

## REQUEST FOR DECISION

<b>TITLE:</b>	Repeal Bylaw 09.23 – Repealing East Coulee Trestle Bridge Area Structure Plan 13.01 – Second and Third Reading
<b>DATE:</b>	September 28, 2023
<b>PRESENTED BY:</b>	Darryl Drohomerski, C.E.T., CAO
<b>ATTACHMENT:</b>	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the property because of the Floodway designation on part of the lands, Administration is recommending the ASP Bylaw be repealed and removed from Land Title so that current and future owners of the land do not attempt to develop the property.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 Second and Third reading of Area Structure Plan Bylaw 09.23 to repeal the East Coulee Trestle Bridge Plan Bylaw 13.01.

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As this parcel is not being protected by a berm, Administration determined that the ASP should be repealed to prevent future owners from the potential of subdivision or development of the lands into multiple unprotected lots.

The current property owner has consented to the ASP being repealed.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 second reading to Area Structure Plan Repeal Bylaw 09.23 as presented.

**SECONDED:**

**MOTION:**

That Council gives third and final reading to Area Structure Plan Repeal Bylaw 09.23 as presented.

**SECONDED:**

Prepared By:

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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 5<sup>th</sup> day of September, 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 5<sup>th</sup> DAY OF SEPTEMBER, 2023.

READ A SECOND TIME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

READ A THIRD TIME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER