



A G E N D A

FOR THE *REGULAR MEETING OF RED DEER CITY COUNCIL*

TO BE HELD IN

THE COUNCIL CHAMBERS, CITY HALL

MONDAY, JULY 30, 2007

COMMENCING AT 3:00 P.M.

- (1) Confirmation of the Minutes of the Regular Meeting of Monday, July 16, 2007.
- (2) **UNFINISHED BUSINESS**
 1. Licensing Inspector – *Re: Limousine Bylaw 3386/2007 and Consideration of Limousine and Sedan Bylaw 3394/2007*
(Consideration of 3 Readings of the Bylaw) . .1
 - (a) Licensing Inspector – *Re: Taxi Business Bylaw Amendment 3282/A-2007 – Removal of References to Limousines*
(Consideration of 3 Readings of the Bylaw) . .51

(3) PUBLIC HEARINGS

1. Parkland Community Planning Services – *Re: Bylaw 3217/G-2007 - Timberlands Neighbourhood Area Structure Plan Bylaw Amendment / City of Red Deer*
(Consideration of 2nd & 3rd Readings of the Bylaw) . .53

(4) REPORTS

1. City Manager – *Re: Municipal Sustainability Initiative (MSI) Analysis and Recommendations* . .72
2. EL & P Manager – *Re: Alberta Market Surveillance Administrator – 2007 Q2 Compliance Report* . .101
3. Licensing Inspector – *Re: Taxi Business Bylaw Amendment 3282/B-2007 – Changes to Schedule “B” – Rate Increase*
(Consideration of 3 Readings of the Bylaw) . .105
4. Parkland Community Planning Services – *Re: Land Use Bylaw Amendment 3357/J-2007 – Gaming or Gambling Establishments*
(Consideration of 1st Reading of the Bylaw) . .109
5. Legislative & Administrative Services Manager – *Re: Rescinding of Council Policy 4602 – Snow & Ice Control Program* . .123

(5) CORRESPONDENCE

1. Roger Burmeister, Hackett Holdings – *Re: Proposed Offices at 3608 – 50 Avenue (Lincoln Building)* . .126

(6) **PETITIONS AND DELEGATIONS**

1. Kyla Kilpatrick / Jenan Goldsack – *Petition for Local Improvement – Lane Paving Between 42 Street Crescent and West Park Crescent From 59 Avenue Crescent to 59 Avenue Crescent* ..137

(7) **NOTICES OF MOTION**

(8) **ADMINISTRATIVE INQUIRIES**

(9) **BYLAWS**

1. 3386/2007 – Limousine Bylaw
(2nd & 3rd Readings) ..150
..1
2. 3394/2007 – Limousine and Sedan Bylaw
(3 Readings) ..162
..1
3. 3217/G-2007 – Timberlands Neighbourhood Area Structure
Plan Bylaw Amendment / City of Red Deer
(2nd & 3rd Readings) ..176
..53
4. 3282/A-2007 – Taxi Business Bylaw Amendment – Removal of
References to Limousines
(3 Readings) ..177
..51
5. 3282/B-2007 – Taxi Business Bylaw Amendment – Changes to
Schedule “B” – Rate Increase – Effective October 1, 2007
(3 Readings) ..179
..105

Agenda - Regular Meeting of Red Deer City Council

Monday, July 30, 2007

Page 4

- | | | |
|----|---|-------|
| 6. | 3357/J-2007 – Land Use Bylaw Amendment – Gaming or
Gambling Establishments | |
| | (1 st Reading) | ..180 |
| | | ..109 |



Legislative & Administrative Services

DATE: July 23, 2007
TO: City Council
FROM: Kelly Kloss, Legislative & Administrative Services Manager
SUBJECT: Limousine Bylaw 3386/2007

History

At the Monday, July 3, 2007 meeting of Council, Limousine Bylaw 3386/2007 was given first reading. Second and third readings of the bylaw was tabled for four weeks to allow for Administration to provide suggested amendments based on feedback from the public.


Discussion

A report from Administration is attached outlining proposed amendments and renaming the bylaw the Limousine and Sedan Bylaw.

Recommendations

That Council consider the following:

1. Pass a resolution to abandon Limousine Bylaw 3386/2007, and
2. Giving first, second and third readings to Limousine and Sedan Bylaw 3394/2007.



Kelly Kloss
Manager



DATE: July 23, 2007

TO: Legislative & Administrative Services Manager

FROM: Deborah C. Mann - Licensing Inspector
Joyce L. Boon – Permits & Licensing Supervisor

RE: Limousine and Sedan Bylaw- 3394/2007

Subsequent to Council considering feedback from the public at the July 3, 2007 Council meeting relative to a proposed Limousine Bylaw, Inspections and Licensing Department present the following comments and recommendations. Any words in bold face are those that are changed from the previous report.

ADMINISTRATIVE COMMENTS – Definitions

The bylaw needs to define both 'limousine' and 'sedan' with the words, 'not equipped with a meter' added to each definition. By defining both Limousine and Sedan we recommend the bylaw be named the "**Limousine and Sedan Bylaw**".

RECOMMENDATION

Administration recommends revised definitions as follows:

"Limousine" means a motor vehicle for hire, **not equipped with a meter**, to transport persons, which has a minimum seating capacity of five (5) passengers in the rear compartment which shall include, but is not limited to, formal limousine, stretched limousine, super, mega and ultra stretched limousines

"Sedan" means a full sized, four door, motor vehicle for hire, not equipped with a meter, to transport persons, which has a maximum seating capacity of not more than three (3) passengers in the rear compartment

"Sedan Service" means the business of providing sedans for transporting persons

“Sedan Vehicle Identification License” means The City of Red Deer identification issued under this bylaw for attachment to a sedan vehicle

Comparison to other municipal bylaws:

Calgary has a new 'Livery Transport Bylaw' which came into effect February 2007. There are separate definitions for the different types of vehicles such as: Stretch-Limousine, Sedan limousine and Specialized Limousine.

Edmonton has separate definitions for: Formal Limousine, Limousine, Mega-stretched limousine, Sedan Limousine, Super-stretched limousine and Ultra-stretched limousine.

Grande Prairie describes Limousine as 'a vehicle used in the operation of a limousine service' and does not differentiate between types or models.

Lethbridge and Medicine Hat do not regulate limousines.

ADMINISTRATIVE COMMENTS - Transfer of Vehicle identification

A concern with regard to the wording in this section has been addressed by inserting the words 'limousine or sedan' in front of 'motor vehicle'. The intent of this section is to allow a business to replace an old or damaged vehicle.

RECOMMENDATION

Section 7 (1) of the bylaw will read;

Should a vehicle licensee desire to substitute another **limousine or sedan** motor vehicle for any **limousine or sedan** motor vehicle for which an identification tag has been issued, such licensee shall deliver to the License Inspector the identification tag issued and the information concerning the new motor vehicle to be substituted as the License Inspector may require, including;

- a) a Mechanical Fitness Report;
- b) evidence of registration;
- c) evidence of insurance;
- d) such other information as the License Inspector may reasonably require to ensure conformity with this bylaw.

ADMINISTRATION COMMENTS - 'Operating' Requirement's

This section is to ensure that Limousines and Sedans do not act as taxis because taxis are considered an "on demand" service. Limousines and Sedans must be pre-scheduled. Pre-scheduling of a Limousine or Sedan is common to all municipalities and included in their bylaws. Requiring a one hour, pre-scheduling time frame, should clarify the understanding of what 'pre-scheduled' means to both the providers and users of the limousine and sedan services.

RECOMMENDATION

Section 8 of the Limousine and Sedan Bylaw, Operating Requirements, is changed to reflect the views of the Industry in Red Deer and other municipal bylaws and now states:

- (1) A person operating a Limousine **or Sedan** or Limousine service **or Sedan** service;
 - (a) shall not operate on a fixed or scheduled route
 - (b) **shall not cruise city streets or highways for the purpose of soliciting work;**
 - (c) **shall not occupy a marked taxi stand**
 - (d) **shall not pick up passengers in a marked taxi zone or taxicab stand**
 - (e) shall not accept passengers unless the service was previously scheduled a minimum of one (1) hour in advance;
 - (f) shall ensure all trips are pre-scheduled, contracts are signed and log books are kept in the vehicle, **as to the date and time the trip is booked**, the date and time of the trip, number of passengers, place of pick up and destination for each trip;
 - (g) shall ensure all signed contracts and log books are kept safe and secure for a minimum of one year from the time of the trip.
 - (h) shall ensure that when on duty will present a clean, neat and well groomed appearance and
 - (i) shall wear clothing that is neat, clean and appropriate for transporting persons.
 - (j) **shall ensure the minimum rates are charged in accordance with Schedule B.**

Comparison to other Municipal Bylaws:

Calgary "No person shall, while operating a Limousine, pick up passengers for a fare or fee unless the Limousine was previously arranged". The Calgary bylaw does not define 'pre-arranged'.

Edmonton " The holder of a limousine service license shall (a) ensure that all trips are booked through his permanent place of business and; (b) fix the actual rate to be charged on an hourly basis or for a specific trip at the time of the booking."

Edmonton "No limousine shall occupy any designated taxi stand on City property or cruise city streets or highways for the purpose of soliciting for work." No definition of pre-arranged or pre-scheduled.

Grande Prairie The driver of a limousine shall always have a current written contract with a client and shall produce the contract upon demand of a license Inspector. No definition of pre-scheduled.

ADMINISTRATIVE COMMENTS - Minimum Rates

The validity of prorating rates, the industry/public comments and information that Council discussed have been taken into consideration. Administration also compared other municipal bylaws and recommend that two minimum rates be used. This should allow the Industry adequate funds to ensure all their vehicles are well maintained and safe.

RECOMMENDATION

Section 14 - RATES to read:

The minimum rate to be charged for the hire of a Limousine or Sedan is set out in Schedule "B" annexed hereto and made part of this bylaw. There shall be no charges for portions of an hour for the first hour. After the first hour, portions of no less than half hour increments may be charged.

Schedule B - RATES to read:

SEDAN

A minimum rate of \$60.00 shall be charged for the first hour. After the first hour, portions of no less than half hour increments may be charged.

LIMOUSINE

A minimum rate of \$100.00 shall be charged for the first hour. After the first hour, portions of no less than half hour increments may be charged.

There will be an annual rate increase applied to each rate, calculated by using the amount of the Alberta Average Consumer Price Index (CPI) rounded to the nearest dollar and will be effective October 1 of each year, **starting October 2008.**

Comparison to other bylaws:

Calgary's bylaw has a minimum limousine charge of \$60. per hour. Limousines are not allowed to charge by the minute however, after the first full hour, limousines can charge in 15 minute increments.

Sedan's have set fees and the minimum is \$60. per hour, plus a "Zone Based" fee that ranges from \$10.50 to \$ 76.00.

Edmonton's minimum limousine and sedan charge is \$60. per hour for the first hour and then \$30. for each additional half hour.

Grande Prairie bylaw does not specify Limousine rates.

Currently companies in Red Deer, Calgary and Edmonton charge a minimum of between \$100. per hour to \$450. per hour for a limousine (5 or more passenger) and most have a minimum three (3) hour booking time. Sedans are charged out at \$60. to \$75. per hour with a minimum of one (1) hour booking time. The rates proposed in the proposed Limousine and Sedan Bylaw are only minimums.

ADMINISTRATIVE COMMENTS – Enforcing the bylaw

The License Inspector will administer the Limousine and Sedan Bylaw the same as the Taxi Bylaw is administered. This includes taking applications and ensuring all required documents, such as Provincial driver's license, Provincial liquor license (if applicable), appropriate vehicle registration and insurance etc are in place prior to issuing a City of Red Deer license. Scheduled mechanical and physical inspections will be conducted annually. Unscheduled inspections of log books and contracts will also be done.

The RCMP will enforce other areas of the proposed bylaw including the issue of violation tickets. RCMP has indicated that the fines for offenders should be substantial in order to deter an offender from repeating the offence. RCMP have also indicated there should be a provision in the Bylaw to allow for towing of offending vehicles, as

RCMP have indicated that the vehicle and operator who were ticketed, were back on the street, operating, within an hour of a ticket being issued.

RECOMMENDATION

The Limousine and Sedan Bylaw Section 15 – Offences and Penalties and Schedule C - Fines, be changed to the following:

Section 15 – Offences and Penalties

- (1) Any person who contravenes the provisions of this bylaw shown in Schedule "C" is guilty of an offence and liable to pay a fine as specified in Schedule "C" which is annexed hereto and made part of this bylaw.
- (2) Any person who contravenes a provision of this bylaw not listed in Schedule "C" is guilty of an offence and liable upon summary conviction to pay a fine of not less than \$250.00 and not more than \$2500.00 and in default of payment to imprisonment for a period not exceeding 6 months.
- (3) Any person who contravenes any provision of this bylaw and is found guilty of a **second or subsequent offence** is liable upon summary conviction to pay a fine of not less than \$5000.00 and not more than \$10,000.00 and in default of payment to imprisonment for a period not exceeding six months.
- (4) A Peace Officer, License Inspector, or Bylaw Enforcement Officer who has reasonable grounds to believe that any person has contravened any provision of this bylaw shall:
 - (a) in the case of a contravention set out in Schedule "C" serve upon such person an offence ticket allowing for payment of the specified penalty to The City in lieu of prosecution of the offence;
 - (b) in all other instances serve upon such person a summons requiring the person to appear in court.
 - (c) **authorize the removal, or cause to be removed, any vehicle found operating in contravention of this bylaw.**

No impounded vehicle shall be released to its owner or his agent until the impounding charge and removal charge on the vehicle have been paid, such charges shall be in addition to any fine or penalty imposed in respect of any such violation, or to any payment made in lieu of prosecution herein provided. The City is not responsible for impounding, towing, or removal charges.

- (5) In addition to any penalty(s) the person must pay the applicable license fee(s).

Schedule C – Fines

		1 st Offence	2nd & subsequent Offence
3 (1)(a)	Operating without a Limousine Business or Sedan Business License	\$1500.00	Mandatory Court Appearance
3 (1)(c)	Operating without a Limousine Vehicle or Sedan Vehicle Identification License	\$1500.00	Mandatory Court Appearance
4 (1)	Driving without a Chauffeur License	\$1500.00	Mandatory Court Appearance
8 (1) (a)	Operate on fixed route	\$1000.00	Mandatory Court Appearance
8 (1) (b)	Cruising city street or highway	\$1000.00	Mandatory Court Appearance
8 (1) (c)	Occupy a marked taxi stand	\$1000.00	Mandatory Court Appearance
8 (1)(d)	Picking up passengers in marked taxi zone/stand	\$1000.00	Mandatory Court Appearance
8 (1) (e)	Picking up non-pre-scheduled passengers	\$1000.00	Mandatory Court Appearance
8 (1)(f) 8 (1)(g)	Failing to have the proper documents	\$1000.00	Suspension
8 (1) (j)	Not ensuring minimum rate charged	\$1000.00	Suspension

Comparison to Other Municipal Bylaws:

Calgary has a minimum penalty of \$800. and a specified penalty of \$1500.

A discussion with the Calgary Parking Commission reveals that they issue a \$1500. ticket for a first offence and if the vehicle does not have proper (commercial) insurance or registration it is towed immediately. If it is a licensed vehicle without proper documents the 'plate' is pulled and a \$100. re-registration fee is required to be paid prior to the 'plate' being re-released.

Edmonton has a penalty of \$100. for a first offence of any breach of the bylaw and \$200. for a second offence, within 12 months of the first and \$300. for a third or more offence, within the 12 months of the previous offence.

Grande Prairie has a penalty of not less than double the amount of the license fee (\$50. per car) and not more than \$10,000.

ADMINISTRATIVE COMMENTS – Exemptions

Administration reviewed the use of limousines and sedans by funeral homes. It is not the intention of the bylaw to include these types of business so it is suggested they be included in the 'exemption' section.

RECOMMENDATION

Section 16 – Exemptions will read:

Notwithstanding any other provision in this bylaw the License Inspector may grant an exemption for the following;

- (1) Taxi's licensed under the Taxi Business Bylaw;
- (2) City of Red Deer Transit Services;
- (3) Private courtesy transportation such as provided by a car dealership or garage for its customers;
- (4) **Transporting** operations connected with adult or senior living residences **for which no fee is charged**;
- (5) Busing operations connected with Public or Separate School Boards;
- (6) **Motor vehicles used in the course of providing care to clients who require personal assistance with activities of daily living and**
- (7) **Funeral vehicles operating within the scope of a funeral service.**

ADMINISTRATION COMMENTS – General and Severability

RECOMMENDATION

As an Administrative practice we are adding the following Sections to the bylaw;

17 GENERAL

- (1) All Limousine Business, Sedan Business and Chauffeur licenses issued pursuant to this bylaw are the property of the City and may not be transferred.**
- (2) No license may be issued or renewed if the applicant, or any individual or corporation named in the application, has an unpaid fine owing to the City for an offence under this bylaw.**
- (3) A copy of a record of the City, certified by the Inspections and Licensing Manager as a true copy of the original, shall be admitted as evidence as prima facia proof of the facts stated in the record without proof of the appointment or signature of the person signing it.**
- (4) In any prosecution for an offence, where a question arises as to whether a person had a valid and subsisting License, the burden is on that person to establish that the License was valid and subsisting.**

18 SEVERABILITY

The invalidity of any provision of this Bylaw shall not affect the validity of the remainder.

ADMINISTRATION COMMENTS –Transitional

The Limousine and Sedan bylaw requires licenses to be obtained by October 1, 2007. The fee schedule has been amended to incorporate the Sedan Businesses etc. These licenses will automatically expire January 31 of the following year. Therefore, Schedule "A" has been amended to pro-rate the 2007 fees to reflect the four month time frame.

Schedule A - FEES

All Licenses expire January 31 of the following year in which they were issued

	2007	2008
Resident Limousine Service License	65.00	200.00
Resident Sedan Service License	65.00	200.00
Resident Single Event Limousine License - one per calendar year	35.00	100.00
Resident Single Event Sedan License - one per calendar year	35.00	100.00
Non-Resident Limousine Service License	135.00	\$400.00
Non-Resident Sedan Service License	135.00	\$400.00
Non-Resident Single Event Limousine License - one per calendar year	65.00	\$200.00
Non-Resident Single Event Sedan License - one per calendar year	65.00	\$200.00
Limousine Vehicle Identification License	15.00	40.00
Sedan Vehicle Identification License	15.00	40.00
Chauffeur License	10.00	35.00
Limousine or Sedan Vehicle Identification License Replacement or Transfer	35.00	35.00
Re-instatement Fee – Any License	100.00	100.00

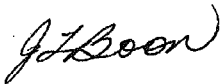
RECOMMENDATION

Inspections & Licensing Department recommends that Council abandon Limousine Bylaw 3386/2007 due to the changes being proposed and recommends giving three readings to the new Limousine and Sedan Bylaw 3394/2007.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "DC Mann".

Deborah C. Mann

A handwritten signature in cursive script, appearing to read "JL Boon".

Joyce L. Boon

BYLAW NO. 3386/2007

A Bylaw to License and Regulate the use of Limousines **and Sedans** for hire within the limits of The City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1 This Bylaw may be cited as the Limousine **and Sedan Bylaw**.

2 DEFINITIONS

In this Bylaw unless otherwise specified:

“Bylaw Enforcement Officer” means any person authorized to enforce City bylaws and includes the License Inspector;

“Chauffeur” means any person who is in possession of a current and valid City of Red Deer Chauffeur License;

“Chauffeur License” means a license issued to a person for the purpose of driving a limousine **or sedan**;

“License Inspector” means the Inspections and Licensing Manager for The City or any designated member of the Inspections and Licensing Department for The City;

“Limousine” means a motor vehicle for hire, **not equipped with a meter**, to transport persons, **which has a minimum seating capacity of five (5) passengers in the rear compartment** which shall include, but is not limited to, formal limousine, stretched limousine, super, mega and ultra stretched limousines

“Limousine Service” means the business of providing limousines for transporting persons;

“Limousine Vehicle Identification License” means The City of Red Deer identification issued under this bylaw for attachment to a limousine vehicle;

“Mechanical Fitness Report” means a form approved by the License Inspector and signed by a licensed mechanic which shall contain such information as the License Inspector may require but in any event shall certify that the vehicle is safe, fit and include information as to the safety and condition of the steering mechanism, brake system, bodywork, including conditions of doors and locks,

windows, electrical light and signal systems, exhaust system, tire wear and condition and that the vehicle is suitable to convey passengers;

“Motor Vehicle for hire” means a vehicle propelled by any power other than muscular power

“Non-resident” means a person, business or corporation that is not a resident as defined in this bylaw.

“Peace Officer”, “Special Constable”, and “Bylaw Enforcement Officer” means any employee of The City appointed as a Special Constable or Bylaw Enforcement Officer and any member of the Canadian Corps of Commissionaires or the City Detachment of the R.C.M.P. appointed or assigned to enforce the provisions of this bylaw;

“Person” means a natural person or body corporate and includes a partnership, a group of persons acting in concert, or an association;

“Pre-scheduled” means a minimum of one (1) hour before a trip begins

“Resident” means a person, business or corporation that has a business location in the city of Red Deer with a valid Occupancy Permit or resides in the city of Red Deer, and has a valid Home Occupation License for a Limousine **or Sedan** Service;

“Sedan” means a full sized, four door, motor vehicle for hire, not equipped with a meter, to transport persons. which has a maximum seating capacity of not more than three (3) passengers in the rear compartment.

“Sedan Service” means the business of providing sedans for transporting persons;

“Sedan Vehicle Identification License” means The City of Red Deer identification issued under this bylaw for attachment to a sedan vehicle;

“Single Event” means the use of a Limousine **or Sedan** in a twenty four (24) hour period once in a calendar year”.

3 LICENSES – BUSINESS AND VEHICLES

ALL APPLICANTS

- (1) No person shall operate a Limousine Service **or Sedan Service** or Limousine **or Sedan** without the following:

- (a) a valid Occupancy Permit, Home Occupation License or Non Resident Business License obtained pursuant to The City of Red Deer bylaws,
 - (b) a City of Red Deer Chauffeur License,
 - (c) a Limousine Vehicle **or Sedan Vehicle** License Identification tag attached to each Limousine **or Sedan** as issued hereunder.
- (2) Any person who wishes to operate a Limousine Service **or Sedan Service** or Limousine Vehicle **or Sedan Vehicle** shall obtain the applicable licenses by making application to the License Inspector and paying the applicable fee as set out in Schedule "A".
- (3) All applications shall be in writing and shall include identification of the registered owner, mechanical inspection, and proof of valid insurance with respect to all limousines **and sedans** to be used and the following information:

NON-CORPORATION

- (i) full name, address and telephone number of the business and the individual completing the application;
- (ii) list of all convictions, both criminal and traffic, in any jurisdiction;
- (iii) such other information as the License Inspector may reasonably require.

CORPORATION

- (iv) corporate name, business address and telephone number of the corporation and the individual completing the application;
- (v) copy of minutes and articles of incorporation, Certificate of Incorporation and Certificate of Good Standing with respect to the corporation;
- (vi) full name, address and telephone number of all shareholders, directors and office holders of the corporation;
- (vii) list of all convictions of the corporation, its shareholders and directors both criminal and traffic in any jurisdiction;
- (viii) such other information that the License Inspector may reasonably require.

4 CHAUFFEUR LICENSES

- (1) No person shall drive a Limousine **or Sedan** or act as a Limousine **or Sedan** Chauffeur without being in possession of a valid City of Red Deer Chauffeur License obtained pursuant to this bylaw. **A licensed automotive mechanic may perform a test drive and not be in breach of this section.**
- (2) Any person who wishes to drive a Limousine **or Sedan** or act as a Limousine **or Sedan** Chauffeur shall obtain the applicable license by making application to the License Inspector and paying the applicable fee set out in Schedule "A".
- (3) The application shall be in writing and shall contain the following information:
 - (a) full and correct name, address and telephone number of the applicant as well as the name and current address of the licensed business employing the applicant;
 - (b) evidence that the applicant is properly licensed under the laws of the Province of Alberta for the class of vehicle that will be operated;
 - (c) current abstract of driving record from the Province of Alberta and from any territory or Province where the applicant has previously had a drivers license, dated within 30 days of application date;
 - (d) a list of all convictions, criminal, traffic and otherwise in any jurisdiction;
 - (e) such other information that the License Inspector may reasonably require;
 - (f) on initial application, evidence the applicant has completed a driver improvement course recognized by the City, taken within 6 months of application OR proof the applicant is registered to take a driver improvement course within 30 days of application date.

5 TERM AND RENEWAL OF LICENSES

- (1) A Chauffeurs License shall be valid until January 31 in the year following the year in which it was issued. An application for a new license may be made at any time during the year.

- (2) A Limousine Business License or **Sedan Business License** shall be valid until January 31 in the year following the year in which it was issued. An application for a new license may be made at any time during the year.
- (3) A Limousine Vehicle Identification License or **Sedan Vehicle Identification License** shall be valid until January 31 in the year following the year in which it was issued. An application for a new license may be made at any time during the year.
- (4) A renewal application for any license required by this bylaw shall be made no later than January 31 of the year for which the license is to be renewed. If a renewal application is not received by January 31, it will be deemed expired and a new application will be required.

6 DUTY TO ADVISE OF CHANGE IN INFORMATION

A licensee must advise The City of any changes in the information required under Sections 3 and 4;

- (a) on an application to renew its license; and
- (b) during the currency of any license, within 30 days of any changes to such information.

7 TRANSFER OF VEHICLE IDENTIFICATION LICENSE TO ANOTHER VEHICLE

- (1) Should a vehicle licensee desire to substitute another **limousine or sedan** motor vehicle for any **limousine or sedan** motor vehicle for which an identification tag has been issued, such licensee shall deliver to the License Inspector the identification tag issued and the information concerning the **limousine or sedan** motor vehicle to be substituted as the License Inspector may require, including;
 - a) a Mechanical Fitness Report;
 - b) evidence of registration;
 - c) evidence of insurance;
 - d) such other information as the License Inspector may reasonably require to ensure conformity with this bylaw.
- (2) When the License Inspector is satisfied that the motor vehicle proposed to be substituted complies with this bylaw and is safe, fit and suitable for use and that the above conditions have been met, he shall, upon payment by the licensee of the fee required in Schedule "A", reissue to the licensee the vehicle identification tag for the motor vehicle so substituted.

8 OPERATING REQUIREMENTS

- (1) A person operating a Limousine **or Sedan** or Limousine service **or Sedan service**;
 - (a) shall not operate on a fixed or scheduled route
 - (b) **shall not cruise city streets or highways for the purpose of soliciting work;**
 - (c) **shall not occupy a marked taxi stand**
 - (d) shall not pick up passengers in a marked taxi zone or taxicab stand
 - (e) **Shall not accept passengers unless the service was previously scheduled a minimum of one (1) hour in advance;**
 - (f) shall ensure all trips are pre-scheduled, contracts are signed and log books are kept in the vehicle, **as to the date and time the trip is booked**, the date and time of the trip, number of passengers, place of pick up and destination for each trip;
 - (g) shall ensure all signed contracts and log books are kept safe and secure for a minimum of one year from the time of the trip.
 - (h) shall ensure that when on duty will present a clean, neat and well groomed appearance and
 - (i) shall wear clothing that is neat, clean and appropriate for transporting persons.
 - (j) **shall ensure the minimum rates are charged in accordance with Schedule B.**

9 POWERS OF LICENSE INSPECTOR

- (1) The License Inspector is hereby authorized to:
 - (a) inspect or cause to be inspected any vehicle which is used to provide services under this bylaw;

- (b) refuse to issue or renew any license where, in the reasonable opinion of the License Inspector, the applicant does not comply with the requirements of this bylaw;
- (c) revoke or suspend any license if, in the reasonable opinion of the License Inspector, the licensee has not complied with or is breaching any provision of this bylaw;
- (d) revoke or refuse to issue a Chauffeur License under this bylaw where, in the reasonable opinion of the License Inspector, the person applying for a license or to whom a license has been issued:
 - (i) has a driving record which makes the driver unfit to drive a public conveyance;
 - (ii) the character, conduct or state of health makes the driver unfit to drive a public conveyance;
 - (iii) the driver does not comply with the requirements or is in breach of any of the provisions of this bylaw;
- (e) require a driver to undergo additional driver improvement or driver training courses;
- (f) prescribe and authorize the forms, licenses and certificates to be used or issued under this bylaw.

10 INSPECTION OF DOCUMENTS

Every licensee under this bylaw shall upon the demand of the License Inspector, Bylaw Enforcement Officer or Peace Officer produce any license or document, which the licensee may be required to have under this bylaw.

11 MECHANICAL FITNESS OF VEHICLES

- (1) The License Inspector may require any vehicle used to provide services under this bylaw to undergo such inspections for safety and mechanical fitness and to undergo such repairs as in the reasonable discretion of the License Inspector is deemed necessary for the safety of the public; such inspections are not limited to but may include as follows:
 - (a) the yearly provision of a Mechanical Fitness Report prepared by a licensed mechanic;

- (b) the repair and correction of any deficiencies and the provision of a further Mechanical Fitness Report confirming same.
- (2) All costs of inspections and repairs shall be paid for by the licensee.
- (3) No person shall obstruct or interfere with any inspection required under this bylaw.

12 APPEAL

A decision of the License Inspector made pursuant to Sec. 9 (1),(b),(c), and (d) of this bylaw may be appealed to City Council on written notice of appeal delivered to the License Inspector not later than 30 days following such decision.

13 ANNUAL LICENSE FEES

The License Fees under this bylaw are set out in Schedule "A" annexed hereto and made part of this bylaw.

14 RATES TO BE CHARGED FOR LIMOUSINE OR SEDAN SERVICES

The minimum **rate** to be charged for the hire of a Limousine **or Sedan** is set out in Schedule "B" annexed hereto and made part of this bylaw. There shall be no charges for portions of an hour **for the first hour. After the first hour, portions of no less than half hour increments may be charged.**

15 OFFENCES AND PENALTIES

- (1) Any person who contravenes the provisions of this bylaw shown in Schedule "C" is guilty of an offence and liable to pay a fine as specified in Schedule "C" which is annexed hereto and made part of this bylaw.
- (2) Any person who contravenes a provision of this bylaw not listed in Schedule "C" is guilty of an offence and liable upon summary conviction to pay a fine of not less than \$250.00 and not more than \$2500.00 and in default of payment to imprisonment for a period not exceeding 6 months.
- (3) Any person who contravenes any provision of this bylaw and is found guilty of a **second** or subsequent offence is liable upon summary conviction to pay a fine of not less than \$5000.00 and not more than

\$10,000.00 and in default of payment to imprisonment for a period not exceeding six months.

- (4) A Peace Officer, License Inspector, or Bylaw Enforcement Officer who has reasonable grounds to believe that any person has contravened any provision of this bylaw shall:
- (a) in the case of a contravention set out in Schedule "C" serve upon such person an offence ticket allowing for payment of the specified penalty to The City in lieu of prosecution of the offence;
 - (b) in all other instances serve upon such person a summons requiring the person to appear in court.
 - (c) **authorize the removal, or cause to be removed, any vehicle found operating in contravention of this bylaw.**

(i) No impounded vehicle shall be released to its owner or his agent until the impounding charge and removal charge on the vehicle have been paid, such charges shall be in addition to any fine or penalty imposed in respect of any such violation, or to any payment made in lieu of prosecution herein provided. The City is not responsible for impounding, towing, or removal charges.

- (5) In addition to any penalty(s) the person must pay the applicable license fee(s).

16 EXEMPTIONS

Notwithstanding any other provision in this bylaw the License Inspector may grant an exemption for the following;

- (1) Taxi's licensed under the Taxi Business Bylaw;
- (2) City of Red Deer Transit Services;
- (3) private courtesy transportation such as provided by a car dealership or garage for its customers, and
- (4) **transporting** operations connected with adult or senior living residences **for which no fee is charged,**

- (5) busing operations connected with Public or Separate School Boards
- (6) *motor vehicles used in the course of providing care to clients who require personal assistance with activities of daily living.*
- (7) *Funeral vehicles operating within the scope of a funeral service.*

17 GENERAL

- (1) All Limousine Business, Sedan Business and Chauffeur licenses issued pursuant to this bylaw are the property of the City and may not be transferred.
- (2) No license may be issued or renewed if the applicant, or any individual or corporation named in the application, has an unpaid fine owing to the City for an offence under this bylaw.
- (3) A copy of a record of the City, certified by the Inspections and Licensing Manager as a true copy of the original, shall be admitted as evidence as prima facia proof of the facts stated in the record without proof of the appointment or signature of the person signing it.
- (4) In any prosecution for an offence, where a question arises as to whether a person had a valid and subsisting License, the burden is on that person to establish that the License was valid and subsisting.

18 SEVERABILITY

The invalidity of any provision of this Bylaw shall not affect the validity of the remainder.

19 TRANSITIONAL

Notwithstanding anything in this bylaw, a Limousine Service, Limousine vehicle. **Sedan Service, Sedan vehicle** or chauffeur in existence as at the date of this bylaw shall not be guilty of the offence of not having a license, provided that they are in possession of a valid license(s) by noon of **October 1, 2007**.

READ A FIRST TIME IN OPEN COUNCIL this 18th day of June 2007
READ A SECOND TIME IN OPEN COUNCIL this 30th day of July 2007
READ A THIRD TIME IN OPEN COUNCIL this 30th day of July 2007
AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2007

MAYOR

CITY CLERK

Schedule A - FEES

All Licenses expire January 31 of the following year in which they were issued

YEAR	2007	2008
Resident Limousine Service License	\$ 65.00	\$ 200.00
Resident Single Event Limousine License - one per calendar year	35.00	100.00
Non-Resident Limousine Service License	135.00	400.00
Non-Resident Single Event Limousine License - one per calendar year	65.00	200.00
Limousine Vehicle Identification License	15.00	40.00
Chauffeur License	10.00	35.00
Resident Sedan Service License	65.00	200.00
Resident Single Event Sedan License - one per calendar year	35.00	100.00
Non-Resident Sedan Service License	135.00	\$400.00
Non-Resident Single Event Sedan License - one per calendar year	65.00	\$200.00
Sedan Vehicle Identification License	15.00	40.00
Limousine or Sedan Vehicle Identification License - Replacement or Transfer	35.00	35.00
Re-instatement Fee – Any License	100.00	100.00

Schedule B - RATES**SEDAN**

A minimum rate of \$60.00 shall be charged for the first hour. After the first hour, portions of no less than half hour increments may be charged.

LIMOUSINE

A minimum rate of \$100.00 shall be charged for the first hour. After the first hour, portions of no less than half hour increments may be charged.

