



AGENDA
Regular Council Meeting
4:30 PM – Tuesday September 7, 2021
Virtual Remote & Live Stream on Drumheller Valley YouTube Channel

1. CALL TO ORDER

2. OPENING REMARK

2.1 Deputy Mayor Oath – Councillor Garbutt – September & October

3. ADDITIONS TO THE AGENDA

4. ADOPTION OF AGENDA

4.1 Agenda for September 7, 2021 Regular Council Meeting

Proposed Motion: That Council adopt the agenda for the September 7 2021 Regular Council meeting as presented.

5. MINUTES

5.1 Minutes for the August 23, 2021 Regular Council Meeting

Proposed Motion: That Council adopt the minutes for August 23, 2021 Regular Council Meeting as presented.

[Regular Council Meeting – 23 August 2021 - Minutes](#)

6. REQUEST FOR DECISION AND REPORTS

6.1. CHIEF ADMINISTRATIVE OFFICER

6.1.1 Intermunicipal Subdivision and Development Appeal Board Bylaw 17.21 – Third Reading

Proposed Motion: That Council give third reading to Palliser Intermunicipal Subdivision and Development Appeal Board Bylaw 17.21 as presented.

[ISDAB Bylaw 17.21](#)

6.1.2 Amendments to Land Use Bylaw 16.20 – Amending LUB Bylaw 18.21 – Second Reading

Proposed Motion: That Council give second reading to Amending LUB 2021-A Bylaw 18.21 as amended.

Amending LUB 2021-A Bylaw 18.21

Land Use Bylaw 16.20 Link: <https://drumheller.civicweb.net/filepro/documents/40739>

6.1.3. Policing Committee Repeal Bylaw 19.21 - Second Reading

Proposed Motion: That Council give second reading to Policing Committee Repeal Bylaw 19.21 as presented.

Policing Committee Repeal Bylaw 19.21

Policing Committee Bylaw Link: <https://drumheller.civicweb.net/filepro/documents/41585>

6.1.4 Assessment Review Board Services – First Reading

Proposed Motion: That Council give first reading to the Central Alberta Regional Assessment Review Bylaw 20.21, and repeal Bylaw 08.11.

Joint Assessment Review Board Bylaw 20.21

6.2. DIRECTOR OF EMERGENCY AND PROTECTIVE SERVICES

6.2.1. COVID – 19 Update

7. CLOSED SESSION

7.1.1 Infrastructure Maintenance and Development – FOIP 24 – Advice from Officials

Proposed Motion: That Council close the meeting to discuss infrastructure maintenance as per FOIP 24.

ADJOURNMENT



MINUTES

Regular Council Meeting

4:30 PM – Monday August 23, 2021

Virtual Remote Meeting & Live Stream on Drumheller Valley YouTube Channel

IN ATTENDANCE

Mayor Colberg
Councillor Jay Garbutt
Councillor Tom Zariski
Councillor Tony Lacher
Councillor Kristyne DeMott
Councillor Fred Makowecki

Chief Administrative Officer (CAO): Darryl Drohomerski
Communication Officer: Bret Crowle
Director of Emergency and Protective Services: Greg Peters
Legislative Assistant: Denise Lines
Director of Infrastructure: Dave Brett

Regrets

Councillor Lisa Hansen-Zacharuk

1. CALL TO ORDER

1.1 The Mayor called the meeting to order at 4:31pm

2. OPENING REMARK

2.1 The Mayor spoke of the upcoming events at the Drumheller airport including the Elevate Air show on August 28 and Hope takes Flight breakfast at the Legion on August 25.

3. ADDITIONS TO THE AGENDA

4. ADOPTION OF AGENDA

4.1 Agenda for August 23, 2021 Regular Council Meeting

M2021.188 Moved by Councillor Garbutt, Lacher; that Council adopt the agenda for the August 23, 2021 Regular Council meeting as presented.

Carried unanimously

5. MINUTES

5.1 Minutes for the August 9, 2021 Regular Council Meeting

M2021.189 Moved by Councillor Makowecki, Councillor Lacher; that Council adopt the minutes for August 9, 2021 Regular Council meeting as amended.

Amendment: 10. Adjournment – M2021.187 Change the word open to adjourn

Carried unanimously

6. REQUEST FOR DECISION AND REPORTS

6.1. CHIEF ADMINISTRATIVE OFFICER

6.1.1 Referendum and Senate Proclamation

Received from the Province

6.1.2 Bylaw 15.21 – Amending Water & Wastewater Bylaw 02-17 – Proposed Second Reading

M2021.190 Moved by Councillor Garbutt, Councillor Makowecki; that Council give second reading to Bylaw 15.21 as presented.

Carried unanimously

M2021.191 Moved by Councillor Garbutt, Councillor De Mott; that Council give third reading to Bylaw 15.21 as presented.

Carried unanimously

6.1.3 Subdivision Registration Extension MGA 657 (6) - File 80/145, PRMS 2016-042.
Presented by: Bill Hunter, Hunter Wallace Surveys.

M2021.192 Moved by Councillor Garbutt, Councillor, Councillor Zariski; Be it resolved that the COUNCIL of the TOWN OF DRUMHELLER in the Province of Alberta grants a subdivision registration time extension to complete the subdivision and related matters in accordance with Section 657 (6)(b) of the Municipal Government Act, Chapter M-26, Revised Statutes of Alberta 2000 for Subdivision Approval File Number PRMS #2016-042 -- 80/145 in order to allow registration in the Land Titles Office to take place before 15 October 2021.

Carried unanimously

6.2 DIRECTOR OF EMERGENCY AND PROTECTIVE SERVICES

6.2.1 Fire Department Wage Review

M2021.193 Moved by Councillor Garbutt, Councillor Zariski; that Council approve a wage increase of \$2 per hour for the Town of Drumheller on call Fire Department members effective October 1, 2021 with a subsequent wage increase of \$2/hour on January 1, 2023 and January 1, 2024.

