

Town of Drumheller COUNCIL MEETING AGENDA

**September 8, 2014 at 4:30 PM
Council Chamber, Town Hall
224 Centre Street, 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 August 25, 2014

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

9-37 8.1.1 Update on Flood Mitigation

8.1.2 Update on Walmart Wall

8.2. DIRECTOR OF INFRASTRUCTURE SERVICES

Page

8.3. DIRECTOR OF CORPORATE SERVICES

38-39 8.3.1 RFD - Auditor Appointment

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 NOTICE OF MOTION

13.0 COUNCILLOR REPORTS

14.0 IN-CAMERA MATTERS

**Town of Drumheller
COUNCIL MEETING
MINUTES**

**August 25, 2014 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
Tom Zariski

CHIEF ADMINISTRATIVE OFFICER/ENGINEER:
Ray Romanetz

DIRECTOR OF INFRASTRUCTURE SERVICES:
Allan Kendrick

DIRECTOR OF COMMUNITY SERVICES:
Paul Salvatore

CONSULTANT
Bill Wulff

RECORDING SECRETARY:
Linda Handy

ABSENT: Councillor Sharel Shoff
Councillor Lisa Hansen-Zacharuk
Director of Corporate Services Barb Miller

1.0 CALL TO ORDER

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

1.1 Councillor Tom Zariski was sworn in as Deputy Mayor for the months of September and October, 2014.

2.0 MAYOR'S OPENING REMARK

2.1 Mayor Terry Yemen presented a letter from Hon. Heather Klimchuk, Minister of Alberta Culture re Stars of Alberta Volunteer Awards 2014 - Call for Nominations requesting nominees to be forwarded to her office prior to September 15th.

2.2 Mayor Yemen presented a letter from Hon. Greg Weadick, Minister of Municipal Affairs advising of the approval for flood mitigation funding in the amount of \$246,200.

2.3 Mayor Yemen proclaimed September 2014 as Muscular Dystrophy Awareness Month.

3.0 PUBLIC HEARING

4.0 ADOPTION OF AGENDA

MO2014.124 Garbutt, Zariski 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 July 28, 2014

MO2014.125 Garbutt, Kolafa moved to adopt the regular Council meeting minutes as presented. 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 08.14 being a bylaw to designate a municipal heritage building - third reading

R. Romanetz advised that Bylaw 08.14 received first and second readings at Council's meeting of July 28th. He further advised that a question was raised as to the costs of

plaques that would be placed on the designated historical buildings. P. Salvatore advised that the cost for plaques is an item of discussion for the next Committee meeting – an estimate may be between \$500 to \$1000 per plaque and details such as the description of significance will have to be confirmed.

MO2014.126 Zariski, Garbutt for third reading of Bylaw 08.14.

Discussion on Motion:

Councillor J. Garbutt asked the estimated buildings that will be designated in 2015. P. Salvatore stated that there may be 5-10 depending on the receptiveness of the property owners. He also requested that P. Salvatore research if the Province provides signage.

Vote on Motion: Carried unanimously.

8.1.2 RFD - RCMP Services for Tough Mudder Event

R. Romanetz advised that a request has been put forward through our Municipal Police Services Agreement for additional police services for the Tough Mudder event. Staff Sgt. A. Hopkins recommends five (5) members equivalent to 140 hours with a cost totalling \$11,900. These costs are to be reimbursed from the Drumheller Festival Association as per prior discussions between the parties.

MO2014.127 Zariski, McMillan that Council requests the RCMP to provide the additional policing services equivalent to 140 hours and the Town agrees to pay these additional costs to cover the Tough Mudder event to be held from September 6 – 7, 2014; and further that these costs be reimbursed from the Drumheller Festival Association.

Discussion on Motion:

Councillor T. Zariski advised that this matter was discussed at the CAC meeting and it sets the precedent for future events – that additional policing service costs need to be paid for by the event organizers.

Vote on Motion: Carried unanimously.

8.1.3 Update on Flood Mitigation

R. Romanetz provided an update on flood mitigation as follows:

- Disaster Recovery Program grant approved (application made in 2013 for flood expenditures incurred along with 2014 engineering and future staffing requirements). Additional funds applied for under the Southern Alberta Flood Response Program (application applied for in March 2013 and as the Mayor announced early in the meeting tonight, approval granted in the amount of \$246,200); In response to a question from Council, R. Romanetz advised that \$606,000 of a total estimated claim of \$1.2M has been received with \$400,000 related to upgrading of damaged roads and \$75,000 related to repairs at the Fountain area will be reimbursed once the Town submits the paid invoices to the Province;
- In order to expedite the project, the Town has been working closely with the Province and they agreed that the Town call for proposals from engineering firms rather than

waiting for approval from the Minister. The Town received seven proposals with Stantec being selected as the consultant based on the weighting criteria. Stantec's role and expectations will be to move Drumheller's flood mitigation forward as identified in the Provincial Report (prepared by Stantec dated October 2013). The projects, of which a good number are enhancements to existing infrastructure and others are proposed as agreed to with the Province back in 1985, 75% of the Province's commitment at that time has been completed however there are outstanding areas particularly in Rosedale and Lehigh. The Town would approach the Province requesting that those projects be funded through the former commitment (commitment identified as the need for a dyking system to be built through Drumheller after the Dickson Dam was constructed).

- A new provincial grant, Alberta Community Resilience Program, a 3-year \$325M grant program administered by Alberta Environment and Sustainable Resource Development to support municipalities in the development of long term resilience to flood planning goals for the future. Funding is 90% of the engineering and construction costs up to \$3M and 70% for costs in excess of \$3M. Costs associated with the operation and maintenance of a project are the responsibility of the municipality and are not eligible as part of the total costs of the project. The intention is to submit our application by September 30th.

- A third program announced last fall, 2013 Flood Recovery Erosion Control Program, with funding at 100%. The Town intends to submit a grant application for funding to remediate the bank erosion on 9th Street NW. He further explained that during the last flood more bank and sandstone used for flood protection has been washed away – this is a high priority and dyking is needed to protect North Drumheller.

