

REQUEST FOR DECISION

TITLE:	Repeal Bylaw 09.23 – Repealing East Coulee Trestle Bridge Area Structure Plan 13.01
DATE:	August 31, 2023
PRESENTED BY:	Darryl Drohomerski, C.E.T., CAO
ATTACHMENT:	Bylaw 13.01

SUMMARY:

As part of the Flood Mitigation project in East Coulee, it was determined that the land contained in the Area Structure Plan (ASP) and Bylaw 13.01 was now within the Floodway. The ASP referred to a multi-lot development that has never materialized and the current owners have no intention to subdivide the property because of the Floodway designation on part of the lands, Administration is recommending the ASP Bylaw be repealed and removed from Land Title so that current and future owners of the land do not attempt to develop the property.

RECOMMENDATION:

That Council give first reading of Area Structure Plan Bylaw 09.23 to repeal the East Coulees Trestle Bridge Plan Bylaw 13.01 and set a Public Hearing for Monday September 18th, 2023.

DISCUSSION:

Area Structure Plans are Statutory Plans under the MGA, which are adopted by a municipality and provide a framework for subsequent subdivision and development of an area of land within the municipality. They must describe the sequence of development proposed for the area, the land uses, density of population and general location of transportation routes and public utilities.

In or around 2001, the property owner of RW306;D;F submitted an ASP to the Town of Drumheller for a seven lot subdivision for the purpose of facilitating a purchase of the land. The ASP indicated that the highest and best use of the land was to create multi-lot subdivision even though it was noted the majority of land was '4-5 feet below the Alberta Environment 1:100 Flood levels and would need extensive fill which would make the development cost prohibitive.'

The property buyer wished to only construct one single family dwelling on the property, which it appears was never done, as the current dwelling has a 1950 date for assessment.

As this parcel is not being protected by a berm, Administration determined that the ASP should be repealed to prevent future owners from the potential of subdivision or development of the lands into multiple unprotected lots.

The current property owner has consented to the ASP being repealed.

FINANCIAL IMPACT:

The costs for this are minimal and are covered under the Flood Mitigation budget.

STRATEGIC POLICY ALIGNMENT:

Good Governance

COMMUNICATION STRATEGY:

The property owners will be notified of the decision and the ASP will be removed from the property title with Land Titles.

MOTION:

That Council gives first reading to Area Structure Plan Repeal Bylaw 09.23 as presented and set a Public Hearing for Monday September 18, 2023.

SECONDED:

Prepared By:

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

Reviewed By:

Denise Lines

Denise Lines
Manager of Legislative Services

Approved By:



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

TOWN OF DRUMHELLER
BYLAW 09.23
DEPARTMENT: DEVELOPMENT/FLOOD MITIGATION

*Repeals ASP Bylaw 13.01
East Coulee Trestle Bridge*

BEING A BYLAW FOR THE PURPOSE OF REPEALING THE EAST COULEE TRESTLE
BRIDGE AREA STRUCTURE PLAN BYLAW 13.01

WHEREAS, pursuant to the provision of *Section 191 of the Municipal Government Act, RSA 2000, Chapter M-26*, Council has the power to pass a bylaw, amend or repeal a bylaw in the same way as the original bylaw and is subject to the same consents or conditions or advertising requirements;

AND WHEREAS, because a public hearing was held prior to the adoption of Bylaw 13.01, a public hearing will be scheduled for the ____ day of _____, 2023.

AND WHEREAS, the Town of Drumheller Council deems it desirable to repeal East Coulee Trestle Bridge Bylaw 13.01;

NOW THEREFORE, the Town of Drumheller, in the Province of Alberta, hereby enacts as follows:

SECTION 1

- 1.1 This Bylaw may be known as Area Structure Plan Repeal Bylaw 09.23.
- 1.2 This Bylaw repeals East Coulee Trestle Bridge Bylaw 13.01 and any amendments to this Bylaw.

SECTION 2

- 2.1 Bylaw 09.23 comes into full force after third reading.

READ A FIRST TIME THIS ____ DAY OF _____, 2023.

PUBLIC HEARING HELD THIS ____ DAY OF _____, 2023.

READ A SECOND TIME THIS ____ DAY OF _____, 2023.

READ A THIRD TIME THIS ____ DAY OF _____, 2023.

MAYOR

CHIEF ADMINISTRATIVE OFFICER



DRUMHELLER

PROTECTIVE SERVICES



Dinosaur Capital
of Canada

EAST COULEE TRESTLE BRIDGE AREA STRUCTURE PLAN

BYLAW NUMBER # 13.01

**AFFECTING BLOCKS D AND F,
ABANDONED RAILWAY PLAN R.W. 306 E.C.
WITHING THE S.W. ¼ SECTION 28, TOWNSHIP 27,
RANGE 18, W. 4TH MERIDIAN.
DRUMHELLER (EAST COULEE DISTRICT),
ALBERTA.**

Prepared By:
Hunter Survey Systems Ltd.
August 2001

**TOWN OF DRUMELLER
BYLAW NUMBER 13.01**

A BYLAW OF THE TOWN OF DRUMHELLER to adopt the East Coulee Trestle Bridge Area Structure Plan and amend Bylaw No. 36.98, the Town of Drumheller Land Use Bylaw.

WHEREAS pursuant to the provision of Section 633(1) of the *Municipal Government Act*, S.A. 1994, Chapter M-26.1, a council may pass a bylaw for the purpose of adopting an area structure plan to provide a framework for subsequent subdivision and development of land within the Town;

AND WHEREAS an Area Structure Plan referred to as the East Coulee Trestle Bridge Area Structure Plan has been prepared to provide a framework for the subdivision and development of Blocks D and F of Plan RW 306 EC within the SW ¼ Section 28, Township 27, Range 18, W4M;

AND WHEREAS it is deemed appropriate to adopt the East Coulee Trestle Bridge Area Structure Plan;

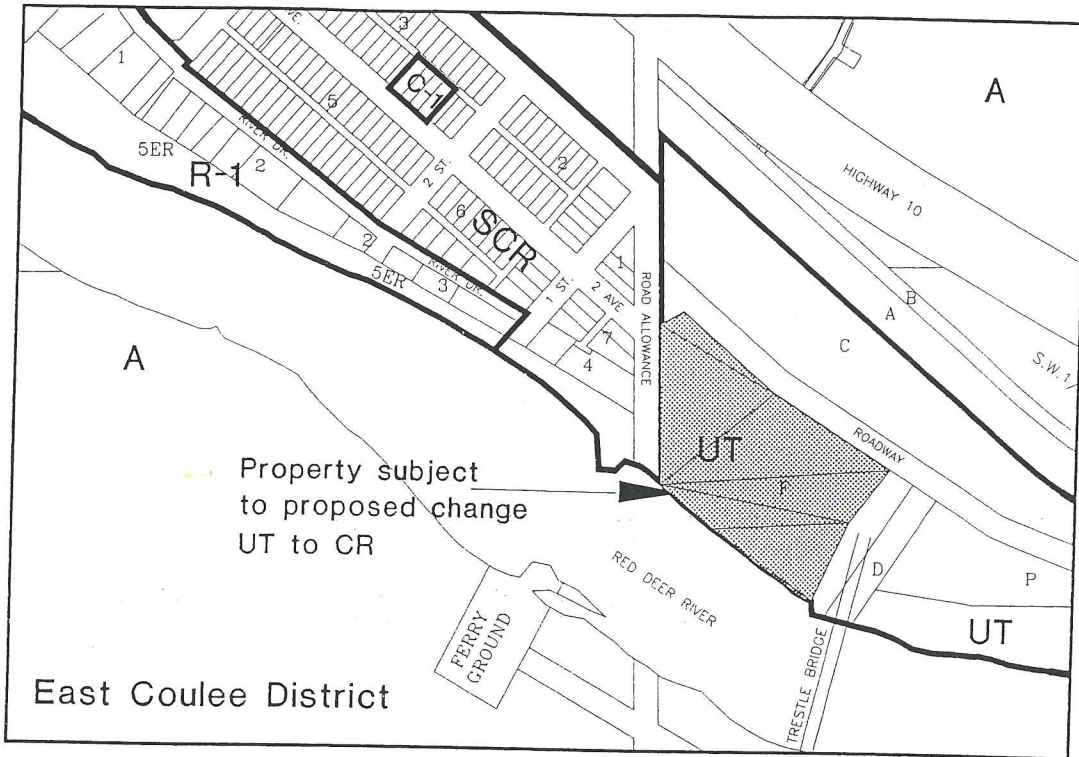
AND WHEREAS the document dated June 2001 entitled the "East Coulee Trestle Bridge Area Structure Plan", a copy of which is attached as Schedule "A" to this Bylaw, is proposed for adoption;

