and all local improvements at owner's expense including, however not limited to driveways, curb cuts, service connections, etc.
11. Garbage and waste materials must be stored in weather proof and animal proof containers and screened from adjacent sites and public thoroughfares.
12. Landscaping Plan to be in accordance with Policy C04-02 and Land Use Bylaw 10-08 and to the satisfaction of the Development Officer/Municipal Planning Commission.
13. Development to conform to the Town of Drumheller Water & Sewer Bylaw (copy attached), including, but not limited to, grease traps and backflow prevention devices.
14. Development to conform to any and all Federal, Provincial and/or Municipal regulations and/or guidelines that may apply.
15. All signage to be made under separate development permit application.
16. All Contractors and Sub-Contractors to be in possession of a valid Town of Drumheller business license.
17. An access easement shall be registered against Plan 9610941; Block 2; Lot 4 for the continued usage of the loading area and garbage enclosure as per site plan and in favour of Plan 3583JK; Block 2; Lot 3 to the satisfaction of the Development Officer.

Seconded by I. Doucette – Carried

3.5 T10092D – Greene Construction (1990)Ltd. – Pioneer Trail Centre – “CB”

C. Woods presented Development Permit T10092D submitted by Greene Construction (1990) Ltd to repair the Front Awning, change 30% of the windows and install a front Automatic Door located at 160 – 3 Ave. N.W. Drumheller. Zoning is “CB” Central Commercial District

B. Wiebe cleared the confusion between sign and awning. The “Pioneer Trail” is a sign and the awning is a development issue. C. Woods read Land Use Bylaw 10-08, Part VII, Sec. 81 Signs which states:

d) For any sign which will overhang a sidewalk or other Town property, the owner of the sign shall:

(i) indemnify to hold harmless the Municipality for any claim related to the construction and maintenance of the sign;

(ii) furnish a public liability insurance policy of such an amount satisfactory to the Development Officer/Municipal planning Commission naming the Municipality as co-insured.

The Pioneer Trail Sign meets requirements. The awning panels are within discretionary limits.

Motion: I. Doucette that Development Permit T10092D submitted by – Greene Construction (1990)Ltd to repair the Front Awning, change 30% of the windows and install a front Automatic Door located at 160 – 3 Ave. N.W. Drumheller be approved with the following conditions;

1. Development shall conform to Land Use Bylaw 10-08.
2. Construction of building and development as per plans submitted. Any modifications must be first approved by the Development Officer/Municipal Planning Commission.
3. Any and all additional, larger or modified improvements such as driveways, curb cuts, service connections, etc. shall be at Owners' expense.
4. External finished appearance of the proposed construction to be compatible with that of the existing development.
5. All necessary safety codes permits to be in place prior to construction.
6. Garbage and waste materials must be stored in weather proof and animal proof containers and screened from adjacent sites and public thoroughfares.
7. Development to conform to any and all Federal, Provincial and/or Municipal regulations and/or guidelines that may



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- apply.
8. All Contractors to be in possession of a Valid Town of Drumheller Business License.
 9. **Owner of the sign/awning which overhangs the sidewalk and Town property shall;**
 - (i) **indemnify to hold harmless the Municipality for any claim related to the construction and maintenance of the sign/awning;**
 - (ii) **furnish a public liability insurance policy of such an amount satisfactory to the Development Officer/Municipal Planning Commission naming the Municipality as co-insured.**

Seconded by D. Simon - Carried

4 PALLISER REGIONAL MUNICIPAL SERVICES – No Report

5.0 OTHER DISCUSSION ITEMS

5.1 Bohemia Group

This is the Condominium project that is going down from 10 units to 8 units. There is a stop work order because the developer started the footings without a development permit, which he was told he needed. The neighbours were upset. Meetings were held with the adjacent landowners regarding the distance of the set backs. We met with the developer to discuss. He made some changes for the proposal. He will have the same rear yard set backs as for the other units and will move the garage more to the front of the property so the lesser set back will be at the front. He has applied for a development permit on September 27th and the adjacent landowners will be sent copies of the application and they are invited to come to MPC when it is being discussed.

The next MPC meeting the landowners have indicated they will attend.

We met with the landowners two weeks ago and went over the development and the changes. They are well versed at this point. Their concerns continue to be set backs and drainage. There have been large areas of ponding water because it is not graded on the far side yet. The developer is putting in a concrete swale and will have more information available about that. They are also concerned about the walk out balconies looking into their rear yards.

It is recommended we see if R. Romanetz can come to the next meeting. The Developer will be there as well.

Adjournment – I. Doucette motion to adjourn at 1:05 pm.