- A fourth program that the Town is working with the Province includes the wall on Michichi Creek that has eroded away – repairs done this spring have not stood up very well and some areas has been undermined as well. Although this is Transportation's responsibility, the Town needs to ensure that remedial work is carried out and plans are in place to reinforce the entire alignment of the Michichi Creek.

- The province indicated they would work with the Town on existing development zones and future growth areas. The mapping is being worked on by Palliser and shared with the Province to ensure it meets their requirements. The mapping identifies the regulated floodway area versus what the province is using – natural flows (the Town's map has less flooding restrictions). The Town intends to meet with stakeholders, get their views on the new mapping and include public input into the reports.

- The Town intends to prioritize projects working with Stantec and the Province. The Province will have the local municipality confirm the direction – there is no stakeholder engagement for prioritizing projects.

8.1.4 Update on Walmart Wall

R. Romanetz advised that in May, 2014 Walmart had agreed to rebuild the wall and this did not happen. They confirmed that they did not have the appropriate number of contractors to bid on the job and they wished to retender the work. However, at that time, they did not provide any new timelines. He further advised that the Town issued an order stating that their response was not satisfactory and that the wall needed to be secured within 14 days and within 30 days they had to provide an updated schedule for the reconstruction of the wall. He advised that very shortly after issuing the order, the

temporary security fencing was put up yet the Town has not heard any further plans from Walmart and the order will expire early September.

8.2. DIRECTOR OF INFRASTRUCTURE SERVICES

8.2.1 Update on East Coulee Fill Station

A. Kendrick advised that he is waiting for a price breakdown on additional costs for the fill station's cosmetic features as this was not part of the overall bid. He further advised that some quotes that have come in that need a closer inspection to ensure good value for the project and to ensure it is a competitive bid. The Town will do some base work in short order and in discussions with Knibbs Construction, they are prepared to get started with the grading of the site shortly.

Councillor J. Garbutt questioned whether the hydrant location is the best functional location. A. Kendrick stated that the location is under review to assess whether it is an appropriate location.

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 NOTICE OF MOTION

13.0 COUNCILLOR REPORTS

14.0 IN-CAMERA MATTERS

14.1 Legal Matter MO2014.128 Garbutt, McMillan moved to go in camera at 5:15 PM. Carried unanimously.

MO2014.129 McMillan, Zariski to revert to regular Council meeting at 5:27 PM. Carried unanimously.

There being no further business, the Mayor declared the meeting adjourned at 5:27 PM.

Mayor

Chief Administrative Officer

Floodway Development Regulation Task Force

Discussion Paper

FLOODWAY DEVELOPMENT REGULATION

Dated: August 20, 2014

Table of Contents

1. Introduction.....	3
2. General Background	3
3. List of Task Force Member Organizations.....	4
4. Task Force Terms of Reference	4
5. Application of Act (Section 693.1 of <i>MGA</i>)	5
6. Definitions	6
7. Potential Considerations.....	7
7.1 New Development in Floodways.....	8
a. Prohibitions/Restrictions	8
b. Proposed Authorized Uses	8
7.2 Existing Development in Floodways	10
a. Prohibitions/Restrictions	10
b. Proposed Authorized Uses/Development	10
7.3 Exemption Provisions.....	11
Appendix 1: Other Related Discussions	13
Appendix 2: General Background on the Subdivision & Development Approval Process.....	15
Appendix 3: Background on the Appeals Process	17

Draft Discussion Paper

Floodway Development Regulation

1. Introduction

In 2014, Alberta Municipal Affairs established a Task Force of municipal government and development industry stakeholders to provide input on the creation of the Floodway Development Regulation.

This discussion paper presents the Task Force's views on the approaches that should be considered on new and existing development in floodways, and on exemption provisions and other related policy considerations. In some cases, the Task Force members agreed on the approaches to be considered and have provided input for consideration during the drafting of the regulation. As the perspectives of all members of the Task Force have been documented, cases of caution and differing opinions have also been noted.

As a next step in the process of developing the regulation, a wider audience of municipalities (with identified flood hazard areas) and development industry officials are being invited to comment on this discussion paper by September 26, 2014, through completing and submitting a workbook via e-mail, or hard-copy mail and/or by attending a one-day symposium on September 12 to further share their views. The Discussion Paper and workbook will also be posted on the Municipal Affairs' website to enable other interested parties to submit their input via e-mail, or hard-copy mail no later than September 26, 2014.

2. General Background

While flooding has been a historical risk associated with Alberta's multitude of rivers and streams, an increase in extreme weather events and population growth have increased the impact of floods in terms of public safety and the magnitude of property damage and loss. Flood damages represent a significant expense in recent years for the public, municipalities and provincial and federal disaster assistance programs.

While the weather cannot be controlled, action can be taken to reduce flood impacts by restricting development in high risk areas. As part of a commitment to implement new controls on future development in flood hazard areas, and to minimize flood impacts and support resilient communities, the Government of Alberta, in December 2013, enacted Bill 27, the *Flood Recovery and Reconstruction Act*, which amends the *Municipal Government Act (MGA)* in order to provide for:

- Regulation-making powers for controlling, regulating or prohibiting any use or development in a floodway, as well as establishing authorized uses; and

- Ministerial exemptions for a municipal authority or class of municipal authorities from some or all of the general provisions of the Regulation.

The Government of Alberta is currently working with the Regional Municipality of Wood Buffalo (Fort McMurray) and the Town of Drumheller, which have special circumstances and significant existing development in the floodway, to develop exemption zones.

Once a regulation under this legislation comes into force, it will apply to those municipalities where there are flood hazard areas mapped by Alberta Environment and Sustainable Resource Development (ESRD). The Regulation will ensure that a consistent, minimum level of land use control will apply in the floodway(s) within these municipalities. Municipalities may choose to impose more restrictive measures within their Land Use Bylaw and statutory plans.