AND WHEREAS the land legally described as Blocks D and F of Plan RW 306 EC, shown on the plan below, is presented designated as "UT" – Urban Transition District under the Town of Drumheller Land Use Bylaw No. 36-98;

AND WHEREAS an application has been made to re-designate a portion Block F of Plan RW 306 EC as "CR" – Country Residential District;

NOW THEREFORE the Council enacts as follows:

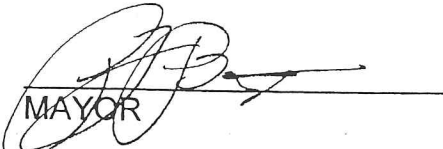
1. The East Coulee Trestle Bridge Area Structure Plan, attached as Schedule "A" to this Bylaw is hereby adopted.
2. Bylaw No. 36-98 , being the Town of Drumheller Land Use Bylaw, is hereby amended by re-designating a portion of Block F of Plan RW 306 EC from "UT" – Urban Transition District to "CR" – Country Residential District as shown on the plan below:



READ A FIRST TIME THIS 3rd DAY OF July, 2001.

READ A SECOND TIME THIS 27th DAY OF August, 2001.

READ A THIRD TIME AND PASSED THIS 27th DAY OF August, 2001.


MAYOR


CHIEF ADMINISTRATIVE OFFICER

TOWN OF DRUMHELLER BY-LAW NO. 1301SCHEDULE -"A"

EAST COULEE TRESTLE BRIDGE AREA STRUCTURE PLAN

AFFECTING BLOCKS D and F, ABANDONED RAILWAY PLAN R.W. 306 E.C.
WITHIN THE S.W.1/4 SECTION 28, TOWNSHIP 27, RANGE 18, W. 4TH. MERIDIAN.
DRUMHELLER (EAST COULEE DISTRICT), ALBERTA.

LOCATION:

The subject lands are located in East Coulee along the north bank of the Red Deer River. The attached plans/maps show the relationship of these lands to the river and surrounding lands. The subject lands are presently owned by Canadian Pacific Railway Company Limited and form a separate and distinct parcel identified on their title.

PURPOSE:

The abandonment of the Canadian Pacific Railway lines in this area has placed a certain isolated portion of their holdings on the market for potential development. An individual has an option to acquire the subject lands from Canadian Pacific Railway and desires to place a residence on same.

It is noted the current purchaser from Canadian Pacific does not intend to create the proposed lots; but only wants to use the entire parcel to construct one single family dwelling.

A subdivision to separate the subject lands from the numerous parcels contained in Canadian Pacific's title is necessary to facilitate this land transfer and the proposed development. Notwithstanding the initial intent is only to accommodate one single family residence; it is desirable from a planning viewpoint to review and consider the best and maximum potential use of these lands to ensure the most orderly and economical use of these lands is made and that this use is compatible with the existing and future surrounding uses.

PRESENT USE:

This land is vacant with the exception of the railway/car bridge and an old abandoned house. At one time this land was developed by squatters working in the surrounding coal mines and contained approximately 15 single family dwellings.

Canadian Pacific owns an abandoned railway/car bridge which crosses the Red Deer which was once used to provide rail and vehicle access to coal mines once located on the south side of the Red Deer River. The north abutment and access trail to this bridge is located on and near the east end of the subject lands. This old railway bed and bridge are still in existence but not in use. Canadian Pacific Railway will retain ownership of the bridge and access rights to same by the concurrent registration of a Caveat declaring this interest and access rights.

However, in the long term, it would be in the best interests of Drumheller to preserve this old bridge as a historical feature of the area because of close connections with the School Museum located in East Coulee and the Atlas Coal Mine Museum located on the south side of the Red Deer River. This bridge was also an integral part of the history of the coal mining era in East Coulee and the resulting developments on both sides of the river. The Historic Atlas Mine Coal Society has expressed an interest in acquiring, repairing and maintaining this bridge. Although no agreement has been reached with Canadian Pacific Railway in this regard, the Historic Atlas Mine Coal Society have expressed a desire to continue negotiations with Canadian Pacific. It would appear funding may be the greatest hurdle to overcome to make this a reality.