Chairperson

Development Officer



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**Municipal Planning Commission
MINUTES
Meeting of Thursday, October 7, 2010**

Present:

Robert Greene, Chairperson
Cindy Woods, Safety Codes
Judy Quintin-Arvidson, Recording Secretary
Jeanette Neilson, Member
Sharel Shoff, Councillor/Member
Irene Doucette, Member
Brad Wiebe, PRMS
Paul Salvatore, Director of Community Services
Andrew Berdahl, Councillor
Pavel Bouchal, Bohemia Group
Willow Estates residents

Absent: Dennis Simon, Member

1.0 CALL TO ORDER – 12:05 p.m.

2.0 MINUTES FROM PREVIOUS MEETINGS

2.1 September 28, 2010

Motion: J. Neilson moved to approve the minutes of September 28, 2010 as presented. Second I. Doucette Carried

3.0 DEVELOPMENT PERMITS

3.1 T10091D – Bohemia Group – Town home Development – “R4” Residential District

C. Woods presented Development Permit T10091D submitted by Bohemia Group for a Town home Development (Riverside Gardens) to be located at 650 – 19 Street E. Drumheller. Plans 051 – 4281, Units 23 – 32. Zoning is “R4” Residential District.

R. Greene questioned P. Bouchal about Unit 12 exceeding the 6 meter set back. C. Woods read Land Use Bylaw 10-08, Part VI, Sec. 22, Page 58 states:

(c) Minimum Requirements

1. Site Area:

- (a) 650 m(2) (7,000 sq. ft.) for apartment buildings;**
- (b) 232 m(2) (2,500 sq. ft.) for end units and 186 m (2) (2,000 sq. ft.) for interior units for attached housing;**



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- (c) 325 m(2) (3,500 sq. ft.) for each semi-detached unit and 278.7 m(2) (3,000 sq. ft.) for each unit for duplexes; and
- (d) Other uses at the discretion of the Municipal Planning Commission.

2. Lot Width:

- (a) 18.3 m (60 ft.) for apartment buildings;
- (b) 7.6 m (25 ft.) for end units and 6.1 m (20 ft.) for interior units for attached housing.
- (c) 7.6 m (25 ft.) for each dwelling unit in a semi-detached dwelling;
- (d) 15.2 (50 ft.) for duplex dwellings; and
- (e) Other uses at the discretion of the Municipal Planning Commission.

3. Front Yard:

- (a) 6.1 m (20 ft.)

4. Side Yard:

- (a) 1.5 m (5 ft.) except those buildings having the principal entrance provided from a side yard. The minimum side yard shall then be 2.1 m (7 ft.);
- (b) 3 m (10 ft.) abutting the flanking street on reverse corner lots;
- (c) Accessory buildings 3 m (10 ft.) on street side of corner lots, on all other sites 0.91 m (3 ft.)

5. Rear Yard:

- (a) 7.6 m (25 ft.); and
- (b) 1 m (3.2 ft.) for accessory buildings.

P. Bouchal advised "the area we are subdividing has somewhat larger homes. The original proposal called for smaller homes and a single car garage. Drumheller was not ready for that and they did not sell. We did not want to build more of them. We need wider and bigger homes with a double car garage. The homes need a better depth now because the road is built and which is a limiting factor. The services are in and the depth to work with is limited. This creates difficulty. The location of the buildings now have 6 meter rear yards. The back of Unit 12 does not come parallel and does not sit 90 degrees to street but sticks out. Sticking out is purely visual and architectural to provide to the back of the building." He then showed the pictures of the development.

P. Bouchal continued to explain "The straight wall has no features and is not visually pleasing. The people adjacent want to see attractive buildings. Step out balconies give depth. To build these is more expensive. Twenty square feet makes no difference to home. It costs more but looks better – more appealing view of the home. Yes, I could cut and make straight for 6 meters but would not look good. Size – has to have 5 foot deck, too small, residents and neighbours are concerned about privacy. The deck looks into their yards. We would provide screening for privacy. This proposal is to plant a number of trees along the property line on the other side of the fence line. We are proposing to double up with trees for privacy on both sides. This will supply sufficient screening and separation.



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The concern about drainage. This development is part of the original overall subdivision. The entire property was purchased as a left over. The engineer followed the same design as the original with grass layer and grass is an approved method of removing water. I have now upgraded and will build a concrete gutter there. It works better, as grass naturally gets filled with flowers and stuff. Concrete will stay and is not impacted with frost heavings. The flows with the engineer's design are more than adequate for the gutter. Downspouts directed to surface not splashing. Water shooting from gutters no concern. We implemented deflectors so that will not happen."

Willow Estates resident Thomas Butt, read a letter to the board members stating:

"In 2003 a development permit was issued for the development of now called Riverside Gardens. In the agreement is an area identified as common ground with the Town of Drumheller and the Developer. This common ground was identified as Common ground with the Town of Drumheller and the Developer. This common ground was identified for use of a grassed swale that was to remove run-off water from the Development property. This swale was to run west to 19th. Street east and drain onto roadway gutter down to storm sewer on the corner of Willow Point and Riverside Drive. To the east it was to run along fence line and to the south where it would drain into a ditch near Railway Ave. and carried to the river.