There will be an annual rate increase applied to each rate. It will be calculated by using the amount of the Alberta average Consumer Price Index (CPI) rounded to the nearest dollar and will be effective October 1 of each year, **starting October 2008**.

Schedule C - FINES

		<u>1st Offence</u>	<u>2nd & subsequent Offence</u>
3 (1)(a)	Operating without a Limousine Business or Sedan Business License	\$1500.00	Mandatory Court Appearance
3 (1)(c)	Operating without a Limousine Vehicle or Sedan Vehicle Identification License	\$1500.00	Mandatory Court Appearance
4 (1)	driving without a Chauffeur License	\$1500.00	Mandatory Court Appearance
8 (1) (a)	Operate on fixed route	\$1000.00	Mandatory Court Appearance
8 (1) (b)	Cruising city street or highway	\$1000.00	Mandatory Court Appearance
8 (1) (c)	Occupy a marked taxi stand	\$1000.00	Mandatory Court Appearance
8 (1)(d)	Picking up passengers in marked taxi zone/stand	\$1000.00	Mandatory Court Appearance
8 (1) (e)	Picking up non-pre-scheduled passengers	\$1000.00	Mandatory Court Appearance
8 (1)(f) 8 (1)(g)	Failing to have the proper documents	\$1000.00	Suspension
8 (1) (j)	Not ensuring minimum rate charged	\$1000.00	Suspension

SUBMITTED ON THE
JULY 3, 2007 COUNCIL AGENDA

Arrow Limousine & Sedan Services Ltd.

June 25, 2007

The City of Red Deer
P.O. Box 5008
Red Deer, Alberta
T4N 3T4

Attention: City Council

RE: LIMOUSINE BYLAW

I support the bylaw in its present format.

The Limousine Bylaw will be on your table for its final reading. The Limousine business is my sole livelihood & its future development is of grave importance to my firm & me. I would respectfully request the ability to answer any questions or to be able to speak to issues that may arise at that meeting by individuals not directly involved in my industry.

Yours truly,



Paul Richard
President

pdr

To: Red Deer City Council

Re: Proposed Bylaw No. 3386/2007

June 25, 2007

Please accept this information as being from an experienced voice with ten years in the Limousine Industry as well as fifteen years in the Taxi Industry in the City of Red Deer. I have what I feel are some legitimate concerns regarding the proposed Limousine bylaw that is presently before you for your consideration.

While the proposed bylaw does definitely deal with some of the concerns of both industries it does not go far enough in penalties and for dealing once and for all with prevention of repetitious offenders. I would like you to please consider the following:

1) Clarify why the bylaw is required i.e. "the differences between a taxi and a limousine or sedan service".

A taxi service provides service immediately as is reasonable to do so and each fare is paid to the driver upon completion of said trip. Fare rates (or tariffs) are set by the city. A limousine or sedan service offers pre-arranged service of an extremely upscale nature. Fees are charged accordingly, and can be adjusted at any time by the limousine operator. Taxis, and limousine or sedan service are not in direct competition to each other.

2) Make sure that it's understood why it's important to not allow "portions of hours for limousine or sedan service".

Again, not to belabor the obvious, but it is really important that this be clearly understood, a limousine is not a taxi and vice a versa. To that end, it is my experience that an individual does not rent a limousine by the portion of an hour until it is over a certain period of time i.e. 3½ hours as opposed to 1¼ hours. During peak business times it is not normal for a limousine company to charter out for less than 3 hours. Limousine business is very much an expense to the client of a discretionary nature. A limousine is not required to get to work when a taxi will suffice. A taxi will not be seen squiring around the bride and groom at a wedding. There is a time and a place for everything and each has its own parameters to follow. As a limousine operator I can tell you that the amount of work to prepare a limousine for a one hour charter as opposed to a seven hour charter is no different. Preparedness on the part of the driver is equally important. The limousine must be impeccably prepared and the driver must be dressed properly as an absolute minimum. Council must realize that the capital expenditure and time commitment, to start up and operate a *legitimate* limousine business is large and ongoing. Operating with any portion of time less than one hour is not economically feasible for either the operator or the customer.

Some of these current so-called limousine operators are operating sub-standard equipment. Moderately stretched vehicles that are twenty years old and drivers wearing leather bomber jackets do not really support the notion of a limousine supplying upscale equipment and service. They operate on the fringe of the taxi business picking up clients and transporting them inside the city limits on a point to point service basis – just like a taxi. Judging from my personal observations, I note a distinct lack of commercial plates on the sub-standard limousines. This indicates to me that these sub-standard operators are not properly licensed, registered or insured.

This proposed bylaw will address insurance/registration issues in a fair and equitable manner and I fully support this part of the proposed bylaw.

However, I feel all of council must fully appreciate and wholeheartedly support the concept of “no portions of an hour thereof” in regards to limousines or sedans **not** charging anything less than the rates as proposed in the bylaw.

Anything less will defeat the purpose of the existing Taxi bylaw.

3) Request that firmer penalties be put in place for some offences i.e. towing for certain repeat offenders.

As I am sure council is aware, there are quite a few gypsy taxis operating inside the city limits. It was decided some time ago by the Licensing Department that they were not breaking any taxi bylaws because they were not taxis. The intent of this proposed limousine bylaw is to catch those types of operators in a bylaw that can be applied to their situation. This would hopefully include limousine/sedan service operators that supply short term point to point service inside the city limits/jurisdiction area irrespective of the type of vehicle involved, be it sedans or limousines. While I support the proposed limousine bylaw as presented, I would really like council to take a look at more defined operating guidelines and much stiffer penalties i.e. towing in some cases. As a taxpayer in this community, I feel that to not do so, may put more uninformed citizens at risk, as well as leave the City open to potential lawsuits by not enforcing and addressing critical safety issues fully. *Vehicles operating as taxis without proper insurance, registrations, licensing and inspections must be stopped. They must be towed when found, anything less will **not** be a deterrent.* It is my belief that that is what this proposed limousine bylaw must address, and why it **must** do so with the full force and teeth of the law behind it.

While I endorse the concept and support the proposed regimen of fines, I respectfully request that you endorse my proposed changes to the bylaw to include towing as an option for a peace officer to serve on repeat offending vehicles.

4) Request that council realize that this bylaw is a “working” bylaw and that the taxi industry expects there to be affirmative action in regards to this bylaw. It needs to be clearly understood that this bylaw must be

used to its fullest extent and that it is a useful bylaw – not window dressing.

While I am absolutely positive that council believes that all bylaws are worthy of their consideration and time, I am making a specific request that council direct the overseers of this bylaw to see that it is enforced as soon as it is implemented. The taxi industry has been patiently waiting for almost two years for this proposed bylaw. We need to *know* and see that we have a working and effective and enforceable bylaw because both the Licensing department and the Council made the effort to make sure. Taxi drivers and brokers in the City of Red Deer who are required to follow the taxi bylaw must know that the illegitimate operators must now follow a set of bylaws that are designed for the safety of the City's citizens and that the deviations from this bylaw are being enforced equitably and fairly.

I will be available on July 3rd to answer any of your questions. Thank you for your time today.

Yours truly

DARYL FRENETTE

PREMIER LIMOUSINE SERVICES LTD
and
ASSOCIATED CAB

25 June 2007

To: Red Deer City Council

Re: Proposed Bylaw No. 3386/2007

From: Alberta Gold Taxi Ltd

I would like the opportunity to address council with regards to this proposed bylaw. I feel that the concerns the taxi industry has with parts of this bylaw should be voiced to council in general. We are in general happy that after 2 years of waiting this bylaw is finally before the council and wish to make sure why it is so important to the citizen's of Red Deer and the taxi/limo industry. My points will be based on the following items.

The object of this outline is not to hamper, restrict or undermine the true intention of a professionally ran limousine business. It is the intention of this outline to inform council why it is very important to have a clearly distinct, categorize and enforceable limousine bylaw.

Our intent is not to label or restrict the professionally ran limousine services in the City Of Red Deer, but to remove the grey areas that unethically operated limousines operate in. The taxi industry is by no means in competition with a limousine service, anyone that thinks differently does not understand the distinct differences between a **command economy and market economy**.

There have been discussions over the years about not enough taxis to service the busy nights and maybe more taxis or private services can help with that problem. The simplest analogy I can describe to explain this taxi problem is this:

On any given day in the city of Red Deer a vehicle can travel Gaetz Avenue at 5am and make it in good time from the south end to north. At 5pm on any given day that same vehicle will spend a great deal more time driving that same route due to congestion. Should we widen Gaetz Ave to 4 lanes each way just to accommodate those few congested times in the day? The answer is of course is no; for on the whole the road system we have in place provides a capable service. The taxi service works much the same way with its own ebb & flow times.

The city of Red Deer is known for its forward thinking and "lead by example philosophy" and our ability to resolve difficulty instead of applying a band-aid solution. We are not Edmonton, Vancouver or Toronto; we are a proud city of hard working citizens. All we ask is that the bylaw provides those same qualities of standards.

1/ A clear defined difference between a taxi service, limousine & sedan service and why that is important to all industries and the city of Red Deer

A Taxi services is based on a command economy (controlled), including an electronic fixed system of payment and quantity of unit's are controlled by its municipality. A taxi is by nearly all cities classified as a small public transportation service vehicle and a vital part of cities over all transportation plans. A taxi operates on a "Call & Demand Responsive Service" and receives payment at the end of the trip based on the metered total. *A taxi can not adjust the fixed rate or add more taxis, unless **first approved by council for any reason.***

A limousine & sedan service is based on a market economy (consumer driven) and is a prescheduled, pre-booked private passenger service by a luxury motor vehicle where the fee is decided before the journey or intended event begins. A limousine or sedan service must be suited by its style and condition to be used for ceremonial occasions or for corporate or other prestige purposes. *A limousine service can raise, reduce or modify its rates & size for any number of reasons at **any time without council approval.***

Therefore it is important to clearly identify the definition and operating requirements of this intended limousine bylaw. A Honda, a Buick or a Mercedes will all get you to your destination, only the comfort & cost factors of each differ.

2/Why it is necessary to have a separate Limousine & Sedan service sections placed in the new bylaw and the dangers of not defining or allowing those classes within this bylaw.

Each of these types of vehicles provides a unique service and allows for flexibility to clients requiring one of these specialty vehicles. Limousines have a wider standard than a sedan or luxury sedan service but can be defined into one of the two classes. A limousine is clearly seen for what it is; for lack of better words I will use the Special Event "Wow" Factor.

A luxury sedan service is more reserved and yet provides that professional respect its intended client may require. It gives the client a personal chauffeur without the "Wow" factor seen in a typical limousine. The service provides time needed use of multiple appointments or functions that these types of sedans are meant for. Typical usage is between 2 and 6 hours. Within the growth of Red Deer a luxury sedan service would be looked-for by a few private or corporate clients. Its intent is not to be a call and demand service as a taxi service.

3/Why the “prearranged trip” of those classes is important to the taxi industry.

Taxis companies use many forms of service to provide for its customers, this will include a dispatch system, taxi stands, direct lines and customer hails from venues or street. Allowing the limousine/sedan services to do the same would undermine taxi industry. Limousines/sedans services can choose their working hours. Taxis are required to provide service to the city 24/7 no matter how busy it is.

The limousines/sedans without the proper prearranged restriction could allow the unscrupulous operated companies to take advantage of the busy times, contract for stands or provided a dispatch/radio system without the restriction of a meter. Having a prearranged restriction will prevent this from happening and still fill the true requirements of provided services by a professionally ran limousine/sedan business.

4/ Why the operation section of the limousine bylaw must be properly defined and allow for no confusion that will allow limousines & sedans to act as a taxi.

Having a clear definition under the operation section will prevent “fly by night” and unethically ran limousine/sedan services from plying their trade in the gray areas of the bylaw as a few do now. The present limousine bylaw allows for these gray areas and the type of operations mentioned above will take fully advantage of that. Allowing a limousine or sedan to park and solicit in a public and or private parking lot, busy venues or cruise City Streets would allow for trips of opportunity. Edmonton has a very clear rule in their limousine bylaw.

No person licensed as a limousine service or acting as a limousine chauffeur shall solicit business or passengers on or about the City streets or highways, or place other than the location of the limousine business.

No limousine shall occupy any designated taxi stand on City property or cruise City streets or highways for the purpose of soliciting for work.

Properly ran limousine/sedan operations will not look for business in the ways described above “fly by night” and unethically ones will.

5/ why it is important to make it very clear in this bylaw that illegal taxi service will not be tolerated operating on the streets of Red Deer. Fines should reflect substantial amounts and why.

Deterrent and prevention is as simple as one can say. Heavy fines and/or impoundment of vehicle will help ensure limousine & sedan services follow the regulations and guide lines in the bylaw. The best way to insure the rules are followed is to hit the offending party in the pocket book. This will help prevent unscrupulous operators from making money illegally or plying their trade. Professionally ran limousines will not be undermined by this as they already know how to operate and do appropriately.

6/Why a limousine/sedan service should not be able to charge a “prorated” amount of time under the 1 hour limit. Why benchmark amounts must reflect an amount well over the hourly rate of a taxi.

Allowing the “prorated amount per/hr” would give the opportunity to act as a taxi service. The majority of limousine operations will not book less than 2 hours let alone a 20 minute or ½ hour trip anytime of the day. Those limousine services that want the ability to prorate less than one hour are using that as an excuse to circumvent and allow them to operate on a call & demand bases; just as a taxi service. An average trip by taxi in the City of Red Deer is 10 to 15 minutes.

Limousines are not inexpensive to buy or operate, luxury sedans are also costly. Setting appropriate minimums will assure the quality of service expected in these types of services and prevent them from operating as a glorified taxi service. It will help set fundamental standards in fees and allow for growth at the same time. Setting the limousine minimum per hour at 3 times the metered taxi rate (roughly 95.00) and sedan services at 2 times the metered taxi rate (75.00) will deter the operators or public from using them as a short term “call & demand service.

7/ Why this Limousine bylaw was needed and why it must address the apprehension of the taxi industry about its enforcement.

Over the last 28 months a small group of limousines/sedan services and regular sedans have been providing an illegal taxi service during the busy nights of the weekend. Some have a home based license approved by the licensing department. Others just took the chance and operated at will with no regard for the bylaw. The licensing department was given full details of the activities of these vehicles many times during this time period. Nothing was ever done to remove these vehicles from providing this illegal taxi service.

The taxi industry took the lead and monitored as many of these vehicles as possible at its own expense and time. In the past few weeks a couple of vehicles were fined by the RCMP by information provide by the taxi industry. That same information that was given to licensing and could not be acted on due to lack of existing bylaws.

A limousine bylaw was asked for and over the last two years has remained basically the same as to operating requirements. The safety and proper mechanisms are in place to do with the proposed limousine bylaw. Where it fails is the **operating requirements** and provides grey areas that these rogue operators can still maintain a quazi taxi business.

The taxi industry has apprehension with the present limousine bylaw and its enforcement and has on many occasions voiced this to the licensing department. We feel the present form of the proposed limousine bylaw falls short in areas that will allow grey markets to flourish as they do now. This said how can you enforce it? How do you prove these vehicles are acting like a taxi and not their intend purpose?

In its present form the limousine bylaw **falls short of total supported** by Alberta Gold Taxi. **We do support the safety and licensing sections of the limousine bylaw.** If changes were made to vital parts of the operating regulations, minimum fees and definition of limousines & Sedans we would give it our full support. Lets do this bylaw right the first time.

John Whittingham
Alberta Gold Taxi Ltd.



DATE: May 31, 2007

TO: Legislative & Administrative Services Manager

FROM: Deborah C. Mann - Licensing Inspector
Joyce L. Boon – Permits & Licensing Supervisor

RE: Limousine Bylaw

HISTORY & AUTHORITY

The Municipal Government Act allows a Municipality to pass bylaws which govern public safety, transportation and business licensing. Years ago, the City of Red Deer Council deemed it was in the public's best interest to regulate the Taxi Industry to assure the public of taxi fare consistency and safety of both the taxi vehicle and taxi driver. The Taxi Business Bylaw, as approved by Council, provides this regulation.

One aspect of the Taxi Business regulation is to conduct an annual review; typically conducted in March. The City receives submissions from interested parties and the public on the effectiveness of the bylaw. The feedback is analyzed to determine if the bylaw requires a change. If change(s) is substantial, a second round of public consultation may be undertaken. Once the consultation process is complete, a report is submitted to City Council for consideration of the changes.

The Inspections & Licensing Department, through the License Inspector, is responsible for the administration and enforcement of the Taxi Business Bylaw and sees the Limousine Bylaw as an addition to this process. This role will include such activities as:

- annual licensing of businesses, vehicles and drivers,
- arbitrating disputes in interpretation and implementation of the Bylaw,
- visual inspections of all vehicles and documents,
- semi-annual testing of meter equipment,
- enforcement on a complaint basis,
- organizing the annual taxi review process, and
- recommending changes on taxi rates and changes to the Bylaw.

BACKGROUND

A recurring theme as part of the 2005 and 2006 Annual Taxi Reviews concerned the regulations regarding Limousines - they were inconsistent with the regulations that apply to Taxi drivers and Taxi vehicles. For example, under the Taxi Business Bylaw, only Non-resident Limousine Services need to obtain a Limousine License and there are no requirements for the Limousine vehicle to be inspected or criminal record checks for the Limousine drivers. Under the License Bylaw, a resident of Red Deer, operating from their home, would require a Home Based, "Office Only" business license to operate a limousine service. Under the Land Use Bylaw, a Limousine Business, located in a commercial location, would require an Occupancy Permit. Currently there are no regulations regarding the limousine vehicles or limousine drivers in the Taxi Bylaw, License Bylaw or Land Use Bylaw.

Based on a review of best practices in other municipalities, feedback from stakeholders and discussions with the City Solicitor, the Inspections and Licensing Department began a process to develop a bylaw specific to Limousines. This process was supported by the Policing Committee at its meeting of July 19, 2005.

In drafting changes to reflect limousine services the City Solicitor recommended that the best course of action was to draft a separate Limousine Bylaw as opposed to trying to include provisions within the Taxi Bylaw. A draft Limousine Bylaw was taken to the Policing Committee/ Taxi Commission on March 19, 2006 and on April 10, 2006 a report was taken to City Council where the following resolution passed:

"Resolved that Council of the City of Red Deer having considered the report from the Licensing Inspector, dated March 30, 2006, re: Limousine Bylaw, Bylaw 3359/2006, hereby:

- 1) Agrees in principle to a Limousine Bylaw.
- 2) Directs Administration to hold a public meeting to obtain industry/stakeholder input.
- 3) Directs that subsequent to the public meeting, a report with feedback/recommendations be brought back to Council."

Due to the lengthy time involved since this process was initiated, Administration is bringing the proposed bylaw for consideration. Please note that the Limousine Bylaw number has changed from the 2006 draft.

CONSULTATION

A Public Meeting was held April 25, 2006 which resulted in numerous changes made to the proposed Limousine Bylaw. An Open House was also held on September 20, 2006 to obtain more feedback relative to the citizens and stakeholders requested changes. The overall theme of the comments submitted revealed concern regarding the following:

- safety of the passengers when 'regular cars' were being used to circumvent the bylaw
- vehicles not subject to any mechanical inspections
- no criminal record checks on drivers
- no identification of licensed vehicles
- define limousine to ensure all vehicles transporting passengers are included
- exempt those vehicles and drivers covered under other bylaws
- exempt vehicles and drivers where passengers are not paying for the service

The revised proposed Limousine Bylaw was made available to the Public and stakeholders on the city website on March 20, 2007 and was also made available for review at the Inspections and Licensing Department. Citizens and stakeholders were encouraged to drop off written comments to the Inspections and Licensing Department, or submit via a specific e-mail address, licensing@reddeer.ca.

Attachment A shows a synopsis of the concerns received from the most recent submissions along with administrative comments.

Attachment B shows the actual submissions received with all names and identifiers removed, as per Freedom of Information and Privacy Protection regulations.

After reviewing the input generated from the public, a draft limousine bylaw has been developed and is before Council for consideration.

DISCUSSION

Through the consultation process there emerged very strong feelings from the Industry both for, and against, the proposed Limousine Bylaw. It became evident that all stakeholders were concerned with the safety and welfare of the citizens who use the transportation services as well as having regulations to which ALL businesses must abide. Concerns are being expressed about the ability of the City to enforce the bylaw and stop the 'rogue' operators. The intent of this bylaw is to have all vehicles and drivers licensed to ensure the safety of citizens and allow the City the ability to monitor the industry. The City will have the ability to suspend or revoke a license if there are infractions of the bylaw.

As this is a new bylaw, Administration suggests an effective date of approximately three months from the date of passing the bylaw. This will allow adequate time for communication strategies and application processes to be implemented.

FINANCIAL IMPLICATION

The proposed Limousine Bylaw suggests annual fees for licenses and fines for infractions. The amounts collected will help defray the cost of enforcement.

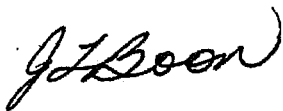
RECOMMENDATION

Administration recommends that City Council proceed with first reading of Limousine Bylaw # 3386/2007 and table it for two weeks. This will allow the public an opportunity to provide further feedback to Council.

Respectfully submitted,



Deborah C. Mann
Licensing Inspector



Joyce L. Boon
Permits & Licensing Supervisor

Submission 1	How will the City enforce the Limousine Bylaw and stop the 'rogue' operators?
Comments	R.C.M.P. staff is aware of the 'rogue' issue and realize that enforcement is required however, the process could be very time consuming. Section 8 of the proposed Limousine Bylaw refers to Operating Requirements and states no person "shall operate on a fixed or scheduled route" and "ensure all trips are be pre-arranged a minimum of one hour in advance". Schedule C outlines the fines for violation of the proposed bylaw.
Submission 2	Who will enforce the bylaw? The proposed bylaw will only serve to get the current, legally operating companies to obtain a license: It feels like a tax.
Comments	Peace Officers as defined in the proposed bylaw and in accordance with Section 15 (4) are allowed to serve an offence ticket and summons to appear in court. The proposed bylaw allows for licensing of limousine businesses, vehicles and chauffeurs similar to taxi businesses, taxi vehicles and taxi drivers, which was wanted by the Taxi Industry and the City, to protect citizens.
Submission 3	Change the minimum fee to \$90. per hour.
Comments	The proposed fee was determined by the review process and by checking with other municipalities. The \$60.00 per hour fee is only a minimum, thereby allowing limousine businesses to charge more if they so desire. Administration will support an increase in the minimum fee at Council's direction.
Submission 4	Make sure there is no pro-rating of hours, in the bylaw
Comments	Administration agrees with this concept and revised Section 14 by adding the sentence "There shall be no charges for portions of an hour or parts thereof".

- Submission 5 The fine amounts are inadequate. There should be immediate towing of vehicles of illegitimate operators.
- Comments The proposed limousine bylaw has fines for first, second and third occurrences of operating without a limousine license, without vehicle identification and without a chauffeur license. Theoretically, a person could be charged for three different offences at one time for a total penalty of \$1000.00 at once. The first, second and third offence penalties are no different than other city bylaws. Fine amounts were established based on other similar bylaws and administration feels these fines are reasonable. Towing illegally operating vehicles would increase enforcement costs. Administration will amend the limousine bylaw at Council's direction.
- Submission 6 The attire of the driver should be in the bylaw.
- Comments Administration agrees with this suggestion and it would be consistent with other municipal bylaws which do mention limousine chauffeur attire. Section 8 - Operating Requirements has been amended by adding (e) and (f). It now reads:
- (1) A person operating a Limousine or Limousine Service;
 - (a) shall not operate on a fixed or scheduled route;
 - (b) shall not pick up passengers in a marked taxi zone or taxicab stand or accept non-pre-schedule passengers;
 - (c) shall ensure all trips are pre-arranged a minimum of one (1) hour in advance, contracts are signed and log books are kept in the vehicle, as to the date, time, number of passengers, place of pickup and destination for each trip;
 - (d) shall ensure all signed contracts and log books are kept safe and secure for a minimum of one year from the time of the trip;
 - (e) shall ensure that when on duty will present a clean, neat and well groomed appearance and*
 - (f) shall wear clothing that is neat, clean and appropriate for transporting persons.*

- Submission 7 The bylaw needs more definitions. The definition of Limousine is too vague. It allows for the abuse of the intended description.
- Comments The definitions of 'Limousine' in other municipal limousine bylaws were reviewed. Administration feels that this definition will cover all vehicles and drivers that transport people.
- Submission 8 Does not define what class of Provincial license is required.
- Comments The current taxi bylaw does not state the class of Provincial driver license required. Administration is aware that Provincial regulations require a driver transporting passengers must have a Provincial Drivers License of Class 1, 2, or 4 and as such, ensures that all drivers who apply for a taxi license have the appropriate Provincial License. This would be administered the same way for the chauffeur applicants in the proposed limousine bylaw.
- Submission 9 Define 'pre-arranged' and 'chance' passengers.
- Comments Limousines are usually booked in advance and therefore have pre-arranged passengers. Section 8 - Operating Requirements, has a minimum one hour timeframe required for a pre-arranged trip. Research of other Limousine bylaws did not find definitions specific to pre-arranged or chance passengers.

Attachment B
Page 1 of 7

April 10, 2007

City of Red Deer
Licensing Department

Attn: Deb Mann

I am writing this letter as the operator of a limousine company with over 9 years of successful operation in this city. I have to go on record as saying that I am disappointed in the Limousine bylaw as it is presented. In view of the fact that I have seen little/no effort by the city to curb the gypsy limousine operators to date I do not feel this will be an effective bylaw. As I see it, it will cost a legitimate operator more money to operate because of the regimen of fees that will be imposed, which all said and done, are only another form of taxation from the City. I do not see any value added here. In spite of the overwhelming evidence presented to the City in the past, in regards, to illegitimate limousine operators — nothing was done except to create this bylaw that imposes fees. This bylaw as a start, (and only a start) in its present form is only a beginning. It needs much more work and is better than not having one at all. I personally feel that the City lacks the fortitude to clamp down on illegitimate operators as is demonstrated by the woefully inadequate fines that are outlined in this bylaw as presented.

My major suggestion for improvement at this time is that the fines include immediate towing of illegitimate operators, companies, individuals, that choose not to register or otherwise comply with the intent of the bylaw. This bylaw as it exists does not have any teeth to it.

Yours truly

Attachment B
Page 2 of 7

City requests public input on proposed Limousine Bylaw

To: Bylaws Department

Re: Proposed Limousine Bylaw

From

Forward

Review of the "draft bylaw" shows no change from the review on this bylaw I saw 18 months ago. It is still a cut & paste from the taxi bylaw with a few modifications and little in the way of anything else. I feel the city bylaw department has failed in writing a proper limousine bylaw and to me have wasted much time and money on the one before us now. This bylaw was to control the rouge limo's and car services operating in the city and does nothing to hinder, prevent or control those intended operations now operating openly in the city. The professional Limousine services in the city do not misuse or operate as a taxi service and are well respected for the professionalism they bring to their intended trade. It is the grey market, rogue limo's, cars, vans, etc that take away from both the limousine and taxi businesses and only think of the cash in hand to the service provided

We have had a few public meeting/input requests over the last 18 months for something that should have been in place early last year. The taxi industry is caught between two worlds, we are a privately own operation under the control of the City of Red Deer. At the same time our concerns with this bylaw have fallen on deaf ears for the most part. I know the letter before you will be given little thought as many of the past letters sent to the bylaw department regarding this Limousine bylaw and concerns. Therefore I will make sure each council member will get a copy of this letter and a copy of a DVD to show what is really happening out on the streets of Red Deer with these rogue limo's and other cars doing the same thing. To date the city has done nothing about any of these vehicles even being fully aware of what is taking place. The Limousine bylaw as it is will not be enforceable and is too vague with regards to operation and definition. Passing this bylaw as it is will do more harm than good to the taxi business and change the way we will look at business in the future. It is hoped the city inspectors will invite the taxi brokers for a meeting to look at changes to this bylaw before it goes before council; I don't expect this to happen.

Concerns with existing Limousine Bylaw:

“Limousine” means a vehicle, which shall include sedan limousine, formal limousine, stretched limousine, super, mega and ultra stretched limousines; or any other vehicle advertised or operating as a limousine;

This statement is too vague; anything on 2/4 + wheels can be called a limousine including a motorcycle, 18 wheeler, 4x4 crew cabs and old school bus or off duty taxi with meter turned off all qualify under the way its defined. It allows for sub-named units called black car service, luxury sedan etc giving the impression of a less expensive type of limousine service available. This definition allows for abuse of the intended description and will create future problems as the city grows.

4 LICENSES - DRIVERS

(3) The application shall be in writing and shall contain the following information:

(a) Full and correct name, address and telephone number of the applicant as well as the name and current address of the licensed Limousine business employing the applicant;

(b) Evidence that the applicant is properly licensed under the laws of the Province of Alberta for the class of vehicle that will be operated;

(c) Current abstract of driving record from the Province of Alberta and from any territory or Province where the applicant has previously had a drivers license; dated within 30 days of application date

Does not define what class of Provincial license is required.

Also not addressed is the drivers' attire when employed as a limousine driver. A driver in blue jeans and a tee shirt can expect the same as a properly dressed professional limousine driver in a suit or uniform.

Attachment B
Page 4 of 7

This section is a copy & paste from the existing taxi bylaw with regards to Limousines and is too imprecisely written to put teeth into the "new and improved" Limousine bylaw.

(6) OPERATING REQUIREMENTS

(1) A person operating a Limousine or Limousine service shall not operate on a fixed or scheduled route.

This sounds more like a bus service need rather than a Limousine requirement. It doesn't stop a Limo for picking up at an example (hotel lobby and then returning to that hotel to pick up another passenger)

It does not stop a limo from parking across a busy venue and waiting for people to walk across to the car looking for a ride.

It does not stop the limo from driving the busy street during peak times of the night looking for trips of opportunity on regular basis.

(2) A person operating a Limousine or Limousine Service shall not pick up passengers in a marked taxi zone or taxicab stand or accept chance passengers.

Define "Chance Passengers" this is too vague and opens the doors for these rogue limos to operate. Examples: If a person calls at 2 am for a limo to take them home from the bar; is that allowed?

If a door man tells a patron they can get a limo for them instead of waiting for a taxi allowed?

If a patron asks a limo driver for a ride and the limo driver tells the patron to first call his cell to show the trip was "pre arranged" allowed?

How do you enforce and prove this under the defined section? Who will enforce it? How do you monitor this section?

The rogue Limo's will punch holes with this section the way it is written no matter what fee's they are required by the city to charge.

(3) A person operating a Limousine or Limousine service shall ensure all trips are pre-arranged and that log books are kept as to the date, time, number of passengers, place of pickup and delivery for each trip.

Define "pre-arranged" a professionally ran operation will have the trips arranged days, weeks before the date of use. A professional limousine company will not take short trips under a 2 hr minimum usage, unless a very special event or a heavy fee is applied. I can't see a professional limousine company rolling out a \$40,000 + limo at 2-3 am because someone wants to go home from the bar or party. An unethically operated Limo/ black sedan company will.

The city of Red Deer is a great city and has much to be proud of and I would think that the safety and concern for its residents would be a priority. The taxi industry tries to monitor its self and regulate their drivers to the best of its ability. We police our own drivers and when needed ask the city for assistance regarding aspects of our service. Over all the two inspectors responsible for our service have been assets to both the city and taxi personal.

This new Bylaw has been under review for way too long and is not even close to what it should be, given the time it's taken to get the bylaw to this point. If one was to read the taxi bylaw and compare it with the "new Limousine" Bylaw they would see the copy and paste comments I wrote about in the forward of this letter.

The limousine Bylaw does not address ratios or restriction to how many variants of these vehicles are allowed in the city. Not doing so will create problems for the legitimate limousines companies as they will have to compete on a whole new level.

The existing taxi bylaw already covers the limousines and their requirements and has for many years. The city administration has just not enforced those sections and applied them to the limousine companies running today. Instead they gave these operations a "home occupancy business license" and allowed them to build a quasi business in the loop hole provided to them under the current direction.

There is nothing to address the gypsy taxis operating in the city, which can vary between 11 and 15 to our count at present. The famous Blow and Go van was down for a week after the story broke in the Advisor and now operates the same routes in a newer blue 4x4 extended cab Chevrolet truck.

The present Limousine Bylaw will only add cost and administration work for both the city and the legitimate Limousine companies. It will do very little to control, cap, or enforce the rogue limo's and gypsy cab drivers that mom the streets at night looking for their next fare. The RCMP has their hands full during these times and will not have the time to address any complaints regarding these rogues. The big question is "How do you prove it". **The Limousine Bylaw is unenforceable and ambiguous at best and fails the citizens of Red Deer regarding their safety.** It fails the Taxi industry and the restriction taxi drivers have to operate under by allowing these rogue vehicles to operate when they want and charge what they want without concern or fear of getting caught.

The citizens Of Red Deer deserves a better Limousine Bylaw than the one proposed, the Professional Limousine companies deserve a better Bylaw and the taxi industry deserves a bylaw that keeps the rogue limos out of their business.

Respectfully

Attachment B
Page 6 of 7

April 10, 2007

City of Red Deer
Licensing Department

Attn: Deb Mann

While I can truly appreciate the amount of work required to get this limousine bylaw to this point, I cannot support it in its current presentation. I also fully realize that the City will probably implement this bylaw whether I approve or not, but I think the City needs to take a more thorough look at the purpose of this bylaw.

1) I believe the thrust behind this bylaw is to legitimize illegal gypsy limousine operators to take them out of the field of taxicab service which is presently where all of them operate, and have them operate as legitimate operators. The minimum hourly rate needs to be increased to an in-town rate of at least \$90.00 per hour. Any type of legitimate limousine operator is going to have to charge at least that much to stay in business. By raising the bar on this minimum hourly rate the standard of limousines will escalate to more modern standards and be more professionally presented without having to impose a mandatory year/age limit on limousines

2) Another absolutely critical point is that the absolute lowest rate per trip that may be charged is one hour Increments. This is a very important point not to be taken lightly, as a lack of this type of detail has been used in other jurisdictions (Calgary) to successfully circumvent the existing limousine bylaws. Although it is understood by lawyers and the City that if something is not defined in a bylaw then it is not allowed, I do not feel that the public at large understands this concept I feel that this must be included and stated as such. No portions of an hour or parts thereof. That type of service is the domain of taxis — not legitimately operating limousines. My position is that a limousine is not a taxi, A limousine is used for special events on a very irregular basis — clientele pay for, and expect premium service. Taxis are used to shuttle people around town.