Therefore, to accommodate the possibility of this structure becoming a historical site open to the public sometime in the future and to assist and support this endeavour; this Area Structure Plan adopts the following future action in this regard:

- A. ... that upon any future subdivision of the lands contained in this plan; the parcel identified on this plan as Lot 7 be offered and dedicated as a Utility Lot, Public Reserve or Public Roadway to the Town of Drumheller for use by them or a local not-for-profit museum society as a condition of subdivision for the purpose of providing access to and parking for this historical site.
- B. ... if the event the ownership of the bridge falls into the hands of the Town of Drumheller or a not-for-profit historical society before a further application of subdivision is made; the Town of Drumheller may proceed to acquire and register a road plan to obtain title to the area shown as Lot 7 on APPENDIX -A attached hereto.
- C. ... that a future road dedication agreement be registered concurrent with the initial subdivision reflecting the foregoing.
- D. ... in the event the bridge is removed by Canadian Pacific Railway Company Ltd. or others before the land is dedicated for public use; the land contained in the said Lot 7 shall be returned to and form part of the land contained in this Area Structure Plan and the Area Structure Plan be amended to reflect the easterly extension of Municipal and Environmental Reserves and lot design changes better suited to the shape of the area then presented.

LANDS AFFECTED and EXISTING TITLE:

The lands affected by this Area Structure Plan is Blocks D and F, Plan R.W. 306 E.C. which is a portion of the lands owned by Canadian Pacific Railway in Certificate of Title No. 951 200 763. This land is identified in the attached plans and is separate and distinct from the remaining Canadian Pacific Railway lands contained in C.of T. No. 951 200 763. The remaining portions of the Canadian Pacific Title represents the abandoned spur lines land lying south of the existing Highway No. 10 and north of the street shown on this Area Structure Plan.

PROPOSED USE and SERVICING:

The best possible use for this land would be for large single family dwellings serviced by the existing sanitary sewer system with independent and private water wells for each lot. As shown APPENDIX-A, this would consist of 6 residential lots with the 7th lot either being consolidated with lands to the east or used as part of a historical site and parking.

This use is compatible with and a natural extension of the existing residential development to the west and separated from the small holding development to the east by the access berm to the railway bridge. The land lying north is presently vacant but seems equally suitable for at least one more tier of residential development serviced by the existing common road being used for this proposal.

APPENDIX-A plan shows a potential new sanitary sewer line extension to accommodate this future development.

If this land were to be developed to its full potential, flood protection would be necessary and can be best achieved by placing approximately 4-5 feet of fill on this land. The cost of placing this fill and extending the existing sanitary sewer mains to accommodate 6 new lots would probably prohibit the full development potential of this land at current market values for single family lots in this area. However it is economical feasible to place sufficient fill to accommodate the immediate proposal of creating one dwelling

FLOOD PLAIN & SITE GRADING:

This land lies within the flood plain and is approximately 4-5 feet lower than the 1:100 flood plain elevation provided by Alberta Environment.

The current owners and purchasers are aware of the Town of Drumheller's policy defining the need to have dwellings constructed above the 1:100 year flood plain level and the extent of fill required to accomplish same. This current policy does not accept the construction of dwellings around "islands" of fill but rather requires a more comprehensive nature to the fill to blend into the existing roadways and river bank.

Therefore to clarify and accommodate this policy and future development; this Area Structure Plan adopts the plan attached hereto as APPENDIX-B as the site grading plan to be followed by any future development in this area. Any development/building permit issued by The Town of Drumheller shall be subject to the grades shown on APPENDIX-B.

This is not to say the entire area must be graded at once, but sufficient lands must be graded in accordance with the aforementioned site grading plan to the satisfaction of The Town of Drumheller as a condition of any development/building permit hereafter granted.

CONCLUSION:

This Area Structure Plan has been duly considered by The Town of Drumheller and their Planning Consultants through due process and after consultation with interested parties, considers this plan to make the best acceptable use of these lands, provides for the orderly development thereof, accommodates the bridge as a potential historical site and provides for flood protection.

EAST COULEE DISTRICT
DRUMHELLER, ALBERTA

PROPOSED AREA STRUCTURE PLAN
AFFECTING
BLOCKS D & F, PLAN R.W.306 E.C.
ALL WITHIN THE
S.W.1/4 SEC.28, TWP.27, RGE.18, W.4M.