To date there is still no grassed swale running along the fence line of adjacent properties of Willow Point to protect them from run off water from this development property.

On several occasions the Town of Drumheller has been informed by Willow Point residents that standing water, debris, excavated dirt and construction material was affecting proper drainage of this swale. The Town placed a caveat on this property approximately three meters wide to allow them to access the property and clean out the swale area and restore it to proper grade required to drain water.

The residents are aware that this caveat is still in place until a permanent swale is completed.

In late September 2010 the town was informed that vehicle traffic wand excavated dirt was blocking water run off again. The town reports that they had informed the developer that they are not allowed to drive on the swale area or use it for storing material or dirt on the swale or property access as it is stopping the flow of run off from the property – or any other activity including the common area where the Post office boxes and walkway are established half way down on Willow Point. All activity traffic did stop.

In August of 2010 a concrete gutter approximately one meter side was constructed along the south fence line of adjacent Willow Point properties and north of development property of Riverside Gardens. What is it supposed to be and where is the permit for this construction??? This gutter or concrete form is approximately one meter or less wide and runs about one foot to one and one half feet below the fence grade surrounding the north side of Riverside Gardens and back (south) properties of Willow Point residents. Inside the fence has deteriorated and fallen down the sharp embankment left by this gutter on the sack side??? What happened to the three meter caveat after completed??

Over the last several years numerous applications have been submitted to re-subdivide the lots to accommodate bigger dwellings than those originally submitted. These proposals still do not meet Bylaws required to build these types of dwellings as there appears to be not enough room in back yard to allow reasonable privacy to adjacent properties in Willow Point."



T. Butt then showed a video dated 2005 and 2007 showing the water running off the balconies and the pooled water at the back of the development.

T. Butt then stated: ***This has been brought to the attention of the Town before. We are concerned about our property. It is saturated and this comes off of the development. The swale and storm sewers were supposed to be done by the developers. If you keep relaxing property lines it will affect property owners. Point being these buildings are getting closer and closer to us. My yard is decaying.***

S. Shoff asked if there was a problem with their houses. T. Butt responded ***"the yards are saturated. All yards drain into one storm sewer and it cannot handle the volume now. The new development drains into there as well. The developer applied for a subdivision to accommodate larger units. The roadways in place were to accommodate the original units which met set backs. Now he wants to change but they are too big for the lots he wants to subdivide. To make them fit he is encroaching on our property. Six meters is a relaxation – it should be 7.5 meters for that type of development they are 7.5 meters not six meters. Six meters is an easement granted by the Planning Dept. Bylaw on the application does not specify any set backs. It shows 6 meters and 5.5 meters but does not specify on the application."***

R. Greene advised T. Butt we would deal with the application.

B. Weibe clarified the set backs. He advised T. Butt was correct about the Bylaw stating the set back is 7.5 meters. The relaxation allowed is a maximum of 20% which would take it to a minimum of 6 meters. This is where the figures come from.

As a point of interest, when there is more than one unit it is not uncommon for set backs to not be on the front page. It is not required. We look at the site plan for multiple units. This is MPC discretion.

Willow Point properties side yards were relaxed for example.

Korilee Marks submitted three letters dated August 17, September 10 and October 6, 2010 which address the issues of the layout being different than the original proposal, the units are closer. There was land turned and construction started without a permit.

The people of Willow Point submitted a letter and all the people who signed this letter have asked there be no relaxations done. They stated concerns with serious issues being the close proximity of the units, water control, privacy, having 6 foot fences and they have 9 foot decks looking onto our yards and maybe even into our windows. They are a higher grade level than we are. They have concerns where they will plant trees and point out it will be years before they provide privacy. The letters are attached. These include one with many signatures and a second letter from Rajnesh & Jessica Chand.



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"Re: Bohemia Development

Sept. 14, 2010

For the development being built behind Willow Point, we also recommend the condo plans be flipped and have the driveway facing the north side and the decks facing south side towards the current development. With a roadway, it will not be too crowded and will be at a comfortable distance from our property.

We feel this will be ideal because both parties would have their own privacy and security in their own backyard. With the current layout, it seems the building would be too close to our property and their decks would be looking onto our yard and house. We will then have to keep our blinds closed for our bedroom and kitchen with the concern of people looking into our private home. Also with the drainage running along the edge of the property, if we get a lot of rain, the drain will overflow and the water will come into our yard and damage our yard. If that happens, who is liable for this, the town, the builder or us the property owner? With the condo building being too close to our property, it can depreciate our property value.