Carried unanimously

6.2.2 Policing Committee Repeal Bylaw 19.21

M2021.194 Moved by Councillor Makowecki, Councillor Zariski; that Council give first reading to Policing Committee Repeal Bylaw 19.21 as presented and direct Administration and the RCMP to create a new Police Advisory Committee before December 2021.

Carried unanimously

7. PUBLIC HEARING TO COMMENCE AT 5:30 PM

7.1 Amendments to Land Use Bylaw 16.20 – Amending LUB Bylaw 18.21

1. Mayor Open Public Hearing
2. Mayors Introduction of Matter
3. Bylaw 18.21 – to Amend Land Use Bylaw 16.20 - CAO, Darryl Drohomerski
4. Rules of Conduct
5. Announcement of Public to Speak
6. Public - Registered to Present Remotely - 5 minute
Jim McCabe
7. Public - Written Submission Read Aloud - 5 minute time limit
8. Mayor Call for Public Hearing to Close

8. CLOSED SESSION

8.1.1 Infrastructure Maintenance– FOIP 24 – Advice from Officials

M2021.195 Councillor Lacher, Councillor De Mott; that Council close the meeting to discuss infrastructure maintenance as per FOIP 24.

M2021.196 Councillor Makowecki, Councillor Zariski; that Council open the meeting. Time 6:58pm

Carried unanimously

9. ADJOURNMENT

M2021.187 Moved by Councillor De Mott, Councillor Lacher; that Council adjourn the meeting.

Time 6:58pm

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Drumheller Valley YouTube Link: <https://www.youtube.com/watch?v=w96pw1eTktY>

**Town of Drumheller
IN THE PROVINCE OF ALBERTA**

**PALLISER INTERMUNICIPAL SUBDIVISION
AND DEVELOPMENT APPEAL BOARD
BYLAW 17.21**

A BYLAW OF THE TOWN OF DRUMHELLER IN THE PROVINCE OF ALBERTA TO ESTABLISH AN INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD;

AND WHEREAS the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26* as amended from time to time requires the municipality to adopt a bylaw to establish a Municipal Subdivision and Development Appeal Board or an Intermunicipal Subdivision and Development Appeal Board;

AND WHEREAS the Council of the Town of Drumheller wishes to join other area municipalities to establish the Palliser Intermunicipal Subdivision and Development Appeal Board;

AND WHEREAS the Palliser Intermunicipal Subdivision and Development Appeal Board is authorized to render decisions on appeals resulting from decisions of a Subdivision Authority or a Development Authority in accordance with the *Municipal Government Act (MGA)*, the Subdivision and Development Regulation, the local Land Use Bylaw and statutory plans;

NOW THEREFORE, the Council of the Town of Drumheller in the Province of Alberta duly assembled, enacts as follows:

1. TITLE

This Bylaw may be cited as the Palliser Intermunicipal Subdivision and Development Appeal Board Bylaw.

2. AUTHORIZATION

Pursuant to section 627(1)(b) of the *MGA*, this bylaw hereby authorizes the municipality to enter an agreement with the other participating municipalities to establish the Palliser Intermunicipal Subdivision and Development Appeal Board.

3. DEFINITIONS

Appellant means the person who may file an appeal to the Board from decisions of a Subdivision Authority or a Development Authority in accordance with the *MGA*.

Board means the Palliser Intermunicipal Subdivision and Development Appeal Board established pursuant to this bylaw.

Board Member means an appointed member of the Palliser Intermunicipal Subdivision and Development Appeal Board appointed in accordance with this bylaw and who has obtained provincial training and certification.

Board Panel means the group of appointed Board Members actively sitting to hear and decide on an appeal at an appeal hearing.

Chair means the person elected from the Board panel members sitting to hear an appeal to act as the person who presides over the hearing and the procedures.

Chief Administrative Officer (CAO) means the individual appointed to the position for the municipality in accordance with the *MGA*.

Clerk means the person or persons who has completed training and is certified by the province and authorized to act as the administrative clerk for the Intermunicipal Subdivision and Development Appeal Board.

Conflict of Interest means both Common Law Bias and Pecuniary Interest.

Council means the Council of the (Municipality).

Development Authority has the same meaning as in the *MGA*.

Hearing means a public meeting convened before the Board acting as a quasi-judicial body to hear evidence and determine the facts relating to an appeal of decisions of a Subdivision Authority or a Development Authority, prior to the Board making a decision on the matter subject to the appeal.

Municipality means the municipal corporation of the Town of Drumheller together with its jurisdictional boundaries, as the context requires.

Panel Member means an individual Board member participating in the group panel to hear an appeal.

Participating municipality means a municipality in the Province of Alberta who has entered into an agreement with other municipalities, as referred to in Section 2 of this bylaw, to establish the Palliser Intermunicipal Subdivision and Development Appeal Board.

Procedural guidelines means the policies, processes and administrative matters applicable to the filing of an appeal and conducting a hearing, and the roles, duties and conduct of Board members and Clerks.

Subdivision Authority has the same meaning as in the *MGA*.

Subdivision and Development Appeal Board has the same meaning as in the *MGA*.

Quorum means the minimum number of Board panel members required to hear an appeal.

Municipal Government Act (MGA) means the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26*, as amended from time to time.

Palliser Intermunicipal Subdivision and Development Appeal Board means the Board established by agreement to act as the Subdivision and Development Appeal Board.

All other terms used in this Bylaw shall have the meaning as is assigned to them in the Municipal Government Act, as amended from time to time.

4. APPOINTMENT OF THE BOARD

- (1) The Board is comprised of the member representative(s) as appointed by the participating municipalities.
- (2) A municipality may participate in the Palliser Intermunicipal Subdivision and Development Appeal Board without appointing individual representative(s) by utilizing the appointed Board Members of the other participating member municipalities to act on the municipality's behalf as its appeal body.
- (3) For each member municipality appointing individual Board Member representative(s) to the Palliser Intermunicipal Subdivision and Development Appeal Board, the appointment shall be made by resolution of Council. Appointed Board Members from a municipality shall consist of no more than three (3) members, with no more than one (1) being an elected official and the other two (2) being non-elected officials who are persons at large.
- (4) For those member municipalities appointing individual representative(s) to the Board, the remaining composition of the Board Panel Members shall be the appointed members from the other municipalities of the Palliser Intermunicipal Subdivision and Development Appeal Board.
- (5) Appointments to the Palliser Intermunicipal Subdivision and Development Appeal Board shall be made for a term of not more than three years. Reappointments must coincide with the successful completion of the mandatory provincial refresher training course to be taken every three (3) years.
- (6) Board Members may be appointed for a two (2) or three (3) year term, at the discretion of the municipality, for the purpose of establishing a staggered expiration of terms amongst the Board Members.
- (7) A Board Member may resign from the Palliser Intermunicipal Subdivision and Development Appeal Board at any time by providing written notice to the municipality to that effect.
- (8) Where Council has appointed a Board Member representative(s) for the municipality, Council may remove its individual appointed Board Member representative(s) at any time if:
 - a) in the opinion of Council, a Board Member is not performing his/her duties in accordance with the MGA, this Bylaw or the rules of natural justice,
 - b) a Board Member is absent for more than three (3) consecutive hearings to which he/she has been assigned to sit on the Board Panel without reasonable cause, or
 - c) a Board Member has participated in a matter in which that Board Member has a Conflict of Interest, contrary to the provisions of this Bylaw.

5. COMPOSITION

- (1) The Board Members of the Palliser Intermunicipal Subdivision and Development Appeal Board shall meet in Panels, and two (2) or more Panels may meet simultaneously. The Panels have all the powers, duties and responsibilities of the Subdivision and Development Appeal Board.
- (2) For the purpose of this Bylaw, the Board Panel formed from the appointed members of the Palliser Intermunicipal Subdivision and Development Appeal Board to hear an appeal, shall normally be composed of not less than three (3) persons, with no more than one (1) being an elected official.
- (3) Three (3) Board Members constitute a quorum of the Board Panel.
- (4) If a vacancy of an appointed Board member representative from a municipality shall occur at any time, the municipality may appoint another person to fill the vacancy by resolution of Council.
- (5) In the absence of the municipal appointed member representative(s) of the municipality in which the appeal originates being available to sit on a Panel, then the appointed Panel Member representative(s) from the other municipalities of the Palliser Intermunicipal Subdivision and Development Appeal Board shall form the composition of the Board Panel to hear and decide on a matter of appeal on behalf of the municipality.
- (6) Board Panel Members of the Palliser Intermunicipal Subdivision and Development Appeal Board shall not be members of a Municipal Subdivision Authority or Development Authority or municipal employees of the municipality in which the appeal is located.
- (7) A person appointed as a Board Member in accordance with this Bylaw must successfully complete and maintain the mandatory provincial training and certification prior to sitting on a Panel to hear an appeal.

6. COSTS AND REMUNERATION

- (1) Board Members may be entitled to reasonable remuneration for time and expenses relating to participating on a Board Panel.
- (2) Costs related to appeal hearings and the remuneration to Board Members shall be provided as specified in the intermunicipal agreement of the participating members of the Palliser Intermunicipal Subdivision and Development Appeal Board.

7. DUTIES OF THE INTERMUNICIPAL SUBDIVISION AND DEVELOPMENT APPEAL BOARD

- (1) The Palliser Intermunicipal Subdivision and Development Appeal Board shall hold hearings as required pursuant to the *Municipal Government Act* on a date to be determined by the Board.
- (2) The Board, and those Members who sit as a Board Panel hearing an appeal, shall govern its actions and hearings in respect of the processes and procedures as outlined

in the Procedural Guidelines.

- (3) A Board Member may only participate in an appeal hearing if they have successfully completed the mandatory provincial training prior to the appeal hearing date.
- (4) The Board Panel may, at its discretion, agree to adjournments in respect of the processes and procedures as outlined in the Procedural Guidelines.
- (5) A Board Panel hearing an appeal shall appoint a Chair to preside over the proceedings prior to the commencement of the hearing.
- (6) An order, decision or approval made, given or issued by the Board Panel and under the signature of the Chair, or a Board Member acting as a designate, is the decision of the Board.
- (7) The Board Members shall conduct themselves in a professional, impartial and ethical manner and apply the principles of administrative justice and judicial fairness.
- (8) The Board Members shall consider and act in respect of the Palliser Intermunicipal Subdivision and Development Appeal Board Procedural Guidelines.
- (9) The Board does not have the jurisdiction or authority to award pecuniary or monetary awards or costs to any persons, entity or organization involved in an appeal.

8. APPEAL FILING

- (1) An appeal shall be filed in writing by an appellant, in accordance and in the manner prescribed in the *MGA*, to the municipality and include the payment of the applicable municipal appeal fee.
- (2) If there is a question about the validity of an appeal being filed, the Board Panel must convene the appeal hearing in accordance with the *MGA* to establish jurisdiction and then it may decide on the matter of validity. It shall be the responsibility of the Board Panel to make the determination of whether the appeal is valid.
- (3) In the event an appeal is abandoned or withdrawn in writing by the appellant, the Board Panel shall not be obliged to hold the appeal hearing referred to in the *MGA* unless another notice of appeal has been served upon the Board in accordance with the *MGA*.

9. CLERK RESPONSIBILITIES AND DUTIES

- (1) The Coordinator shall appoint a Clerk for the specific purposes of providing administrative assistance to the Board in fulfilling its legislative duties.
- (2) The appointed Clerk shall attend meetings and hearings of the Palliser Intermunicipal Subdivision and Development Appeal Board but shall not vote on any matter before the Board.
- (3) A person appointed as a Clerk to assist the Palliser Intermunicipal Subdivision and Development Appeal Board in accordance with this bylaw must have successfully completed the mandatory provincial training prior to assisting the Board in its legislative duties.

- (4) The Clerk, acting for the Board, shall accept on behalf of the Board appeals which have been filed with the municipality in relation to a decision of the Subdivision Authority or the Development Authority.
- (5) The Clerk of the Board shall keep records of appeals and proceedings for the municipality, and the coordinator in which the appeal has been filed, as outlined in the Procedural Guidelines.

10. ADMINISTRATIVE

- (1) **Singular and Masculine** – Words importing the singular number shall include the plural number and vice versa and words importing one gender only in this Bylaw shall include all genders and words importing parties or persons in this Bylaw shall include individuals, partnerships, corporations, and other entities, legal or otherwise.
- (2) **Severability** – Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

11. ENACTMENT

- (1) This bylaw shall come into effect upon third and final reading thereof.
- (2) This Bylaw rescinds Town of Drumheller Bylaw 15.18 being the former municipal Subdivision and Development Appeal Board Bylaw, and any amendments thereto.

READ a **first** time this 9th day of August, 2020.

Mayor–

Chief Administrative Officer –

READ a **second** time this _____ day of _____, 2020.

Mayor–

Chief Administrative Officer –

READ a **third** time and finally PASSED this ____ day of _____, 2020.

Mayor–

Chief Administrative Officer –

PRMS would like to acknowledge Oldman River Regional Services Commission for their contribution of their documents for use in completing this document for Palliser ISDAB

**TOWN OF DRUMHELLER
BYLAW NUMBER 18.21**

Amends Bylaw 16.20

BEING A BYLAW OF THE TOWN OF DRUMHELLER IN THE PROVINCE OF ALBERTA TO
AMEND LAND USE BYLAW 16.20

WHEREAS, pursuant to the provisions of Clause 639 of the Municipal Government Act, RSA 2000, c.M. 26, the Council of the Town of Drumheller (hereinafter called the Council, has adopted Land Use Bylaw 16.20;

AND WHEREAS the Council deems it desirable to amend Land Use Bylaw 16.20;

AND WHEREAS, a notice was published once a week for two consecutive weeks on August 11, 2021, and again on August 18, 2021 the last of such publications being at least five days before the day fixed for the passing of this Bylaw, including the date and location of a public hearing meeting where concern can be heard; and

NOW THEREFORE the Council hereby amends Land Use Bylaw 16.20 as follows:

SHORT TITLE

1. This Bylaw may be referred to as Amending LUB 2021-A Bylaw 18.21.

PART 1

Land Use Bylaw Section 2 – Maps and Overlays

The following items need to be added to Clause 2.5:

1. The following wording is hereby added to Clause 2.5.2 (9): “Notwithstanding the Flood Hazard Overlay maps contained within this Bylaw, for certainty each development and subdivision application shall be reviewed against the Government of Alberta Floodplain mapping and existing protection reviewed to confirm the suitability of the site for development.”
2. Add Clause 2.5.2 (10): “No subdivision of any parcel greater than 1.2 hectares shall be approved unless undertaken in conformity with an approved Area Structure Plan, or if the development is considered *infill*.”
3. Clause 2.5.4 (4) is hereby deleted and replaced with the following wording: “An application for a **development permit** for a **parcel** located within the Protected Zone must be accompanied by a report prepared by a qualified professional demonstrating how the regulations of the Flood Hazard Overlay and the **flood construction level** are met.

PART 2

Land Use Bylaw Section 3 – Land Use Districts.

The following items need to be added as noted below:

4. Under the Specific Use Standards section, add the following wording to **Clause 3.1.1 (12) Restricted Substance Retail** (b): “Restricted Substance Retail for the sale of liquor

shall not be located closer than 150 metres to any school or public park at the time of the Development Permit application as measured from the closest point of the subject **Parcel** boundary to the closest point of proposed **Parcel** boundary and must not be located within 300 metres of any other liquor store, when measured from the closest point of an existing liquor store to the closest point of the proposed liquor store.”

5. The following wording is hereby added as **Clause 3.1.1 (14) Tourist Dwelling (d)**: “A development permit for a Tourist Dwelling may be revoked at any time if, in the opinion of the Development Authority, the operator of the Tourist Dwelling has violated any provisions of the Bylaw and/or the conditions of the development permit.”
6. **Clause 3.1.1** – the following definitions to be inserted in alphabetical order in Specific Use Standards and added into Use Categories in Districts:

Accessory Building – Portable shall meet the setback requirements for an accessory building in the appropriate district, while meeting all the requirements of the Alberta Safety Code. Accessory Buildings – Portable may only be erected between October-April unless otherwise approved by the Development Authority. (Discretionary Use)

Storage Structure - A storage structure shall meet the setback requirements for an accessory building in the appropriate district. A storage structure shall not be permitted in residential parcels or where the primary land use of a parcel is residential. A storage structure shall be screened from view and may require exterior finishing to be in general conformance with the principal building or surrounding development. Shall not be used as a sign. A storage structure may be approved on a temporary basis by the Development Authority (Discretionary Use).

Home Occupation – Rural - (f) If the holder of any Home Occupation Development Permit relocates within the municipality, a new Development Permit is required for the new location.

Home Occupation – Urban - (f) If the holder of any Home Occupation Development Permit relocates within the municipality, a new Development Permit is required for the new location.

7. In the Rural Development District, under Additional Standards, add **Clause 3.3.9 (1) (b) Subdivision** is hereby amended to state that “A **subdivision** may require an approved **Area Structure Plan** and/or **Concept Plan** at the discretion of the Subdivision/Development Authority.”
8. In the Downtown District amend **Clause 3.7.2 (1)** by adding “Single detached dwelling” as a discretionary use.
9. In the Downtown District **Clause 3.7.3 (1)** is hereby deleted and replaced with the following wording: “Buildings with 1 **Dwelling Unit** or in the form of a single detached dwelling are a discretionary use and shall be limited to locations in proximity to similar structures.”

PART 3

Land Use Bylaw Section 4 – Signs.

The following items need to be changed as noted below:

10. Clause 4.1.2 is hereby removed and replaced with: “All signs must be erected on or directly in front of the **site** to which they relate except for Billboard Signs and Bench Signs.”
11. Add Clause 4.1.15 “No signs shall be permitted within the Municipality’s boundaries that are attached to or mounted on permanently fixed or stationary transport trailers, vehicles, or shipping containers.”
12. Add Clause 4.1.16 “Signs may be illuminated by a constant source of dimmable light, but shall not be lit by flashing, electronic, animated, intermittent or rotating lights. The design and installation of the lighting shall ensure no element of the light connection is visible to a pedestrian.”
13. Insert Clause **4.8 BILLBOARD SIGNS** and add the following sub clauses:
 - “Billboard signs may be permitted within the Tourism Corridor (TCD) or Rural Development District (RDD) provided that;
 - “4.8.1 Only 1 **billboard sign** may be erected along each of a **site’s parcel boundaries** shared with a **street**.
 - 4.8.2 The maximum height shall be 9 metres and the maximum area shall be 23 square metres.
 - 4.8.3 Minimum vertical clearance beneath a billboard: 3.0 m
 - 4.8.4 Billboard Signs shall be separated from each other by a minimum distance of 100 metres.
 - 4.8.5 Billboards may be illuminated by a constant source of light, but shall not be lit by flashing, electronic, animated, intermittent or rotating lights;
 - 4.8.6 Billboards shall not have variable or changing messages, or any moving or rotating parts.
 - 4.8.7 A Billboard may be erected on a site that is not associated with the development, with landowner consent
 - 4.8.8 No **Billboard Sign** shall be placed in such proximity to the Badlands District (BD) that it would detract from the natural aesthetics and intent of the Badlands District (BD).
 - 4.8.9 No Billboard Sign larger than 1.2 metres by 2.4 metres shall be placed within 200 meters of any parcel zoned within the Neighborhood District (ND).
14. Insert Clause **4.9 BENCH SIGNS** and add the following sub clauses:
 - 4.9.1 All Bench Signs shall be placed at least 100m from any existing bench sign.
 - 4.9.2 No **Bench Sign** shall be erected on municipal right of way
 - 4.9.3 Only 1 **bench sign** may be erected along each of a **site’s parcel boundaries** shared with a **street**.

- 4.9.4 Bench signs shall be located adjacent to a building, a public sidewalk or pedestrian trail and in an area where pedestrian foot traffic is expected, though not impede access to any building, a public sidewalk or pedestrian trails.
- 4.9.5 Orientation of bench signs along a public street shall be parallel to the street.
- 4.9.6 Bench design should emphasize; comfort, ease of maintenance, durable finish and resistance to vandalism.”

15. With the addition of Clause **4.8 Billboard Signs** and **4.9 Bench Signs**, renumber existing Clause **4.8 Signs not Requiring a Development Permit**, and following subsections, will be renumbered as **Clause 4.10**.

PART 4

Land Use Bylaw Section 5 – Administration.

The following items need to be changed as noted below:

- 16. Clause 5.10 (18) is hereby deleted and replaced with the following wording: “The construction of a deck or patio with a surface height 0.6 metres or less above **grade** at any point.”
- 17. Clause 5.10.2 (5) is hereby deleted and replaced with “The erection, construction, maintenance, improvement or any other alterations of gates, fences, walls, or other means of enclosure shall conform to heights outlined within the *Screening, Fences and Hedges* within the applicable Land Use District,”
- 18. Add Clause 5.14.3:
“In addition to the application of conditions on a Development Permit, the Development Authority may also include **General Requirements** as an addendum to the notice of decision.”

PART 5

Land Use Bylaw Section 6 – Interpretation and Definition.

The following definitions shall be modified or inserted in alphabetical order in 6.2 DEFINITIONS and added into Use Categories in Districts as applicable:

Accessory Building – Portable means a **temporary** structure designed by virtue of easy assembly and dismantling, commercially constructed of metal or synthetic tube and fabric, plastic or similar materials, and covered with waterproof sheeting, synthetic sheeting or plastic film, which shall meet all the requirements of the Alberta Safety Code. Accessory Buildings – Portable may only be erected between October-April unless otherwise approved by the Development Authority.

Bench Sign – means a sign which is placed or erected on an immobile seat. That advertises goods, products, services or facilities which directs persons to a different location from the site where the Sign is located.

Billboard Sign – means a sign placed adjacent to, though not within, the Right-of-way that is designed and intended to provide a leasable advertising copy area on one or both

sides. That advertises goods, products, services or facilities which directs persons to a different location from the site where the Sign is located.

Brewery/Distillery – means a facility licensed by the Alberta Gaming and Liquor Commission where beer, spirits and other alcoholic beverages are manufactured and may include the retail sale of products made on the premises for consumption off the premises. A Brewery/Distillery may include an area where products made on the premises are sold or provided to the public for consumption on the premises but are not considered a Drinking Establishment. (Downtown District & Employment District)

Deck – means an uncovered horizontal **structure** at or below the main floor level of a building that is intended for use as an outdoor amenity space, but does not include balcony.

Discretionary Use – means a use of land, **building**, or **structures** for which a **development permit** may be issued, with or without conditions, at the discretion of the **Development Authority**.

Entertainment Facility – means a facility where entertainment is provided to the public, either exclusively or in combination with other activities and may, without restricting the generality of the foregoing, include a live theatre, dance club, cinema but does not include Adult Entertainment.

Fascia Sign – means a **sign** attached to, marked, or inscribed on and parallel to the face of a **building** wall but does not include a **billboard sign**.

Freestanding Sign – means a **sign** that is supported independently of a **building** wall or **structure** but does not include a **billboard sign**.

General Requirements – means additional clauses outlined within an approved Development Permit not otherwise applicable to conditions, that may include but not limited to, reminders of other Municipal, Provincial, Federal legislation, or recommendations from the Town not otherwise stated within this Land Use Bylaw.

Infill – means the insertion of new development into an existing subdivision or neighbourhood that does not represent an extension or expansion to the developed area of the community, and generally does not require the extension of municipal services or the construction of a new road to reach the site.

Patio – means an uncovered horizontal **structure** with a surface height, at any point, no greater than 0.60 metres above grade and is intended as an outdoor amenity space.

Permitted Use – means a use of land, **building**, or **structures** for which a **development permit** shall be issued, with or without conditions, by the **Development Authority**.

Qualified professional – means a person who by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training and

experience, has successfully demonstrated the ability to solve or resolve problems relating to the subject matter, the work or the project, and assumes responsibility for the results of the work. Without limiting the generality of the foregoing, this shall include land surveyors, professional planners, architects, and engineers.

Single Detached Dwelling – means a use where a building contains only one dwelling unit.

Storage Structure – A storage structure may be in the form of a shipping container, trailer or other structure. Shall not be connected to utilities. A storage structure may be approved on a temporary basis.

PART 6

IDENTIFIED TYPOGRAPHICAL ERRORS

Identified typographical errors include but not limited to;

- a) Clause 3.6.3 (1) - replace "Accessory Building" with "Car Wash"
- b) Clause 3.8.3 (2) - replace "Accessory Building" with "Car Wash"
- c) Clause 3.9.3 (1) - replace "Accessory Building" with "Car Wash"
- d) Clause 5.10.2 (12) - replace "for residential purposes" with "as a Dwelling Unit"
- e) Clause 3.5.1- replace "3.4.2" with "3.5.2"
- f) Clause 3.4.10(4) replace "3.3.2" with "3.4.2"
- g) Clause 3.5.8 (1) - replace "3.4.2" with "3.5.2"
- h) Clause 3.6.8- replace "3.5.2" with "3.6.2"
- i) Clause 3.7.7 (1) - replace "3.6.2" with "3.7.2"

PART 7

TRANSITIONAL

- a) Town of Drumheller Bylaw 16.20 is hereby amended.
- b) Bylaw 18.21 comes into force on the date of the third and final reading.

READ A FIRST TIME THIS 9th DAY OF AUGUST, 2021

Public Hearing held August 23, 2021

READ A SECOND TIME THIS ___ DAY OF ___, 2021

READ A THIRD TIME AND PASSED THIS ___ DAY OF ___, 2021.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

**TOWN OF DRUMHELLER
BYLAW 19.21**

Repeals Bylaw 16-09

BEING A BYLAW OF THE TOWN OF DRUMHELLER, IN THE PROVINCE OF ALBERTA, TO
REPEAL BYLAW 16-09 OF THE TOWN OF DRUMHELLER;

WHEREAS, pursuant to Municipal Government Act, Chapter M-26, R.S.A 200, and amendments thereto, that Council may amend or repeal a bylaw;

THEREFORE, the Council of the Town of Drumheller, in the province of Alberta enacts as follows:

SECTION 1.

1.1 This bylaw may be known as the Policing Committee Repeal Bylaw 19.21

1.2 This bylaw repeals Policing Committee Bylaw 16-09.

SECTION 2.

13.2 Bylaw 19.21 comes into full force after third reading.

READ A FIRST TIME THIS 23rd DAY OF August, 2021

READ A SECOND TIME THIS _ DAY OF _, 2021

READ A THIRD TIME AND PASSED THIS _ DAY OF _, 2021

MAYOR

CHIEF ADMINISTRATIVE OFFICER



REQUEST FOR DECISION

TITLE:	Joint Assessment Review Board Bylaw 20.21
DATE:	September 2, 2021
PRESENTED BY:	Darryl Drohomerski, CAO
ATTACHMENT:	Central Alberta Regional Assessment Review Board Bylaw 20.21

SUMMARY

The Town of Drumheller, like all municipalities, is required to establish by resolution of Council, an Assessment Review Board (ARB) for the purposes of hearing appeals on property assessments within the municipality.

On August 9, 2021, Administration brought a recommendation before Council 'to delegate the authority to Administration to negotiate and enter into an agreement with a service provider for the provision of Assessment Review Board services for trial period of not less than two years.

The Town has confirmed with the City of Red Deer that capacity exists within the Central Alberta Regional Assessment Review Board to add the municipality of Drumheller for an annual membership fee of \$2,000, plus costs for each appeal. The Town of Drumheller has also advertised in the local paper and online for applicants to join the existing Board, but none have come forward to date.

In order to join the Central Alberta Regional Assessment Review Board, Council must pass Bylaw 20.21 per the request of the City of Red Deer. This Bylaw is attached.

RECOMMENDATION

That Council pass all three readings of Bylaw 20.21, named the "Central Alberta Regional Assessment Review Board" Bylaw and repeals the existing Bylaw 08.11.

FINANCIAL IMPACT

Contracted Services is expected to cost the municipality between \$2,000 to \$10,000 annually, depending on the amount of appeals heard.