—SCALE = 1:1250—2001—W.R. HUNTER, A.L.S.—

LEGEND:

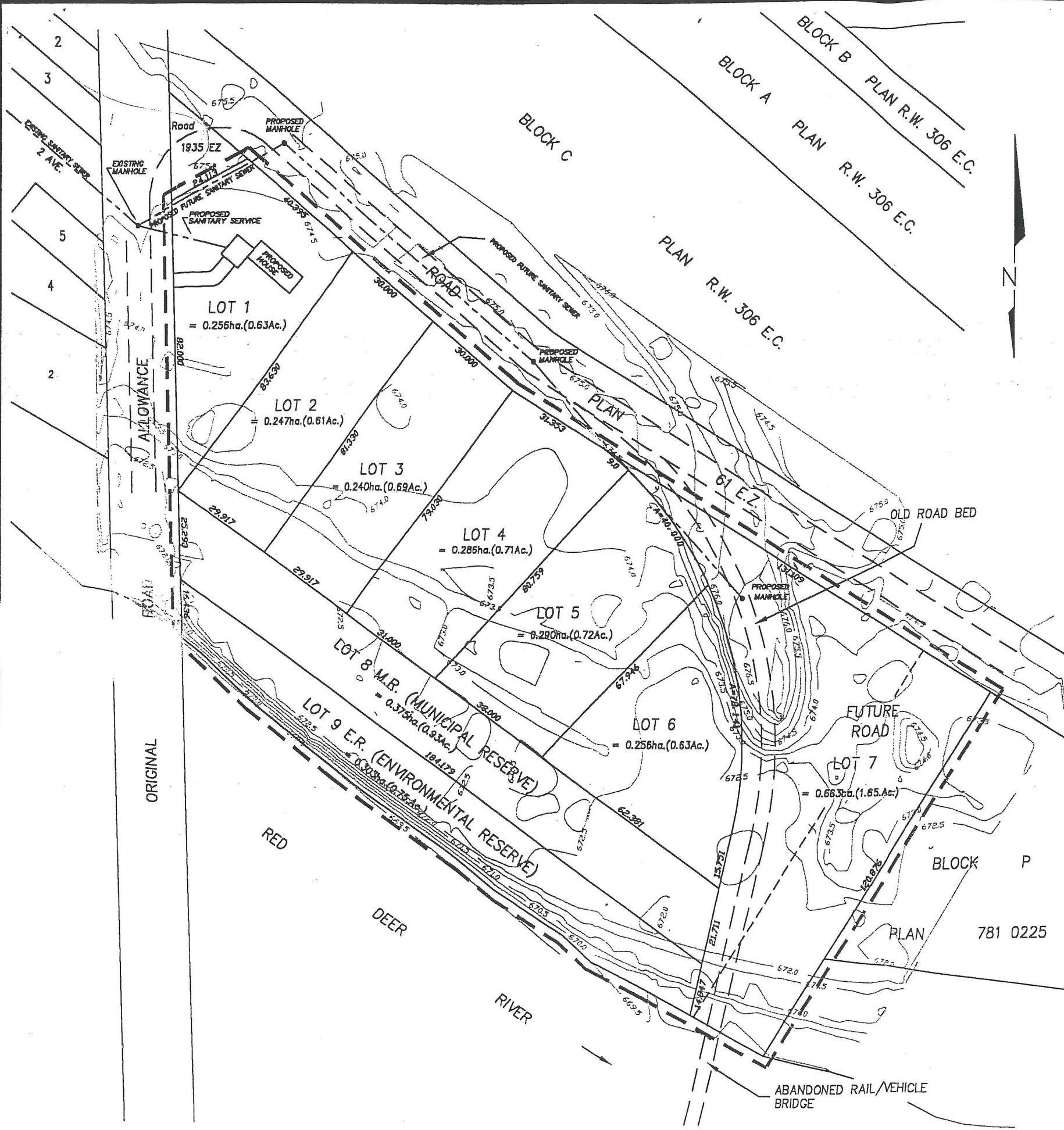
Distances are in metres and decimals thereof.

Area affected by this plan shown outlined thus... - - - -
and contains: 2.914ha.(7.20Ac.)