Municipalities currently without ESRD flood hazard mapping may implement interim control measures through their land use bylaws on development in potential floodway areas until ESRD mapping is completed. At this time, mapping has been complete for approximately 70% of Alberta's populated areas and for approximately 10% of the total geographic area. While the province has made a significant investment in mapping (\$8.7 million over the next 6-7 years), there is no identified completion date for flood hazard mapping throughout the province. As well, post flood assessments are underway to determine any required changes to existing maps, particularly for high risk communities.

3. List of Task Force Member Organizations

The Task Force is comprised of administrative leaders with subject matter or policy expertise relating to planning and development in flood hazard areas. Membership consists of representatives from the following organizations:

- Alberta Association of Municipal Districts and Counties
- Alberta Urban Municipalities Association
- City of Calgary
- City of Edmonton
- Town of Canmore
- Town of Drumheller
- Town of High River
- Regional Municipality of Wood Buffalo
- Urban Development Institute Alberta

4. Task Force Terms of Reference

The Floodway Development Regulation Task Force was established by Municipal Affairs as a working group of municipal and development industry stakeholders brought together to share perspectives, and to provide input for the province to consider when developing the Floodway Development Regulation. The objective of the Floodway Development Regulation Task Force is

to support the province's efforts to prevent future flood damage and rebuild safer and stronger communities, while balancing the interests of all stakeholders.

The scope of work of the Task Force was directly related to providing input on development in floodways as defined in the Section 693.1 (1) amendment of the *MGA* and the proposed Floodway Development Regulation. Under this scope, the Task Force was asked to provide advice on topics that include:

- Regulation definitions;
- authorized uses in the floodway;
- considerations for regulating existing development in the floodway;
- considerations for prohibiting or restricting new development in the floodway;
- considerations for existing and new development in areas exempt from the Regulation;
- the application of provisions based on ESRD's Flood Hazard Maps;
- implementation requirements including those that affect other provincial legislation and administrative systems; and
- other considerations relating to planning and development in flood hazard areas that the Task Force members may wish to raise for future government consideration.

5. Application of Act (Section 693.1 of *MGA*)

The authority for land use planning and development rests with the municipality. Part 17 of the *MGA* sets out the specific municipal authority for planning including the authority to prepare and adopt plans and bylaws, receive and approve subdivision and development permit applications, and in some cases, to establish boards to hear most appeals of planning decisions.

The interaction of the proposed Floodway Development Regulation with other legislation and regulations will be considered at the regulatory drafting stage.

Once the proposed Floodway Development Regulation is in force:

- Municipalities will need to ensure that their statutory plans and land use bylaws are consistent with provisions of the Floodway Development Regulation, where applicable.
- Municipalities may not approve an application for subdivision in a floodway if the application is inconsistent with the provisions of the Regulation.
- Municipalities may not issue a development permit for any use or development of vacant land in a floodway if the proposed development is inconsistent with the provisions of the Regulation.

6. Definitions

The following are concepts that may require clarification through definition in the Floodway Development Regulation. The first four concepts are from ESRD's publication on the Flood Hazard Identification Program, and the "building" and "development" descriptions are from the MGA. Additional concepts that may require clarification through definition, including new development, existing development, and flood map, will be identified and developed as determined necessary to support the provisions of the Regulation.

- **Flood Hazard Area:** The flood hazard area is the area of land that will be flooded during the design flood event under encroached conditions. Once this area is defined, the flood hazard area is typically divided into two zones, the floodway and the flood fringe.
- **Floodway:** The floodway is the area within which the entire design flood can be conveyed while meeting certain water elevation rise, water velocity and water depth criteria. The floodway includes areas where the water is 1 m deep or greater, the local velocities are 1 m/s or faster and if the river were encroached upon, the water level rise would be 0.3 m or more. Typically the floodway includes the river channel and adjacent overbank areas.
- **Flood Fringe:** The flood fringe is the land along the edges of the flood hazard area that has relatively shallow water (less than 1 m deep) with lower velocities (less than 1 m/s). Technically, it is the part of the flood hazard area that is not included in the floodway. The final flood elevations on the flood hazard maps assume that the entire flood fringe has been filled in and all the flow is conveyed by the floodway.
- **Overland Flow:** Areas of overland flow are part of the flood hazard area outside of the floodway, and typically considered special areas of the flood fringe.
- **Building:** As per Section 616 of the MGA, "building includes anything constructed or placed on, in, over or under land, but does not include a highway or road or a bridge that forms part of a highway or road."
- **New Building:** A building which has not received a development permit from the appropriate development authority at the time the Floodway Development Regulation takes effect. In case of specific situations where a municipality may not require a development/building permit, any new development shall be considered a New Building.
- **Development:** As per Section 616 of the MGA, i) an excavation or stockpile and the creation of either of them, ii) a building, or an addition to or replacement or repair of a building, and the construction or placing of any of them on, in, over, or under land, iii) a change of use of land or a building or an act done in relation to land or building that results in, or is likely to result in a change in the intensity of use of the land or building, or iv) a change in the intensity of use of land or a building or an act done in relation to land or a building that results in, or is likely to result in a change in the intensity of use of the land or building.

- **Infill:** Development in the existing built-up areas of a municipality, occurring on vacant or underutilized lands, or behind or between existing developments.
- **Non-structural:** A use or activity that does not involve the use or construction of a building.
- **Berm/Dike:** An embankment, mound, or structure of earthen material constructed to confine or control the flow of water and to prevent flooding of adjacent upland areas.

7. Potential Considerations

Appropriate development consists of non-obstructive development that will not increase flow levels in the case of a flood event and includes low salvage cost uses, or infrastructure that needs to be near a river, such as drain outlets.

Immediate action to mitigate future risks from extreme flooding is needed. From a public health and safety perspective and to minimize the taxpayers' financial burden associated with property damage and loss, it is most effective to keep people and property away from the flood water, rather than attempting to keep the flood water away from people and property. Therefore, the basic principle going forward is that: there should be no new inappropriate development in floodways, while respecting the investment and choices made by current owners of properties in a floodway, regardless of whether they have been affected by a disaster. This will require achieving a policy balance between the desire for no obstructions in the floodway and allowing for necessary or appropriate development in the floodway.