3) In conjunction with passing of this bylaw the city must simultaneously remove all references to limousines in the current taxi bylaw.

Attachment B
Page 7 of 7

4) I would also like to see more definitions and restrictions on sedan service as performed by a limousine company operating in the City. Some other jurisdictions simply do not allow sedan service unequivocally because it is just taxi service. As an alternative some jurisdictions will only allow a ratio of sedans to limousines per fleet. e.g. you must have two limousines with a minimum of 120" stretch to one sedan. As a taxi operator I would prefer to see no sedan service at all as I feel that the city probably would not monitor it. As I stated earlier, the City will probably implement this bylaw. I do not feel my three suggestions here will be a challenge to add to the bylaw, but I do feel that they are extremely important to give this bylaw any kind of a legitimate chance of acceptance at all by the taxi industry.

Thank you very much for considering my Input.
Yours truly,

Comments:

We agree with the recommendations of the Licensing Inspector.

"Morris Flewwelling"
Mayor

"Craig Curtis"
City Manager



DATE: July 23, 2007

TO: Legislative & Administrative Services Manager

FROM: Deborah C. Mann - Licensing Inspector
Joyce L. Boon – Permits & Licensing Supervisor

RE: Taxi Business Bylaw-Removal of reference to Limousines

HISTORY & BACKGROUND

The Municipal Government Act allows a Municipality to pass bylaws which govern public safety, transportation and business licensing. City of Red Deer Council has deemed it is in the public's best interest to regulate the Taxi, Limousine and Sedan Industry's to assure the public of safety of both the vehicle and driver. The Taxi Business Bylaw and the proposed Limousine and Sedan Bylaw will provide this regulation.

Upon third reading of the Limousine and Sedan Bylaw it will become necessary to amend the current Taxi Business Bylaw to remove all references to limousines.

RECOMMENDATION

Administration recommends Council approve the proposed amendments to the Taxi Business Bylaw.

Respectfully submitted,

Deborah C. Mann

Joyce L. Boon

Comments:

We agree with the recommendations of the License Inspector.

"Morris Flewwelling"
Mayor

"Craig Curtis"
City Manager

FILE



Council Decision – July 30, 2007

Legislative & Administrative Services

DATE: July 31, 2007

TO: Deb Mann, Licensing Inspector
Joyce Boon, Permits & Licensing Supervisor

FROM: Kelly Kloss, Legislative & Administrative Services Manager

SUBJECT: Limousine Bylaw 3386/2007
Limousine and Sedan Bylaw 3394/2007

Reference Report:

Licensing Inspector, dated July 23, 2007

Resolutions:

"Resolved that Council of the City of Red Deer having considered the report from the Licensing Inspector, dated July 23, 2007, hereby agrees to abandon Limousine Bylaw 3386/2007."

Bylaw Readings:

Limousine and Sedan Bylaw 3394/2007 was given three readings. A copy of the bylaw is attached.

Report Back to Council: No

Comments/Further Action:

We will distribute copies of the Limousine and Sedan Bylaw 3394/2007 in due course.



Kelly Kloss
Manager

/chk
attchs.

c Director of Development Services
Inspections & Licensing Manager

BYLAW NO. 3394/2007

A Bylaw to License and Regulate the use of Limousines and Sedans for hire within the limits of The City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1 This Bylaw may be cited as the Limousine and Sedan Bylaw.

2 DEFINITIONS

In this Bylaw unless otherwise specified:

"Bylaw Enforcement Officer" means any person authorized to enforce City bylaws and includes the License Inspector;

"Chauffeur" means any person who is in possession of a current and valid City of Red Deer Chauffeur License;

"Chauffeur License" means a license issued to a person for the purpose of driving a limousine or sedan;

"License Inspector" means the Inspections and Licensing Manager for The City or any designated member of the Inspections and Licensing Department for The City;

"Limousine" means a motor vehicle for hire, not equipped with a meter, to transport persons, which has a minimum seating capacity of five (5) passengers in the rear compartment which shall include, but is not limited to, formal limousine, stretched limousine, super, mega and ultra stretched limousines

"Limousine Service" means the business of providing limousines for transporting persons;

"Limousine Vehicle Identification License" means The City of Red Deer identification issued under this bylaw for attachment to a limousine vehicle;

"Mechanical Fitness Report" means a form approved by the License Inspector and signed by a licensed mechanic which shall contain such information as the License Inspector may require but in any event shall certify that the vehicle is safe, fit and include information as to the safety and condition of the steering mechanism, brake system, bodywork, including conditions of doors and locks,

windows, electrical light and signal systems, exhaust system, tire wear and condition and that the vehicle is suitable to convey passengers;

"Motor Vehicle for hire" means a vehicle propelled by any power other than muscular power;

"Non-resident" means a person, business or corporation that is not a resident as defined in this bylaw;

"Peace Officer", "Special Constable", and "Bylaw Enforcement Officer" means any employee of The City appointed as a Special Constable or Bylaw Enforcement Officer and any member of the Canadian Corps of Commissionaires or the City Detachment of the R.C.M.P. appointed or assigned to enforce the provisions of this bylaw;

"Person" means a natural person or body corporate and includes a partnership, a group of persons acting in concert, or an association;

"Pre-scheduled" means a minimum of one (1) hour before a trip begins;

"Resident" means a person, business or corporation that has a business location in the city of Red Deer with a valid Occupancy Permit or resides in the city of Red Deer, and has a valid Home Occupation License for a Limousine or Sedan Service;

"Sedan" means a full sized, four door, motor vehicle for hire, not equipped with a meter, to transport persons. which has a maximum seating capacity of not more than four (4) passengers in the rear compartment;

"Sedan Service" means the business of providing sedans for transporting persons;

"Sedan Vehicle Identification License" means The City of Red Deer identification issued under this bylaw for attachment to a sedan vehicle;

"Single Event" means the use of a Limousine or Sedan in a twenty four (24) hour period once in a calendar year".

3 LICENSES – BUSINESS AND VEHICLES

ALL APPLICANTS

- (1) No person shall operate a Limousine Service or Sedan Service or Limousine or Sedan without the following:

- (a) a valid Occupancy Permit, Home Occupation License or Non Resident Business License obtained pursuant to The City of Red Deer bylaws,
 - (b) a City of Red Deer Chauffeur License,
 - (c) a Limousine Vehicle or Sedan Vehicle License Identification tag attached to each Limousine or Sedan as issued hereunder.
- (2) Any person who wishes to operate a Limousine Service or Sedan Service or Limousine Vehicle or Sedan Vehicle shall obtain the applicable licenses by making application to the License Inspector and paying the applicable fee as set out in Schedule "A".
- (3) All applications shall be in writing and shall include identification of the registered owner, mechanical inspection, and proof of valid insurance with respect to all limousines and sedans to be used and the following information:

NON-CORPORATION

- (i) full name, address and telephone number of the business and the individual completing the application;
- (ii) list of all convictions, both criminal and traffic, in any jurisdiction;
- (iii) such other information as the License Inspector may reasonably require.

CORPORATION

- (iv) corporate name, business address and telephone number of the corporation and the individual completing the application;
- (v) copy of minutes and articles of incorporation, Certificate of Incorporation and Certificate of Good Standing with respect to the corporation;
- (vi) full name, address and telephone number of all shareholders, directors and office holders of the corporation;
- (vii) list of all convictions of the corporation, its shareholders and directors both criminal and traffic in any jurisdiction;
- (viii) such other information that the License Inspector may reasonably require.

4 CHAUFFEUR LICENSES

- (1) No person shall drive a Limousine or Sedan or act as a Limousine or Sedan Chauffeur without being in possession of a valid City of Red Deer Chauffeur License obtained pursuant to this bylaw. A licensed automotive mechanic may perform a test drive and not be in breach of this section.
- (2) Any person who wishes to drive a Limousine or Sedan or act as a Limousine or Sedan Chauffeur shall obtain the applicable license by making application to the License Inspector and paying the applicable fee set out in Schedule "A".
- (3) The application shall be in writing and shall contain the following information:
 - (a) full and correct name, address and telephone number of the applicant as well as the name and current address of the licensed business employing the applicant;
 - (b) evidence that the applicant is properly licensed under the laws of the Province of Alberta for the class of vehicle that will be operated;
 - (c) current abstract of driving record from the Province of Alberta and from any territory or Province where the applicant has previously had a drivers license, dated within 30 days of application date;
 - (d) a list of all convictions, criminal, traffic and otherwise in any jurisdiction;
 - (e) such other information that the License Inspector may reasonably require;
 - (f) on initial application, evidence the applicant has completed a driver improvement course recognized by the City, taken within 6 months of application OR proof the applicant is registered to take a driver improvement course within 30 days of application date.

5 TERM AND RENEWAL OF LICENSES

- (1) A Chauffeurs License shall be valid until January 31 in the year following the year in which it was issued. An application for a new license may be made at any time during the year.

- (2) A Limousine Business License or Sedan Business License shall be valid until January 31 in the year following the year in which it was issued. An application for a new license may be made at any time during the year.
- (3) A Limousine Vehicle Identification License or Sedan Vehicle Identification License shall be valid until January 31 in the year following the year in which it was issued. An application for a new license may be made at any time during the year.
- (4) A renewal application for any license required by this bylaw shall be made no later than January 31 of the year for which the license is to be renewed. If a renewal application is not received by January 31, it will be deemed expired and a new application will be required.

6 DUTY TO ADVISE OF CHANGE IN INFORMATION

A licensee must advise The City of any changes in the information required under Sections 3 and 4;

- (a) on an application to renew its license; and
- (b) during the currency of any license, within 30 days of any changes to such information.

7 TRANSFER OF VEHICLE IDENTIFICATION LICENSE TO ANOTHER VEHICLE

- (1) Should a vehicle licensee desire to substitute another limousine or sedan motor vehicle for any limousine or sedan motor vehicle for which an identification tag has been issued, such licensee shall deliver to the License Inspector the identification tag issued and the information concerning the limousine or sedan motor vehicle to be substituted as the License Inspector may require, including;
 - a) a Mechanical Fitness Report;
 - b) evidence of registration;
 - c) evidence of insurance;
 - d) such other information as the License Inspector may reasonably require to ensure conformity with this bylaw.
- (2) When the License Inspector is satisfied that the motor vehicle proposed to be substituted complies with this bylaw and is safe, fit and suitable for use and that the above conditions have been met, he shall, upon payment by the licensee of the fee required in Schedule "A", reissue to the licensee the vehicle identification tag for the motor vehicle so substituted.

8 OPERATING REQUIREMENTS

- (1) A person operating a Limousine or Sedan or Limousine service or Sedan service;
 - (a) shall not operate on a fixed or scheduled route
 - (b) shall not cruise city streets or highways for the purpose of soliciting work;
 - (c) shall not occupy a marked taxi stand
 - (d) shall not pick up passengers in a marked taxi zone or taxicab stand
 - (e) Shall not accept passengers unless the service was previously scheduled a minimum of one (1) hour in advance;
 - (f) shall ensure all trips are pre-scheduled, contracts are signed and log books are kept in the vehicle, as to the date and time the trip is booked, the date and time of the trip, number of passengers, place of pick up and destination for each trip;
 - (g) shall ensure all signed contracts and log books are kept safe and secure for a minimum of one year from the time of the trip.
 - (h) shall ensure that when on duty will present a clean, neat and well groomed appearance and
 - (i) shall wear clothing that is neat, clean and appropriate for transporting persons.
 - (j) shall ensure the minimum rates are charged in accordance with Schedule B.

9 POWERS OF LICENSE INSPECTOR

- (1) The License Inspector is hereby authorized to:
 - (a) inspect or cause to be inspected any vehicle which is used to provide services under this bylaw;

- (b) refuse to issue or renew any license where, in the reasonable opinion of the License Inspector, the applicant does not comply with the requirements of this bylaw;
- (c) revoke or suspend any license if, in the reasonable opinion of the License Inspector, the licensee has not complied with or is breaching any provision of this bylaw;
- (d) revoke or refuse to issue a Chauffeur License under this bylaw where, in the reasonable opinion of the License Inspector, the person applying for a license or to whom a license has been issued:
 - (i) has a driving record which makes the driver unfit to drive a public conveyance;
 - (ii) the character, conduct or state of health makes the driver unfit to drive a public conveyance;
 - (iii) the driver does not comply with the requirements or is in breach of any of the provisions of this bylaw;
- (e) require a driver to undergo additional driver improvement or driver training courses;
- (f) prescribe and authorize the forms, licenses and certificates to be used or issued under this bylaw.

10 INSPECTION OF DOCUMENTS

Every licensee under this bylaw shall upon the demand of the License Inspector, Bylaw Enforcement Officer or Peace Officer produce any license or document, which the licensee may be required to have under this bylaw.

11 MECHANICAL FITNESS OF VEHICLES

- (1) The License Inspector may require any vehicle used to provide services under this bylaw to undergo such inspections for safety and mechanical fitness and to undergo such repairs as in the reasonable discretion of the License Inspector is deemed necessary for the safety of the public; such inspections are not limited to but may include as follows:
 - (a) the yearly provision of a Mechanical Fitness Report prepared by a licensed mechanic;

- (b) the repair and correction of any deficiencies and the provision of a further Mechanical Fitness Report confirming same.
- (2) All costs of inspections and repairs shall be paid for by the licensee.
- (3) No person shall obstruct or interfere with any inspection required under this bylaw.

12 APPEAL

A decision of the License Inspector made pursuant to Sec. 9 (1),(b),(c), and (d) of this bylaw may be appealed to City Council on written notice of appeal delivered to the License Inspector not later than 30 days following such decision.

13 ANNUAL LICENSE FEES

The License Fees under this bylaw are set out in Schedule "A" annexed hereto and made part of this bylaw.

14 RATES TO BE CHARGED FOR LIMOUSINE OR SEDAN SERVICES

The minimum rate to be charged for the hire of a Limousine or Sedan is set out in Schedule "B" annexed hereto and made part of this bylaw. There shall be no charges for portions of an hour for the first hour. After the first hour, portions of no less than half hour increments may be charged.

15 OFFENCES AND PENALTIES

- (1) Any person who contravenes the provisions of this bylaw shown in Schedule "C" is guilty of an offence and liable to pay a fine as specified in Schedule "C" which is annexed hereto and made part of this bylaw.
- (2) Any person who contravenes a provision of this bylaw not listed in Schedule "C" is guilty of an offence and liable upon summary conviction to pay a fine of not less than \$250.00 and not more than \$2500.00 and in default of payment to imprisonment for a period not exceeding 6 months.
- (3) Any person who contravenes any provision of this bylaw and is found guilty of a second or subsequent offence is liable upon summary conviction to pay a fine of not less than \$5000.00 and not more than

\$10,000.00 and in default of payment to imprisonment for a period not exceeding six months.

- (4) A Peace Officer, License Inspector, or Bylaw Enforcement Officer who has reasonable grounds to believe that any person has contravened any provision of this bylaw shall:
 - (a) in the case of a contravention set out in Schedule "C" serve upon such person an offence ticket allowing for payment of the specified penalty to The City in lieu of prosecution of the offence;
 - (b) in all other instances serve upon such person a summons requiring the person to appear in court.
 - (c) authorize the removal, or cause to be removed, any vehicle found operating in contravention of this bylaw.
 - (i) No impounded vehicle shall be released to its owner or his agent until the impounding charge and removal charge on the vehicle have been paid, such charges shall be in addition to any fine or penalty imposed in respect of any such violation, or to any payment made in lieu of prosecution herein provided. The City is not responsible for impounding, towing, or removal charges.
- (5) In addition to any penalty(s) the person must pay the applicable license fee(s).

16 EXEMPTIONS

Notwithstanding any other provision in this bylaw the License Inspector may grant an exemption for the following;

- (1) Taxi's licensed under the Taxi Business Bylaw;
- (2) City of Red Deer Transit Services;
- (3) private courtesy transportation such as provided by a car dealership or garage for its customers, and
- (4) transporting operations connected with adult or senior living residences for which no fee is charged,
- (5) busing operations connected with Public or Separate School Boards

- (6) motor vehicles used in the course of providing care to clients who require personal assistance with activities of daily living.
- (7) Funeral vehicles operating within the scope of a funeral service.

17 GENERAL

- (1) All Limousine Business, Sedan Business and Chauffeur licenses issued pursuant to this bylaw are the property of the City and may not be transferred.
- (2) No license may be issued or renewed if the applicant, or any individual or corporation named in the application, has an unpaid fine owing to the City for an offence under this bylaw.
- (3) A copy of a record of the City, certified by the Inspections and Licensing Manager as a true copy of the original, shall be admitted as evidence as prima facia proof of the facts stated in the record without proof of the appointment or signature of the person signing it.
- (4) In any prosecution for an offence, where a question arises as to whether a person had a valid and subsisting License, the burden is on that person to establish that the License was valid and subsisting.

18 SEVERABILITY

The invalidity of any provision of this Bylaw shall not affect the validity of the remainder.

19 TRANSITIONAL

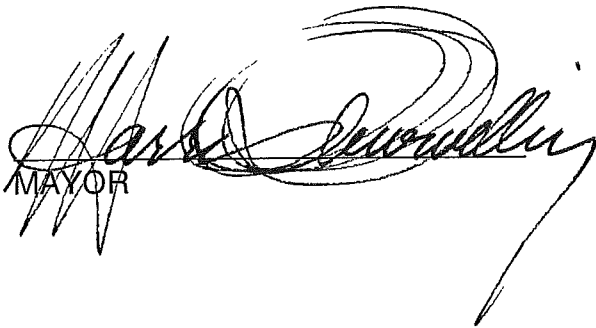
Notwithstanding anything in this bylaw, a Limousine Service, Limousine vehicle. Sedan Service, Sedan vehicle or chauffeur in existence as at the date of this bylaw shall not be guilty of the offence of not having a license, provided that they are in possession of a valid license(s) by noon of October 1, 2007.

READ A FIRST TIME IN OPEN COUNCIL this 30th day of July 2007

READ A SECOND TIME IN OPEN COUNCIL this 30th day of July 2007

READ A THIRD TIME IN OPEN COUNCIL this 30th day of July 2007

AND SIGNED BY THE MAYOR AND CITY CLERK this 30th day of July 2007


MAYOR


CITY CLERK

Schedule A - FEES

All Licenses expire January 31 of the following year in which they were issued

YEAR	2007	2008
Resident Limousine Service License	\$ 65.00	\$ 200.00
Resident Single Event Limousine License - one per calendar year	35.00	100.00
Non-Resident Limousine Service License	135.00	400.00
Non-Resident Single Event Limousine License - one per calendar year	65.00	200.00
Limousine Vehicle Identification License	15.00	40.00
Chauffeur License	10.00	35.00
Resident Sedan Service License	65.00	200.00
Resident Single Event Sedan License - one per calendar year	35.00	100.00
Non-Resident Sedan Service License	135.00	400.00
Non-Resident Single Event Sedan License - one per calendar year	65.00	200.00
Sedan Vehicle Identification License	15.00	40.00
Limousine or Sedan Vehicle Identification License - Replacement or Transfer	35.00	35.00
Re-instatement Fee – Any License	100.00	100.00

Schedule B - RATES**SEDAN**

A minimum rate of \$60.00 shall be charged for the first hour. After the first hour, portions of no less than half hour increments may be charged.

LIMOUSINE

A minimum rate of \$100.00 shall be charged for the first hour. After the first hour, portions of no less than half hour increments may be charged.

There will be an annual rate increase applied to each rate. It will be calculated by using the amount of the Alberta average Consumer Price Index (CPI) rounded to the nearest dollar and will be effective October 1 of each year, starting October 2008.

Schedule C - FINES

		1 st Offence	2nd & subsequent Offence
3 (1)(a)	Operating without a Limousine Business or Sedan Business License	\$1500.00	Mandatory Court Appearance
3 (1)(c)	Operating without a Limousine Vehicle or Sedan Vehicle Identification License	\$1500.00	Mandatory Court Appearance
4 (1)	driving without a Chauffeur License	\$1500.00	Mandatory Court Appearance
8 (1)(a)	Operate on fixed route	\$1000.00	Mandatory Court Appearance
8 (1)(b)	Cruising city street or highway	\$1000.00	Mandatory Court Appearance
8 (1)(c)	Occupy a marked taxi stand	\$1000.00	Mandatory Court Appearance
8 (1)(d)	Picking up passengers in marked taxi zone/stand	\$1000.00	Mandatory Court Appearance
8 (1)(e)	Picking up non-pre-scheduled passengers	\$1000.00	Mandatory Court Appearance
8 (1)(f) 8 (1)(g)	Failing to have the proper documents	\$1000.00	Suspension
8 (1)(j)	Not ensuring minimum rate charged	\$1000.00	Suspension



FILE

LEGISLATIVE & ADMINISTRATIVE SERVICES

July 31, 2007

Mr. John Whittingham
Alberta Gold Taxi Ltd.
Box 280, 4819 – 48 Avenue
Red Deer, AB T4N 3T2

Dear Mr. Whittingham:

*Re: Limousine Bylaw 3386/2007
Limousine and Sedan Bylaw 3394/2007*

At the Monday, July 30, 2007 Council Meeting, Council reviewed amendments proposed to the Limousine Bylaw 3386/2007. Following discussion, due to the number of amendments proposed, Council agreed to abandon Limousine Bylaw 3386/2007, which had been given first reading on July 3, 2007.

Council then considered Limousine and Sedan Bylaw 3394/2007 which includes all of the amendments proposed to the original Limousine Bylaw and gave three readings to the Limousine and Sedan Bylaw 3394/2007. A copy of the bylaw is attached for your information.

Thank you for submitting your comments during this process.

Please call if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kelly Kloss'.

Kelly Kloss
Manager
/attach.

c D. Mann, License Inspector

BYLAW NO. 3394/2007

A Bylaw to License and Regulate the use of Limousines and Sedans for hire within the limits of The City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1 This Bylaw may be cited as the Limousine and Sedan Bylaw.

2 DEFINITIONS

In this Bylaw unless otherwise specified:

“Bylaw Enforcement Officer” means any person authorized to enforce City bylaws and includes the License Inspector;

“Chauffeur” means any person who is in possession of a current and valid City of Red Deer Chauffeur License;

“Chauffeur License” means a license issued to a person for the purpose of driving a limousine or sedan;

“License Inspector” means the Inspections and Licensing Manager for The City or any designated member of the Inspections and Licensing Department for The City;

“Limousine” means a motor vehicle for hire, not equipped with a meter, to transport persons, which has a minimum seating capacity of five (5) passengers in the rear compartment which shall include, but is not limited to, formal limousine, stretched limousine, super, mega and ultra stretched limousines

“Limousine Service” means the business of providing limousines for transporting persons;

“Limousine Vehicle Identification License” means The City of Red Deer identification issued under this bylaw for attachment to a limousine vehicle;

“Mechanical Fitness Report” means a form approved by the License Inspector and signed by a licensed mechanic which shall contain such information as the License Inspector may require but in any event shall certify that the vehicle is safe, fit and include information as to the safety and condition of the steering mechanism, brake system, bodywork, including conditions of doors and locks,

windows, electrical light and signal systems, exhaust system, tire wear and condition and that the vehicle is suitable to convey passengers;

"Motor Vehicle for hire" means a vehicle propelled by any power other than muscular power;

"Non-resident" means a person, business or corporation that is not a resident as defined in this bylaw;

"Peace Officer", "Special Constable", and "Bylaw Enforcement Officer" means any employee of The City appointed as a Special Constable or Bylaw Enforcement Officer and any member of the Canadian Corps of Commissionaires or the City Detachment of the R.C.M.P. appointed or assigned to enforce the provisions of this bylaw;

"Person" means a natural person or body corporate and includes a partnership, a group of persons acting in concert, or an association;

"Pre-scheduled" means a minimum of one (1) hour before a trip begins;

"Resident" means a person, business or corporation that has a business location in the city of Red Deer with a valid Occupancy Permit or resides in the city of Red Deer, and has a valid Home Occupation License for a Limousine or Sedan Service;

"Sedan" means a full sized, four door, motor vehicle for hire, not equipped with a meter, to transport persons. which has a maximum seating capacity of not more than four (4) passengers in the rear compartment;

"Sedan Service" means the business of providing sedans for transporting persons;

"Sedan Vehicle Identification License" means The City of Red Deer identification issued under this bylaw for attachment to a sedan vehicle;

"Single Event" means the use of a Limousine or Sedan in a twenty four (24) hour period once in a calendar year".

3 LICENSES – BUSINESS AND VEHICLES

ALL APPLICANTS

- (1) No person shall operate a Limousine Service or Sedan Service or Limousine or Sedan without the following:

- (a) a valid Occupancy Permit, Home Occupation License or Non Resident Business License obtained pursuant to The City of Red Deer bylaws,
 - (b) a City of Red Deer Chauffeur License,
 - (c) a Limousine Vehicle or Sedan Vehicle License Identification tag attached to each Limousine or Sedan as issued hereunder.
- (2) Any person who wishes to operate a Limousine Service or Sedan Service or Limousine Vehicle or Sedan Vehicle shall obtain the applicable licenses by making application to the License Inspector and paying the applicable fee as set out in Schedule "A".
- (3) All applications shall be in writing and shall include identification of the registered owner; mechanical inspection, and proof of valid insurance with respect to all limousines and sedans to be used and the following information:

NON-CORPORATION

- (i) full name, address and telephone number of the business and the individual completing the application;
- (ii) list of all convictions, both criminal and traffic, in any jurisdiction;
- (iii) such other information as the License Inspector may reasonably require.

CORPORATION

- (iv) corporate name, business address and telephone number of the corporation and the individual completing the application;
- (v) copy of minutes and articles of incorporation, Certificate of Incorporation and Certificate of Good Standing with respect to the corporation;
- (vi) full name, address and telephone number of all shareholders, directors and office holders of the corporation;
- (vii) list of all convictions of the corporation, its shareholders and directors both criminal and traffic in any jurisdiction;
- (viii) such other information that the License Inspector may reasonably require.

4 CHAUFFEUR LICENSES

- (1) No person shall drive a Limousine or Sedan or act as a Limousine or Sedan Chauffeur without being in possession of a valid City of Red Deer Chauffeur License obtained pursuant to this bylaw. A licensed automotive mechanic may perform a test drive and not be in breach of this section.
- (2) Any person who wishes to drive a Limousine or Sedan or act as a Limousine or Sedan Chauffeur shall obtain the applicable license by making application to the License Inspector and paying the applicable fee set out in Schedule "A".
- (3) The application shall be in writing and shall contain the following information:
 - (a) full and correct name, address and telephone number of the applicant as well as the name and current address of the licensed business employing the applicant;
 - (b) evidence that the applicant is properly licensed under the laws of the Province of Alberta for the class of vehicle that will be operated;
 - (c) current abstract of driving record from the Province of Alberta and from any territory or Province where the applicant has previously had a drivers license, dated within 30 days of application date;
 - (d) a list of all convictions, criminal, traffic and otherwise in any jurisdiction;
 - (e) such other information that the License Inspector may reasonably require;
 - (f) on initial application, evidence the applicant has completed a driver improvement course recognized by the City, taken within 6 months of application OR proof the applicant is registered to take a driver improvement course within 30 days of application date.

5 TERM AND RENEWAL OF LICENSES

- (1) A Chauffeurs License shall be valid until January 31 in the year following the year in which it was issued. An application for a new license may be made at any time during the year.

- (2) A Limousine Business License or Sedan Business License shall be valid until January 31 in the year following the year in which it was issued. An application for a new license may be made at any time during the year.
- (3) A Limousine Vehicle Identification License or Sedan Vehicle Identification License shall be valid until January 31 in the year following the year in which it was issued. An application for a new license may be made at any time during the year.
- (4) A renewal application for any license required by this bylaw shall be made no later than January 31 of the year for which the license is to be renewed. If a renewal application is not received by January 31, it will be deemed expired and a new application will be required.

6 DUTY TO ADVISE OF CHANGE IN INFORMATION

A licensee must advise The City of any changes in the information required under Sections 3 and 4;

- (a) on an application to renew its license; and
- (b) during the currency of any license, within 30 days of any changes to such information.

7 TRANSFER OF VEHICLE IDENTIFICATION LICENSE TO ANOTHER VEHICLE

- (1) Should a vehicle licensee desire to substitute another limousine or sedan motor vehicle for any limousine or sedan motor vehicle for which an identification tag has been issued, such licensee shall deliver to the License Inspector the identification tag issued and the information concerning the limousine or sedan motor vehicle to be substituted as the License Inspector may require, including;
 - a) a Mechanical Fitness Report;
 - b) evidence of registration;
 - c) evidence of insurance;
 - d) such other information as the License Inspector may reasonably require to ensure conformity with this bylaw.
- (2) When the License Inspector is satisfied that the motor vehicle proposed to be substituted complies with this bylaw and is safe, fit and suitable for use and that the above conditions have been met, he shall, upon payment by the licensee of the fee required in Schedule "A", reissue to the licensee the vehicle identification tag for the motor vehicle so substituted.

8 OPERATING REQUIREMENTS

- (1) A person operating a Limousine or Sedan or Limousine service or Sedan service;
 - (a) shall not operate on a fixed or scheduled route
 - (b) shall not cruise city streets or highways for the purpose of soliciting work;
 - (c) shall not occupy a marked taxi stand
 - (d) shall not pick up passengers in a marked taxi zone or taxicab stand
 - (e) Shall not accept passengers unless the service was previously scheduled a minimum of one (1) hour in advance;
 - (f) shall ensure all trips are pre-scheduled, contracts are signed and log books are kept in the vehicle, as to the date and time the trip is booked, the date and time of the trip, number of passengers, place of pick up and destination for each trip;
 - (g) shall ensure all signed contracts and log books are kept safe and secure for a minimum of one year from the time of the trip.
 - (h) shall ensure that when on duty will present a clean, neat and well groomed appearance and
 - (i) shall wear clothing that is neat, clean and appropriate for transporting persons.
 - (j) shall ensure the minimum rates are charged in accordance with Schedule B.

9 POWERS OF LICENSE INSPECTOR

- (1) The License Inspector is hereby authorized to:
 - (a) inspect or cause to be inspected any vehicle which is used to provide services under this bylaw;

- (b) refuse to issue or renew any license where, in the reasonable opinion of the License Inspector, the applicant does not comply with the requirements of this bylaw;
- (c) revoke or suspend any license if, in the reasonable opinion of the License Inspector, the licensee has not complied with or is breaching any provision of this bylaw;
- (d) revoke or refuse to issue a Chauffeur License under this bylaw where, in the reasonable opinion of the License Inspector, the person applying for a license or to whom a license has been issued:
 - (i) has a driving record which makes the driver unfit to drive a public conveyance;
 - (ii) the character, conduct or state of health makes the driver unfit to drive a public conveyance;
 - (iii) the driver does not comply with the requirements or is in breach of any of the provisions of this bylaw;
- (e) require a driver to undergo additional driver improvement or driver training courses;
- (f) prescribe and authorize the forms, licenses and certificates to be used or issued under this bylaw.

10 INSPECTION OF DOCUMENTS

Every licensee under this bylaw shall upon the demand of the License Inspector, Bylaw Enforcement Officer or Peace Officer produce any license or document, which the licensee may be required to have under this bylaw.

11 MECHANICAL FITNESS OF VEHICLES

- (1) The License Inspector may require any vehicle used to provide services under this bylaw to undergo such inspections for safety and mechanical fitness and to undergo such repairs as in the reasonable discretion of the License Inspector is deemed necessary for the safety of the public; such inspections are not limited to but may include as follows:
 - (a) the yearly provision of a Mechanical Fitness Report prepared by a licensed mechanic;

- (b) the repair and correction of any deficiencies and the provision of a further Mechanical Fitness Report confirming same.
- (2) All costs of inspections and repairs shall be paid for by the licensee.
- (3) No person shall obstruct or interfere with any inspection required under this bylaw.

12 APPEAL

A decision of the License Inspector made pursuant to Sec. 9 (1),(b),(c), and (d) of this bylaw may be appealed to City Council on written notice of appeal delivered to the License Inspector not later than 30 days following such decision.

13 ANNUAL LICENSE FEES

The License Fees under this bylaw are set out in Schedule "A" annexed hereto and made part of this bylaw.

14 RATES TO BE CHARGED FOR LIMOUSINE OR SEDAN SERVICES

The minimum rate to be charged for the hire of a Limousine or Sedan is set out in Schedule "B" annexed hereto and made part of this bylaw. There shall be no charges for portions of an hour for the first hour. After the first hour, portions of no less than half hour increments may be charged.

15 OFFENCES AND PENALTIES

- (1) Any person who contravenes the provisions of this bylaw shown in Schedule "C" is guilty of an offence and liable to pay a fine as specified in Schedule "C" which is annexed hereto and made part of this bylaw.
- (2) Any person who contravenes a provision of this bylaw not listed in Schedule "C" is guilty of an offence and liable upon summary conviction to pay a fine of not less than \$250.00 and not more than \$2500.00 and in default of payment to imprisonment for a period not exceeding 6 months.
- (3) Any person who contravenes any provision of this bylaw and is found guilty of a second or subsequent offence is liable upon summary conviction to pay a fine of not less than \$5000.00 and not more than

\$10,000.00 and in default of payment to imprisonment for a period not exceeding six months.

- (4) A Peace Officer, License Inspector, or Bylaw Enforcement Officer who has reasonable grounds to believe that any person has contravened any provision of this bylaw shall:
 - (a) in the case of a contravention set out in Schedule "C" serve upon such person an offence ticket allowing for payment of the specified penalty to The City in lieu of prosecution of the offence;
 - (b) in all other instances serve upon such person a summons requiring the person to appear in court.
 - (c) authorize the removal, or cause to be removed, any vehicle found operating in contravention of this bylaw.
 - (i) No impounded vehicle shall be released to its owner or his agent until the impounding charge and removal charge on the vehicle have been paid, such charges shall be in addition to any fine or penalty imposed in respect of any such violation, or to any payment made in lieu of prosecution herein provided. The City is not responsible for impounding, towing, or removal charges.
- (5) In addition to any penalty(s) the person must pay the applicable license fee(s).

16 EXEMPTIONS

Notwithstanding any other provision in this bylaw the License Inspector may grant an exemption for the following;

- (1) Taxi's licensed under the Taxi Business Bylaw;
- (2) City of Red Deer Transit Services;
- (3) private courtesy transportation such as provided by a car dealership or garage for its customers, and
- (4) transporting operations connected with adult or senior living residences for which no fee is charged,
- (5) busing operations connected with Public or Separate School Boards

- (6) motor vehicles used in the course of providing care to clients who require personal assistance with activities of daily living.
- (7) Funeral vehicles operating within the scope of a funeral service.