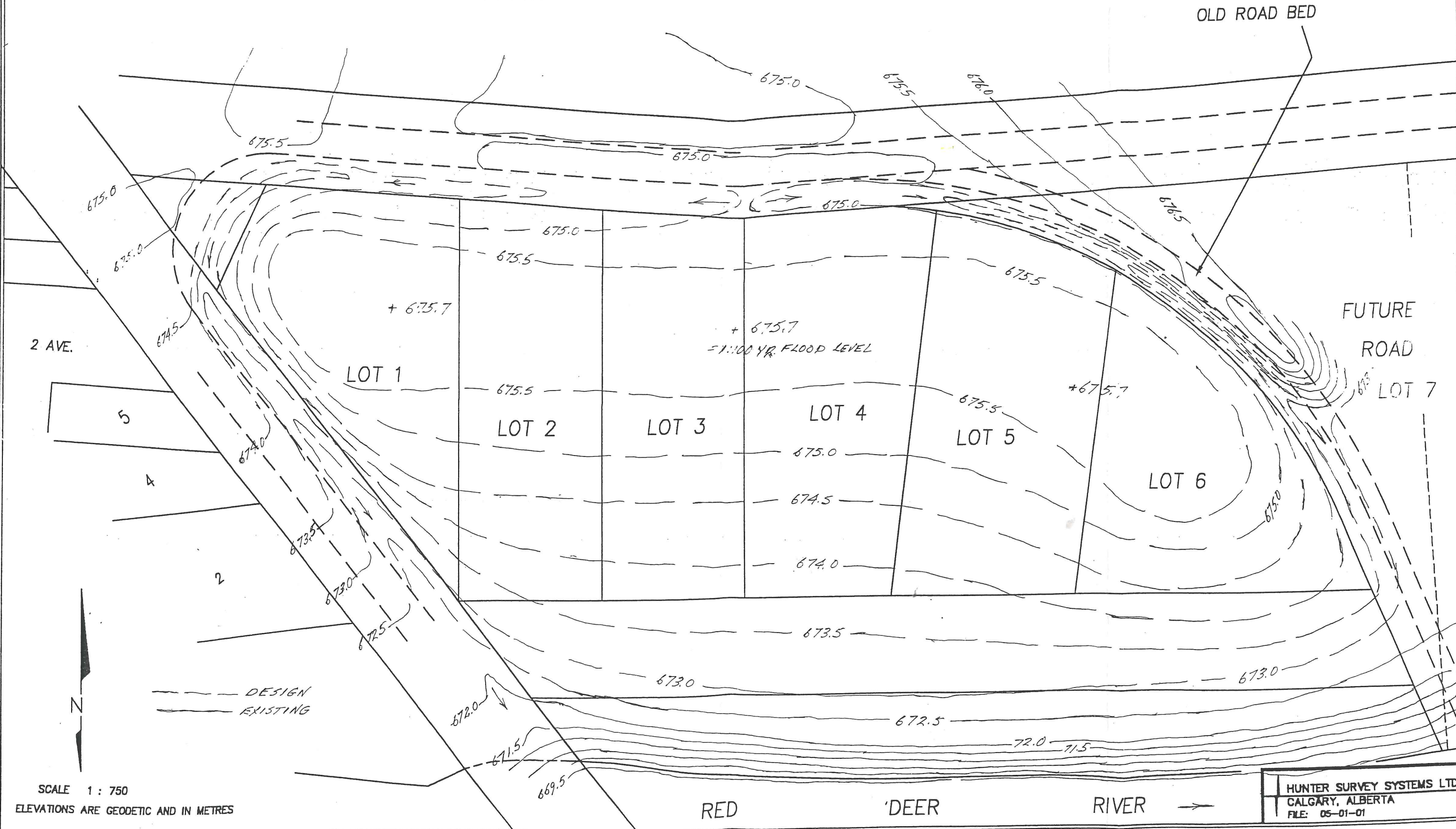
PROPOSED LAND USE: LOTS 1 to 6 - Single Family Residential
LOT 7 - Historical or Public Roadway

SERVICES: SANITARY - Connected to municipal sanitary sewer system.
WATER - Private wells.

1:100 YEAR FLOOD PLAIN = 675.7 (FROM ALBERTA ENVIRONMENT)



SITE GRADING PLAN



SCALE 1 : 750
ELEVATIONS ARE GEODETIC AND IN METRES

HUNTER SURVEY SYSTEMS LTD.
CALGARY, ALBERTA
FILE: 05-01-01