STRATEGIC POLICY ALIGNMENT

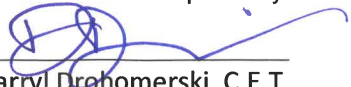
Good governance and compliance with the MGA, Part 11.

MOTION:

That Council pass all three readings of Bylaw 20.21, named the "Central Alberta Regional Assessment Review Board" Bylaw and repeals Bylaw 08.11.

SECONDED:

Prepared By:


Darryl Drohomerski, C.E.T.
Chief Administrative Officer

**TOWN OF DRUMHELLER
BYLAW 20.21**

Repeals Bylaw 08.11

BEING A BYLAW OF THE TOWN OF DRUMHELLER, IN THE PROVINCE OF ALBERTA, TO
ESTABLISH A JOINT ASSESSMENT REVIEW BOARD;

WHEREAS, Section 455 of the Municipal Government Act, permits two or more Councils to jointly establish assessment review boards to have jurisdiction in their respective municipalities;

The City of Red Deer and the Partner Municipalities jointly wish to establish the Central Alberta Regional Assessment Review Board to exercise the functions of a Local Assessment Review Board (LARB) and the functions of a Composite Assessment Review Board (CARB) under the provisions of the *Municipal Government Act* in respect of assessment complaints made by their respective taxpayers of a Partner Municipality;

THEREFORE, the Council of the Town of Drumheller, in the province of Alberta enacts as follows:

1. SHORT TITLE

This bylaw may be called the “Central Alberta Regional Assessment Review Board Bylaw”.

2. PURPOSE

2.1 The purpose of this bylaw is to establish a joint assessment review board that will enable municipalities to provide a mechanism for citizens to appeal their property assessment and tax notices.

3. DEFINITIONS

3.1 Except as otherwise provided herein, words in this Bylaw shall have the meanings prescribed in section 453 of the *Municipal Government Act (MGA)*.

3.2 In this bylaw, the following terms mean:

- (a) “Board” means the Central Alberta Regional Assessment Review Board;
- (b) “Composite Assessment Review Board” or “CARB” means the Composite Assessment Review Board established in accordance with the *MGA* hears complaints on assessment notices for property other than the property described in section 3(2)(d) of this bylaw and section 460.1 of the *MGA*;
- (c) “Designated Officer of the Central Alberta Regional Assessment Review Board (Designated Officer)” means the person appointed to carry out the duties and functions of the clerk of the assessment review boards in accordance with section 456 of the *MGA*;
- (d) “Local Assessment Review Board” or “LARB” means the Local Assessment Review Board established in accordance with the *MGA* who hears complaints about assessment notices for:

- i. residential property with 3 or fewer dwelling units, or
- ii. farm land, or

a tax notice other than a property tax notice, business tax notice or improvement tax notice;

- (e) “Member” means a member of the Central Alberta Regional Assessment Review Board;
- (f) “Minister” means the Minister determined by the Province to be responsible for the MGA;
- (g) “Partner Municipality” means a municipality who enters into an agreement with The City of Red Deer to jointly establish the Central Alberta Regional Assessment Review Board and who enacts a bylaw substantially in the form of this bylaw, as well as The City of Red Deer;
- (h) “Provincial Member” means a person appointed as a provincial member to a CARB by the Minister.

4. PARTNER MUNICIPALITIES

- 4.1 The Partner Municipalities, which includes The City of Red Deer, hereby jointly establish the Central Alberta Regional Assessment Review Board to exercise the functions of a Local Assessment Review Board and the functions of a Composite Assessment Review Board to have jurisdiction in their municipalities and those of the Partner Municipalities.
- 4.2 Each Partner Municipality is responsible for establishing filing fees and administering policies in respect of refunding filing fees in accordance with the *Municipal Government Act* and the *Matters Relating to Assessment Complaints Regulation*.

5. REGIONAL BOARD REVIEW COMMITTEE

- 5.1 The Regional Board Review Committee is established and will consist of 5 Administrators who volunteer from the Partner Municipalities.
- 5.2 The term for Regional Board Review Committee volunteers is one year.
- 5.3 The Regional Board Review Committee may establish their own procedures to carry out their function, but in doing so, they shall have due regard for procedural fairness.
- 5.4 The Regional Board Review Committee:
 - a) reviews applications from persons applying to be Members and makes recommendations to the Designated Officer concerning the appointment of Members from the applicants; and

- b) may make recommendations to the Designated Officer concerning the revocation of appointment of a Member.

6. APPOINTMENT OF BOARD MEMBERS

- 6.1 The Designated Officer shall appoint not more than 20 citizens-at-large to be Members of the Board.
- 6.2 The total number of Members appointed shall be determined by the Designated Officer.

7. ESTABLISHMENT OF BOARDS

- 7.1 The following joint Central Alberta Regional Assessment Review Boards are established:
 - (a) a LARB that hears complaints referred to in section 460.1(1) of the *MGA*; and
 - (b) a CARB that hears complaints referred to in section 460.1(2) of the *MGA*.

8. JURISDICTION OF THE BOARD

- 8.1 The Boards shall have jurisdiction to exercise the functions of a Local Assessment Review Board and the functions of a Composite Assessment Review Board under the provisions of the *MGA* in respect of assessment complaints made by taxpayers of a Partner Municipality.

9. TERMS OF APPOINTMENT

- 9.1 Unless otherwise stated in their appointment letters, all Members are appointed for three-year terms.
- 9.2 If a vacancy on the Board occurs at any time the Regional Board Review Committee may recommend the appointment of a new person to fill the vacancy for the remainder of that term.
- 9.3 A Member may be re-appointed to the Board at the expiration of his/her term.
- 9.4 A Member may resign from the Board at any time on written notice to the Designated Officer to that effect.
- 9.5 The Designated Officer may remove a Member for cause or misconduct, or on the recommendation of the Regional Board Review Committee.
- 9.6 Upon being appointed, the Member must successfully complete the training as prescribed by the Minister prior to participating in a hearing.