The Regulation will enable municipalities to manage floodway development by applying the concept of authorized uses. Authorized uses refer to uses that will not adversely affect flood elevations and that will minimize threats to public safety, while decreasing the potential for flood damages. Although there may still be flood damages associated with the authorized uses, these damages will be much less than if inappropriate development had been allowed in the floodway.

The Task Force generated lists of input for consideration in the drafting of a Floodway Development Regulation, under these four sub-headings:

- New Development in Floodways (prohibitions and authorized uses);
- Existing Development in Floodways (prohibitions and authorized uses/development);
- Exemption Provisions; and
- Other Related Discussions (Appendix 1)

Task Force members also rated these inputs based on the general degree to which they supported them, in the form of:

- **Support/Consensus**
 - The Task Force agreed that this input should be considered when drafting the regulation
- **Input Raised with Caution**
 - Some Task Force members raised certain cautions about this input being considered when drafting the regulation.
- **Input Raised with Disagreement**
 - Some Task Force members did not agree whether this input should be considered when drafting the regulation. Where the input raised received disagreement by most of the members, it was noted.

The intent of rating the input this way was to identify areas of consensus while ensuring that all perspectives were heard.

7.1 New Development in Floodways

a. Prohibitions/Restrictions

Support/Consensus:

- No new buildings should be constructed in the floodway, where a building is defined as per Section 616 of the *MGA*.
- Elevating a building (above a determined flood level) as a form of mitigation against flood waters in a floodway is not considered appropriate.

b. Proposed Authorized Uses

Support/Consensus:

- New uses (excluding buildings) that may be authorized in a floodway are as follows:
 - Public parks, green spaces, and pathways/walking trails, provided they are engineered in a way that minimizes damages and the obstruction of the flood flow.
 - Agricultural uses such as crop production, grazing, horticulture, forestry, sod farming and wild crop harvesting.
 - Projects such as roads or utility infrastructure that are approved by the municipal/ regulatory authority and are engineered in a way that minimizes damages and the obstruction of the flood flow.
 - Uses designated as Environmental Reserve (ER).

Input Raised with Caution:

- New uses that may be authorized in the floodway are as follows:
 - A new storm sewer drainage system or sanitary outfall pond, if there is no adverse impact on flood water levels up or down stream.
 - Agricultural structures requiring development approval by a municipal authority.

- There may be inconsistencies between municipalities as each jurisdiction may have different development permit requirements.
- Berms and dikes may be considered depending on ESRD approval.
 - Berms and dikes obstruct flow up and down stream. Additionally, if the flood flow is beyond their designed capacity, these structures have a greater probability of failure.
- Gravel pits, subject to an ESRD approval license.
 - Significant aggregate resources are located near water bodies like rivers that are needed to support construction and development.
 - Gravel pits and stockpiles may create an obstruction to the flood flow if left in the same location for an indefinite period of time.

Input Raised with Disagreement:

- Public and private recreations may be authorized provided no major buildings or equipment related to the recreational use occur in the floodway and no other aspects of the use occur in a manner that would result in major obstacles on the land in the floodway, causing an obstruction to flood flow.
 - Private recreations and major buildings need to be defined.
 - Certain private recreations will require some sort of permanent structure that may obstruct the flood flow up and down stream.
- All floodway land should be designated as ER.
 - If all floodway is designated ER then it may provide a high level of flood mitigation through controlling erosion and creating a healthy riparian habitat.
 - The floodway's highest purpose is flood control. Activities (even green ones) that fall outside of ER limitations should be prohibited. Certain parks/crops/turf areas strip away riparian vegetation that slows down water flow and provides bank stabilization.
 - The majority of stakeholders did not share this view and provided the following reasons for their disagreement:
 - Designating all floodway areas as ER would be overly restrictive and not allow for reasonable low impact uses (without passing a bylaw), such as parks, public or private recreational uses without buildings that would provide a significant benefit to the community without obstructing the flood flow.
 - Designating all floodway as ER would create a negative impact on many agricultural lands that use the floodway, and would place a large burden on municipalities to manage the land.
 - Municipalities can only require the dedication of ER at the time of subdivision. Municipalities may not subsequently or retroactively take ER in settled areas.

7.2 Existing Development in Floodways

a. Prohibitions/Restrictions

Support/Consensus:

- There is to be no redevelopment or additions to existing buildings in the floodway that will result in expanding the building footprint and/or changing the building use.
 - The purpose is to prohibit any additional building footprints in the floodway that would increase obstruction to the flood flow.
- There should be no infill development in the floodway, even within existing developments, as it may obstruct the flood flow both up and down stream, creating a safety threat to the public and increasing property damage to existing development.
- Even if community mitigation efforts (berms, reservoirs) are in place, additions or extensions to existing buildings in floodways should not be allowed.
- Subdivisions and vacant lots in existing neighborhoods should allow for authorized, low impact uses, such as parks, which will not obstruct the flood flow.

Input Raised with Caution:

- Part of a property in the floodway does not designate the whole property in the floodway for the purpose of applying the Regulation provisions.
 - If only part of a property is in the floodway, development on the part of property which is outside of the floodway may be authorized, subject to a municipality's development conditions. Development within the floodway, other than authorized uses, should be prohibited.
- Subdivisions and vacant lots in existing neighborhoods should allow for authorized, low impact uses, such as roads, which will not obstruct the flood flow.
 - However, a road is not a natural state. Removing any riparian vegetation reduces natural flood mitigation.

Input Raised with Disagreement:

- Development with provisions for small, ancillary, non-habitable buildings may be authorized in rural situations where there is limited potential to obstruct the flood flow and impact neighboring properties, buildings, and public safety.
 - However, any new building or structure in a rural floodway situation may create an obstruction to the river flow and create a threat to the safety of the public.

b. Proposed Authorized Uses/Development

Support/Consensus:

- Existing uses/development that may be authorized in the floodway are:
 - Rebuilding in the floodway on an existing building footprint for the same use.
 - Repairs or renovations of existing buildings for the same type of use on the existing building footprint.