We are glad there is new development, it shows our community is growing. But the builder has to consider the current residence on Willow Point. We need meet in the middle. We are paying good taxes here and should have some say especially it being right behind our property.

Thank you,

Rajnish & Jessica Chand

All members of Willow Point present agreed and the owner of lot 28 spoke of the area being a mess for years.

T. Butt stated he offered suggestions for changes in a meeting which took place with the Town of Drumheller on September 14, 2010. These suggestions state:

- 1. Remove driveways and bring building closer to roadway in front of dwelling.***
- 2. Build less square feet building (length) to accommodate drive way.***
- 3. Put garages on back side with alleyway running down fence line. This laneway can also be used as run off swale for water to existing premises.***
- 4. Remove easement on buildings to increase distance to back yard??***

T. Butt also stated the residents of Willow Point do not want to stop the development, just change the design. He suggested they could turn the building around. There is no infrastructure in the area to prevent them from making a lane. These suggestions were taken note of by council and seem reasonable. The homeowners have been dealing with this issue since 2003. The suggestions are not designed to stop growth but to use the existing guidelines that are in place for all of us.

Councillor Berdahl thanked T. Butt for his information.

S. Shoff questioned if these suggestions have been ongoing since 2003 to whom were they submitted? T. Butt clarified the suggestions have not been ongoing since 2003 but were submitted recently at meetings the 17th of August, 2010 and the 14th of September, 2010 at a meeting with the Town of Drumheller. T. Butt feels this development application is the same as it was the last time with the addition of trees.



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T. Butt then stated: ***"We have never been opposed to condominium development. The plan morphed over the years. We have been notified. Now we are looking at relaxation and the ones applied for affect residents on the property line. We request they NOT be approved."***

T. Butt discussed the frontage of the units – how nice it looks faces 19 street, and the high school football field. If the development is turned around it is exposed to the main traffic of the street. If it is turned facing us it takes our privacy.

A. Berdahl noted that the developer is learning from previous experience that aesthetics should be for the residents and not the road. There are many issues here and we should show consideration for the neighbours.

A member of the Willow Park residents stated that with the deck and additional trees would leave no room at all for access for fires, etc.

Another member of Willow Park residents the decks encroach the 20' relaxation because of their height, which makes a change to the distance.

P. Bouchal spoke to the video dated 2005 and 2007 presented by T. Butt. He stated the flooding we saw was caused by imported soil. It blocked the drainage behind the berm. He has constructed a dyke to keep water away. There has not been a flood since then. He stated:

"Sometimes dirt gets in there and blocks it and the developer unblocks it. As for the water behind the fence, if you drive into the block it is graded and developed. The area behind the fence is not developed yet, the ground has been there since we purchased. Now we go ahead, we will develop the ground properly. As far as water draining over the gutter, in 2005 outside perimeter, we now provide diffuser. We completed three homes and installed at back, not the front then put up. Not a problem. Flooding problem – no it is part of the engineering design and is well beyond the flow. The gutter has a cap of 155 litres per second ours is 17 litres per second. Lots of cap. The problem of surface water draining – yes 1 – 100 flood plain we have plenty of capacity for water."

A member of the Willow Point residents stated: ***the jut out still goes into our space on the upper level.***

S. Shoff questioned if there were patio decks on top.

P. Bouchal stated he has tried to work with many combinations of designs. The driveways at the back will not work. The seniors would have stairs. They tried to come up with a different design. If they move forward there will be no driveways.

A member of Willow Point residents pointed out he had no driveway.

Another member of the Willow Point residents asked the people of the board to identify themselves. The council members and MPC members identified themselves. The staff members present did not.

At this point the members of Willow Point and P. Bouchal left the meeting. They questioned if there was need of appeal, do they leave their statements for the appeal board. They were advised they would have to bring new evidence and re-submit to an appeal board if necessary.

B. Weibe advised them as well the decision of an appeal board is final so they must bring everything they want heard at the hearing.

THE BOARD WENT IN CAMERA AT THIS POINT



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Returned from "In Camera" discussion at 1:30 P.M.

Motion: J. Neilsen that Development permit **T10091D** submitted by Bohemia Group for a Town home Development (Riverside Gardens) to be located at 650 – 19 Street E. Drumheller. Plans 051 – 4281, Units 23 – 32, be denied for the following reasons:

The minimum setback requirements for the front, side, rear yard and site coverage in the proposed development exceed the 20% discretionary limits of the Municipal Planning Commission as stated in Land Use Bylaw 10-08 Part III Sec 9(7)(a).

The rear unenclosed decks exceed the maximum projection allowed as stated in Land Use Bylaw 10-08 Part VII Sec 56(c)(i).

Second: A. Berdahl – Carried.

Adjournment – Motion to adjourn J. Neilsen at 1:45 P.M.
Seconded – I. Doucette – carried.

Chairperson

Development Officer