17 GENERAL

- (1) All Limousine Business, Sedan Business and Chauffeur licenses issued pursuant to this bylaw are the property of the City and may not be transferred.
- (2) No license may be issued or renewed if the applicant, or any individual or corporation named in the application, has an unpaid fine owing to the City for an offence under this bylaw.
- (3) A copy of a record of the City, certified by the Inspections and Licensing Manager as a true copy of the original, shall be admitted as evidence as prima facia proof of the facts stated in the record without proof of the appointment or signature of the person signing it.
- (4) In any prosecution for an offence, where a question arises as to whether a person had a valid and subsisting License, the burden is on that person to establish that the License was valid and subsisting.

18 SEVERABILITY

The invalidity of any provision of this Bylaw shall not affect the validity of the remainder.

19 TRANSITIONAL

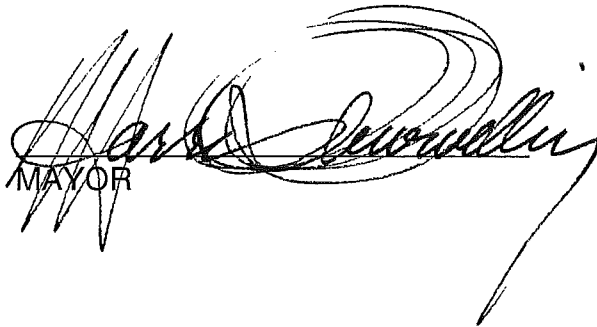
Notwithstanding anything in this bylaw, a Limousine Service, Limousine vehicle, Sedan Service, Sedan vehicle or chauffeur in existence as at the date of this bylaw shall not be guilty of the offence of not having a license, provided that they are in possession of a valid license(s) by noon of October 1, 2007.

READ A FIRST TIME IN OPEN COUNCIL this 30th day of July 2007

READ A SECOND TIME IN OPEN COUNCIL this 30th day of July 2007

READ A THIRD TIME IN OPEN COUNCIL this 30th day of July 2007

AND SIGNED BY THE MAYOR AND CITY CLERK this 30th day of July 2007


MAYOR


CITY CLERK

Schedule A - FEES

All Licenses expire January 31 of the following year in which they were issued

YEAR	2007	2008
Resident Limousine Service License	\$ 65.00	\$ 200.00
Resident Single Event Limousine License - one per calendar year	35.00	100.00
Non-Resident Limousine Service License	135.00	400.00
Non-Resident Single Event Limousine License - one per calendar year	65.00	200.00
Limousine Vehicle Identification License	15.00	40.00
Chauffeur License	10.00	35.00
Resident Sedan Service License	65.00	200.00
Resident Single Event Sedan License - one per calendar year	35.00	100.00
Non-Resident Sedan Service License	135.00	400.00
Non-Resident Single Event Sedan License - one per calendar year	65.00	200.00
Sedan Vehicle Identification License	15.00	40.00
Limousine or Sedan Vehicle Identification License - Replacement or Transfer	35.00	35.00
Re-instatement Fee – Any License	100.00	100.00

Schedule B - RATES**SEDAN**

A minimum rate of \$60.00 shall be charged for the first hour. After the first hour, portions of no less than half hour increments may be charged.

LIMOUSINE

A minimum rate of \$100.00 shall be charged for the first hour. After the first hour, portions of no less than half hour increments may be charged.

There will be an annual rate increase applied to each rate. It will be calculated by using the amount of the Alberta average Consumer Price Index (CPI) rounded to the nearest dollar and will be effective October 1 of each year, starting October 2008.

Schedule C - FINES

		<u>1st Offence</u>	<u>2nd & subsequent Offence</u>
3 (1)(a)	Operating without a Limousine Business or Sedan Business License	\$1500.00	Mandatory Court Appearance
3 (1)(c)	Operating without a Limousine Vehicle or Sedan Vehicle Identification License	\$1500.00	Mandatory Court Appearance
4 (1)	driving without a Chauffeur License	\$1500.00	Mandatory Court Appearance
8 (1)(a)	Operate on fixed route	\$1000.00	Mandatory Court Appearance
8 (1)(b)	Cruising city street or highway	\$1000.00	Mandatory Court Appearance
8 (1)(c)	Occupy a marked taxi stand	\$1000.00	Mandatory Court Appearance
8 (1)(d)	Picking up passengers in marked taxi zone/stand	\$1000.00	Mandatory Court Appearance
8 (1)(e)	Picking up non-pre-scheduled passengers	\$1000.00	Mandatory Court Appearance
8 (1)(f) 8 (1)(g)	Failing to have the proper documents	\$1000.00	Suspension
8 (1)(j)	Not ensuring minimum rate charged	\$1000.00	Suspension



FILE

LEGISLATIVE & ADMINISTRATIVE SERVICES

July 31, 2007

Mr. Daryl Frenette
Premier Limousine Services Ltd. &
Associated Cab
6812 – 52 Avenue
Red Deer, AB T4W 4L1

Dear Mr. Frenette:

Re: *Limousine Bylaw 3386/2007*
Limousine and Sedan Bylaw 3394/2007

At the Monday, July 30, 2007 Council Meeting, Council reviewed amendments proposed to the Limousine Bylaw 3386/2007. Following discussion, due to the number of amendments proposed, Council agreed to abandon Limousine Bylaw 3386/2007, which had been given first reading on July 3, 2007.

Council then considered Limousine and Sedan Bylaw 3394/2007 which includes all of the amendments proposed to the original Limousine Bylaw and gave three readings to the Limousine and Sedan Bylaw 3394/2007. A copy of the bylaw is attached for your information.

Thank you for submitting your comments during this process.

Please call if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kelly Kloss'.

Kelly Kloss
Manager
/attach.

c D. Mann, License Inspector

BYLAW NO. 3394/2007

A Bylaw to License and Regulate the use of Limousines and Sedans for hire within the limits of The City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1 This Bylaw may be cited as the Limousine and Sedan Bylaw.

2 DEFINITIONS

In this Bylaw unless otherwise specified:

"Bylaw Enforcement Officer" means any person authorized to enforce City bylaws and includes the License Inspector;

"Chauffeur" means any person who is in possession of a current and valid City of Red Deer Chauffeur License;

"Chauffeur License" means a license issued to a person for the purpose of driving a limousine or sedan;

"License Inspector" means the Inspections and Licensing Manager for The City or any designated member of the Inspections and Licensing Department for The City;

"Limousine" means a motor vehicle for hire, not equipped with a meter, to transport persons, which has a minimum seating capacity of five (5) passengers in the rear compartment which shall include, but is not limited to, formal limousine, stretched limousine, super, mega and ultra stretched limousines

"Limousine Service" means the business of providing limousines for transporting persons;

"Limousine Vehicle Identification License" means The City of Red Deer identification issued under this bylaw for attachment to a limousine vehicle;

"Mechanical Fitness Report" means a form approved by the License Inspector and signed by a licensed mechanic which shall contain such information as the License Inspector may require but in any event shall certify that the vehicle is safe, fit and include information as to the safety and condition of the steering mechanism, brake system, bodywork, including conditions of doors and locks,

windows, electrical light and signal systems, exhaust system, tire wear and condition and that the vehicle is suitable to convey passengers;

"Motor Vehicle for hire" means a vehicle propelled by any power other than muscular power;

"Non-resident" means a person, business or corporation that is not a resident as defined in this bylaw;

"Peace Officer", "Special Constable", and "Bylaw Enforcement Officer" means any employee of The City appointed as a Special Constable or Bylaw Enforcement Officer and any member of the Canadian Corps of Commissionaires or the City Detachment of the R.C.M.P. appointed or assigned to enforce the provisions of this bylaw;

"Person" means a natural person or body corporate and includes a partnership, a group of persons acting in concert, or an association;

"Pre-scheduled" means a minimum of one (1) hour before a trip begins;

"Resident" means a person, business or corporation that has a business location in the city of Red Deer with a valid Occupancy Permit or resides in the city of Red Deer, and has a valid Home Occupation License for a Limousine or Sedan Service;

"Sedan" means a full sized, four door, motor vehicle for hire, not equipped with a meter, to transport persons. which has a maximum seating capacity of not more than four (4) passengers in the rear compartment;

"Sedan Service" means the business of providing sedans for transporting persons;

"Sedan Vehicle Identification License" means The City of Red Deer identification issued under this bylaw for attachment to a sedan vehicle;

"Single Event" means the use of a Limousine or Sedan in a twenty four (24) hour period once in a calendar year".

3 LICENSES – BUSINESS AND VEHICLES

ALL APPLICANTS

- (1) No person shall operate a Limousine Service or Sedan Service or Limousine or Sedan without the following:

- (a) a valid Occupancy Permit, Home Occupation License or Non Resident Business License obtained pursuant to The City of Red Deer bylaws,
 - (b) a City of Red Deer Chauffeur License,
 - (c) a Limousine Vehicle or Sedan Vehicle License Identification tag attached to each Limousine or Sedan as issued hereunder.
- (2) Any person who wishes to operate a Limousine Service or Sedan Service or Limousine Vehicle or Sedan Vehicle shall obtain the applicable licenses by making application to the License Inspector and paying the applicable fee as set out in Schedule "A".
- (3) All applications shall be in writing and shall include identification of the registered owner; mechanical inspection, and proof of valid insurance with respect to all limousines and sedans to be used and the following information:

NON-CORPORATION

- (i) full name, address and telephone number of the business and the individual completing the application;
- (ii) list of all convictions, both criminal and traffic, in any jurisdiction;
- (iii) such other information as the License Inspector may reasonably require.

CORPORATION

- (iv) corporate name, business address and telephone number of the corporation and the individual completing the application;
- (v) copy of minutes and articles of incorporation, Certificate of Incorporation and Certificate of Good Standing with respect to the corporation;
- (vi) full name, address and telephone number of all shareholders, directors and office holders of the corporation;
- (vii) list of all convictions of the corporation, its shareholders and directors both criminal and traffic in any jurisdiction;
- (viii) such other information that the License Inspector may reasonably require.

4 CHAUFFEUR LICENSES

- (1) No person shall drive a Limousine or Sedan or act as a Limousine or Sedan Chauffeur without being in possession of a valid City of Red Deer Chauffeur License obtained pursuant to this bylaw. A licensed automotive mechanic may perform a test drive and not be in breach of this section.
- (2) Any person who wishes to drive a Limousine or Sedan or act as a Limousine or Sedan Chauffeur shall obtain the applicable license by making application to the License Inspector and paying the applicable fee set out in Schedule "A".
- (3) The application shall be in writing and shall contain the following information:
 - (a) full and correct name, address and telephone number of the applicant as well as the name and current address of the licensed business employing the applicant;
 - (b) evidence that the applicant is properly licensed under the laws of the Province of Alberta for the class of vehicle that will be operated;
 - (c) current abstract of driving record from the Province of Alberta and from any territory or Province where the applicant has previously had a drivers license, dated within 30 days of application date;
 - (d) a list of all convictions, criminal, traffic and otherwise in any jurisdiction;
 - (e) such other information that the License Inspector may reasonably require;
 - (f) on initial application, evidence the applicant has completed a driver improvement course recognized by the City, taken within 6 months of application OR proof the applicant is registered to take a driver improvement course within 30 days of application date.

5 TERM AND RENEWAL OF LICENSES

- (1) A Chauffeurs License shall be valid until January 31 in the year following the year in which it was issued. An application for a new license may be made at any time during the year.

- (2) A Limousine Business License or Sedan Business License shall be valid until January 31 in the year following the year in which it was issued. An application for a new license may be made at any time during the year.
- (3) A Limousine Vehicle Identification License or Sedan Vehicle Identification License shall be valid until January 31 in the year following the year in which it was issued. An application for a new license may be made at any time during the year.
- (4) A renewal application for any license required by this bylaw shall be made no later than January 31 of the year for which the license is to be renewed. If a renewal application is not received by January 31, it will be deemed expired and a new application will be required.

6 DUTY TO ADVISE OF CHANGE IN INFORMATION

A licensee must advise The City of any changes in the information required under Sections 3 and 4;

- (a) on an application to renew its license; and
- (b) during the currency of any license, within 30 days of any changes to such information.

7 TRANSFER OF VEHICLE IDENTIFICATION LICENSE TO ANOTHER VEHICLE

- (1) Should a vehicle licensee desire to substitute another limousine or sedan motor vehicle for any limousine or sedan motor vehicle for which an identification tag has been issued, such licensee shall deliver to the License Inspector the identification tag issued and the information concerning the limousine or sedan motor vehicle to be substituted as the License Inspector may require, including;
 - a) a Mechanical Fitness Report;
 - b) evidence of registration;
 - c) evidence of insurance;
 - d) such other information as the License Inspector may reasonably require to ensure conformity with this bylaw.
- (2) When the License Inspector is satisfied that the motor vehicle proposed to be substituted complies with this bylaw and is safe, fit and suitable for use and that the above conditions have been met, he shall, upon payment by the licensee of the fee required in Schedule "A", reissue to the licensee the vehicle identification tag for the motor vehicle so substituted.

8 OPERATING REQUIREMENTS

- (1) A person operating a Limousine or Sedan or Limousine service or Sedan service;
 - (a) shall not operate on a fixed or scheduled route
 - (b) shall not cruise city streets or highways for the purpose of soliciting work;
 - (c) shall not occupy a marked taxi stand
 - (d) shall not pick up passengers in a marked taxi zone or taxicab stand
 - (e) Shall not accept passengers unless the service was previously scheduled a minimum of one (1) hour in advance;
 - (f) shall ensure all trips are pre-scheduled, contracts are signed and log books are kept in the vehicle, as to the date and time the trip is booked, the date and time of the trip, number of passengers, place of pick up and destination for each trip;
 - (g) shall ensure all signed contracts and log books are kept safe and secure for a minimum of one year from the time of the trip.
 - (h) shall ensure that when on duty will present a clean, neat and well groomed appearance and
 - (i) shall wear clothing that is neat, clean and appropriate for transporting persons.
 - (j) shall ensure the minimum rates are charged in accordance with Schedule B.

9 POWERS OF LICENSE INSPECTOR

- (1) The License Inspector is hereby authorized to:
 - (a) inspect or cause to be inspected any vehicle which is used to provide services under this bylaw;

- (b) refuse to issue or renew any license where, in the reasonable opinion of the License Inspector, the applicant does not comply with the requirements of this bylaw;
- (c) revoke or suspend any license if, in the reasonable opinion of the License Inspector, the licensee has not complied with or is breaching any provision of this bylaw;
- (d) revoke or refuse to issue a Chauffeur License under this bylaw where, in the reasonable opinion of the License Inspector, the person applying for a license or to whom a license has been issued:
 - (i) has a driving record which makes the driver unfit to drive a public conveyance;
 - (ii) the character, conduct or state of health makes the driver unfit to drive a public conveyance;
 - (iii) the driver does not comply with the requirements or is in breach of any of the provisions of this bylaw;
- (e) require a driver to undergo additional driver improvement or driver training courses;
- (f) prescribe and authorize the forms, licenses and certificates to be used or issued under this bylaw.

10 INSPECTION OF DOCUMENTS

Every licensee under this bylaw shall upon the demand of the License Inspector, Bylaw Enforcement Officer or Peace Officer produce any license or document, which the licensee may be required to have under this bylaw.

11 MECHANICAL FITNESS OF VEHICLES

- (1) The License Inspector may require any vehicle used to provide services under this bylaw to undergo such inspections for safety and mechanical fitness and to undergo such repairs as in the reasonable discretion of the License Inspector is deemed necessary for the safety of the public; such inspections are not limited to but may include as follows:
 - (a) the yearly provision of a Mechanical Fitness Report prepared by a licensed mechanic;

- (b) the repair and correction of any deficiencies and the provision of a further Mechanical Fitness Report confirming same.
- (2) All costs of inspections and repairs shall be paid for by the licensee.
- (3) No person shall obstruct or interfere with any inspection required under this bylaw.

12 APPEAL

A decision of the License Inspector made pursuant to Sec. 9 (1),(b),(c), and (d) of this bylaw may be appealed to City Council on written notice of appeal delivered to the License Inspector not later than 30 days following such decision.

13 ANNUAL LICENSE FEES

The License Fees under this bylaw are set out in Schedule "A" annexed hereto and made part of this bylaw.

14 RATES TO BE CHARGED FOR LIMOUSINE OR SEDAN SERVICES

The minimum rate to be charged for the hire of a Limousine or Sedan is set out in Schedule "B" annexed hereto and made part of this bylaw. There shall be no charges for portions of an hour for the first hour. After the first hour, portions of no less than half hour increments may be charged.

15 OFFENCES AND PENALTIES

- (1) Any person who contravenes the provisions of this bylaw shown in Schedule "C" is guilty of an offence and liable to pay a fine as specified in Schedule "C" which is annexed hereto and made part of this bylaw.
- (2) Any person who contravenes a provision of this bylaw not listed in Schedule "C" is guilty of an offence and liable upon summary conviction to pay a fine of not less than \$250.00 and not more than \$2500.00 and in default of payment to imprisonment for a period not exceeding 6 months.
- (3) Any person who contravenes any provision of this bylaw and is found guilty of a second or subsequent offence is liable upon summary conviction to pay a fine of not less than \$5000.00 and not more than

\$10,000.00 and in default of payment to imprisonment for a period not exceeding six months.

- (4) A Peace Officer, License Inspector, or Bylaw Enforcement Officer who has reasonable grounds to believe that any person has contravened any provision of this bylaw shall:
 - (a) in the case of a contravention set out in Schedule "C" serve upon such person an offence ticket allowing for payment of the specified penalty to The City in lieu of prosecution of the offence;
 - (b) in all other instances serve upon such person a summons requiring the person to appear in court.
 - (c) authorize the removal, or cause to be removed, any vehicle found operating in contravention of this bylaw.
 - (i) No impounded vehicle shall be released to its owner or his agent until the impounding charge and removal charge on the vehicle have been paid, such charges shall be in addition to any fine or penalty imposed in respect of any such violation, or to any payment made in lieu of prosecution herein provided. The City is not responsible for impounding, towing, or removal charges.
- (5) In addition to any penalty(s) the person must pay the applicable license fee(s).

16 EXEMPTIONS

Notwithstanding any other provision in this bylaw the License Inspector may grant an exemption for the following;

- (1) Taxi's licensed under the Taxi Business Bylaw;
- (2) City of Red Deer Transit Services;
- (3) private courtesy transportation such as provided by a car dealership or garage for its customers, and
- (4) transporting operations connected with adult or senior living residences for which no fee is charged,
- (5) busing operations connected with Public or Separate School Boards

- (6) motor vehicles used in the course of providing care to clients who require personal assistance with activities of daily living.
- (7) Funeral vehicles operating within the scope of a funeral service.

17 GENERAL

- (1) All Limousine Business, Sedan Business and Chauffeur licenses issued pursuant to this bylaw are the property of the City and may not be transferred.
- (2) No license may be issued or renewed if the applicant, or any individual or corporation named in the application, has an unpaid fine owing to the City for an offence under this bylaw.
- (3) A copy of a record of the City, certified by the Inspections and Licensing Manager as a true copy of the original, shall be admitted as evidence as prima facia proof of the facts stated in the record without proof of the appointment or signature of the person signing it.
- (4) In any prosecution for an offence, where a question arises as to whether a person had a valid and subsisting License, the burden is on that person to establish that the License was valid and subsisting.

18 SEVERABILITY

The invalidity of any provision of this Bylaw shall not affect the validity of the remainder.

19 TRANSITIONAL

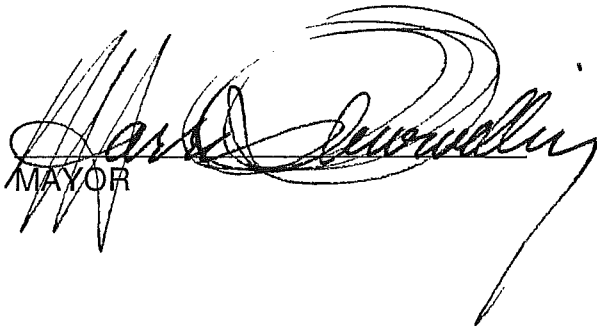
Notwithstanding anything in this bylaw, a Limousine Service, Limousine vehicle, Sedan Service, Sedan vehicle or chauffeur in existence as at the date of this bylaw shall not be guilty of the offence of not having a license, provided that they are in possession of a valid license(s) by noon of October 1, 2007.

READ A FIRST TIME IN OPEN COUNCIL this 30th day of July 2007

READ A SECOND TIME IN OPEN COUNCIL this 30th day of July 2007

READ A THIRD TIME IN OPEN COUNCIL this 30th day of July 2007

AND SIGNED BY THE MAYOR AND CITY CLERK this 30th day of July 2007



MAYOR



CITY CLERK

Schedule A - FEES

All Licenses expire January 31 of the following year in which they were issued

YEAR	2007	2008
Resident Limousine Service License	\$ 65.00	\$ 200.00
Resident Single Event Limousine License - one per calendar year	35.00	100.00
Non-Resident Limousine Service License	135.00	400.00
Non-Resident Single Event Limousine License - one per calendar year	65.00	200.00
Limousine Vehicle Identification License	15.00	40.00
Chauffeur License	10.00	35.00
Resident Sedan Service License	65.00	200.00
Resident Single Event Sedan License - one per calendar year	35.00	100.00
Non-Resident Sedan Service License	135.00	400.00
Non-Resident Single Event Sedan License - one per calendar year	65.00	200.00
Sedan Vehicle Identification License	15.00	40.00
Limousine or Sedan Vehicle Identification License - Replacement or Transfer	35.00	35.00
Re-instatement Fee – Any License	100.00	100.00

Schedule B - RATES**SEDAN**

A minimum rate of \$60.00 shall be charged for the first hour. After the first hour, portions of no less than half hour increments may be charged.

LIMOUSINE

A minimum rate of \$100.00 shall be charged for the first hour. After the first hour, portions of no less than half hour increments may be charged.

There will be an annual rate increase applied to each rate. It will be calculated by using the amount of the Alberta average Consumer Price Index (CPI) rounded to the nearest dollar and will be effective October 1 of each year, starting October 2008.

Schedule C - FINES

		<u>1st Offence</u>	<u>2nd & subsequent Offence</u>
3 (1)(a)	Operating without a Limousine Business or Sedan Business License	\$1500.00	Mandatory Court Appearance
3 (1)(c)	Operating without a Limousine Vehicle or Sedan Vehicle Identification License	\$1500.00	Mandatory Court Appearance
4 (1)	driving without a Chauffeur License	\$1500.00	Mandatory Court Appearance
8 (1)(a)	Operate on fixed route	\$1000.00	Mandatory Court Appearance
8 (1)(b)	Cruising city street or highway	\$1000.00	Mandatory Court Appearance
8 (1)(c)	Occupy a marked taxi stand	\$1000.00	Mandatory Court Appearance
8 (1)(d)	Picking up passengers in marked taxi zone/stand	\$1000.00	Mandatory Court Appearance
8 (1)(e)	Picking up non-pre-scheduled passengers	\$1000.00	Mandatory Court Appearance
8 (1)(f) 8 (1)(g)	Failing to have the proper documents	\$1000.00	Suspension
8 (1)(j)	Not ensuring minimum rate charged	\$1000.00	Suspension



FILE

LEGISLATIVE & ADMINISTRATIVE SERVICES

July 31 2007

Mr. Paul Richard
Arrow Limousine & Sedan Services Ltd.
70 Rupert Crescent
Red Deer, AB T4P 2Z1

Dear Mr. Richard:

Re: *Limousine Bylaw 3386/2007*
Limousine and Sedan Bylaw 3394/2007

At the Monday, July 30, 2007 Council Meeting, Council reviewed amendments proposed to the Limousine Bylaw 3386/2007. Following discussion, due to the number of amendments proposed, Council agreed to abandon Limousine Bylaw 3386/2007, which had been given first reading on July 3, 2007.

Council then considered Limousine and Sedan Bylaw 3394/2007 which includes all of the amendments proposed to the original Limousine Bylaw and gave three readings to the Limousine and Sedan Bylaw 3394/2007. A copy of the bylaw is attached for your information.

Thank you for submitting your comments during this process.

Please call if you have any questions.

Sincerely,



Kelly Kloss
Manager
/attach.

c D. Mann, License Inspector

BYLAW NO. 3394/2007

A Bylaw to License and Regulate the use of Limousines and Sedans for hire within the limits of The City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1 This Bylaw may be cited as the Limousine and Sedan Bylaw.

2 **DEFINITIONS**

In this Bylaw unless otherwise specified:

"Bylaw Enforcement Officer" means any person authorized to enforce City bylaws and includes the License Inspector;

"Chauffeur" means any person who is in possession of a current and valid City of Red Deer Chauffeur License;

"Chauffeur License" means a license issued to a person for the purpose of driving a limousine or sedan;

"License Inspector" means the Inspections and Licensing Manager for The City or any designated member of the Inspections and Licensing Department for The City;

"Limousine" means a motor vehicle for hire, not equipped with a meter, to transport persons, which has a minimum seating capacity of five (5) passengers in the rear compartment which shall include, but is not limited to, formal limousine, stretched limousine, super, mega and ultra stretched limousines

"Limousine Service" means the business of providing limousines for transporting persons;

"Limousine Vehicle Identification License" means The City of Red Deer identification issued under this bylaw for attachment to a limousine vehicle;

"Mechanical Fitness Report" means a form approved by the License Inspector and signed by a licensed mechanic which shall contain such information as the License Inspector may require but in any event shall certify that the vehicle is safe, fit and include information as to the safety and condition of the steering mechanism, brake system, bodywork, including conditions of doors and locks,

windows, electrical light and signal systems, exhaust system, tire wear and condition and that the vehicle is suitable to convey passengers;

"Motor Vehicle for hire" means a vehicle propelled by any power other than muscular power;

"Non-resident" means a person, business or corporation that is not a resident as defined in this bylaw;

"Peace Officer", "Special Constable", and "Bylaw Enforcement Officer" means any employee of The City appointed as a Special Constable or Bylaw Enforcement Officer and any member of the Canadian Corps of Commissionaires or the City Detachment of the R.C.M.P. appointed or assigned to enforce the provisions of this bylaw;

"Person" means a natural person or body corporate and includes a partnership, a group of persons acting in concert, or an association;

"Pre-scheduled" means a minimum of one (1) hour before a trip begins;

"Resident" means a person, business or corporation that has a business location in the city of Red Deer with a valid Occupancy Permit or resides in the city of Red Deer, and has a valid Home Occupation License for a Limousine or Sedan Service;

"Sedan" means a full sized, four door, motor vehicle for hire, not equipped with a meter, to transport persons. which has a maximum seating capacity of not more than four (4) passengers in the rear compartment;

"Sedan Service" means the business of providing sedans for transporting persons;

"Sedan Vehicle Identification License" means The City of Red Deer identification issued under this bylaw for attachment to a sedan vehicle;

"Single Event" means the use of a Limousine or Sedan in a twenty four (24) hour period once in a calendar year".

3 LICENSES – BUSINESS AND VEHICLES

ALL APPLICANTS

- (1) No person shall operate a Limousine Service or Sedan Service or Limousine or Sedan without the following:

- (a) a valid Occupancy Permit, Home Occupation License or Non Resident Business License obtained pursuant to The City of Red Deer bylaws,
 - (b) a City of Red Deer Chauffeur License,
 - (c) a Limousine Vehicle or Sedan Vehicle License Identification tag attached to each Limousine or Sedan as issued hereunder.
- (2) Any person who wishes to operate a Limousine Service or Sedan Service or Limousine Vehicle or Sedan Vehicle shall obtain the applicable licenses by making application to the License Inspector and paying the applicable fee as set out in Schedule "A".
- (3) All applications shall be in writing and shall include identification of the registered owner, mechanical inspection, and proof of valid insurance with respect to all limousines and sedans to be used and the following information:

NON-CORPORATION

- (i) full name, address and telephone number of the business and the individual completing the application;
- (ii) list of all convictions, both criminal and traffic, in any jurisdiction;
- (iii) such other information as the License Inspector may reasonably require.

CORPORATION

- (iv) corporate name, business address and telephone number of the corporation and the individual completing the application;
- (v) copy of minutes and articles of incorporation, Certificate of Incorporation and Certificate of Good Standing with respect to the corporation;
- (vi) full name, address and telephone number of all shareholders, directors and office holders of the corporation;
- (vii) list of all convictions of the corporation, its shareholders and directors both criminal and traffic in any jurisdiction;
- (viii) such other information that the License Inspector may reasonably require.

4 CHAUFFEUR LICENSES

- (1) No person shall drive a Limousine or Sedan or act as a Limousine or Sedan Chauffeur without being in possession of a valid City of Red Deer Chauffeur License obtained pursuant to this bylaw. A licensed automotive mechanic may perform a test drive and not be in breach of this section.
- (2) Any person who wishes to drive a Limousine or Sedan or act as a Limousine or Sedan Chauffeur shall obtain the applicable license by making application to the License Inspector and paying the applicable fee set out in Schedule "A".
- (3) The application shall be in writing and shall contain the following information:
 - (a) full and correct name, address and telephone number of the applicant as well as the name and current address of the licensed business employing the applicant;
 - (b) evidence that the applicant is properly licensed under the laws of the Province of Alberta for the class of vehicle that will be operated;
 - (c) current abstract of driving record from the Province of Alberta and from any territory or Province where the applicant has previously had a drivers license, dated within 30 days of application date;
 - (d) a list of all convictions, criminal, traffic and otherwise in any jurisdiction;
 - (e) such other information that the License Inspector may reasonably require;
 - (f) on initial application, evidence the applicant has completed a driver improvement course recognized by the City, taken within 6 months of application OR proof the applicant is registered to take a driver improvement course within 30 days of application date.

5 TERM AND RENEWAL OF LICENSES

- (1) A Chauffeurs License shall be valid until January 31 in the year following the year in which it was issued. An application for a new license may be made at any time during the year.

- (2) A Limousine Business License or Sedan Business License shall be valid until January 31 in the year following the year in which it was issued. An application for a new license may be made at any time during the year.
- (3) A Limousine Vehicle Identification License or Sedan Vehicle Identification License shall be valid until January 31 in the year following the year in which it was issued. An application for a new license may be made at any time during the year.
- (4) A renewal application for any license required by this bylaw shall be made no later than January 31 of the year for which the license is to be renewed. If a renewal application is not received by January 31, it will be deemed expired and a new application will be required.

6 DUTY TO ADVISE OF CHANGE IN INFORMATION

A licensee must advise The City of any changes in the information required under Sections 3 and 4;

- (a) on an application to renew its license; and
- (b) during the currency of any license, within 30 days of any changes to such information.

7 TRANSFER OF VEHICLE IDENTIFICATION LICENSE TO ANOTHER VEHICLE

- (1) Should a vehicle licensee desire to substitute another limousine or sedan motor vehicle for any limousine or sedan motor vehicle for which an identification tag has been issued, such licensee shall deliver to the License Inspector the identification tag issued and the information concerning the limousine or sedan motor vehicle to be substituted as the License Inspector may require, including;
 - a) a Mechanical Fitness Report;
 - b) evidence of registration;
 - c) evidence of insurance;
 - d) such other information as the License Inspector may reasonably require to ensure conformity with this bylaw.
- (2) When the License Inspector is satisfied that the motor vehicle proposed to be substituted complies with this bylaw and is safe, fit and suitable for use and that the above conditions have been met, he shall, upon payment by the licensee of the fee required in Schedule "A", reissue to the licensee the vehicle identification tag for the motor vehicle so substituted.

8 OPERATING REQUIREMENTS

- (1) A person operating a Limousine or Sedan or Limousine service or Sedan service;
 - (a) shall not operate on a fixed or scheduled route
 - (b) shall not cruise city streets or highways for the purpose of soliciting work;
 - (c) shall not occupy a marked taxi stand
 - (d) shall not pick up passengers in a marked taxi zone or taxicab stand
 - (e) Shall not accept passengers unless the service was previously scheduled a minimum of one (1) hour in advance;
 - (f) shall ensure all trips are pre-scheduled, contracts are signed and log books are kept in the vehicle, as to the date and time the trip is booked, the date and time of the trip, number of passengers, place of pick up and destination for each trip;
 - (g) shall ensure all signed contracts and log books are kept safe and secure for a minimum of one year from the time of the trip.
 - (h) shall ensure that when on duty will present a clean, neat and well groomed appearance and
 - (i) shall wear clothing that is neat, clean and appropriate for transporting persons.
 - (j) shall ensure the minimum rates are charged in accordance with Schedule B.

9 POWERS OF LICENSE INSPECTOR

- (1) The License Inspector is hereby authorized to:
 - (a) inspect or cause to be inspected any vehicle which is used to provide services under this bylaw;

- (b) refuse to issue or renew any license where, in the reasonable opinion of the License Inspector, the applicant does not comply with the requirements of this bylaw;
- (c) revoke or suspend any license if, in the reasonable opinion of the License Inspector, the licensee has not complied with or is breaching any provision of this bylaw;
- (d) revoke or refuse to issue a Chauffeur License under this bylaw where, in the reasonable opinion of the License Inspector, the person applying for a license or to whom a license has been issued:
 - (i) has a driving record which makes the driver unfit to drive a public conveyance;
 - (ii) the character, conduct or state of health makes the driver unfit to drive a public conveyance;
 - (iii) the driver does not comply with the requirements or is in breach of any of the provisions of this bylaw;
- (e) require a driver to undergo additional driver improvement or driver training courses;
- (f) prescribe and authorize the forms, licenses and certificates to be used or issued under this bylaw.

10 INSPECTION OF DOCUMENTS

Every licensee under this bylaw shall upon the demand of the License Inspector, Bylaw Enforcement Officer or Peace Officer produce any license or document, which the licensee may be required to have under this bylaw.

11 MECHANICAL FITNESS OF VEHICLES

- (1) The License Inspector may require any vehicle used to provide services under this bylaw to undergo such inspections for safety and mechanical fitness and to undergo such repairs as in the reasonable discretion of the License Inspector is deemed necessary for the safety of the public; such inspections are not limited to but may include as follows:
 - (a) the yearly provision of a Mechanical Fitness Report prepared by a licensed mechanic;

- (b) the repair and correction of any deficiencies and the provision of a further Mechanical Fitness Report confirming same.
- (2) All costs of inspections and repairs shall be paid for by the licensee.
- (3) No person shall obstruct or interfere with any inspection required under this bylaw.

12 APPEAL

A decision of the License Inspector made pursuant to Sec. 9 (1),(b),(c), and (d) of this bylaw may be appealed to City Council on written notice of appeal delivered to the License Inspector not later than 30 days following such decision.

13 ANNUAL LICENSE FEES

The License Fees under this bylaw are set out in Schedule "A" annexed hereto and made part of this bylaw.

14 RATES TO BE CHARGED FOR LIMOUSINE OR SEDAN SERVICES

The minimum rate to be charged for the hire of a Limousine or Sedan is set out in Schedule "B" annexed hereto and made part of this bylaw. There shall be no charges for portions of an hour for the first hour. After the first hour, portions of no less than half hour increments may be charged.

15 OFFENCES AND PENALTIES

- (1) Any person who contravenes the provisions of this bylaw shown in Schedule "C" is guilty of an offence and liable to pay a fine as specified in Schedule "C" which is annexed hereto and made part of this bylaw.
- (2) Any person who contravenes a provision of this bylaw not listed in Schedule "C" is guilty of an offence and liable upon summary conviction to pay a fine of not less than \$250.00 and not more than \$2500.00 and in default of payment to imprisonment for a period not exceeding 6 months.
- (3) Any person who contravenes any provision of this bylaw and is found guilty of a second or subsequent offence is liable upon summary conviction to pay a fine of not less than \$5000.00 and not more than

\$10,000.00 and in default of payment to imprisonment for a period not exceeding six months.

- (4) A Peace Officer, License Inspector, or Bylaw Enforcement Officer who has reasonable grounds to believe that any person has contravened any provision of this bylaw shall:
 - (a) in the case of a contravention set out in Schedule "C" serve upon such person an offence ticket allowing for payment of the specified penalty to The City in lieu of prosecution of the offence;
 - (b) in all other instances serve upon such person a summons requiring the person to appear in court.
 - (c) authorize the removal, or cause to be removed, any vehicle found operating in contravention of this bylaw.
 - (i) No impounded vehicle shall be released to its owner or his agent until the impounding charge and removal charge on the vehicle have been paid, such charges shall be in addition to any fine or penalty imposed in respect of any such violation, or to any payment made in lieu of prosecution herein provided. The City is not responsible for impounding, towing, or removal charges.
- (5) In addition to any penalty(s) the person must pay the applicable license fee(s).

16 EXEMPTIONS

Notwithstanding any other provision in this bylaw the License Inspector may grant an exemption for the following;

- (1) Taxi's licensed under the Taxi Business Bylaw;
- (2) City of Red Deer Transit Services;
- (3) private courtesy transportation such as provided by a car dealership or garage for its customers, and
- (4) transporting operations connected with adult or senior living residences for which no fee is charged,
- (5) busing operations connected with Public or Separate School Boards

- (6) motor vehicles used in the course of providing care to clients who require personal assistance with activities of daily living.
- (7) Funeral vehicles operating within the scope of a funeral service.

17 GENERAL

- (1) All Limousine Business, Sedan Business and Chauffeur licenses issued pursuant to this bylaw are the property of the City and may not be transferred.
- (2) No license may be issued or renewed if the applicant, or any individual or corporation named in the application, has an unpaid fine owing to the City for an offence under this bylaw.
- (3) A copy of a record of the City, certified by the Inspections and Licensing Manager as a true copy of the original, shall be admitted as evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.
- (4) In any prosecution for an offence, where a question arises as to whether a person had a valid and subsisting License, the burden is on that person to establish that the License was valid and subsisting.

18 SEVERABILITY

The invalidity of any provision of this Bylaw shall not affect the validity of the remainder.

19 TRANSITIONAL

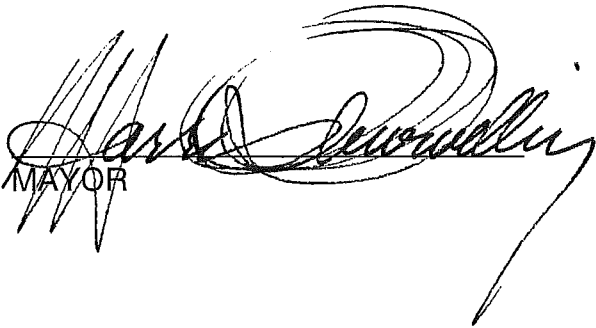
Notwithstanding anything in this bylaw, a Limousine Service, Limousine vehicle, Sedan Service, Sedan vehicle or chauffeur in existence as at the date of this bylaw shall not be guilty of the offence of not having a license, provided that they are in possession of a valid license(s) by noon of October 1, 2007.

READ A FIRST TIME IN OPEN COUNCIL this 30th day of July 2007

READ A SECOND TIME IN OPEN COUNCIL this 30th day of July 2007

READ A THIRD TIME IN OPEN COUNCIL this 30th day of July 2007

AND SIGNED BY THE MAYOR AND CITY CLERK this 30th day of July 2007


MAYOR


CITY CLERK

Schedule A - FEES

All Licenses expire January 31 of the following year in which they were issued

YEAR	2007	2008
Resident Limousine Service License	\$ 65.00	\$ 200.00
Resident Single Event Limousine License - one per calendar year	35.00	100.00
Non-Resident Limousine Service License	135.00	400.00
Non-Resident Single Event Limousine License - one per calendar year	65.00	200.00
Limousine Vehicle Identification License	15.00	40.00
Chauffeur License	10.00	35.00
Resident Sedan Service License	65.00	200.00
Resident Single Event Sedan License - one per calendar year	35.00	100.00
Non-Resident Sedan Service License	135.00	400.00
Non-Resident Single Event Sedan License - one per calendar year	65.00	200.00
Sedan Vehicle Identification License	15.00	40.00
Limousine or Sedan Vehicle Identification License - Replacement or Transfer	35.00	35.00
Re-instatement Fee – Any License	100.00	100.00

Schedule B - RATES**SEDAN**

A minimum rate of \$60.00 shall be charged for the first hour. After the first hour, portions of no less than half hour increments may be charged.

LIMOUSINE

A minimum rate of \$100.00 shall be charged for the first hour. After the first hour, portions of no less than half hour increments may be charged.

There will be an annual rate increase applied to each rate. It will be calculated by using the amount of the Alberta average Consumer Price Index (CPI) rounded to the nearest dollar and will be effective October 1 of each year, starting October 2008.

Schedule C - FINES

		<u>1st Offence</u>	<u>2nd & subsequent Offence</u>
3 (1)(a)	Operating without a Limousine Business or Sedan Business License	\$1500.00	Mandatory Court Appearance
3 (1)(c)	Operating without a Limousine Vehicle or Sedan Vehicle Identification License	\$1500.00	Mandatory Court Appearance
4 (1)	driving without a Chauffeur License	\$1500.00	Mandatory Court Appearance
8 (1)(a)	Operate on fixed route	\$1000.00	Mandatory Court Appearance
8 (1)(b)	Cruising city street or highway	\$1000.00	Mandatory Court Appearance
8 (1)(c)	Occupy a marked taxi stand	\$1000.00	Mandatory Court Appearance
8 (1)(d)	Picking up passengers in marked taxi zone/stand	\$1000.00	Mandatory Court Appearance
8 (1)(e)	Picking up non-pre-scheduled passengers	\$1000.00	Mandatory Court Appearance
8 (1)(f) 8 (1)(g)	Failing to have the proper documents	\$1000.00	Suspension
8 (1)(j)	Not ensuring minimum rate charged	\$1000.00	Suspension

Christine Kenzie

~~BACKUP INFORMATION~~
~~NOT SUBMITTED TO COUNCIL~~

From: Don Simpson
Sent: August 01, 2007 10:11 AM
To: Deb Mann; Kelly Kloss; Christine Kenzie
Subject: RE: Changes to Limousine and Sedan Bylaw

Kelly's wording changes are fine (I have also discussed this with Nick).

Don Simpson
Chapman Riebeek
Barristers and Solicitors
300, 4808 Ross Street
Red Deer, AB
T4N 1X5

TEL: 346-6603
FAX: 340-1280

-----Original Message-----

From: Deb Mann
Sent: Tue 2007/07/31 10:07 AM
To: Kelly Kloss; Christine Kenzie
Cc: Don Simpson
Subject: RE: Changes to Limousine and Sedan Bylaw

That sounds fine too- 'maximum' means that's it - no more - so we don't need to repeat ourselves.

Thanks
Deb

From: Kelly Kloss
Sent: July 31, 2007 8:53 AM
To: Christine Kenzie; Deb Mann
Cc: Don Simpson
Subject: RE: Changes to Limousine and Sedan Bylaw

My thoughts on wording:

"Sedan" means a full sized, four door, motor vehicle for hire, not equipped with a meter, to transport persons, which has a maximum seating capacity of not more than four (4) passengers in the rear compartment.

Kelly Kloss
Manager
Legislative & Administrative Services
The City of Red Deer
(403) 342-8134 Office
(403) 346-6195 FAX
kelly.kloss@reddeer.ca

From: Christine Kenzie
Sent: July 31, 2007 8:42 AM
To: Deb Mann
Cc: Kelly Kloss; Don Simpson
Subject: RE: Changes to Limousine and Sedan Bylaw

Thanks Deb. I am copying your reply to Don Simpson for his recommendation.

Christine Kenzie
Legislative & Administrative Services
City of Red Deer
403.342.8201
christine.kenzie@reddeer.ca

From: Deb Mann
Sent: July 31, 2007 8:39 AM
To: Christine Kenzie
Cc: Joyce Boon
Subject: RE: Changes to Limousine and Sedan Bylaw

Hi Christine- I believe that only the number in the definition of Sedan needs to be changed so it would read as follows:

"Sedan" means a full sized, four door, motor vehicle for hire, not equipped with a meter, to transport persons, which has a maximum seating capacity of not more than four (4) passengers in the rear compartment.

You might want to confirm with Kelly: I'm 99% sure this is what it should be.

Deb

From: Christine Kenzie
Sent: July 31, 2007 8:35 AM
To: Don Simpson; Deb Mann
Subject: Changes to Limousine and Sedan Bylaw

Would you please let me know the appropriate wording to put into the Limousine and Sedan Bylaw to reflect the changes regarding seating as discussed at the Council meeting last night.

Thanks.

Christine Kenzie
Legislative & Administrative Services
City of Red Deer
403.342.8201
christine.kenzie@reddeer.ca

Christine Kenzie

From: Kelly Kloss
Sent: July 09, 2007 9:49 AM
To: Christine Kenzie
Subject: FW: Limo Bylaw Comments
Attachments: RDLimoBylawComments.pdf

For July 30 agenda

Kelly Kloss
Manager
Legislative & Administrative Services
The City of Red Deer
(403) 342-8134 Office
(403) 346-6195 FAX
kelly.kloss@reddeer.ca

From: Deb Mann
Sent: July 09, 2007 9:15 AM
To: Kelly Kloss
Cc: Joyce Boon; Nick Riebeek; Carolyn Smith
Subject: FW: Limo Bylaw Comments

Hi Kelly,
I am forwarding this as requested. I hope to have a report to you by the beginning of next week.

Deb

From: Joel N [mailto:jd_nelson@hotmail.com]
Sent: July 09, 2007 8:27 AM
To: Deb Mann
Subject: Limo Bylaw Comments

Hello Deb, please see the attached document for my comments. Could you please forward these comments on to the members of counsel.

Thank-you
Joel Nelson

[Click here to get a free Canada Day MeeGo.](#)

[This message has been scanned for security content threats, including computer viruses.]

2007/07/09

Proposed City of Red Deer Limousine Bylaw - Comments

My Background

I would like to give a brief history on myself in order for you to understand where my comments are coming from.

Quite a few years ago I realized how much I enjoyed making use of a limousine with family and friends and I started to spend more money than I should have been. At that time I decided to purchase my own car for my own use. Within months of me acquiring the car word got around and people were calling and wanting to book it for weddings, stags, concerts, etc. To operate legally I took the steps and created a limited company, changed the car from a personal vehicle to a commercial vehicle and licensed myself with the city.

The thing that started out as purely for fun had turned into hobby or side job. My only goals at that point were to have fun, break out even at the end of the year and still use the car for my own personal use on occasion.

Due to all the negative publicity and Bylaw issues that have been happening the last year or so the hobby has turned into a bit of a headache and hobbies should not cause you headaches. Thus there is a good possibility that I may be dissolving the business and putting the car back to a personal car to use myself as I had originally intended.

Now that you know my history I hope the comments below will be more meaningful.

Public Safety

According to the city's website the reasons for limousine bylaw are as follows:

1. In order to maintain consistent standards of quality and safety for the citizens of Red Deer.
2. Ensure all limousines are mechanically sound and pass an annual inspection.
3. Ensure all drivers are qualified and clear a criminal record check by Red Deer RCMP.

All of the above points are tied to the main purpose of the bylaw; public safety. However after listening to the discussions at the last council meeting with regards to the last set of changes, I realized that none of the changes were tied to the safety of the public. We have moved beyond public safety into a territory that is limiting the public access to services that are readily available in nearly every other city in North America.

Pre-Scheduled Booking Time Frame

The first item that has little to do with public safety is the pre-schedule booking time before the time of pick-up. I use limousine services for business and pleasure on a fairly regular basis in cities from Nashville, TN to Vancouver, BC. I have quite often called from a restaurant, a hospitality suite at a hotel or from a night club and requested a limousine and/or sedan pickup. I have never received the response, "sorry, we have to wait for an hour from the time of booking to the time of pick-up". In most cases a car shows up within a half an hour. Sure there is an extra cost to have service like that, but I'm willing to pay that extra cost providing I feel the cost is worth the service.

The term on-demand limousine service was brought up at the meeting with regards to Edmonton and Calgary. When I'm going out to a club with a group I quite often use the on-demand type service. I contact the company and request a limo for as soon as one is available to go to the club and at that time I notify the company that I will be calling again for the return trip later on in the evening. Is the

new Red Deer bylaw going to limit the public from being able to use on-demand service? On-demand service does not create an issue with public safety, however not being able use it will be a negative for the population who are willing to pay the extra money for the extra service and now won't have that option. Is that fair to the public to remove a service that is available in other cities?

Minimum Hourly Rates

It is correct for the city to set a minimum value, however it's not correct for the city to set a value at a high enough level that it will essentially set the rates for limousine companies.

For example, it costs \$60 to take a sedan from downtown Edmonton to the International Airport, why should the city of Red Deer force me to pay \$100 an hour for a similar service while I'm in Red Deer. In fact I would not pay \$100 for a sedan, as I feel sedan service is not worth \$100 per hour. Edmonton's stretch limousine minimum rate is \$60 per hour as well. I'm sure there is no business in Edmonton that has a regular rate of \$60 per hour for a stretch limousine; however as a frequent customer of one of the Edmonton companies, I have been charged that \$60 an hour on more than one occasion as a customer appreciation. Granted they're not making any money at that rate, however I always know who I'm calling if I need a ride in Edmonton. Is it right to take that option away from the owner of the company?

Fines

While reviewing the Edmonton Bylaw I noticed their fines are \$100, \$200 and \$300; if I remember correctly Red Deer wants a \$1,500 fine and a tow. Is that a little excessive?

Summary

It was interesting that a taxi owner expressed he felt all of the new changes to the bylaw were a positive thing even though none of them increased public safety. It sounds to me he is hoping to gain business through the passing of the bylaw. Hopefully this is not the underlying reason for the bylaw in the first place.

It is no secret that in Alberta there is a large group of people with a more than average amount of disposable income. This is evident by looking at the housing market or by simply looking at the number of expensive vehicles on the road today. Because of this extra income within the province the businesses that provide luxury services at a higher rate will automatically gain business as more people can afford it. That's the way a market economy is supposed to work. So now that these luxury service businesses are increasing revenue, due to our thriving economy; why are we adding limitations to them and why are we making these limitations more restrictive than in any other city in North America?

Limousine bylaws are not a new thing. Why is Red Deer attempting to re-invent the wheel? We should be able to create a bylaw that will increase public safety without decreasing the cities ability to provide quality limousine services to the Red Deer public and to our many visitors.

If you would like to discuss any of these points please feel free to contact me.

Joel Nelson
jd_nelson@hotmail.com
403-318-7972



Council Decision – July 30, 2007

FILE

Legislative & Administrative Services

DATE: July 31, 2007

TO: Deb Mann, Licensing Inspector
Joyce Boon, Permits & Licensing Supervisor

FROM: Kelly Kloss, Legislative & Administrative Services Manager

SUBJECT: Taxi Business Bylaw Amendment 3282/A-2007
Removal of Reference to Limousines

Reference Report:

Licensing Inspector, dated July 23, 2007

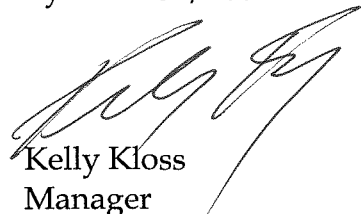
Bylaw Readings:

Taxi Business Bylaw Amendment 3282/A-2007 was given three readings. A copy of the bylaw is attached.

Report Back to Council: No

Comments/Further Action:

We will amend and distribute copies of the consolidated version of the Taxi Business Bylaw 3282/2001 in due course.



Kelly Kloss
Manager

/chk
attchs.

c Director of Development Services
Inspections & Licensing Manager

BYLAW 3282/A-2007

Being a bylaw to amend Bylaw No. 3282/2001, the Taxi Business Bylaw of The City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3282/2001 is hereby amended by:

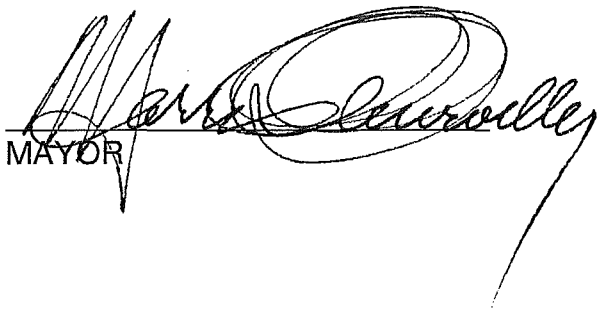
- 1 Deleting under Section 2, Title and Definitions, the definition of "Limousine" in its entirety.
- 2 Deleting Section 36 – "Limousines" in its entirety and subsequent Sections 37 to 74 are renumbered as Sections 36 to 73.
- 3 Deleting under Appeal, Section 55, the reference to "Section 51" and replacing with "Section 50".
- 4 Deleting under Offences and Penalties, Section 60 (2) the reference to "Section 61 (1)" and replacing with "Section 60 (1)".
- 5 Deleting under Offences and Penalties, Section 69, the reference to "Sections 49 and 50" and replacing with "Sections 48 and 49".
- 6 Deleting under Offences and Penalties, Section 70 the reference to "Sections 11, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, and 71," and replace with "Sections 11, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69 and 70".
- 7 Deleting under Offences and Penalties, Section 72 (a), the reference to "Section 72" and replace with "Section 71".
- 8 Deleting under "Schedule A" – "Annual License Fees, Section 7 – Non-Resident Limousine Service Fee" in its entirety.
- 9 Deleting under "Schedule B" – "Section 5 – The minimum fare to be charged for hire of a limousine shall be \$15.00" in its entirety.

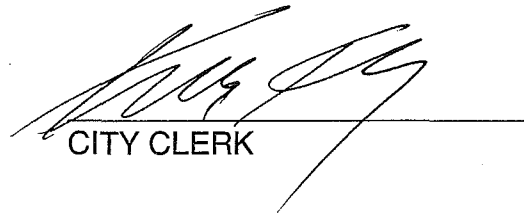
READ A FIRST TIME IN OPEN COUNCIL this 30th day of July 2007.

READ A SECOND TIME IN OPEN COUNCIL this 30th day of July 2007.

READ A THIRD TIME IN OPEN COUNCIL this 30th day of July 2007.

AND SIGNED BY THE MAYOR AND CITY CLERK this 30th day of July 2007.


MAYOR


CITY CLERK



Legislative & Administrative Services

DATE: July 23, 2007

TO: City Council

FROM: Kelly Kloss, Legislative & Administrative Services Manager

SUBJECT: Timberlands Neighbourhood Area Structure Plan Bylaw 3217/G-2007

History:

At the Tuesday, July 3, 2007 Council meeting, Council gave first reading to Timberlands Neighbourhood Area Structure Plan Bylaw 3217/G-2007.

The Timberlands Neighbourhood Area Structure Plan Bylaw 3217/G-2007 provides the land use framework for approximately 63.8 hectares (159.02 acres) of land located on the east side of Red Deer, east of 30th Avenue, south of 67 Street and north of the existing College Park subdivision. The Timberlands neighbourhood will create a modern mixed use community offering a wide variety of residential and commercial land uses, special residential uses (assisted living, day care, temporary care) and mixed land uses. The plan also provides for a place of worship site, potential emergency services site, school and park sites, trail locations, and bus stops, local and collector roads as well as storm water ponds. This office will now proceed with the advertising for a Public Hearing. The City will be responsible for the advertising costs in this instance.

Public Consultation Process:

A Public Hearing has been advertised for Monday, July 30, 2007 at 6:00 p.m in Council Chambers during Council's regular meeting.

Discussion:

Administration is recommending some minor changes to some of the pages of the Timberlands Neighbourhood Area Structure Plan Bylaw 3217/G-2007. A copy of the report from Administration and the revised pages of the bylaw are attached.

City Council

July 23, 2007


Timberlands Neighbourhood Area Structure Plan Bylaw 3217/G-2007

Page 2

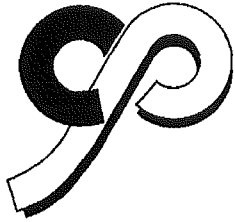
Recommendations:

That following the Public Hearing, Council proceed with:

- 1) passing a resolution to amend the Timberlands Neighbourhood Area Structure Plan Bylaw 3217/G-2007, and
- 2) giving second and third readings of the bylaw, as amended.



Kelly Kloss
Manager



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

Suite 404, 4808 Ross Street
Red Deer, Alberta, T4N 1X5
Phone: (403) 343-3394
FAX: (403) 346-1570
E-mail: pcps@pcps.ab.ca

DATE: July 20, 2007
TO: Manager, Legislative and Administrative Services
FROM: Emily Damberger, Planner
RE: Timberlands Neighbourhood Area Structure Plan
Neighbourhood Area Structure Plan Bylaw 3217/G-2007
City of Red Deer – Public Hearing July 30, 2007

Minor revisions have been made to the Timberlands Plan following first reading. New pages are enclosed and are to replace those within the plan prior to adoption of the Timberlands plan. Additional pages not containing amendments have been included as the pages were affected through the additional text.

The amendments include:

- Further detailed explanation of the NAL resources response zone - page 9.
- Clarification of residential density with regards to the Town Centre - page 16 and page 21.

Emily Damberger
Planner

Attachments

neighbourhood. These two areas were considered to be the highest priority for preservation by the parks department.

- Because of urban development on this quarter section as well as the future urban development on lands upstream, the natural run off that feeds the existing seasonal drainage swale will be cut off, making it unviable to incorporate into the development concept. However, materials in this salvaged seasonal drainage course can be incorporated into a proposed constructed wetland in the northwest corner of the Plan.

Figure 4.1 - Topography illustrates the contour information for the subject lands.

4.3 Environmental Site Assessment

Parkland GEO completed a Level 1 Environmental Site Assessment (ESA) in April 2006. The ESA identified a number of potential issues, including:

- The presence of existing oil and gas facilities
- Possible contamination resulting from a temporary snow storage / disposal site;

A Phase II ESA will be undertaken to review the environmental impacts from both the snow storage site and the abandoned oil and gas facilities. This report will be submitted under separate cover by Parkland GEO before development occurs on the first phase and it will address any remedial actions that may be required.

4.4 NAL Pipelines

NAL Resources maintain several existing oil and gas wells and pipelines to the north and east of this proposed plan. Some of these facilities contain sour gas. Alberta Energy and Utilities Board (AEUB) requires facilities containing sour gas to establish emergency response plans to assist in managing the risk to public safety associated with a potential release of sour gas to the environment. These plans are developed to assist in contacting and potentially evacuating residents living within pre-determine Emergency Planning Zones (EPZ). An EPZ is an area surround a facility, pipeline, or well where residents or other members of the public may be at risk during an uncontrolled sour gas release, explosion or fire and the area for which the operator of the facility must have a specific emergency response plan. The size of the EPZ surrounding sour gas facilities is established based on the magnitude of the maximum anticipated potential volume or rate of sour gas release in the event of an uncontrolled release. The oil and gas operator is responsible for providing information and education to the public within the EPZ regarding the correct procedures in case of an uncontrolled release. During an emergency, the oil and gas operator and the Emergency Services Department will coordinate the emergency response. The EPZ boundary for the NAL sour gas facilities north and east of this plan area does not currently fall within the boundary of the Timberlands Plan area, however future regulation changes within AEUB and/or The City of Red Deer may change the emergency planning zone boundary

4.5 Existing Land Use

The plan area is presently designated Future Urban Development (A1) under The City of Red Deer under Bylaw 3357/06. The purpose of this land use district is to allow for agricultural uses until such time that the land is needed for urban development.

4.6 Surrounding Development

A majority of the surrounding lands are undeveloped. The anticipated land use mix will follow that outlined in the East Hills MASP. The existing residential community of College Park is located directly to the south, which the Timberlands concept will tie into.

4.7 Oil and Gas

As outlined in the Parkland GEO Phase 1 ESA, there are a number of oil and gas facilities identified within the subject quarter. The Atco gas pipeline (2271KS) will be retained on the property. This high pressure pipeline is protected by a 6.1 meter right-of-way. The Alberta Energy and Utilities Board (EUB) policies require that development for urban uses (such as residential homes or commercial businesses) not be permitted within the right-of-way boundary. The proposed land use concept respects this regulation. They also typically require a proximity agreement from any party undertaking work within 30 metres of their right-of-way.

Two Imperial Oil pipeline rights-of-way are located to the east of the Atco pipeline. These pipelines have been abandoned and the right-of-ways were discharged in 1991.

There was a battery site and a gas well site (Calstan Red Deer 12-23N-38-27) located in the southwest portion of the property, which was drilled by Chevron Canada in 1957. In addition, there was a fresh water injection well associated with this site that was reported to be abandoned in August 1983. In May of 1976 Imperial Oil Ltd reclaimed the battery site and a reclamation certificate # 54-15749 was issued by Alberta Environment. The actual well site was reclaimed, again by Esso Resources Canada Ltd in Oct of 1988. This reclamation certificate is numbered 8429. A Phase 2 environmental assessment is to be completed before development proceeds to determine if any contamination has occurred in this vicinity.

Prior to subdivision of the plan area adjacent to this well the precise location of the well will be confirmed in the field. The Plan may have to be modified to ensure that the well is setback at least 5 meters from any permanent structures, 3 meters from any underground utilities, and there is sufficient working space in the unlikely event that a drilling rig requires access to the well.

As illustrated on **Figure 4.2 - Existing Oil and Gas Facilities**, there is an active gas well located to the east of the subject lands within the Northeast Quarter of Section 23. The EUB requires that a 100 meter setback be maintained between the well and urban uses. This setback restriction does not impact or impede development within the Timberlands.

Table 1: Land Use Allocation

LAND USE CATEGORY / COMPONENT	AREA (ha)	% OF PLAN AREA	NUMBER OF DWELLING UNITS
Gross Plan Area	63.90		
Arterial Road Widening on 30 Ave / 67 St	4.85		
Net Developable Area	59.05	100%	
Commercial Uses	20.06	34 %	0
Emergency Services Site	0.47	0.8 %	
Town Centre District	18.18	30.8 %	0
Main Street District	1.41	7.0 %	0
Residential Uses	20.16	34.1 %	732
Residential Low Density (R1)	4.47	7.6 %	94 (95 including secondary suites)
Town Centre District	8.5 [‡]	14.4 %	405
Main Street District	1.5 [‡]	2.5 %	40
Mixed Residential	1.72	2.9 %	40
			(47 including secondary suites)
Residential Narrow Lot (R1N)	1.77	3.0 %	44
Multi-Family (R2)	2.20	3.7 %	101
@ 45 units/ ha			
Social Uses	1.30	2.2 %	58
Place of Worship (R2)	0.93	1.6 %	42 (if R2)
@ 45 units/ ha if R2			
Social Care Site (R2)	0.37	0.6 %	16 (if R2)
@ 45 units/ ha if R2			
Open Space	8.78	14.9 %	
Municipal Reserve	6.53	11.1%	
Public Utility Lot	2.25	3.8 %	
Transportation	8.75	14.8 %	
Collector Roadways	6.00	10.1 %	
Local Roadways	1.77	3.0 %	
Lanes	0.98	1.7 %	

* Note: The minimum number of dwelling units to be situated within the fringe area of the Town Centre is to be a minimum of 385 dwelling units as outlined in the East Hill Major Area Structure Plan (EHMASP).

Also as outlined in the EHMASP, the overall ¼ section is to yield a minimum of 500 dwellings with a minimum of 205 dwelling units in the residential areas outside of the Town Centre area.

‡ Note: When actual development proceeds in the Town Centre, the number of units in the mixed-use area is anticipated to be approximately 445 units but the actual area may vary from the 10 hectares (8.5 and 1.5 ha) illustrated in this table depending on how and where this development occurs within the Town Centre..

(1a) The whole Plan anticipated density for Residential Uses within the entire Plan area:

$$\frac{445 + 287 = 732 \text{ units}}{63.90 - 4.85 = 59.05 \text{ ha}} = 12.4 \text{ upha}\pm$$

(1b) The anticipated density for Residential Uses within the entire Plan Area (plus Place of Worship and Social Care Site):

$$\frac{445 + 287 + 58 = 790 \text{ units}}{63.90 - 4.85 = 59.05 \text{ ha}} = 13.38 \text{ upha}\pm$$

(2a) The anticipated density for Residential Uses excluding commercial use areas within the Town Centre Area:

$$\frac{445 + 287 = 732 \text{ units}}{63.90 - 4.85 - 20.06 \text{ ha} = 38.99 \text{ ha}} = 18.77 \text{ upha}\pm$$

(2b) The anticipated density for Residential Uses excluding commercial use areas within the Town Centre Area (plus Place of Worship and Social Care Site):

$$\frac{445 + 287 + 58 = 790 \text{ units}}{63.90 - 4.85 - 20.06 \text{ ha} = 38.99 \text{ ha}} = 20.26 \text{ upha}\pm$$

Note: In a typical residential development in The City of Red Deer the commercial area is taken out of the density calculation. To demonstrate this, in this unique situation, in density calculation #5 the commercial use areas in the Town Centre area (20.06 Ha) have been taken out of the total net developable area. Based on this calculation the anticipated density is expected to be approximately 18.77 upha.

The Timberlands NASP provides a diverse housing mix. The percentage break down by housing type is outlined in Table 2.

Table 2: Housing Mix

LAND USE CATEGORY	NUMBER OF UNITS	PERCENTAGE OF TOTAL UNITS
Residential Low Density (R1)	95	13.0%
Mixed Housing (R1A/R1)	47	6.4%
Residential Narrow Lot (R1N)	44	6.0%
Multi-Family (R2)	101	13.8%
Towne Centre District	405	55.3%
Main Street District	40	9.9%
TOTAL	732	100%

Housing Mix Statistics	Density (du/ha)
Low density dwellings as a % of the total housing stock	25.4%
Multi-family dwelling units as a % of the total housing stock	74.5%
Ratio of semi-detached dwelling units to detached dwellings	1:10
Narrow lot land area as a % of the total net residential land area	17.4%
Lots for detached dwelling with secondary suite as a % of the total number of R1 lots	1.0%
Lots for conventional detached dwelling and detached dwellings with secondary suites as a % of the total number of lots in the mixed housing area	8.5%
Lots for semi-detached dwellings as a percentage of lots in the mixed housing area	35%

8.7 Emergency Services Site

An Emergency Services (ES) site for the purpose of a fire station is identified near the west entrance to the Town Centre. At this location the Fire Station will have close access to the arterial roadway network and to adjacent neighborhoods.

The collector roadway in this location has a median which will not extend beyond the midpoint of the ES site street frontage, in order to allow free access and egress of emergency vehicles in both directions.

The entire Plan area will fall within the four-minute minimum response time upon completion of the station.

In the event that the Emergency Services site is not needed for its intended purpose, it will be converted to Town Centre district.



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

**REPORT SUBMITTED ON THE
JULY 3, 2007 COUNCIL AGENDA**

Red Deer, Alberta, T4N 1X5
Phone: (403) 343-3394
FAX: (403) 346-1570
E-mail: pcps@pcps.ab.ca

DATE: June 25, 2007
TO: Manager, Legislative and Administrative Services
FROM: Emily Damberger, Planner
RE: Timberlands Neighbourhood Area Structure Plan
Neighbourhood Area Structure Plan Bylaw 3217/G-2007
City of Red Deer

In accordance with the City's *Neighbourhood Planning Guidelines and Standards* the draft Timberlands Neighbourhood Area Structure Plan is being forwarded to the Municipal Planning Commission for their review and support of a recommendation to City Council. Neighbourhood area structure plans when approved by City Council, form the basis for future zoning, subdivision and development decisions for the area.

BACKGROUND – Planning Documents

The City of Red Deer is the landowner and developer of the Timberlands Neighbourhood Area Structure Plan (NASP). Land and Economic Development and Engineering Services contracted Stantec Consulting Ltd. to prepare this Plan. Parkland Community Planning Services (PCPS), together with City departments have reviewed and provided guidance to the preparation of the Timberlands NASP.

The purpose of the Timberlands NASP is to describe the land use framework and development objectives for land located in the NW 23-38-27-4 being on the east side of Red Deer, east of 30 Avenue, south of 67 Street (TWP Road 384), and north of the existing College Park subdivision. The plan area covers approximately 63.8 hectares (159.02 acres).

The East Hill Major Area Structure Plan (MASP) is the overriding major planning document providing direction to how the Timberlands area is to be developed. The East Hill MASP identifies the lands within Timberlands neighbourhood to contain residential, mixed use commercial and residential, and a school site. Included within the mixed use area is a proposed Town Centre.

The City's *Neighbourhood Planning Guidelines and Standards* provides the foundation and criteria for the planning and design of new city residential neighbourhoods including housing mix, parks and public facilities/amenities. The implementation of the guidelines and standards for neighbourhood planning as outlined in this document are driven by the pursuit of the following outcomes:

Community Planning & Housing: Neighbourhood design enables social, economic, physical and environmental well-being. Community health and pride are maximized because of interaction and relationships established between neighbours and neighbourhoods.

Circulation & Connections: Our citizens enjoy accessible, affordable transportation systems and services that include well-designed transit and trail systems that serve leisure and transportation needs, link neighbourhoods and parks, and serve all sectors of the community.

Parks: Our citizens enjoy neighbourhoods that offer leisure and recreation opportunities and places for children to play and for residents to interact, within well-planned parks, school sites and leisure facilities/amenities.

Natural, Cultural and Historical Resources: Our citizens benefit from the preservation of historic resources and the maintenance of the natural environment.

Social Health: Our citizens enjoy neighbourhoods that are inclusive, accessible, and have affordable amenities catering to a broad range of needs and interests.

Safety: Our citizens value living in a community with safely designed neighbourhoods.

BACKGROUND – Timberlands NASP

Environmental Site Assessment

The *Neighborhood Planning Guidelines and Standards* require a Phase 1 Environmental Site Assessment (ESA) which has been completed for this NASP area. The ESA identified two potential items that require further investigation through a Phase II ESA, being the presence of area oil and gas facility setback impacts, and possible contamination resulting from a temporary snow storage / disposal site. The Phase II ESA will state the required remedial actions to be taken prior to any development occurring on the site.

Ecological Evaluation

The *Neighborhood Planning Guidelines and Standards* also require the developer to preserve natural areas in accordance with recommendations from the area ecological profile. Where it is not possible or practical to preserve the natural areas, sound rationale must be provided.

The City of Red Deer's Ecological Evaluation of the City quarter Section North of College Park is a planning tool for decision making and informational resource for use and consideration by Recreation Parks and Culture Department, PCPS, developers and other interested parties for the proposed Timberlands NASP area. The ecological profile identifies priority zones for preservation and recommendations indicate alternatives to be considered for the possible re-design and incorporation of preservation zones in the area.

The proposed preservation zone containing trees along 30 Ave is not practical to preserve as the majority of the trees are in the road allowance. This area was rated a low priority for the Parks department as there were few native trees. A natural treed area in the south west portion of the Timberlands NASP is being preserved through municipal reserve dedication as recommended by the Ecological Evaluation.

Due to proposed continuity of urban development (land uses, roads, etc.) within Timberlands and future urban development upstream, the natural intermittent watercourse that feeds an existing seasonal drainage swale that is recommended to be preserved, will be cut off making it unviable to incorporate it into the proposed development concept. City Administration accepts this position. However, materials from the seasonal drainage course will be incorporated into the constructed wetland in the northwest corner of the plan.

Existing Pipelines & Oil and Gas Facilities

NAL Resources maintain several existing oil and gas wells and pipelines to the north and east of this proposed plan. Some of these facilities contain sour gas. The emergency planning zone boundary for the NAL sour gas facilities north and east of this plan area does not currently fall within the boundary of

the Timberlands plan area, however future regulation changes within AEUB and/or The City of Red Deer may change the emergency planning zone boundary.

A north/south running Atco high pressure pipeline inside the west boundary of the Timberlands NASP area is protected by a 6.1 metre right-of-way that prohibits any development within the actual right-of-way. This gas line will be integrated into the NASP's proposed residential and commercial developments, will be maintained and portions dedicated as municipal reserve to serve as part of the neighbourhood's linear trail system.

DEVELOPMENT CONCEPT

The Timberlands neighbourhood is designed to create a modern mixed use community offering a wide variety of residential and commercial land uses, special residential uses (assisted living, day care, temporary care) and mixed land uses. The plan also provides for a place of worship site, potential emergency services site, school and park sites, trail locations, bus stops, local and collector roads as well as storm water ponds and other utility infrastructure. The main focal point of the Timberlands plan is a large mixed use commercial town centre site that integrates residential, public and main street land use elements into a comprehensively planned community.

Town Centre

The East Hill MASP provides direction for the mixed use area within the Timberlands development concept describing the Town Centre component as follows:

1. The town centre site is envisioned as a commercial, civic and residential mixed use area. It will provide a range of commercial sites for retail, services, entertainment and limited office use to serve the East Hill community as well as a regional market. Possibly, larger commercial sites for power centres or lifestyle centres will be provided adjacent to the 30 Avenue and 67 Street arterial roadways, while smaller sites (within a main street centre) will be provided along the internal collector roadways.
2. Any "main street" commercial centre within the town centre site will reflect a pedestrian-friendly street environment lined with shade trees, shops and wide sidewalks. The town centre site includes medium and high density residential uses. This will be in the form of town houses and apartments, the latter either as stand alone developments or as dwelling units above commercial ground floors.

It is anticipated that the majority of residential development within the town centre site will occur on its fringe. Rather than turning its back towards residential lands adjacent to the town centre site, commercial and residential uses within the town centre site will be appropriately integrated with surrounding residential neighbourhoods. There is a gradual transition of residential densities and land use intensity from low and medium density in adjacent areas to medium and high density on the fringes of the town centre site and high density in the town centre core where commercial uses dominate.

Two draft land use districts, the C5 East Hill Town Centre District and the C6 Main Street District, are being anticipated to be applied to the mixed use development area. The intent of the C5 Commercial District will be to permit larger commercial operations, mixed use buildings with commercial on the main floor and residential and/or limited office space above, and multi-family higher density buildings. The C6 Main Street is intended to reflect a typical prairie town main street, with smaller retail developments, potential for live-work units, main floor commercial and/or residential or limited office above. The principle to include limited office developments within these two new commercial districts will be further discussed with Council as part of the City's Municipal Development Plan (MDP) update process envisioned to be completed near the end of 2007. The proposed C5 and C6 Districts could come forward for Council approval earlier however; the "limited office" component would have to await completion of the MDP update process.

Design guidelines for the Town Centre are concurrently being developed to ensure the area has complimentary aesthetically pleasing design and developed with in a pedestrian friendly and pedestrian scale environment. The design guidelines will be used to compliment the uses in the proposed C5 and C6 Commercial Districts and will be applied to all mixed use areas within the East Hill MASP area.

Residential

The neighbourhood standards require that within the total housing stock:

- narrow lot housing be not more than 33%,
- secondary suite not more than 10%,
- multi-family housing units shall be no less than 20%,
- single detached and semi-detached shall be no less than 60%, and
- the ratio of detached housing to semi-detached housing must be at least 3:1.

While conventional residential development will be occurring for the most part in the southern half of the Timberlands Plan, the East Hill MASP requires a minimum of 385 residential units to be integrated within the mixed use Town Centre/Main Street components and/or along the fringe of the Town Centre within the NASP. The percentage and type of housing for the entire NASP plan area is proposed as follows:

Residential Low Density (R1)	13%	(95 units)
Mixed Housing (R1/R1A)	6.4%	(47 units)
Residential Narrow Lot (R1N)	6.0%	(44 units)
Multi-Family (R2)	13.8%	(101 units)
Town Centre District	55.3%	(405 units, 385 units * minimum units required by EHMASP)
Main Street District	9.9 %	(40 units)

The Plan identifies a Town Centre boundary to distinguish the area within the plan that is to be zoned for Town Centre and Main Street the mixed use areas. The remainder of the plan area is the "residential" area that meets the standard percentages of the neighbourhood standards.

Five secondary suites have been identified within the plan on corner sites. Both the place of worship and the social care sites have R2 residential as the designated alternative land use in the event these areas are not developed with to their intended initial use.

Densities:

The neighbourhood standards require the density range for a newly proposed NASP fall within 12.35 and 17.5 dwelling units per hectare.

The anticipated density of the Timberlands NASP is approximately 12.4 dwelling units per hectare (13.38 units/ha if alternative land uses are developed) based on the entire net developable are including all commercial areas. Within the NASP the densities are described in detail for the "residential area" and the Town Centre area. The total number of units will be 732 or 790 if the church and social care site are converted to the alternate R2 residential use. The density of this neighbourhood appears to be a lower density neighbourhood when compared to other neighbourhood's density; however with the Town Centre commercial component making up potentially 30 hectares out of the 63.9 hectares of the plan area, the overall density of the neighbourhood is affected.

Existing Adjacent Development

The nearby College Park Subdivision is an existing adjacent acreage development on the southern boundary of the Timberlands NASP. The *Neighbourhood Planning Guidelines and Standards* require that:

Where the existing residential development consists of a rural residential subdivision of which the size of individual lots cannot be mirrored in any of the City's standard residential land use districts without promoting unsustainable development practices, the planning staff shall work with the developer to gather input from the landowners of the existing residential development regarding the land use which would be preferred. To the satisfaction of the planning staff, the developer shall proposed the preferred or an alternative complimentary land use in the proposed area structure plan to buffer the existing residential development, to the satisfaction of planning staff. The final agreement to this effect shall be incorporated into the neighbourhood area structure plan.

The City, as the developer of the Timberlands NASP, have meet and worked with the College Park Community group to create an acceptable buffer to their existing residential acreage development. The Timberlands NASP proposes a parkette at the proposed southwest entrance of the Timberlands neighbourhood to buffer the existing College Park development from the proposed collector road. The 61 street access to 30 Avenue within College Park will be closed and a new entrance will be constructed to access the Timberlands south collector road. A 10 metre municipal reserve buffer of existing trees along the north boundary of College Park will serve as a buffer to the proposed R1 urban density lots adjacent to College Park within the Timberlands Plan.

Joint Use Site

The Municipal Government Act and the neighbourhood standards require a minimum of 10% of the plan area to be dedicated to municipal reserve. The Timberlands Plan are proposes 8.79 hectares (14.9 %) of open space with 11.1% as municipal reserve and 3.8 % as public utility lot.

In accordance with the East Hill MASP, the Timberlands NASP provides for a Public K-8 joint use school site containing the following amenities:

- a class A soccer field,
- a baseball diamond,
- a multi-purpose pad/boarded rink,
- a snow bank rink,
- an activity centre,
- junior and senior play structures, and
- provision for on-site parking.

Trails identified throughout the NASP link residences with community parks and neighbourhood gathering places, commercial amenities, as well as linkages to adjoining communities and trail systems.

Transportation Network

The alignment of collectors, and arterial roadways were determined at the time of the adoption of the East Hill MASP. A traffic study has been conducted to examine the function and operation of area arterial roadways and determine the detailed design of collector and local roads within the NASP. Engineering has reviewed the traffic study and is in support of the proposed road network within this plan. The noise study will be completed as part of the Servicing Study.

While a traffic circle is proposed at the intersection of two collector roads within the Town Centre,

alternatively the traffic circle could be converted to a T-intersection. Further detailed analysis and review of the traffic circle proposal by consultants and The City Engineering department will determine which option will proceed at the time of development.

As required by the City's *Neighbourhood Planning Guidelines and Standards*, all collector roadways will have separate sidewalks with boulevard tree plantings.

Laneways are proposed throughout the majority of the residential areas. No access from the residential laneway bounding the Town Centre area will be permitted.

Transit stops have been approved by The City's Transit department and provide a transit stop within 400 metres of every household.

Servicing

Two constructed wet ponds are proposed for the north west corner of the plan and the sub-strata materials to be used in the creation of the ponds are to be relocated from existing seasonal drainage areas within the NASP area.

Storm water, sanitary and water servicing concepts have all been reviewed and approved by the City Engineering department.

Development Staging

The development staging for both the Town Centre area and the residential lands are generally intended to begin in the southwest corner however, phasing is subject to minor changes at the rezoning and subdivision stages.

PLAN CIRCULATION

The draft Timberlands NASP was circulated to all applicable City departments, outside agencies, utility companies, School Boards, adjacent land owners, College Park Community Group, Red Deer River Naturalists and Red Deer County for comments and feedback.

Consensus resulting from analysis of stakeholder comments:

1. Engineering Services will work with the Separate School Board during the detailed design phase of the plan to address school lay-bys and boulevard planning.
2. Red Deer River Naturalists (RDRN) expressed their concern with the City's approach to storm water management facilities. They feel that a more natural approach could be taken when developing new neighbourhood designs to better preserve existing natural areas, seasonal drainage and wildlife corridors. Planning and Engineering staff acknowledged their concerns and will strive to involve the RDRN at the beginning of the NASP preparation design stage, rather than at the time of draft NASP referral. This will help all to understand each other's position relative to neighbourhood design and development limitations/options.
3. Red Deer County offered no objection to the proposed Timberlands NASP proposal.

Modifications to the draft Timberlands NASP were made in response to other referral comments.

NEIGHBOURHOOD MEETING

A joint public meeting was hosted by Parkland Community Planning Services staff March 6, 2007 for the Timberlands, Timberstone Park and Clearview North Neighbourhood Area Structure Plans. The developers individually presented their respective plans. Approximately one hundred people were in attendance. Below is a summary of the comments received from the public regarding the Timberlands

NASP and applicable City responses.

Comment/Issue raised by public	Response from Administration
<p>Traffic:</p> <ul style="list-style-type: none"> Concern with traffic increase and road improvements along 30th Ave and 67th Street, noise and congestion, travel time increased. Concern with traffic increase from rural residences. Public would like more information to follow on road improvements to accommodate additional traffic. Questions regarding timing of 67th street realignment, Highway 11 realignment, and construction of Northlands Drive. Questioning if Northlands Drive is economically feasible. Feasibility of 30 Ave berm construction adjacent to College Park. 	<ul style="list-style-type: none"> City of Red Deer Engineering department provided information on the requirements of the developer to perform a Traffic Impact Assessment that would determine the required road improvements. A Noise and Traffic Study agreed to in principle by Engineering Services, will form part of the area servicing study. Timelines and scheduling of 67th Street and Northlands Drive improvements provided. Economic feasibility was explained to be subject to City Council budget approval. Berm will be considered through the College Park Area Redevelopment Plan
<p>Environmental:</p> <ul style="list-style-type: none"> Concern over increase in development, residences, and traffic impact on existing wildlife corridors. Would prefer to see a more natural storm water management system. City should be an Environmental leader and use native plantings. Preference to more trees being preserved. 	<ul style="list-style-type: none"> Wildlife corridors will be impacted by development, however where possible trees have been preserved to maintain wildlife habitat Constructed wetland ponds will use material from existing seasonal drainage courses. Planting of native trees along collector streets and parks will be evaluated at the development stage.
<p>Planning:</p> <ul style="list-style-type: none"> NASP well designed Questions regarding incorporation of transit throughout new neighbourhood Question regarding outdoor amenities proposed in Town Centre Concern that Town Centre would be developed similar to South Point Common and not be pedestrian friendly Questions regarding number of secondary suites, type of school, densities Questioning if sufficient population to support large amount of commercial development. 	<ul style="list-style-type: none"> Planning staff responded to informational questions. NASP identifies transit stops and routes. Potential outdoor amenities were discussed by Land and Economic Development and Planning Staff (e.g. gathering places, pedestrian linkages). Elaboration of Town Centre area being pedestrian friendly environment through the development of two new proposed districts explained by planning staff Proposed density, housing type and mix meet City standards. LE & D explained the market studies that were performed to rationalize population numbers and commercial development needs.

All comments received were reviewed and incorporated into the NASP as deemed applicable by

Administration in consultation with the developer.

SUMMARY and PLANNING ANALYSIS

The Timberlands NASP conforms to The City's *Municipal Development Plan, East Hill Major Area Structure Plan* and the *City/County Intermunicipal Development Plan*. Planning staff are in support of the plan with respect to the City's Ecological profile for the area.

The City's *Neighbourhood Planning Guidelines and Standards* provides the foundation and criteria for the planning and design of new city residential neighbourhoods including housing mix, parks and public facilities/amenities. These guidelines and standards were prepared for typical new quarter section residential neighbourhoods. The proposed Timberlands NASP differs from a conventional residential neighbourhood design in that it, pursuant to requirements of the East Hill MASP, must contain a large mixed use Town Centre commercial component containing a significant amount of residential multiple family units.

Planning staff are in support of the proposed buffering for the existing College Park acreage subdivision.

This new neighbourhood will have 14.9% of its area in community open space distributed as follows:

- | | |
|-----------------------|-----------------|
| ➤ Municipal Reserves | 11.1% (6.53 ha) |
| ➤ Public utility lots | 3.8% (2.25 ha) |

The proposed neighbourhood density of 12.4 dwelling units per hectare (13.38 units/ha if alternative land uses are developed) falls within the City's required density range of 12.35 to 17.30 units per hectare. The Timberlands NASP conforms to the City's *Neighbourhood Planning Guidelines and Standards*. The density of this neighbourhood appears to be a lower density neighbourhood when compared to other neighbourhood's density; however with the Town Centre commercial component making up potentially 30 hectares out of the 63.9 hectares of the plan area, the overall density of the neighbourhood is affected.

The Town Centre site is envisioned as a commercial, civic and residential mixed use area. It will provide a range of sites for medium and high density multiple family developments and larger commercial sites for potential retail, big box and restaurant uses to serve the East Hill community as well as a regional market. Smaller sites, within the context of a pedestrian friendly commercial main street, within the mixed use commercial site. The intent of the mixed use commercial/residential Town Centre is to create a unique sustainable community that facilitates a higher density residential environment in proximity to an employment node.

Proposed zoning for the Town Centre area in this NASP will take the form of new C5 (Town Centre) and C6 (Main Street) Commercial Districts. These districts are still under development by Parkland Community Planning Services and City Administration and will be forwarded to City Council for their consideration of adoption at a future date. Development design criteria are also being prepared for the Town Centre lands, some of which will be integrated into the proposed new C5 and C6 Commercial Districts. Planning that gives regard to design elements such as building form and style, views and vistas, open space, and streetscape treatments provide an urban context that is both functional and aesthetically pleasing.

Area traffic concerns expressed by the public at the neighbourhood meeting will be addressed through incorporation and implementation of the Traffic Impact Assessment Study into the Servicing Study for the area.

The proposed Timberlands NASP validates the community and planning principles contained in the *Red Deer Growing Smarter* document. Higher densities, more efficient use of land and creation of a mixed use live/work environment complements the City's intent to become a more sustainable community. This

approach to sustainability addresses ecological, social and economic impacts of sprawl and accelerated consumption of land.

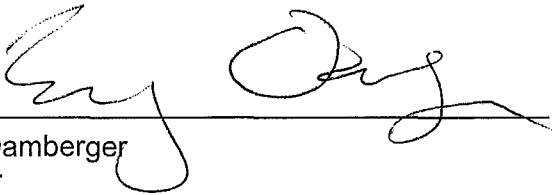
From a planning and land use perspective, planning staff support the approval of the Timberlands Neighbourhood Area Structure Plan.

MUNICIPAL PLANNING COMMISSION

On June 25, 2007 Municipal Planning Commission reviewed the Timberlands NASP and recommended the adoption of the Timberlands NASP by Council.

RECOMMENDATION

City Council proceed with first reading of Bylaw 3217/G-2007 being the Timberlands Neighbourhood Area Structure Plan.



Emily Damberger
Planner



Tony Lindhout
City Planning Manager

Attachments

- c. Colleen Jensen, Community Services Director



OFFICE OF THE MAYOR

DATE: June 26, 2007
TO: Legislative & Administrative Services Manager
FROM: City of Red Deer Municipal Planning Commission
RE: **Timberland North Neighbourhood Area Structure Plan**

At the June 25, 2007 Red Deer Municipal Planning Commission meeting, the Commission considered a report from Parkland Community Planning Services dated June 1, 2007 re: Timberlands Neighbourhood Area Structure Plan. Following discussion the resolution as set out below was introduced and passed.

"Resolved that the Municipal Planning Commission supports the draft Timberlands Neighbourhood Area Structure Plan and recommend this report be forwarded for the consideration of City Council."

The above is submitted for Council's consideration.

Mayor Morris Flewwelling
Chairperson
City of Red Deer Municipal Planning Commission

c. Emily Damberger, Parkland Community Planning Services

Legislative & Administrative Services

DATE: July 31, 2007
TO: Emily Damberger, Parkland Community Planning Services
FROM: Kelly Kloss, Legislative & Administrative Services Manager
SUBJECT: Timberlands Neighbourhood Area Structure Plan
Bylaw 3217/G-2007

Reference Report:

Parkland Community Planning Services, dated July 20, 2007 and June 25, 2007

Resolutions:

“Resolved that Council of the City of Red Deer having considered the report from Parkland Community Planning Services, dated July 20, 2007, re: Timberlands Neighbourhood Area Structure Plan Bylaw 3217/G-2007, hereby agrees to substitute the revised pages 9, 10, 16, 21, 22 and 23, in the Timberlands Neighbourhood Area Structure Plan Bylaw 3217/G-2007, as presented to Council on July 30, 2007.”

Bylaw Readings:

Timberlands Neighbourhood Area Structure Plan Bylaw 3217/G-2007, as amended, was given second and third readings. A copy of the bylaw is attached.

Report Back to Council: No**Comments/Further Action:**

Timberlands Neighbourhood Area Structure Plan Bylaw 3217/G-2007 provides the land use framework for approximately 63.8 hectares (159.02 acres) of land located on the east side of Red Deer, east of 30th Avenue, south of 67 Street and north of the existing College Park subdivision. Please provide this office with a copy of the revised Timberlands NASP for our files.


Kelly Kloss

Manager

/chk

attchs.

c Director of Development Services
Inspections & Licensing Manager
Land & Economic Development Manager

BYLAW NO. 3217/G-2007

Being a bylaw to amend Bylaw No. 3217/98, the bylaw containing The City of Red Deer Neighbourhood Area Structure Plans.

COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, ENACTS AS FOLLOWS:

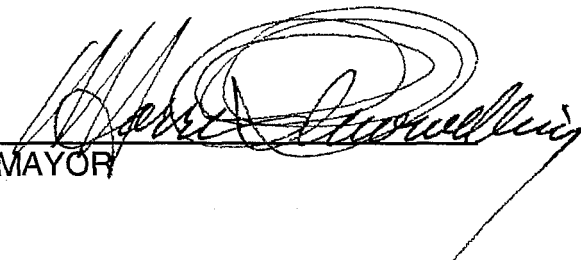
- 1 Bylaw No. 3217/98 containing the City of Red Deer Neighbourhood Area Structure Plans is hereby amended by adding thereto the Timberlands Neighbourhood Area Structure Plan attached as Appendix 'A' hereto and forming part of the bylaw.

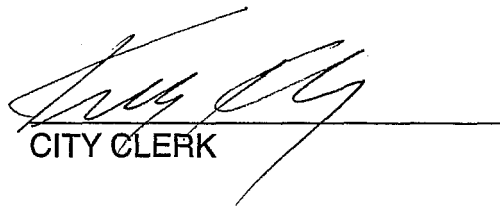
READ A FIRST TIME IN OPEN COUNCIL this 3rd day of July 2007.

READ A SECOND TIME IN OPEN COUNCIL this 30th day of July 2007.

READ A THIRD TIME IN OPEN COUNCIL this 30th day of July 2007.

AND SIGNED BY THE MAYOR AND CITY CLERK this 30th day of July 2007.


MAYOR


CITY CLERK

TIMBERLANDS

Neighbourhood Area Structure Plan

Reference: 112870840

Prepared by:

Stantec Consulting Ltd.
600 - 4808 Ross Street
Red Deer, AB T4N 1X5

June 1, 2007



Stantec

Table of Contents

1.0	VISION	1
2.0	INTRODUCTION	2
	2.1 Purpose.....	2
	2.2 Definition of Plan Area	2
3.0	PLANNING FRAMEWORK	4
	3.1 Intermunicipal Development Plan	4
	3.2 Municipal Development Plan	4
	3.3 East Hill Major Area Structure Plan	4
4.0	SITE CONTEXT AND DEVELOPMENT CONSIDERATIONS	7
	4.1 Topography, Soils and Vegetation	7
	4.2 Ecological Evaluation.....	7
	4.3 Environmental Site Assessment.....	9
	4.4 NAL Pipelines.....	9
	4.5 Existing Land Use.....	9
	4.6 Surrounding Development.....	9
	4.7 Oil and Gas	9
5.0	DEVELOPMENT PRINCIPLES	12
	5.1 Strong Identity.....	12
	5.2 Neighborhood Focus.....	12
	5.3 Commercial Vitality	12
	5.4 Housing Diversity	12
	5.5 Complementary Interface.....	12
	5.6 Open Space Amenities	12
	5.7 Educational Amenities	13
	5.8 Pedestrian Circulation.....	13
	5.9 Balanced Transportation	13
	5.10 Local Employment.....	13
	5.11 Transit Service	13
6.0	LAND USE CONCEPT	14
	6.1 Town Centre	14
	6.2 Residential Area.....	15

7.0	COMMERCIAL TOWN CENTRE	17
7.1	Commercial – Town Centre District	17
7.2	Main Street Commercial – Main Street District	18
8.0	RESIDENTIAL	19
8.1	Residential Low Density District (R1)	19
8.2	Residential Narrow Lot District (R1N)	19
8.3	Multi-Family Residential (R2)	19
8.4	Mixed Use Housing	20
8.5	Place of Worship and Social Care Sites	20
8.6	Residential Density and Housing Mix	20
8.7	Emergency Services Site	23
9.0	OPEN SPACE SYSTEM	24
9.1	Joint Use Site (PS)	24
9.2	Linear Parks and Open Spaces (P1)	25
9.3	Public Utility Lot (P1)	25
9.4	Southwest Parkette	25
9.5	Gathering Places	25
10.0	ARCHITECTURAL CONTROLS	27
10.1	Vision	27
10.2	Architectural Control Design Guidelines	27
11.0	TRANSPORTATION NETWORK	28
11.1	Arterial Roadways	28
11.2	Collector Roadways	28
11.3	Local Roadways	29
11.4	Laneways	29
11.5	Roundabout	29
11.6	Pedestrian Circulation	30
11.7	Public Transit Network	30
12.0	ENGINEERING SERVICES	32
12.1	Stormwater Management	32
12.2	Sanitary Sewer Servicing	32
12.3	Water Distribution	33
12.4	Power Distribution and Streetlighting	33
12.5	Shallow Utilities	34

12.6	ATCO Pipelines High Pressure Gas Line (ROW 2271KS).....	34
13.0	IMPLEMENTATION	35
13.1	Development Staging	35
13.2	Redistricting and Subdivision	35
13.3	Plan Amendments	35

FIGURES and TABLES:

Figure 2.1:	Location
Figure 2.2:	Subject Lands
Figure 2.3:	Legal Boundary
Figure 2.4:	Aerial
Figure 3.1:	City of Red Deer Municipal Development Plan
Figure 3.2:	East Hill MASP Land Use Concept
Figure 4.1:	Topography
Figure 4.2:	Existing Oil and Gas Facilities
Figure 6.1:	Land Use Concept
Figure 6.2:	Land Use Concept with Aerial
Figure 9.1:	Open Space System
Figure 11.1:	Regional Transportation
Figure 11.2:	Roadway Cross Sections
Figure 11.3:	Roadway Cross Sections
Figure 11.4:	Basic Geometric Elements of a Single Lane Roundabout
Figure 12.1:	Proposed Storm Trunk Mains
Figure 12.2:	Storm
Figure 12.3:	Proposed Sanitary Trunk Mains
Figure 12.4:	Sanitary
Figure 12.5:	Water
Figure 13.1:	Phasing

Table 1:	Land Use Allocation
Table 2:	Housing Mix
Table 3:	Reserve Dedication Analysis

1.0 VISION

Timberlands will be the heart of the surrounding East Hills communities. The area will be developed to reflect a unique image and character through design with focus on walkable streets, a diverse range of land uses and solid integration of commercial, residential and civic opportunities. Recreational, social and cultural activities are the foundation of the overall design and philosophy.

Commercial sites for retail, entertainment and limited office use anchor the Town Centre development and provide goods and services for the Timberlands community as well as a regional market. A vital and dynamic commercial "main street" will provide safe and convenient access to various facilities and amenities. The site includes medium and high-density residential units in the form of town houses and apartments. Based on market demand, the residential units will be a combination of stand-alone low-density housing developments, multi-family structures and dwelling units above commercial ground floors. The site may include public squares and distinctive features at carefully selected locations that will function as community focal points and gathering spaces. A multi-neighbourhood park adjacent to the future school site will be included to accommodate the programmed recreational needs of the community.

It is envisioned that the majority of residential development within the Timberlands site will occur on its periphery and will be appropriately integrated with surrounding land uses. There is a gradual transition of residential densities and land use intensity from high to low moving from the core where commercial uses dominate to the fringe where the lower density will transition well into existing neighbourhoods.

Direct pedestrian and open space linkages to neighbourhoods, commercial sites, natural areas, parks, school sites and other community gathering places, help promote active transportation and establish easily accessible destinations. Transit service links Timberlands with the surrounding neighbourhoods and the entire City of Red Deer.

Preservation and beautification of the environment are key elements of Timberlands. Green infrastructure, recycling and energy conservation are commonly practiced and the development is designed to be sensitive to the local climate by accommodating these priorities.

2.0 INTRODUCTION

2.1 Purpose

The Timberlands Neighbourhood Area Structure Plan (NASP) has been prepared by Stantec Consulting Ltd., on behalf of the City of Red Deer.

The purpose of the Neighbourhood Area Structure Plan (NASP) is to describe the land use framework and development principles for the Northwest Quarter of Section 23, Township 38, Range 27, West of the Fourth Meridian in northeast Red Deer (**Figure 2.1 - Location Plan**). The NASP includes an area of approximately 63.9 ha (159.02 ac) and was first contemplated in the East Hill Major Area Structure Plan (MASP) as one of a number of neighbourhood units accommodating future growth in east Red Deer.

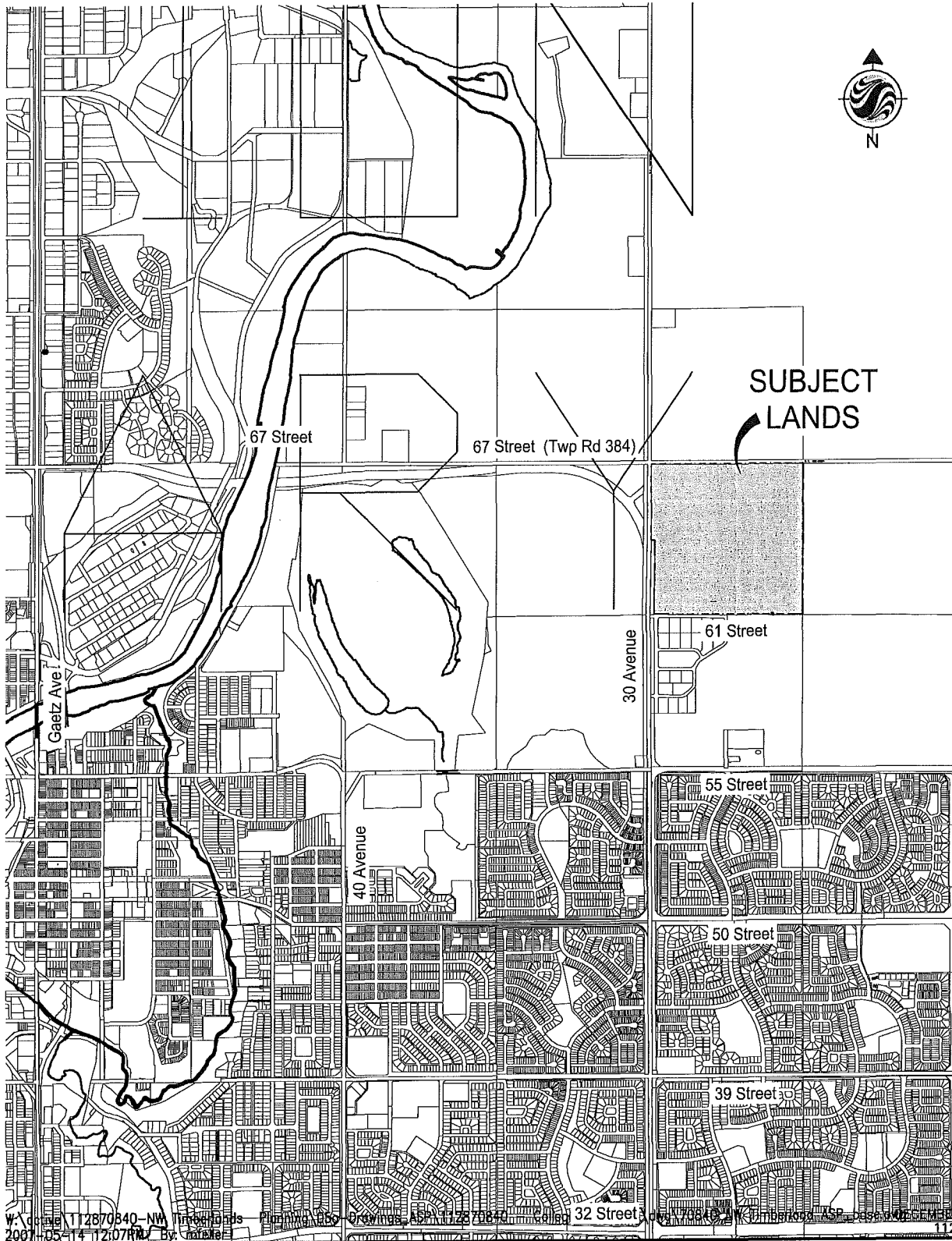
The City's commitment within the Timberlands NASP, is to develop an area for the City of Red Deer that reflects a unique image and character through design with focus on walkable streets, a diverse range of land uses with solid integration of commercial, residential and civic opportunities. In order to achieve this, the NASP contains a land use concept, which will guide area development and set the expectations for future area development.