- Parks and non-structural recreational uses, with limitations (Ex: no recreational vehicle (RV) parks, since such parks may pose a hazard to life and property if the RVs are left stationary for indefinite periods of time and a flood event occurs).
- Small renovations within the existing building footprint (ex: 5% to 10% of the floor area).
- Major renovations within the existing building footprint (ex: greater than 10% of the floor area), including rebuilding, should trigger mitigation requirements as prescribed by the approval authority to protect and ensure the building is as flood resilient as possible.
- Required municipal infrastructure.
- Berms, dikes, or gravel pits may be considered depending on circumstances, subject to ESRD approval.

7.3 Exemption Provisions

The Minister of Municipal Affairs may exempt a municipal authority or class of municipal authorities from the application of all or part of the Regulation, thereby allowing the government to vary how the Regulation will apply in situations where it would be impractical, impossible, or economically detrimental to restrict development in the floodway, provided there are adequate measures in place to protect against a flood event.

Support/Consensus:

- Stakeholders' proposed definition of exemption:
 - a geographical area in which, based on circumstances, the Regulation or parts thereof do not apply; or
 - a geographical area in which certain development activities can be undertaken that are not normally allowed in the floodway.
- Any exemptions for floodway areas need to be based on an agreed set of criteria, and need to demonstrate appropriate mitigation measures that are sufficient enough to remove/minimize risk to life and property of the users, such as diversions, dry dams, dikes and other such measures (depending upon engineering analysis).

Input Raised with Disagreement:

- Municipalities should have the power to decide on exemptions.
 - The majority of stakeholders did not share this view and provided the following reasons for their disagreement:
 - A municipality may not have the capacity to complete an engineering analysis and devise a consistent process to carry out appropriate risk management strategies for exempted areas.
 - If municipalities are allowed to dictate exemptions, they may not have the capacity to analyze the risk caused by exemptions to downstream and neighboring communities.

Agenda Item # 8.1.1

- Details are needed on how an appeal process would work for affected communities to voice their concerns on the impact of an exemption.
- Liability for a loss associated with an exemption must be addressed.

DRAFT

Appendix 1: Other Related Discussions

Support/Consensus:

- There should be one portal (ex: website) for all provincial flood information.
- The Regulation should have consideration for existing local and provincial policies for effective implementation at the local level.
- There should be consistent application of the Regulation across the province based on common criteria.
- Clarity of responsibilities for addressing flooding issues is needed between the federal and provincial governments, and municipalities.
- Tools for municipalities to deal with flood hazard areas need to be developed, including tools to apply innovative options for discouraging development in the floodway.
- The floodway boundaries should be updated based on the most current and complete flood event data.
- There should be consideration for an additional regulation dealing with the flood fringe.

Input Raised with Caution:

- Place caveats or notifications on existing properties in the floodway whether they have received DRP funding or not.
 - Some felt caveat/notification provisions should not include municipal or provincial properties.
 - Certain provincial and federal legislation does not allow for registering caveats on certain types of properties such as Municipal and Environmental Reserves. Additionally, there may be concerns regarding accommodating the registration of certain types of caveats in the land titles system/database.
 - If caveats or other notifications are registered to properties, there must be a mechanism to remove these caveats if/when the flood hazard maps change and it results in a property no longer being in a designated floodway.
- Consideration for a consistent buyout policy should be looked at in the future.
 - A proactive buyout policy should be considered. Buyouts may be less expensive than mitigation options to reduce risk.

Input Raised with Disagreement:

- Expand the uses of ER and ER easements.
 - A significant number of stakeholders wanted the intended use of ER to remain the same as currently stated in Section 671(1) of the MGA.
- There should be avenues to appeal any Subdivision and Development Authority (SDA) decision for land in the floodway with the understanding that the minimum standards in the Regulation would apply.

- General appeal provisions already exist under the *MGA*.
 - When a municipality goes beyond the provincial standards, as set out in the Regulation, the municipality should have the legislative tools provided in the Regulation for use in defending the municipality's more restrictive standards.
- Attention needs to be given to addressing how to deal with liabilities for private recreation in floodways in case of a flood event.
- A policy should address the non-structural mitigation approach, including buyouts and incentives.
 - After a buyout, the provincial government should consider giving the land back to the municipality, if appropriate.
 - If incentives are permitted, there may be inconsistencies across the province due to local bylaws.
 - Non-structural mitigation may not work in developed areas due to a number of factors, including existing municipal services, property values, and other amenities which may not be available in a new location.

Flood Hazard Mapping:

Support/Consensus:

- A policy is needed for municipalities with no flood hazard maps. Stakeholders indicated that many municipalities would like to complete their own flood hazard mapping in partnership with ESRD, ensuring that a common provincial standard is maintained.
 - Funding support from the province should be considered.
- Municipal statutory plans and land use bylaw/zoning maps should, at a minimum, be aligned with ESRD flood hazard area maps.
- There should be a policy on the timing of periodic reviews/updates of flood mapping (ex: how often maps are updated).
- Regulation should address future floodway levels (maps) as they change, including providing legal protection to municipalities for liabilities which may arise from decisions made based on a previous set of maps, which may no longer reflect current conditions.

Input Raised with Caution:

- Policy attention is needed for areas outside mapped flood hazard areas.

Appendix 2: General Background on the Subdivision & Development Approval Process

The intent of this appendix is to provide a general overview for those who may be unfamiliar with municipal planning processes. Municipal statutory plans and bylaws may vary across the province, so long as they stay within the provisions set out by the *Municipal Government Act*.

All development must comply with the *Alberta Land Stewardship Act (ALSA)* regional plans, Part 17 of the *Municipal Government Act (MGA)*, the *Subdivision and Development Regulation (SDR)*, and the land use bylaw. Most development will require a development permit. In some cases, statutory plans and land use bylaws must be amended, or subdivision applications approved, before a development permit can be issued.

Statutory Plan and Land Use Bylaw Amendments

If a development proposal cannot be approved because it does not conform to the land use bylaw, a proponent may apply to the municipal council to amend the bylaw. If a statutory plan amendment is also required to accompany the land use bylaw amendment, municipalities generally will coordinate these amendments where required. A staff report and recommendation are usually prepared and forwarded to council. Notice must be given of an application for both a statutory plan and a land use bylaw amendment and council must hold a public hearing before giving second reading (*MGA* section 692).