10. REGIONAL ADVISORY GROUP

- 10.1 Members will elect from among themselves a Regional Advisory Group consisting of up to 4 members, and comprised of one Advisory Group Chair and up to 3 Vice Chairs.

- 10.2 The Regional Advisory Group will report to the Designated Officer on all matters affecting the Board and will:
- (a) assist the Designated Officer in developing policies governing hearings, conduct of Members, and other Board matters;
 - (b) evaluate Member performance to identify areas where additional training may be required and prepare reports regarding performance and re-appointment of Members;
 - (c) ensure other Members are provided mentoring; and
 - (d) act as a liaison between the Members and the Designated Officer.
- 10.3 The duties of the Regional Advisory Group Chair include:
- (a) chairing meetings of the Regional Advisory Group;
 - (b) establishing agendas for the Regional Advisory Group meetings in consultation with the Designated Officer;
 - (c) liaising with the Designated Officer, Councils, and Partner Municipalities on behalf of the Board;
 - (d) appointing a Regional Advisory Group member as Acting Chair of the Regional Advisory Group;
 - (e) signing correspondence on behalf of the Regional Advisory Group.
- 10.4 If the Regional Advisory Group Chair ceases to be a Member or is unable or unwilling to fulfil the Chair's duties, the Designated Officer may appoint one of the Vice Chairs to serve as Acting Chair until the Chair resumes the Chair's duties or the Members elect a new Chair.

11. DESIGNATED OFFICER OF THE CENTRAL ALBERTA REGIONAL ASSESSMENT REVIEW BOARD

- 11.1 Assessment Review Board to carry out the duties and functions of the Assessment Review Board Clerk is established.
- 11.2 The Town of Drumheller jointly appoints The City of Red Deer Legislative Services Manager as the Assessment Review Board Clerk of the Central Alberta Regional Assessment Review Board.
- 11.3 The salary of the Designated Officer will be made routinely available in the City of Red Deer annual Financial Statements.
- 11.4 The Designated Officer is authorized to enter into agreements on behalf of the Board with other non-partner municipalities to provide Assessment Review Board Services.

11.5 The Designated Officer:

- (a) shall assist the Board in fulfilling its mandate;
- (b) may delegate to an employee, the duties and functions of the Assessment Review Board Clerk provided they have successfully completed the training as prescribed by the Minister;
- (c) shall consult with the Regional Advisory Group to set policies, procedures and directives governing hearing processes, Member conduct and other Board matters;
- (d) shall consult with the Regional Advisory Group and Members on matters affecting the Boards;
- (e) shall issue instructions to independent legal counsel for the Boards when required
- (f) may, at the request of a Presiding Officer of a panel of the Board sign orders, decisions and documents issued by the Board;
- (g) may, at the request of the Chair of the Regional Advisory Group, sign documents issued by the Regional Advisory Group;
- (h) may set fees payable for persons to obtain copies of the Board's decisions and documents.

12. HEARINGS

12.1 Hearings will be held at such time and place as determined by the Designated Officer.

12.2 The proceedings of the Board must be conducted in public except where the Board deals with information protected from disclosure under the provisions of the *Freedom of Information and Protection of Privacy Act* and section 464.1 of the *MGA*.

13. COMMENCEMENT OF COMPLAINTS

13.1 In accordance with the *MGA*, a taxpayer may commence an assessment complaint by:

- (a) mailing or delivering to the address specified on the assessment or tax notice a complaint in the form set out in the '*Matters Relating to Assessment Complaints Regulation*', Alberta Regulation 201/2017 (Regulations) and within the time limits specified in the *MGA*; and
- (b) paying the applicable fee.

14. RULES OF ORDER

- 14.1 The Board will conduct hearings in accordance with:
- (a) the provisions of the *MGA* and related regulations;
 - (b) principles of natural justice and procedural fairness; and
 - (c) its policies and procedures.

15. NOTICE OF DECISIONS & RECORD OF HEARING

- 15.1 After the hearing of a complaint, the Designated Officer shall:
- (a) under direction of the Presiding Officer, assist with the preparation of the decision or order of the Board and the reasons for the decision in compliance with the *MGA*; and
 - (b) arrange for the order or decision of the Board to be signed; and distributed in accordance with the requirements under the *MGA* and Regulations.
- 15.2 The Designated Officer will maintain a Record of Hearing in accordance with the *MGA* and the Regulations.

16. DELEGATION OF AUTHORITY

- 16.1 In accordance with its authority under *MGA*, Council hereby delegates to the Designated Officer the authority to:
- (a) appoint members to the Central Alberta Regional Assessment Review Board;
 - (b) jointly prescribe the remuneration and expenses payable to each Member of the Board;
 - (c) jointly appoint a Member as the Chair of the LARB and the CARB and prescribe the term of office and the remuneration and expenses, if any, payable to the Chair; and
 - (d) set fees payable by persons wishing to be involved as a party or intervenor in a hearing before an assessment review board and for obtaining copies of an assessment review board's decisions and other documents.

17. REIMBURSEMENT OF COSTS

- 17.1 The City of Red Deer shall pay for the administrative costs associated with the operation of the Board as set out in the agreement with the City of Red Deer.

18. TRANSITIONAL

18.1 Bylaw 08.11 is hereby repealed

18.2 Bylaw 20.21 comes into full force after third reading.

READ A FIRST TIME THIS _ DAY OF _, 2021

READ A SECOND TIME THIS _ DAY OF _, 2021

READ A THIRD TIME AND PASSED THIS _ DAY OF _, 2021

MAYOR

CHIEF ADMINISTRATIVE OFFICER