The Neighbourhood Area Structure Plan will establish a framework for the subdivision, servicing and development of the Timberlands Area. The NASP identifies:

- The size and location of various land uses;
- The alignment of collector and local roadways and lanes;
- The neighbourhood open space system of parks, pathways and public utility lots;
- The location and range of commercial forms;
- The location and range of residential forms;
- The location of community facilities;
- Servicing concepts for storm sewer, water and sanitary; and
- The development staging sequence.
- Potential Densities

2.2 Definition of Plan Area

The Timberlands Neighbourhood Area Structure Plan is comprised of the Northwest Quarter of Section 23, Township 38, Range 27 West of the Fourth Meridian and includes approximately 63.9 ha (159.02 ac). As shown in **Figure 2.2 - Subject Lands**, **Figure 2.3 - Legal Area** and **Figure 2.4 -, Aerial**, the NASP is defined by the following boundaries:



W:\Drawing\112870840-NW Timberlands-Planning\AS0-Drawing\AS0-112870840-Location\112870840-Location.dwg, 2006
 2007-05-14 12:07PM By: [Name] 112870840

ORIGINAL SHEET - ANSI A



Stantec Consulting Ltd.
 600, 4808 Ross Street
 Red Deer AB Canada
 T4N 1X5
 Tel. 403.341.3320
 Fax. 403.342.0969
 www.stantec.com

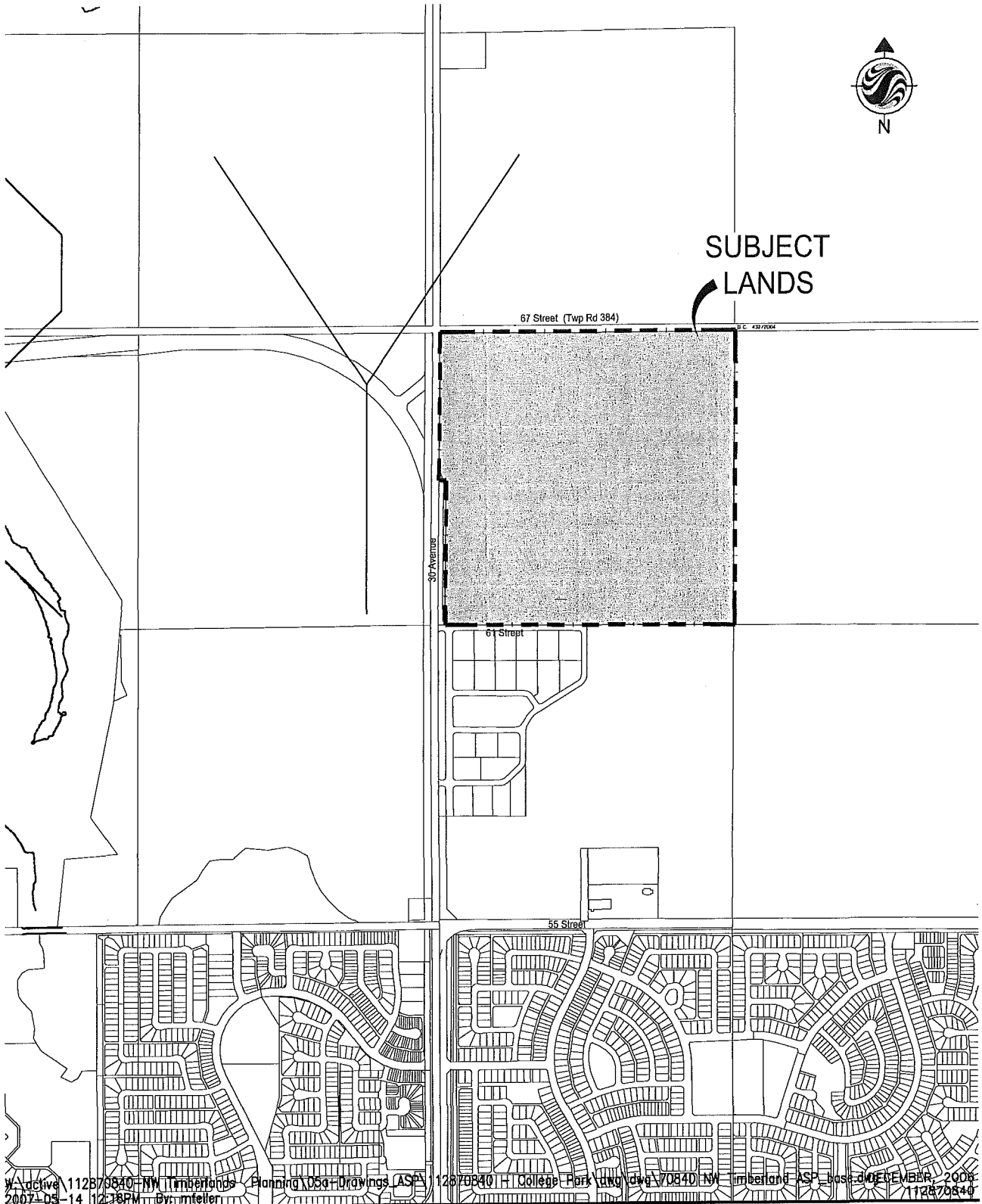
Client/Project
 CITY OF RED DEER
 TIMBERLANDS NASP
 Figure No.
 2.1
 Title
 LOCATION

Stantec

TIMBERLANDS NEIGHBOURHOOD AREA STRUCTURE PLAN

- Township Road 384 to the North;
- Agricultural land to the East;
- 61 Street to the South; and
- 30 Avenue to the West.

The Timberlands NASP constitutes a logical planning unit with respect to identifiable plan boundaries and servicing considerations and is consistent with the East Hills Major Area Structure Plan.



ORIGINAL SHEET - ANSI A



Stantec

Stantec Consulting Ltd.

600, 4808 Ross Street
Red Deer AB Canada
T4N 1X5

Tel. 403.341.3320

Fax. 403.342.0969

www.stantec.com

Client/Project

CITY OF RED DEER

TIMBERLANDS NASP

Figure No.

2.2

Title

SUBJECT LANDS

E
E
L
L
L
L
L
L
L
L
L
L



67 STREET (TWP 384)

805.26m

NW $\frac{1}{4}$ SECTION 23- 38-27-W4

LEGAL AREA = 63.9 Ha

859.03m

20.42m

30 AVENUE

391.73m

859.03m

61 STREET



W:\active\112870840-NW Timberlands Planning\05a-Drawings_ASP\112870840 - College Park\dwg\dwg\70840 NW Timberland ASP_base.dwg 11/28/2006 12:19PM By: mfeller 112870840

ORIGINAL SHEET - ANSI A



Stantec

Stantec Consulting Ltd.

600, 4808 Ross Street

Red Deer AB Canada

T4N 1X5

Tel. 403.341.3320

Fax. 403.342.0969

www.stantec.com

Client/Project

CITY OF RED DEER

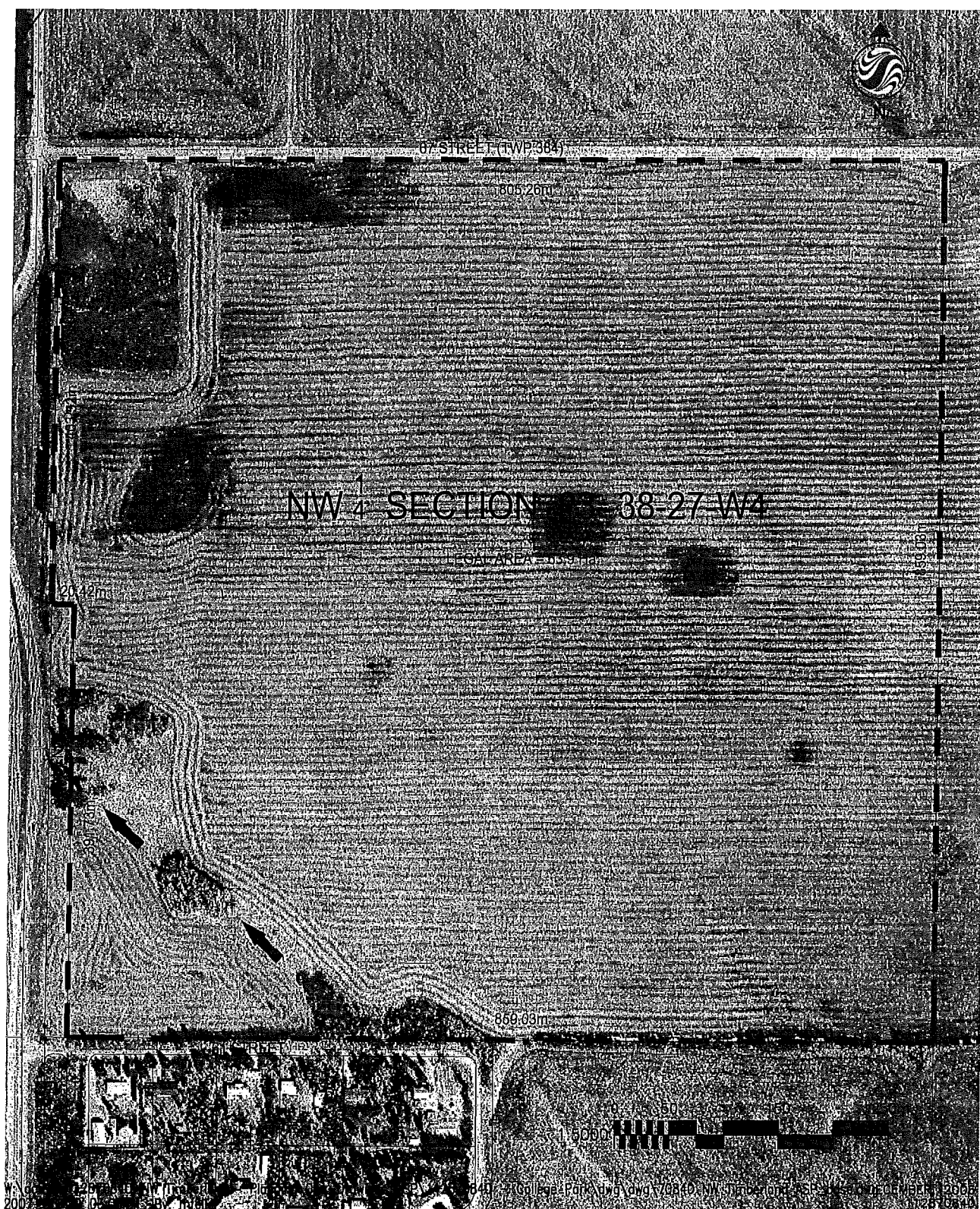
TIMBERLANDS NASP

Figure No.

2.3

Title



LEGAL
BOUNDARY



Stantec

Stantec Consulting Ltd.
600, 4808 Ross Street
Red Deer AB Canada
T4N 1X5
Tel. 403.341.3320
Fax. 403.342.0969
www.stantec.com

Legend

-  Subject Lands
-  Seasonal Drainage Course

Client/Project

CITY OF RED DEER

TIMBERLANDS NASP

Figure No.

2.4

Title

AERIAL

3.0 PLANNING FRAMEWORK

The Timberlands Neighbourhood Area Structure Plan is consistent with the following statutory documents.

3.1 Intermunicipal Development Plan

The *Intermunicipal Development Plan* exists to facilitate land use planning cooperation between the City of Red Deer and Red Deer County. It is consistent with the provisions of the Municipal Government Act and the individual municipal development plans of the City and County. This plan exhibits a cooperative approach to land use planning matters in and around the City to provide for the future expansion of the City and to allow compatible development in the County without impeding the orderly expansion plans of the City.

As noted in Section 13.9.1 in the IDP, "The City may continue to develop the East Hill Area for mixed urban uses according to the policies of the Area Structure Plan."

3.2 Municipal Development Plan

The City of Red Deer Municipal Development Plan (MDP) was originally adopted by Council on August 24, 1998 under Bylaw 3214/98 to guide growth and development within the City limits. The scope of the plan is broad and addresses a wide variety of issues including land use, environmental protection, economic prosperity, social well being and future development planning.

Under the MDP, the Timberlands lands are slated for immediate urban growth (see **Figure 3.1 - Municipal Development Plan**). This Plan has been prepared in accordance with the policies outlined in the MDP.

3.3 East Hill Major Area Structure Plan

The East Hill Major Area Structure Plan (MASP) is one of a series of inter-related Planning documents adopted by the City of Red Deer. The MASP provides the zoning, subdivision and development framework for a large area of land in east Red Deer, which includes the Timberlands Site.

The East Hills MASP prescribes that the Timberlands site is envisioned as a commercial, civic and residential mixed use area. The Timberlands NASP has been inspired by the MASP vision and provides for the development of a lifestyle centre, regional and medium sized commercial site opportunities, a pedestrian based main street, a school site, civic amenities and both multi family and single-family neighbourhoods.

Figure 3.2 - East Hills MASP Land Use Concept, illustrates the location of Timberlands in relation to the boundary of the East Hills MASP

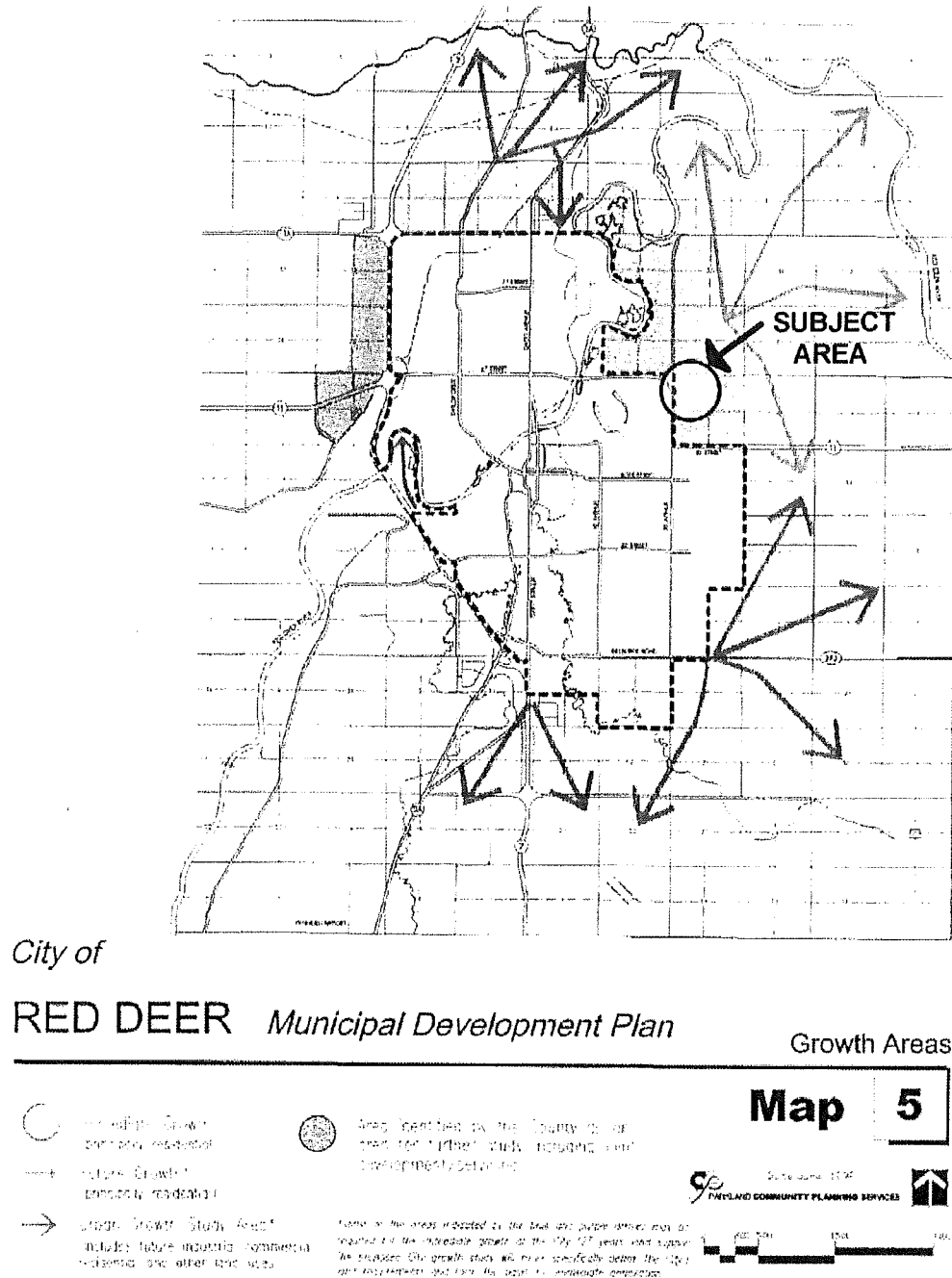
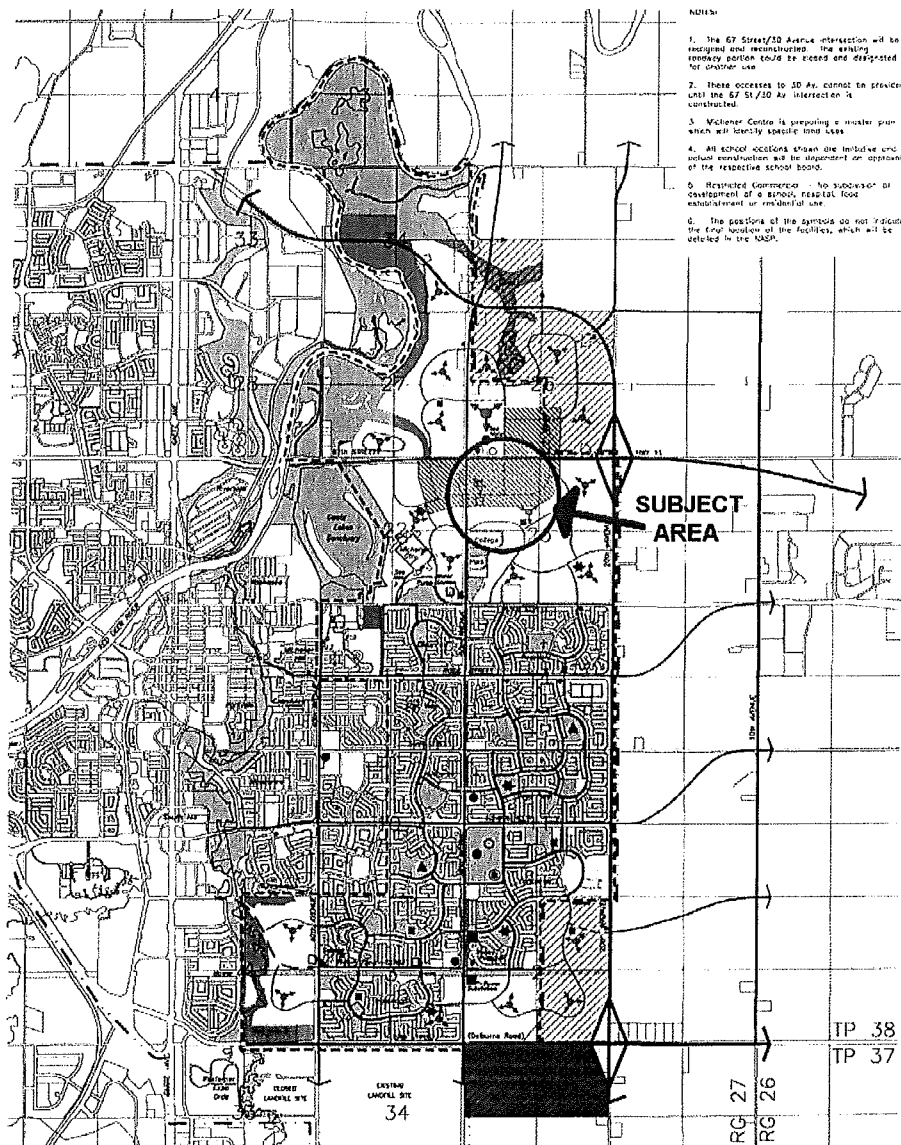


Figure 3.1 – City of Red Deer Municipal Development Plan

* Source – “City of Red Deer Municipal Development Plan” prepared by Parkland Community Planning Services and Lovatt Planning Consultants. Adopted by City Council August 1998; Amended by Council July 14, 2003.



City of Red Deer
East Hill Major Area Structure Plan

Figure 5
Development Concept Plan
(READ WITH FIGURE 3)

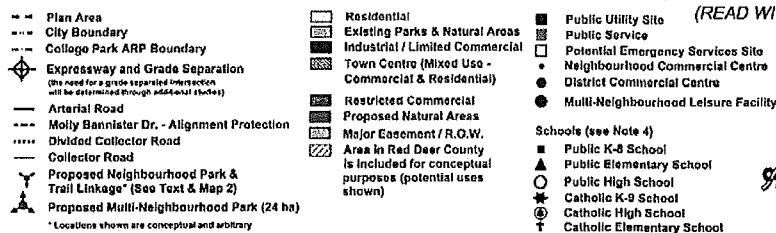


Figure 3.2 – East Hill MASP Land Use Concept

* Source – “East Hill Major Area Structure Plan” prepared by Parkland Community Planning Services. Bylaw 3207/A-2005; Adopted by City Council December 19, 2005.

4.0 SITE CONTEXT AND DEVELOPMENT CONSIDERATIONS

4.1 Topography, Soils and Vegetation

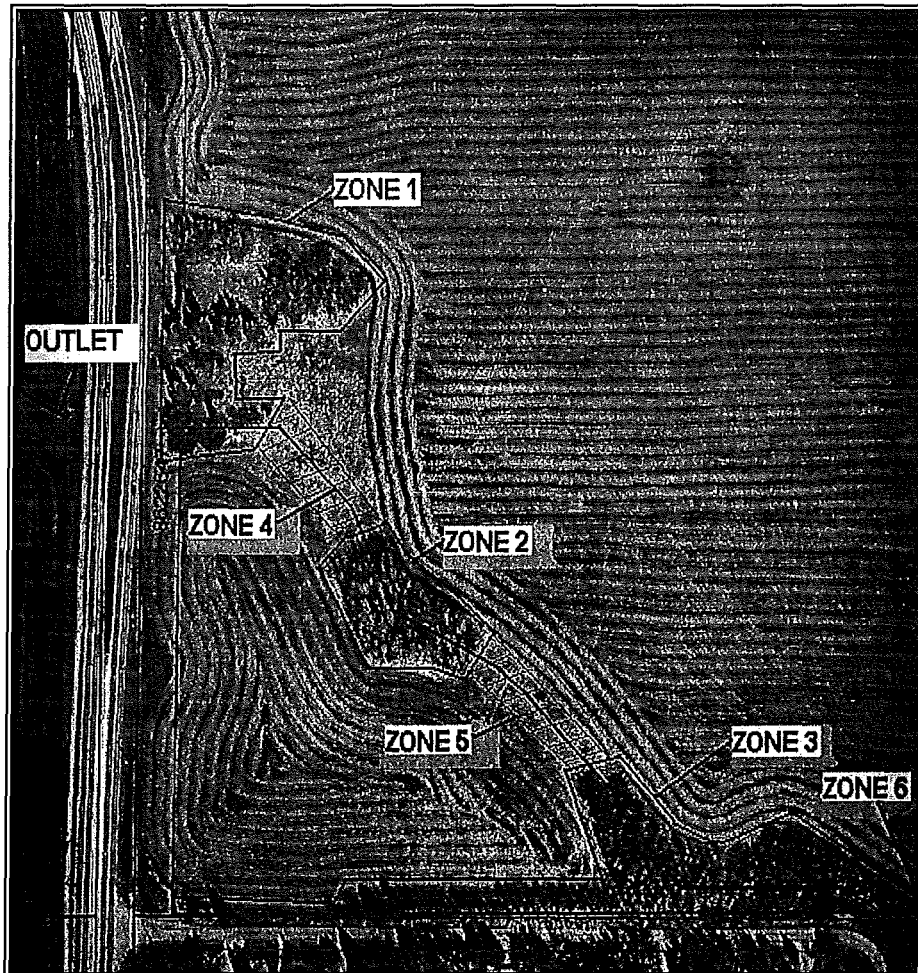
The subject lands are gently rolling with an overall downward slope to the north/northeast.

The majority of the NASP lands are undeveloped agricultural land. A City of Red Deer snow dump is located in the northwest corner. Natural habitat is sparse and is limited to the southwest and south boundary of the quarter section in the form of a shelterbelt that extends along the southern edge of the subject lands and merges with a larger stand of trees that extends to the northwest. Several other small stands of trees are located within the parcel. A seasonal drainage swale is located in the northeast corner of the quarter section.

4.2 Ecological Evaluation

Recommendations:

An Ecological Evaluation of this property was undertaken by the City of Red Deer Parks and Recreation Department in December of 2005. The recommendations in this report refer to the Figure below:



- Selective preservation of the better quality farmstead trees in Zone 1 (include as part of MR dedication). A detailed site assessment is required to establish material to be preserved.
- Preservation and incorporation of the Zone 2 and 3 treed areas southeast of the farmstead into the overall park plan. Full preservation of Zone 6 treed shelterbelt or partial preservation depending on required alignment of pre-development grades (include all zones as part of MR dedication). *Note:* there are very few natural features in the two eastern ¼'s of Section 23, therefore additional effort should be placed on preserving Zone 6 as the only centralized natural feature in the section.
- - i. Preservation or incorporation of the seasonal stream and drainage channel (Zone 4 and 5) into the storm water management plan. If the source of water into Zone 5 requires removal, direct another source of runoff into Zone 5 and/or adjacent receiving streams (Outlet west of 30 Avenue) to assure a continued source of water to downstream recipient natural areas (reference to these connections can be found in the Michener Centre Ecological Profile (1998) and College Park Ecological Profile (2003)).
 - ii. Regardless of whether Zone 4 (seasonal stream) is retained or eliminated, Zone 5 should be preserved intact as a vegetated linear park between the three linked tree zones (include as part of MR dedication). A trail should be developed through the grassy zone. As a result of the long-term association of the vegetation with a seasonal stream and no known recent use as cropland in this zone, the grassy vegetation is likely of high quality and variety – perhaps approaching a state of native grassland; further assessment would be required. Shrubs could be planted to enhance the vegetation in the linear park.
- When grading and developing the northeast corner of the ¼ section, consideration should be given to any impacts that may emerge as a result of the removal or alteration of the seasonal flow of water carried through a swale in that area to a wetland on private land north of TWP 384.

Outcome and Implementation Regarding Ecological Evaluation:

Upon consideration not all of the recommendations from the Ecological Evaluation proved to be practically feasible, for reasons related to cost or engineering considerations. Relevant details of the implementation of the Ecological Evaluation recommendations are as follows:

- Because most of the trees within the abandoned farm site are situated in the 30 Avenue roadway allowance and because of fill requirements at this location, it was not practical to preserve these trees. Also in discussion with Parks staff, of all the recommendations outlined in the report, this area was the lowest priority because most plant species in this area are not native species.
- All of the trees identified in Zone 2 will be preserved and incorporated into the Plan as well as a 10 meter wide strip of trees in zone 6 along the boundary of the College Park

neighbourhood. These two areas were considered to be the highest priority for preservation by the parks department.

- Because of urban development on this quarter section as well as the future urban development on lands upstream, the natural run off that feeds the existing seasonal drainage swale will be cut off, making it unviable to incorporate into the development concept. However, materials in this salvaged seasonal drainage course can be incorporated into a proposed constructed wetland in the northwest corner of the Plan.

Figure 4.1 - Topography illustrates the contour information for the subject lands.

4.3 Environmental Site Assessment

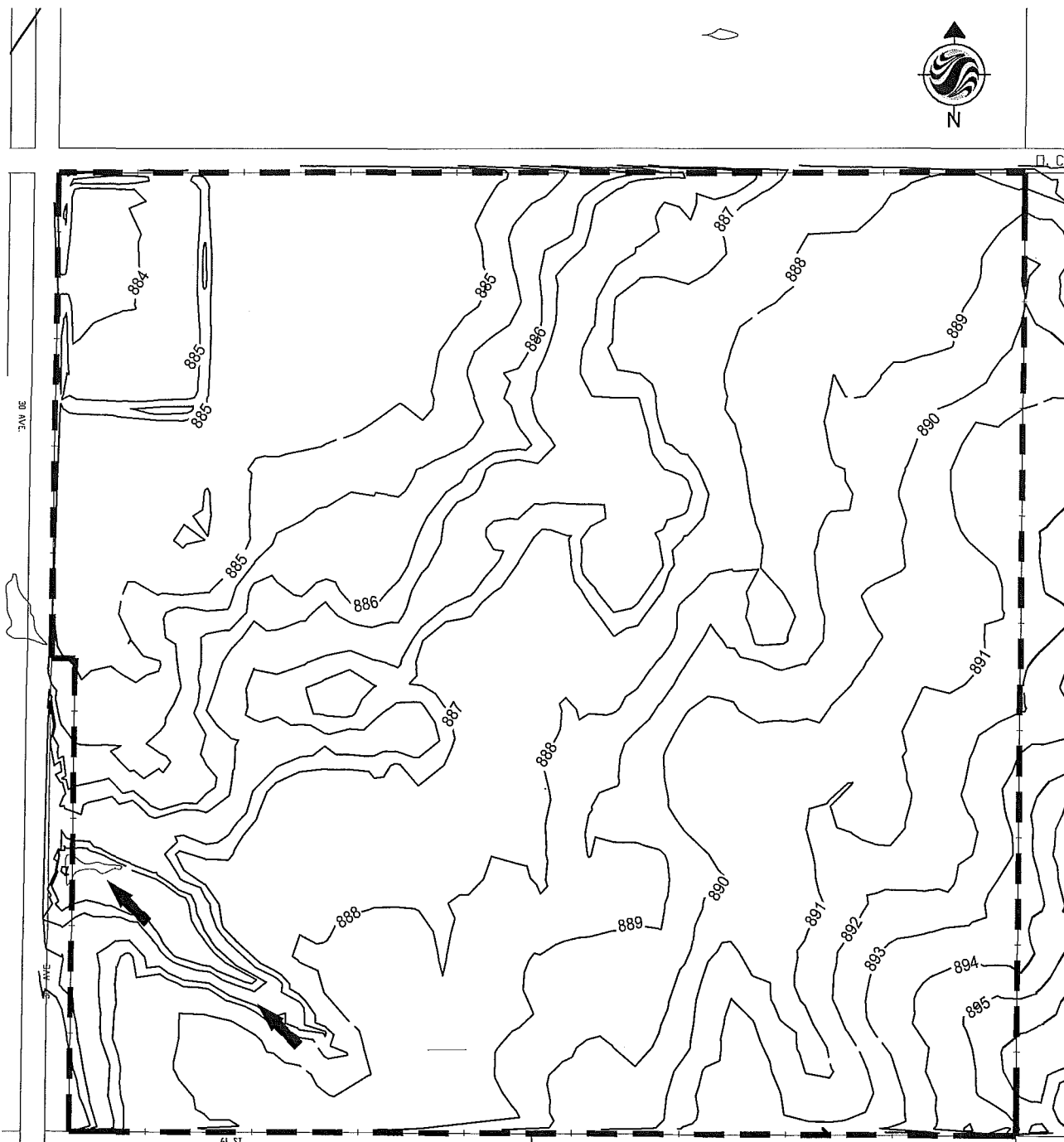
Parkland GEO completed a Level 1 Environmental Site Assessment (ESA) in April 2006. The ESA identified a number of potential issues, including:

- The presence of existing oil and gas facilities
- Possible contamination resulting from a temporary snow storage / disposal site;

A Phase II ESA will be undertaken to review the environmental impacts from both the snow storage site and the abandoned oil and gas facilities. This report will be submitted under separate cover by Parkland GEO before development occurs on the first phase and it will address any remedial actions that may be required.

4.4 NAL Pipelines

NAL Resources maintain several existing oil and gas wells and pipelines to the north and east of this proposed plan. Some of these facilities contain sour gas. Alberta Energy and Utilities Board (AEUB) requires facilities containing sour gas to establish emergency response plans to assist in managing the risk to public safety associated with a potential release of sour gas to the environment. These plans are developed to assist in contacting and potentially evacuating residents living within pre-determine Emergency Planning Zones (EPZ). An EPZ is an area surround a facility, pipeline, or well where residents or other members of the public may be at risk during an uncontrolled sour gas release, explosion or fire and the area for which the operator of the facility must have a specific emergency response plan. The size of the EPZ surrounding sour gas facilities is established based on the magnitude of the maximum anticipated potential volume or rate of sour gas release in the event of an uncontrolled release. The oil and gas operator is responsible for providing information and education to the public within the EPZ regarding the correct procedures in case of an uncontrolled release. During an emergency, the oil and gas operator and the Emergency Services Department will coordinate the emergency response. The EPZ boundary for the NAL sour gas facilities north and east of this plan area does not currently fall within the boundary of the Timberlands Plan area, however future regulation changes within AEUB and/or The City of Red Deer may change the emergency planning zone boundary



W:\active\112870840-NW Timberlands Planning\05a-Drawings_ASP\112870840 - College Park\dwg\dwg\70840 NW Timberland ASP_base.dwg 112870840
2007-05-14 12:21PM By: mfeiler



Stantec

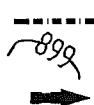
Stantec Consulting Ltd.

600, 4808 Ross Street
Red Deer AB Canada
T4N 1X5

Tel. 403.341.3320

Fax. 403.342.0969

www.stantec.com



Subject Lands

Geodetic Contours in meters

Seasonal Drainage Course

Client/Project

CITY OF RED DEER

TIMBERLANDS NASP

Figure No.

4.1

Title

TOPOGRAPHY

4.5 Existing Land Use

The plan area is presently designated Future Urban Development (A1) under The City of Red Deer under Bylaw 3357/06. The purpose of this land use district is to allow for agricultural uses until such time that the land is needed for urban development.

4.6 Surrounding Development

A majority of the surrounding lands are undeveloped. The anticipated land use mix will follow that outlined in the East Hills MASP. The existing residential community of College Park is located directly to the south, which the Timberlands concept will tie into.

4.7 Oil and Gas

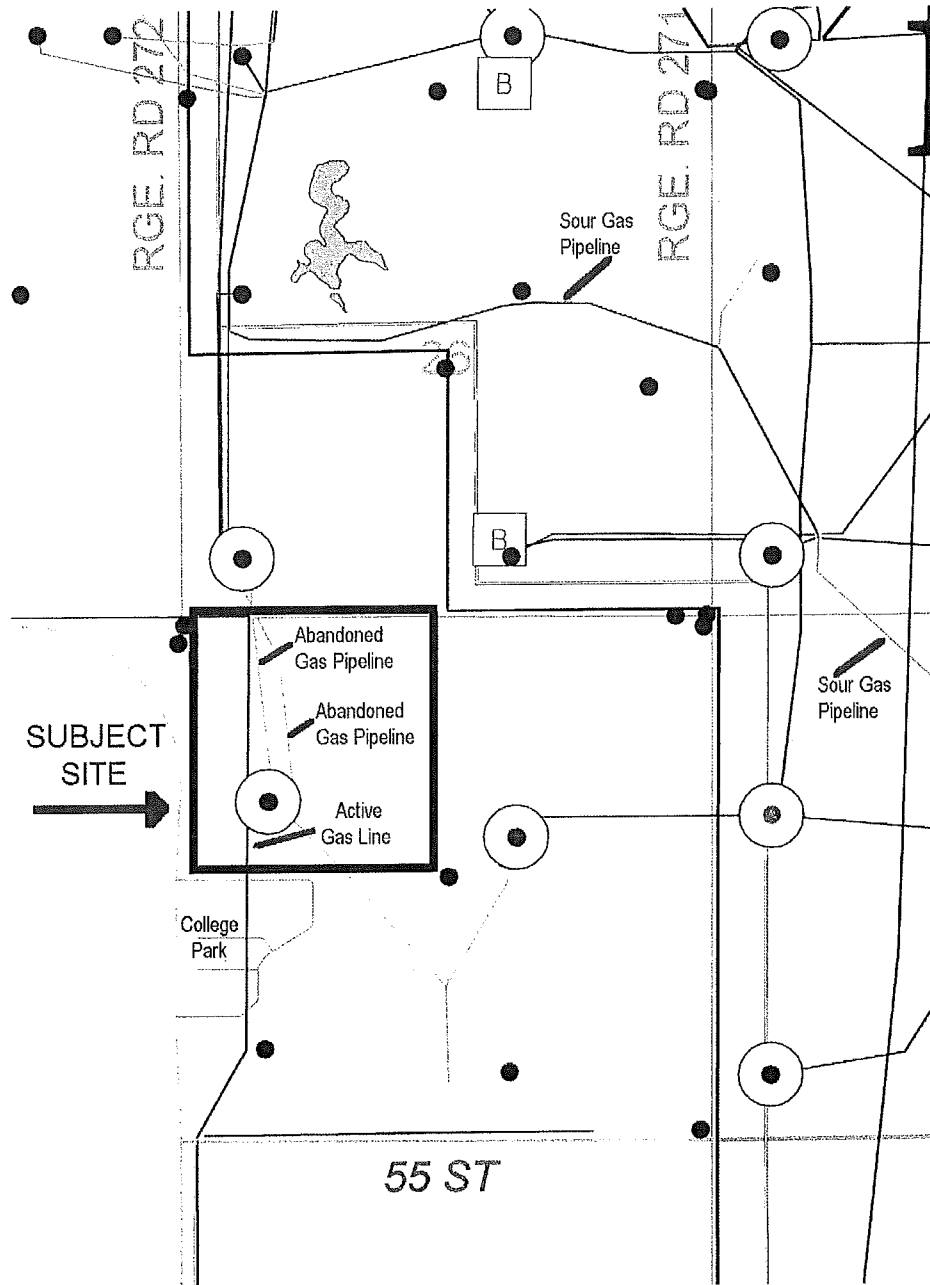
As outlined in the Parkland GEO Phase 1 ESA, there are a number of oil and gas facilities identified within the subject quarter. The Atco gas pipeline (2271KS) will be retained on the property. This high pressure pipeline is protected by a 6.1 meter right-of-way. The Alberta Energy and Utilities Board (EUB) policies require that development for urban uses (such as residential homes or commercial businesses) not be permitted within the right-of-way boundary. The proposed land use concept respects this regulation. They also typically require a proximity agreement from any party undertaking work within 30 metres of their right-of-way.