Council's decision on proposed amendments to the land use bylaw or statutory plans is final. There is no legislated time frame within which council must consider applications for amendment. Ordinarily, the minimum time is that required for at least two meetings of council, during which period notice must be given and the public hearing held. Depending on the complexity of the amendment, additional time may be necessary to prepare more extensive staff reports and review.

Subdivision Application

If a development proposal requires land to be subdivided, a subdivision application must be submitted to the municipal subdivision authority. The proposed subdivision must conform to *ALSA* regional plans, any statutory plan, land use bylaw, the *MGA*, and the *SDR*. Under section 6 of the *SDR*, a subdivision authority must decide on an application within 60 days. An applicant may consider a failure to make a decision within this 60-day period a "deemed refusal." The subdivision authority may refuse an application, approve it, or approve it with conditions. The written decision of the subdivision authority must include reasons for its decision under section 8 of the *SDR*.

Development Permit Application

After any required subdivision has been approved or statutory plan or land use bylaw amendments passed, a developer may apply for a development permit. An application for a permitted use that complies with the standards for a district must be approved, with or without

Agenda Item # 8.1.1

conditions. Applications for discretionary uses or applications for permitted uses that do not meet all the standards set out for a district may be approved, conditionally approved, or refused. Applications for uses that are neither permitted nor discretionary within a district must be refused.

The development authority must make a decision on a development permit within 40 days, unless the applicant and development authority agree to extend the time, and notify affected persons of the decision in accordance with the land use bylaw. An applicant may consider a failure to make a decision within this period a "deemed refusal."

Appendix 3: Background on the Appeals Process

The intent of this appendix is to provide a general overview for those who may be unfamiliar with the subdivision and development appeal process.

Subdivision Appeals

The subdivision authority's decision or deemed refusal may be appealed to the subdivision and development appeal board. An appeal may be launched by the applicant, a provincial government department that was referred the application originally, council of the municipality (if the municipality is not the subdivision authority), or school authority (for matters related to municipal reserve and school reserve). Notice of the appeal must be filed with the subdivision and development appeal board within 14 days of receipt of the notice of the decision or the deemed refusal. If the notice was mailed, section 678(3) of the *MGA* allows 5 days for the notice to be received. This means the appeal period extends to 19 days if the notice is mailed. If, based on the legislation, the application is determined to involve a provincial interest; the appeal must be to the Municipal Government Board. The subdivision and development appeal board must hold a hearing within 30 days and give a written decision with the reasons for the decision within 15 days of concluding the hearing.

The Municipal Government Board must hold a hearing within 60 days and give a written decision with reasons for the decision within 15 days of concluding the hearing. Regardless of which board makes the decision, it can be further appealed to the Court of Appeal on a question of law or jurisdiction.

Development Permit Appeals

An appeal may be launched by the applicant or by other affected persons by filing a notice of appeal with the subdivision and development appeal board within 14 days of receiving notice of the decision or of the deemed refusal. If mailed, the *Interpretation Act* deems the notice delivered after 7 days have lapsed, bringing the appeal period to 21 days. Where the use is permitted under the land use bylaw, decisions may be appealed only if the appellant believes the provisions of the bylaw were relaxed, varied, or misinterpreted. The subdivision and development appeal board must hold a hearing within 30 days of receiving the notice of appeal and must give a written decision within 15 days of the conclusion of the hearing. The board's decision may be further appealed to the Court of Appeal on a question of law or jurisdiction.

Agenda Item # 8.1.1

Floodway Development Regulation Consultation

This survey / workbook is a key part of the consultation on development of Floodway Development Regulation, which involves expanding the scope of consultations to include all of Alberta's municipalities that have identified flood hazard areas, other industry stakeholders, the general public, and any other interested party who wishes to comment.

Depending upon convenience and accessibility, we encourage you to use any one of the following three options to provide us with your input:

- Please click on [“survey”](#) to access the online survey. Once finished filling in the fields, please click on “submit” button provided at the end of the survey.

OR

- Please click on [“download”](#) to download the workbook and save it on your computer for filling in offline. Once filled, please save it and send it as an attachment to our dedicated email address: floodwayregulation@gov.ab.ca
Any input or comments you would like to provide in addition to the workbook are also welcome through the above e-mail address.

OR

- The printed copy of your filled-in workbook or any additional comments can also be sent via postage to the following address:

Attn: Floodway Development Regulation
17th Floor Commerce Place
10155 – 102 Street NW
Edmonton AB T5J 4L4

Please download the Task Force stakeholder [“discussion paper”](#). It provides further information on the proposed Floodway Development Regulation and presents the results of facilitated discussions among members of the Floodway Development Regulation Task Force. The information will provide users with clarity on workbook questions.

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Floodway Development Regulation

Participant Workbook

Consultation On Floodway Development Regulation

September 12

2014

**Government
of Alberta ■**
Municipal Affairs

Agenda Item # 8.1.1

Please identify your affiliation (Tick more than one, if applicable):

- ☐ Municipality
- ☐ Alberta Urban Municipalities Association (AUMA)
- ☐ Alberta Association of Municipal Districts and Counties (AAMDC)
- ☐ Urban Development Institute Alberta
- ☐ Utility Organization
- ☐ Property owner
- ☐ Community member
- ☐ Other (Please specify): _____

Introduction and background:

While flooding has been a historical risk associated with Alberta's multitude of rivers and streams, an increase in extreme weather events and population growth have increased the impact of floods in terms of public safety and the magnitude of property damage and loss. Flood damages represent a significant expense for the public, municipalities and provincial and federal disaster assistance programs.

As part of a commitment to implement new controls on future development in flood hazard areas, and to minimize flood impacts and support resilient communities, Alberta Municipal Affairs established a Task Force of municipal government and development industry stakeholders to provide input for the province's consideration on the proposed Floodway Development Regulation. The task force consisted of representatives from the Alberta Association of Municipal Districts and Counties, the Alberta Urban Municipalities Association, the Urban Development Institute Alberta, the cities of Calgary and Edmonton, the Regional Municipality of Wood Buffalo, and the towns of Canmore, Drumheller, and High River. This group held three all-day workshops (in June-July 2014) to discuss input that the province should consider when drafting the Floodway Development Regulation. The outcome of these workshops is the Floodway Development Regulation Task Force Discussion Paper, which outlines what input the group has reached consensus on, what input raised caution, and what input did not generate full agreement under these four sub-headings:

- New Development in Floodways (prohibitions and authorized uses);
- Existing Development (prohibitions and authorized uses/development);
- Exemption Provisions; and
- Other Related Discussions

This Workbook is a key part of the next stage of regulation development, which involves expanding the scope of consultations to include all of Alberta's municipalities that have identified flood hazard areas, other development industry officials, the general public, and any other party who wishes to comment. The Workbook has been designed to solicit feedback on each of the inputs the task force members identified and listed under the Support/Consensus, Caution, and Disagreement categories. Please indicate whether you agree, are cautious, or disagree with the inputs under the Task Force's Support/Consensus category. Additionally, please provide any comments or suggestions you may have on any of these categories, including considerations that the task force may have overlooked, in the space provided.

You are encouraged to provide input through completing this workbook and submitting it via e-mail to floodwayregulation@gov.ab.ca, or via postage to the following address:

Attn: Floodway Development Regulation
17th Floor Commerce Place
10155 – 102 Street NW
Edmonton AB T5J 4L4

Any input or comments you would like to provide in addition to the workbook are also welcome through the above e-mail and postage addresses.

Agenda Item # 8.1.1

This workbook consists of 4 sections (A, B, C and D), which correspond to the 4 subheadings identified by the taskforce.

Each section contains a list of suggested actions, which you are being asked to rate, as well as space to comment on additional items contained in the discussion paper and an opportunity to add any additional comments.

A. What New Developments should be authorized / prohibited in Floodway:

The three Task Force stakeholder consultation sessions showed support for:

	No new buildings should be constructed in the floodway, where a building is defined as per Section 616 of the MGA.
	Elevating a building (above a determined flood level) as a form of mitigation against flood waters in a floodway is not considered acceptable.
	Public parks, green spaces, and pathways/walking trails, provided they are engineered in a way that minimizes damages and the obstruction of the flood flow, should be authorized (excluding any buildings).
	Agricultural uses such as crop production, grazing, horticulture, forestry, sod farming and wild crop harvesting should be authorized (excluding any buildings).
	Projects such as roads or utility infrastructure that are approved by the municipal/regulatory authority and are engineered in a way that minimizes damages and the obstruction of the flood flow should be authorized (excluding any buildings).
	Uses designated as Environmental Reserve (ER) should be authorized (excluding any buildings) .

Please rate each of the above Task Force input in the form of:
(1- Support/Consensus; 2- Caution; 3- Disagree)

Referring to pages 8 and 9 of the discussion paper, please state if, in your opinion, any of the uses identified under the categories "support/consensus, input raised with caution or input raised with disagreement" or any other use should be prohibited or authorized as a new development in floodways:

--

Any other comments / suggestions related to new development in floodways:

--

B. Existing Development in Floodways:

The three Task Force stakeholder consultation sessions showed support for:

	There is to be no redevelopment or additions to existing buildings in the floodway that may result in expanding the building footprint and/or changing the building use.
	There should be no infill development in the floodway, even within existing developments, as it may obstruct the flood flow both up and down stream, creating a safety threat to the public and increasing property damage to existing development.
	Even if community mitigation efforts (berms, reservoirs) are in place, additions or extensions to existing buildings in floodways should not be allowed.
	Subdivisions and vacant lots in existing neighborhoods should allow for authorized, low impact uses, such as parks, which will not obstruct the flood flow.
	Rebuilding in the floodway on an existing building footprint for the same use should be allowed.
	Repairs or renovations of existing buildings for the same type of use on the existing building footprint should be authorized.
	Parks and non-structural recreational uses, with limitations (Ex: no recreational vehicle (RV) parks, since such parks may pose a hazard to life and property if the RVs are left stationary for indefinite periods of time and a flood event occurs) should be authorized.
	Small renovations within the existing building footprint (ex: 5% to 10% of the floor area) should be authorized.
	Major renovations within the existing building footprint (ex: greater than 10% of the floor area), including rebuilding of existing building, should trigger mitigation requirements as prescribed by the approval authority to protect and ensure the building is as flood resilient as possible.
	Required municipal infrastructure should be authorized.
	Berms, dikes, or gravel pits may be considered depending on circumstances, subject to ESRD approval.

Please rate each of the above Task Force input in the form of:

(1- Support; 2- Caution; 3- Disagree)

Referring to pages 10 and 11 of the discussion paper, please state if, in your opinion, any of the uses identified under the categories "support/consensus, input raised with caution or input raised with disagreement" or any other use should be an authorized or prohibited activity within existing developments in floodways:

Agenda Item # 8.1.1

Any other comments / suggestions relating to existing development in floodways:

C. Exemption Provisions:

The Minister of Municipal Affairs may exempt a municipal authority or class of municipal authorities from the application of all or part of the Regulation, thereby allowing the government to vary how the Regulation will apply in situations where it would be impractical, impossible, or economically detrimental to restrict development in the floodway, provided there are adequate measures in place to protect against a flood event.

The three Task Force stakeholder consultation sessions showed support for:

	Stakeholders' proposed definition of <i>exemption</i> : <ul style="list-style-type: none">o a geographical area in which, based on circumstances, the Regulation or parts thereof do not apply; oro a geographical area in which certain development activities can be undertaken that are not normally allowed in the floodway.
	Any exemptions for floodway areas need to be based on an agreed set of criteria, and need to demonstrate appropriate mitigation measures that are sufficient enough to remove/minimize risk to life and property of the users, such as diversions, dry dams, dikes and other such measures (depending upon engineering analysis).

Please rate each of the above Task Force input in the form of:
(1- Support; 2- Caution; 3- Disagree)

Referring to page 11 and 12 of the discussion paper, please state if, in your opinion, any of the uses identified under the categories "support/consensus and input raised with disagreement" or any other uses should be a part of the exemption provisions for floodway areas:

Any other comments / suggestions regarding exemption provisions:

D. Other Related Discussions:

The three Task Force stakeholder consultation sessions showed support for:

	There should be one portal (ex: website) for all provincial flood information.
	The Regulation should have consideration for existing local and provincial policies for effective implementation at the local level.
	There should be consistent application of the Regulation across the province based on common criteria.
	Clarity of responsibilities for addressing flooding issues is needed between the federal and provincial governments, and municipalities.
	Tools for municipalities to deal with flood hazard areas need to be developed, including tools to apply innovative options for discouraging development in the floodway.
	The floodway boundaries should be updated based on the most current and complete flood event data.
	There should be consideration for an additional regulation dealing with the flood fringe.

Please rate each of the above Task Force input in the form of:
(1- Support; 2- Caution; 3- Disagree)

Flood Hazard Mapping:

	A policy is needed for municipalities with no flood hazard maps (stakeholders indicated that many municipalities would like to complete their own flood hazard mapping in partnership with ESRD, ensuring that a common provincial standard is maintained. Funding support from the province should be considered).
	Municipal land use bylaw/zoning maps should, at a minimum, be aligned with flood hazard area maps.
	There should be a policy on the timing of periodic reviews/updates of flood mapping (ex: how often maps are updated).
	Regulation should address future floodway levels (maps) as they change, including providing legal protection to municipalities for liabilities which may arise from decisions made based on a previous set of maps, which may no longer reflect current conditions.

Please rate each of the above Task Force input in the form of:
(1- Support; 2- Caution; 3- Disagree)

Referring to pages 13 and 14 of the discussion paper, please state if, in your opinion, any of the suggestions under the categories "support/consensus, input raised with caution or input raised with disagreement" or any other suggestion should be a part of other related discussions and/or flood hazard mapping discussions in the proposed Floodway Development Regulation.

Agenda Item # 8.1.1

Any other comments / suggestions:

Additional thoughts:

Do you think, in addition to the above, there are any other considerations that may be relevant to the Floodway Development Regulation? If so, please describe what they are and how they relate to the Regulation?

Consideration	How it relates to Floodway Development Regulation

Additional Comments:

Do you have any other comments you would like to make, regarding the Discussion Paper or the proposed Floodway Development Regulation? (Optional)

Personal Information (Optional)

Name: _____

Company/Organization: _____

Town of Drumheller Request for Decision

Date: September 3, 2014

Prepared by: Barbara Miller, CGA
Director, Corporate Services

Topic: **Auditor Appointment**

Background

Section 280 (1) of the Municipal Government Act requires that "Each council must appoint one or more auditors for the municipality".

The appointment of BDO Canada LLP, current auditors for the Town of Drumheller, expired on completion of the 2013 annual audit. Consequently, administration issued a request for proposal (RFP) for the provision of financial auditing services for a three (3) year term ending December 31, 2016.

The RFP closed on August 21, 2014. On closing, proposals for professional auditing services were received by Town administration from the following four (4) organizations:

- Collins Barrow, Chartered Accountants
- BDO Canada LLP
- Hawkings EPP Dumont LLP, Chartered Accountants
- MNP

With all other things being comparable (timelines, methodology, etc.) the following grid outlines the individual cost proposals submitted.

	Collins Barrow	BDO	Hawkings EPP Dumont	MNP
Town of Drumheller	\$ 75,000	\$ 79,500	\$ 87,600	\$ 105,000
Financial Information Return (FIR) Preparation & Certification	4,500	included	1,500	Certification
Local Authority Pension Plan (LAPP) Audit	included	2,500	3,750	included
Family & Community Support Services (FCSS) Review	included	4,500	3,100	included
Drumheller Library	6,000	12,900	9,300	9,000
Drumheller & District Solid Waste Mngnt Assoc.	15,000	27,000	21,600	18,000
Total 3 Yr Proposal Cost (2014-2016)	\$ 100,500	\$ 126,400	\$ 126,850	\$ 132,000

Agenda Item # 8.3.1

Given the range in costs between Collins Barrow and the other proponents, additional inquiry was made with Leon Pfeiffer, CA - Engagement Partner at Collins Barrow, to ensure that the required deliverables as outlined in the RFP form part of the pricing structure. These deliverables include:

Town of Drumheller

- Preparation of consolidated financial statements
- Auditor's report and audited consolidated financial statements
- Management letter and report to Town Council
- Preparation and certification of Financial Information Return (FIR)
- Audited Local Authorities Pension Plan (LAPP) statement
- Review engagement for Family and Community Support Services (FCSS) program
- Report of all required year end journal entries
- Presentation of the financial statements to Council and management
- Travel, incidentals and other charges
- Consultation with management and Council on general matters

Drumheller Library & Drumheller & District Solid Waste Management Association

- Preparation of consolidated financial statements
- Auditor's report and audited financial statements
- Report of all required year end journal entries
- Travel, incidentals and other charges

Confirmation of the services included in the proposed fee(s) minimizes the risk of the Town being subjected to additional audit costs providing that the Town meets it's deliverables as outlined in the RFP.

Included in the proposal were client references, two of which (one Town, one County) were contacted. Both were highly favorable. Key comments included, on-time, on budget, and that additional charges are virtually non-existent.

Recommendation

Based on an evaluation of proposals, supported by favorable references of existing client base, it is recommended that council accept the proposal for Financial Audit Services and appoint Collins Barrow as the auditors for the Town of Drumheller, Drumheller Library and Drumheller & District Solid Waste Management Association for a three (3) year term ending December 31, 2016.

Motion

Moved by Councillor _____, seconded by Councillor _____ to appoint Collins Barrow as auditors for the Town of Drumheller, Drumheller Library and Drumheller & District Solid Waste Mngnt Association for a three (3) year term, 2014-2016 inclusive.



Ray Romanetz
Chief Administrative Officer



Barbara Miller
Director, Corporate Services