Two Imperial Oil pipeline rights-of-way are located to the east of the Atco pipeline. These pipelines have been abandoned and the right-of-ways were discharged in 1991.

There was a battery site and a gas well site (Calstan Red Deer 12-23N-38-27) located in the southwest portion of the property, which was drilled by Chevron Canada in 1957. In addition, there was a fresh water injection well associated with this site that was reported to be abandoned in August 1983. In May of 1976 Imperial Oil Ltd reclaimed the battery site and a reclamation certificate # 54-15749 was issued by Alberta Environment. The actual well site was reclaimed, again by Esso Resources Canada Ltd in Oct of 1988. This reclamation certificate is numbered 8429. A Phase 2 environmental assessment is to be completed before development proceeds to determine if any contamination has occurred in this vicinity.

Prior to subdivision of the plan area adjacent to this well the precise location of the well will be confirmed in the field. The Plan may have to be modified to ensure that the well is setback at least 5 meters from any permanent structures, 3 meters from any underground utilities, and there is sufficient working space in the unlikely event that a drilling rig requires access to the well.

As illustrated on **Figure 4.2 - Existing Oil and Gas Facilities**, there is an active gas well located to the east of the subject lands within the Northeast Quarter of Section 23. The EUB requires that a 100 meter setback be maintained between the well and urban uses. This setback restriction does not impact or impede development within the Timberlands.



Legend:

- Abandoned Gas Well
- Abandoned Water Injection Well
- Active Gas Well

Figure 4.2 – Existing Oil and Gas Facilities

* Source – "City of Red 2004 Growth Study – February 2005" prepared by Parkland Community Planning Services.

5.0 DEVELOPMENT PRINCIPLES

The Timberlands Neighborhood Area Structure Plan has been prepared as a comprehensively planned commercial and residential development, consistent with the general intent and purpose of the City of Red Deer MDP, East Hill MASP.

The Timberlands NASP shall be based on the guiding principles outlined below:

5.1 Strong Identity

A strong identity is achieved through a comprehensive vision and approach to community features and thematic elements reinforced through unique design and place-making techniques. Architectural controls placed on commercial and residential development further strengthen this identity.

5.2 Neighborhood Focus

The Town Centre achieves a sense of neighborhood through the integration of the commercial and residential areas. Distinct theme and character, a range of commercial and housing forms, and the creation of unique streetscapes, including open spaces and transportation routes strengthen the sense of neighbourhood and assist in creating the Timberlands community.

5.3 Commercial Vitality

A viable commercial development will be achieved through the provision of a vital and attractive core commercial centre to meet the shopping needs of local and regional residents and visitors to the area.

5.4 Housing Diversity

The Timberlands neighborhood will accommodate a diversity of housing types. Multi-family housing is the predominant housing type, which may include mixed use developments. A variety of lower density residential property is also offered in the periphery of the area. This diversity of housing opportunities will accommodate the needs of a variety of income groups and lifestyles, which in turn will encourage a healthy and sustainable community.

5.5 Complementary Interface

An appropriate interface between commercial and residential uses will be achieved by a gradual transition of land use intensity moving from high-density commercial and mixed use in the Town Centre core to medium and low density residential on the periphery and the use of landscape treatments. The plan will take into consideration pedestrian and vehicular connections and land use associations to adjacent and future developments.

5.6 Open Space Amenities

Open spaces are designed to accommodate active and passive recreational requirements such as formal and informal play fields, creative play opportunities and informal gathering places.

Pathway and walkway connections throughout the area provide safe pedestrian linkages for walking, jogging, in-line skating and cycling. Walkability is key to the Timberlands design.

5.7 Educational Amenities

The educational needs for the area are met through the inclusion of one joint use site and adjacent play areas.

This joint use site is to be located adjacent to one collector roadway and one local roadway at a minimum and should contain at least one sports field and be in close proximity to a trail system.

5.8 Pedestrian Circulation

The plan provides a comprehensive network of accessible pedestrian linkages and connections on and off the street that promote an active and healthy lifestyle where people can commute to work, access recreational and commercial environments and enjoy leisure time with family and friends. Pedestrian circulation routes link community destinations within the town centre environment.

5.9 Balanced Transportation

The NASP design provides for a functional, efficient and interconnected road network with a choice of routes for alternative vehicular circulation, as well as a variety of pedestrian and bicycle links.

5.10 Local Employment

Commercial land uses and limited office uses within the quarter section will foster employment opportunities in close proximity to area residents.

5.11 Transit Service

Transit use will be promoted through effective urban design and efficient transit routing.

6.0 LAND USE CONCEPT

Development within the Timberlands Area will generally conform to the Land Use Concept presented in **Figure 6.1** and **Figure 6.2**

6.1 Town Centre

The Timberlands NASP represents a portion of the area proposed in the East Hills MASP to accommodate a Town Centre development. As outlined in the MASP, the development will “provide a range of commercial sites for retail, services, entertainment and limited office uses to serve the East Hill community, as well as a regional market”. It will have a large multi-family component to serve residents who desire to work and live in the same neighbourhood. These sites will be situated along the fringe area of the Town Centre.

The concept for the commercial area would be a variety of retail spaces. Within these retail spaces, there would be stand-alone, single floor retail. There would be more of a regional aspect which would have larger commercial square footage buildings. There would also be a downtown element within the Town Centre. The Town Centre downtown area has the ability for retail on the first floor, potential offices or residential on second or third floor buildings.

In other areas of the Town Centre, there will be mixed uses where there is commercial, then directly adjacent to the commercial, there would be housing, particularly multi-family housing that would be adjacent to and not over the top of, but all read as one unit. There is the potential for small elements of neighbourhood commercial to be on the second and third floor of these multi-functional spots.

The Timberlands site, as mentioned, not only includes residential but also the commercial Town Centre. The Town Centre transitions to the commercial areas in a series of density rings, where high density is located close to commercial, which eventually would transition into single family with multi-family housing of various densities, being a transition element between the two uses.

It is not the intent of this plan that single family detached dwellings will be directly adjacent to commercial, however that does occur in some places. Overall, however, the intent of this design would be to have a series of transitional uses from the retail/commercial to multi-family and then transitioning out to lower density single family housing.

The design of the comprehensively planned Town Centre emphasizes connectivity and allows more direct travel between destinations. Connectivity and pedestrian linkages are facilitated through a continuous sidewalk, walkway and pathway system within the Town Centre, which in turn promotes alternative forms of transportation, provides foot traffic for the Core Centre and encourages an increase in ridership on the public transit system.

The commercial “Main Street” will be central to the Timberlands community. The Main Street is intended primarily as a zone for commercial mixed use development, which features combinations of service, office, retail and residential uses within integrated projects. This area encourages small-scaled commercial and mixed use streetscapes, and promotes a pedestrian-

Legend

- Subject Lands
- ☁ Existing Trees to Be Preserved
- Abandoned Gas Well



W:\active\112870840-NW Timberlands Planning\05a-Drawings_ASP\112870840 - College Park\dwg\dwg\70840 NW Timberland ASP_base.dwg October, 2006
2007-05-14 12:22PM By: mfeiler 112870840

ORIGINAL SHEET - ANSI A



Stantec

Stantec Consulting Ltd.
600, 4808 Ross Street
Red Deer AB Canada
T4N 1X5
Tel. 403.341.3320
Fax. 403.342.0969
www.stantec.com

Client/Project
CITY OF RED DEER
TIMBERLANDS NASP
Figure No.
6.2
Title
Land Use Concept
With Aerial

scaled character through the integration of active ground-floor, community-serving commercial and service uses along storefronts, with office uses and residential uses on upper floors. The residential units will be high quality, with adequate private and public open spaces through an integration of connected public and private open spaces.

Building elevations and rooflines within the Main Street will complement the adjoining residential community. Design elements within this district may include:

- Street level windows
- Appropriately designed and separated entrances for specific uses
- Street oriented signage
- Pedestrian scale design and building materials
- Screening of outdoor storage areas where required

6.2 Residential Area

The Timberlands development will accommodate a diverse housing mix. The Town Centre districts will have a variety of multi-family housing opportunities that will blend well with the surroundings. The general pattern of the housing will be more intense, multi-family units near the commercial areas and gradually transition to larger lot single family residential on the south side of the property in an effort to create an edge treatment where housing of similar size and type will transition to the College Park subdivision to the south. There is one area of multi family housing in the southeast corner of the site that will actually connect with additional multi-family located on the land to the south. This diversity of housing opportunities will accommodate the needs of a variety of income groups and lifestyles, which in turn will encourage a healthy and sustainable community.

Medium density and mixed-use residential developments are located adjacent to collector and arterial roads to provide easy access to these developments. These uses will provide an appropriate transition between commercial and adjacent single family uses. Low density residential with a landscaped buffer will provide a transition of uses between the lands identified in the NASP and the College Park subdivision to the south.

Park space and pedestrian pathways are distributed throughout the residential area providing active and passive recreational opportunities while enhancing the aesthetics of the community. The design focuses on human scale and ensures pedestrian accessibility to everyday needs, while accommodating the automobile as the primary mode of transportation. Transit stops shall be located throughout the community to encourage ridership.

Table 1: Land Use Allocation

LAND USE CATEGORY / COMPONENT	AREA (ha)	% OF PLAN AREA	NUMBER OF DWELLING UNITS
Gross Plan Area	63.90		
Arterial Road Widening on 30 Ave / 67 St	4.85		
Net Developable Area	59.05	100%	
Commercial Uses	20.06	34 %	0
Emergency Services Site	0.47	0.8 %	
Town Centre District	18.18	30.8 %	0
Main Street District	1.41	7.0 %	0
Residential Uses	20.16	34.1 %	732
Residential Low Density (R1)	4.47	7.6 %	94 (95 including secondary suites)
Town Centre District	8.5 [‡]	14.4 %	405
Main Street District	1.5 [‡]	2.5 %	40
Mixed Residential	1.72	2.9 %	40
			(47 including secondary suites)
Residential Narrow Lot (R1N)	1.77	3.0 %	44
Multi-Family (R2)	2.20	3.7 %	101
@ 45 units/ ha			
Social Uses	1.30	2.2 %	58
Place of Worship (R2)	0.93	1.6 %	42 (if R2)
@ 45 units/ ha if R2			
Social Care Site (R2)	0.37	0.6 %	16 (if R2)
@ 45 units/ ha if R2			
Open Space	8.78	14.9 %	
Municipal Reserve	6.53	11.1%	
Public Utility Lot	2.25	3.8 %	
Transportation	8.75	14.8 %	
Collector Roadways	6.00	10.1 %	
Local Roadways	1.77	3.0 %	
Lanes	0.98	1.7 %	

* Note: The minimum number of dwelling units to be situated within the fringe area of the Town Centre is to be a minimum of 385 dwelling units as outlined in the East Hill Major Area Structure Plan (EHMASP).

Also as outlined in the EHMASP, the overall ¼ section is to yield a minimum of 500 dwellings with a minimum of 205 dwelling units in the residential areas outside of the Town Centre area.

‡ Note: When actual development proceeds in the Town Centre, the number of units in the mixed-use area is anticipated to be approximately 445 units but the actual area may vary from the 10 hectares (8.5 and 1.5 ha) illustrated in this table depending on how and where this development occurs..

7.0 COMMERCIAL TOWN CENTRE

A Commercial Town Centre Site totalling 29.46 ha± (72.77 ac±) is located within a comprehensively planned area. The Town Centre Commercial Centre offers primarily retail, personal service and entertainment uses. Also, a mixture of multi-family housing will be integrated into this centre as well as the possibility of mixed use buildings which may include ground floor commercial with residential uses on floors above. The site design incorporates internal pedestrian routes, predominantly smaller-scale businesses, shops and street oriented buildings.

The commercial uses within the plan area will interface with the residential area through a use of transitioning techniques. It is not desirable to have a residential area backing onto the rear of large commercial buildings. As such, there should be a buffer located between the residential area and commercial area. Typically that buffer could be in the form of a lane, a landscaping buffer in the instance of certain locations within the town centre project there is a gas line easement which will be used as a buffer between residential and commercial uses. Other transitional uses would include upgraded architecture on the backside of the commercial areas as well as ensuring the commercial elements have attractive esthetic/privacy fencing, separating views of the backside of the commercial from residential areas.

While the commercial areas should be transitioned from the residential area, it is important to create connections between the areas. This could be done through pathways, open space systems, allowing residents throughout the residential areas easy access to the commercial. This is encouraged not only for ease of shopping and travel to those areas, but also individuals who may work in the commercial areas and live within the residential areas will not be required to drive to work, thus creating a more sustainable transportation model for the area.

Within the Town Centre site, in addition to commercial uses, civic spaces will also be used. Civic spaces would be areas which are considered useable by the general public, i.e. court yards cafes, amphitheatres, skating rinks, or other public uses. Where possible, these public gathering spaces or nodes should be located within the commercial area. This will benefit not only the community, but also the commercial developers will have a more esthetic appeal to their commercial uses, thus creating a destination area. The civic spaces cannot only be used as formal gathering spaces, but also be utilized as programmed elements for items such as weekend farmer markets, artisan markets, play areas and other programmed events.

It is anticipated that the Town Centre site will be able to accommodate key community amenities based on the needs of the residents and market demand of the regional area. Both regional and neighbourhood targeted businesses are expected to be evenly distributed throughout the northern portion of the Town Centre.

7.1 Commercial – Town Centre District

Large retail and service facilities are intended to anchor the Town Centre as a regional shopping district. The envisioned open-air retail and leisure centre will be anchored by larger format stores and national specialty stores. This commercial type is more compatible towards

Stantec

TIMBERLANDS NEIGHBOURHOOD AREA STRUCTURE PLAN

shoppers with cars, but at the same time, promoting pedestrian friendly connections throughout the shopping area.

This component will encompass approximately 30.06 ha \pm (74.25 ac \pm) of land and will include large-scale and mid-sized retail development. Unlike the main street retail, the regional retail will require convenient vehicle access and substantial parking facilities.

Multi-family development will be inter-mixed within the commercial uses within this district.

7.2 Main Street Commercial – Main Street District

The streetscape for the Main Street Commercial District will be designed to reflect a typical prairie small town main street. This commercial type will create a pedestrian friendly environment and may include residential and office development on upper floors and commercial space on the ground floor.

This sector of retail and services will encompass approximately 2.91 ha \pm (7.2 ac \pm) of land and contain local and specialized retail uses.

8.0 RESIDENTIAL

The Timberlands NASP responds to the City of Red Deer mandate to provide a broad range of housing types and lot sizes to meet the residential needs of the City. The NASP will provide single family, medium and high density multi-family and mixed use residential opportunities.

The Residential area is comprised of low-density single-family units with medium density multi-family units and mixed-use buildings appropriately interfacing with commercial developments.

8.1 Residential Low Density District (R1)

The southern portion of the Timberlands area will accommodate conventional single-family detached dwellings. These lot types are typically in close proximity to open spaces and other amenity spaces. The low density residential will provide a transition of uses between the College Park subdivision to the south and the proposed development within the Town Centre lands.

The housing form within the low density housing areas identified in the plan will consist of single detached housing catering to a variety of lot and home sizes. These lots will typically be around 35 meters with shallower and deeper lots distributed around expanded bulbs and in the closes.

The lots backing onto the existing College Park neighbourhood are 40 meters deep and will be approximately 16.4 to 17.1 meters wide. A 10.0 meter wide municipal reserve lot, to preserve a strip of existing trees, is provided at the rear of these lots and provides a tree buffer to the existing College Park neighbourhood.

The Timberlands NASP residential area contains approximately 1275 m[±] (4183 ft[±]) of R-1 Residential Low Density District frontage and is anticipated to accommodate 95 single family lots based on a 14 m (46ft) average lot width.

8.2 Residential Narrow Lot District (R1N)

Due to the continued demand and need for more affordable lot and housing options, this plan has made provision for narrow detached lots which fall under the R1N land use district. Front yard driveways are prohibited on these lots and therefore rear lane access is a necessity to meet the parking needs for these homes. These lots will range in width from 10.5 m to 11.6 m and will typically be 35 meters in depth except around expanded bulbs.

The Timberlands NASP Residential Area contains approximately 480 m[±] (1575 ft[±]) of R-1N Residential Narrow Lot District frontage and is anticipated to accommodate 44 single family lots based on a 10.5 m (34.4ft) minimum lot width.

8.3 Multi-Family Residential (R2)

The Timberlands NASP identifies one multi-family residential site comprising approximately 1.42 ha[±] (3.51 ac[±]) of land. The site is located in the extreme southeast corner of the Plan. It is anticipated that this site will be developed with duplex or row housing.

The anticipated density of this site is 45 units per hectare and will accommodate approximately 64 residential units.

In the event that the church and social care site do not develop as their intended use, both will be developed as R2-multi family. The church site is anticipated to accommodate approximately 40 units and the social care site 16 units.

8.4 Mixed Use Housing

Lots for conventional detached dwellings, lots for detached dwellings with secondary suites and lots for semi-detached dwellings are provided in the designated mixed housing areas. The principal criteria which influenced the location of the mixed housing areas were rear lane access and, in order to improve pedestrian and cyclist safety, the prohibition of front driveway access to lots fronting along both sides of the "collector street" with its separate pathway and sidewalk.

In order to achieve the objective of a balanced blend of mixed housing types, a minimum of 50% of the lots provided in the designated mixed housing areas shall be conventional single family detached dwellings and detached dwellings with secondary suites (the latter subject to the maximum of 10% in the Land Use bylaw), while a minimum of 35% of the lots shall be designated as semi-detached dwellings (for this purpose counting a pair of semi-detached dwelling units as two separate lots). At subdivision, groups of semi-detached lots shall consist of not more than three adjacent semi-detached lots (six dwelling units), and such groups shall be separated by at least two adjacent lots for conventional detached dwellings or detached dwellings with secondary suites, or a municipal reserve lot, a PUL, a street or a lane.

Lots allocated for semi-detached dwellings will be designated into the R1A Residential (semi-Detached Dwelling) District. These lots are 35 metres deep on average and their frontage will be between 15 and 19 metres (minimum of 7.6 metres per dwelling unit). Minor variations to these averages may be made at the subdivision stage without requiring an amendment to the NASP.

The Timberlands NASP Residential Area contains approximately 470 m \pm (1542 ft \pm) of mixed-lot district frontage and is anticipated to yield approximately 45 lots.

8.5 Place of Worship and Social Care Sites

A Place of Worship is proposed in the southwest corner of the subject lands. This site is adjacent to commercial uses and is approximately 6.93 Ha. In the event that a Place of Worship does not occur on this site, the site would then revert to multi-family (R2) land use.

A small, 0.37 Ha social care site is provided in the Plan area. In the event that the Social Care site is not developed, the site would then revert to multi-family (R2) zoning.

Prior to the sites identified for Place of Worship and Social Care reverting to residential land uses, the sites must be advertised in the local paper as required by the City of Red Deer.

8.6 Residential Density and Housing Mix

The anticipated density of the Timberlands NASP is approximately 12.4 upha \pm based on the entire net developable area including all commercial areas.

(1a) The whole Plan anticipated density for Residential Uses within the entire Plan area:

$$\frac{445 + 287 = 732 \text{ units}}{63.90 - 4.85 = 59.05 \text{ ha}} = 12.4 \text{ upha}\pm$$

(1b) The anticipated density for Residential Uses within the entire Plan Area (plus Place of Worship and Social Care Site):

$$\frac{445 + 287 + 58 = 790 \text{ units}}{63.90 - 4.85 = 59.05 \text{ ha}} = 13.38 \text{ upha}\pm$$

(2a) The anticipated density for Residential Uses excluding commercial use areas within the Town Centre Area:

$$\frac{445 + 287 = 732 \text{ units}}{63.90 - 4.85 - 20.06 \text{ ha} = 38.99 \text{ ha}} = 18.77 \text{ upha}\pm$$

(2b) The anticipated density for Residential Uses excluding commercial use areas within the Town Centre Area (plus Place of Worship and Social Care Site):

$$\frac{445 + 287 + 58 = 790 \text{ units}}{63.90 - 4.85 - 20.06 \text{ ha} = 38.99 \text{ ha}} = 20.26 \text{ upha}\pm$$

Note: In a typical residential development in The City of Red Deer the commercial area is taken out of the density calculation. To demonstrate this, in this unique situation, in density calculation #5 the commercial use areas in the Town Centre area (20.06 Ha) have been taken out of the total net developable area. Based on this calculation the anticipated density is expected to be approximately 18.77 upha.

The Timberlands NASP provides a diverse housing mix. The percentage break down by housing type is outlined in Table 2.

Table 2: Housing Mix

LAND USE CATEGORY	NUMBER OF UNITS	PERCENTAGE OF TOTAL UNITS
Residential Low Density (R1)	95	13.0%
Mixed Housing (R1A/R1)	47	6.4%
Residential Narrow Lot (R1N)	44	6.0%
Multi-Family (R2)	101	13.8%
Towne Centre District	405	55.3%
Main Street District	40	9.9%
TOTAL	732	100%

Housing Mix Statistics	Density (du/ha)
Low density dwellings as a % of the total housing stock	25.4%
Multi-family dwelling units as a % of the total housing stock	74.5%
Ratio of semi-detached dwelling units to detached dwellings	1:10
Narrow lot land area as a % of the total net residential land area	17.4%
Lots for detached dwelling with secondary suite as a % of the total number of R1 lots	1.0%
Lots for conventional detached dwelling and detached dwellings with secondary suites as a % of the total number of lots in the mixed housing area	8.5%
Lots for semi-detached dwellings as a percentage of lots in the mixed housing area	35%

8.7 Emergency Services Site

An Emergency Services (ES) site for the purpose of a fire station is identified near the west entrance to the Town Centre. At this location the Fire Station will have close access to the arterial roadway network and to adjacent neighborhoods.

The collector roadway in this location has a median which will not extend beyond the midpoint of the ES site street frontage, in order to allow free access and egress of emergency vehicles in both directions.

The entire Plan area will fall within the four-minute minimum response time upon completion of the station.

In the event that the Emergency Services site is not needed for its intended purpose, it will be converted to Town Centre district.

9.0 OPEN SPACE SYSTEM

The Timberlands NASP area incorporates a multi-functional open space system, which will accommodate the active and passive recreational needs of future residents. Community access points are well defined with features, signage, crossings, and landscape development to provide a sense of continuity throughout the Town Centre. The total creditable reserve dedication of the Town Centre community is 6.53 ha± (16.13 ac±) representing 10.2% of the gross developable area for the entire community. Based on the net developable plan area, excluding arterial roadway dedications, the reserve dedication is 11.1% of the Plan area. The Timberlands NASP provides for distribution of reserve dedication throughout the plan area to optimally meet the open space requirements of the community. The Reserve Dedication Analysis is as follows;

Table 3: Reserve Dedication Analysis

	AREA (ha)	PERCENTAGE
Gross Plan Area	63.90	100%
Required Dedication	6.39	10%
Amount Dedicated	6.53	10.2%
Over Dedication	0.14	0.2%

A variety of open space areas are provided including joint use site, community gathering spaces, regional pathway corridors and stormwater management facilities. The arrangement of open space provides a high degree of connectivity within the Timberlands community and allows the public to conveniently access and enjoy the open space system.








Figure 9.1 illustrates the land use concept for open space along with pedestrian connectivity, and circulation through the proposed trail network within and adjacent to the community of NW Timberlands.

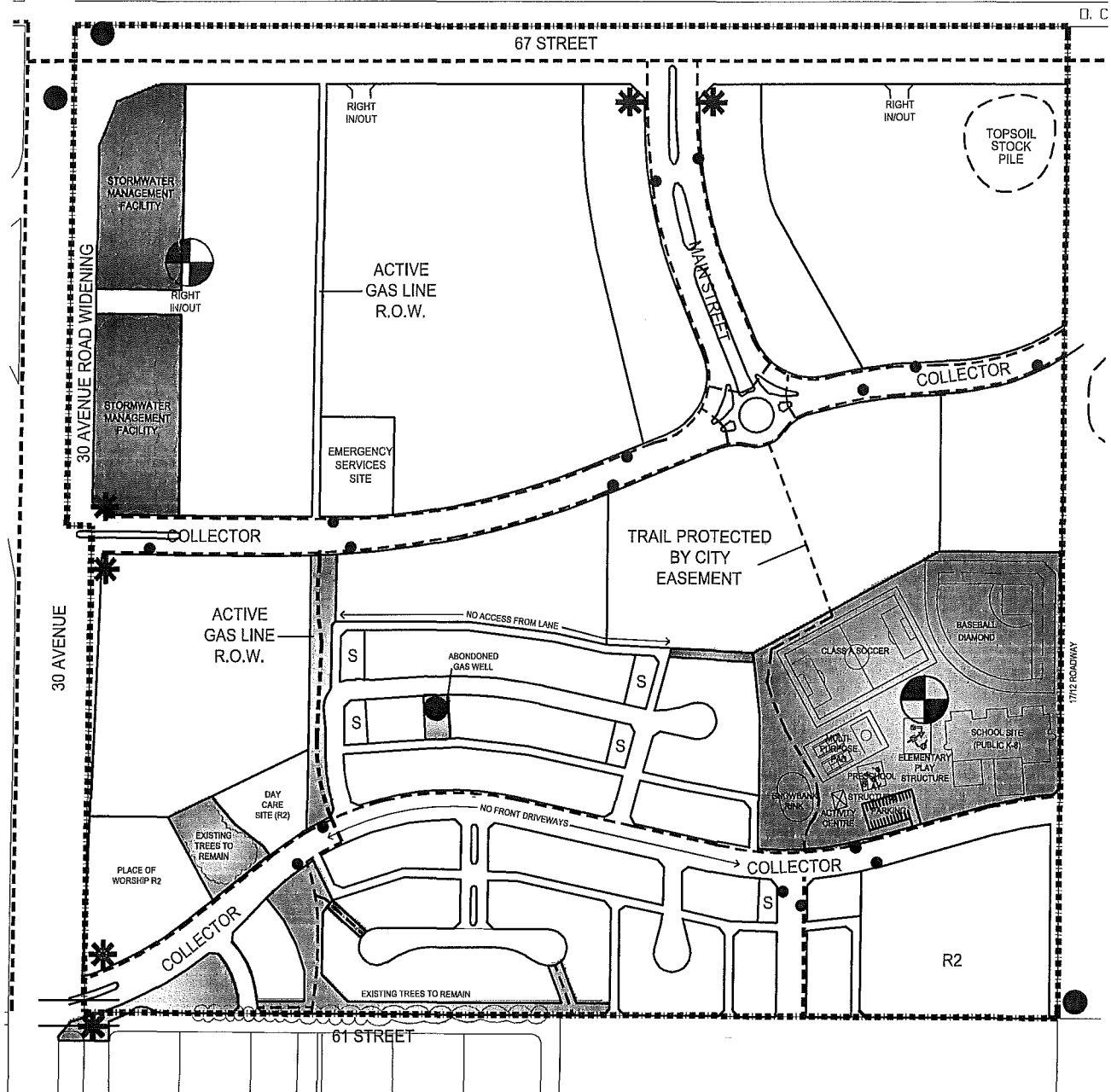
9.1 Joint Use Site (PS)

Some 4.83 ha± (11.93 ac±) of land throughout the Timberlands community has been dedicated to accommodate one (1) Joint Use Site. (The school site itself is 1.40 Ha in size). The site accommodates a Public K-8 school and will address catchment areas within the community. The Joint Use Site contains an active recreational park, which includes a soccer field, multi-purpose pad, ball diamond, snowbank rink, activity center, and a pre-school and elementary play structure. The parcel is designed to accommodate active and passive recreational activities for future area residents.

The site is located and designed to facilitate car and bus drop-off zones to give residents and students the choice of walking, cycling or using public transit. Before construction proceeds on

Legend

-  Subject Lands
-  Municipal Reserve (P1)
-  Public Utility Lot (P1)
-  Entry Feature Sign
-  Potential Bus Stop
-  Gathering Area
-  Sidewalk/Pathways



W:\active\112870840-NW Timberlands Planning\05a-Drawings_ASP\112870840 - College Park\dwg\dwg\70840 NW Timberland ASP_base.dwg October, 2006
 2007-05-14 12:23PM By: mfeller 112870840



Stantec

Stantec Consulting Ltd.
 600, 4808 Ross Street
 Red Deer AB Canada
 T4N 1X5
 Tel. 403.341.3320
 Fax. 403.342.0969
 www.stantec.com

Client/Project

CITY OF RED DEER

TIMBERLANDS NASP

Figure No.

9.1

Title

Open Space System

the adjacent roadways that are adjacent to this site, the school board should be contacted to identify the location of lay-bys so they can be constructed ahead of time.

9.2 Linear Parks and Open Spaces (P1)

A system of open space linkages has been provided within the NASP area. The pathway system forms an integral part of the residential development and offers pathway connections to the Joint Use Site, Town Centre, and the transit stops.

This multi-functional system promotes active and passive recreational opportunities and maximizes the opportunity for use by the adjoining land uses.

9.3 Public Utility Lot (P1)

Two stormwater management facilities (SWMF) have been identified on the Plan and joined by a large culvert. They will be located in the northwest corner of the Plan which is the lowest point on this quarter section. It is anticipated that these facilities will be constructed wetlands and will strongly enhance the character of the Town Centre area. They will not only provide an attractive entrance into this site but will also act as passive recreational amenities integrated into the commercial area.

Plant material will be salvaged from the existing seasonal drainage course and re-planted in the constructed wetland. This material will help the constructed wetland function as a facility that will not only control the quantity of stormwater run-off but also enhance the quality of this run-off.

Approximately 2.21 ha \pm (5.9 ac \pm) of Public Utility Lot (PUL) has been incorporated into the NASP design to accommodate one (1) stormwater management facility (constructed wetland).

The location of the SWMF on Figure 6.1 is shown conceptually and the actual location can be altered and shape modified, as required, to complement or integrated into the commercial area adjacent to this facility. This modification will require approval first by the City of Red Deer Engineering Services Department.

9.4 Southwest Parkette

There is a 0.36 hectare Parkette proposed at the southwest entrance to the Timberlands neighborhood. This park will function not only as a transitional buffer between the new neighborhood and College park but also as a passive recreational amenity for the adjacent residential areas. It is anticipated that this park will be developed with extensive tree and shrub plantings as well as park benches.

9.5 Gathering Places

Gathering Places are public or semi-public spaced located at a node, with or without a structure, and which create opportunities for social contact. This plan has identified two sites:

- 1) The first is adjacent to the proposed constructed wetland on the northwest corner of the Plan. This passive recreational feature, along with adjacent commercial will be an ideal location for people to gather in this neighbourhood. They can enjoy both the retail amenities at this location at the same time as enjoying the natural beauty of the wetlands

area. Since this site has two elements, namely a commercial site and a recreational element, it will be considered a local gathering area.

- 2) The second gathering place has been identified in the joint use park site. This site is ideal for a district gathering place since it includes several of the elements required for this type of site including:
- An educational element which is facilitated by the K-8 school site
 - A trail element because it is linked by a multi-purpose pad that extends through this site.
 - Since the site is adjacent to the collector roadway network, and a transit stop has been identified, it has a transit element.
 - This site has a significant recreational element including two playgrounds, a soccer field, a ball diamond, snow-bank rink, and a multi-purpose pad.

10.0 ARCHITECTURAL CONTROLS

Design standards and information shall be developed and form the Architectural Control Guidelines for the Town Centre. The guidelines will be a stand-alone / separate document that will be used for the entire East Hill Town Centre Area.

10.1 Vision

The Town Centre Architectural Control Site Guidelines have been developed to ensure a high standard of design, quality, and appearance for the commercial development. These guidelines are intended to be used in conjunction with the City of Red Deer land use bylaw for Town Centre and Main Street districts. They are to be used to help guide the direction of design and development of the Town Centre and Main Street early in the planning process. Design specifications are provided for the East Hill Town Centre and Main Street districts.

Landowners, builders, and tenants shall follow these guidelines in order to achieve a coordinated whole. Alternative solutions may be considered where it can be clearly demonstrated that the intent of the guidelines can be met or exceeded.

These guidelines shall become a part of the established approval process as part of an issuance of development permits. The guidelines are not intended to create an additional layer of review and approval to the established City of Red Deer process, but to help ensure a more predictable and timely review process. These guidelines shall provide guidance in addition to the requirements set by the City of Red Deer Land Use Bylaw.

10.2 Architectural Control Design Guidelines

The guidelines will be initiated and implemented by the City of Red Deer and will include development standards such as:

- Interface issues;
- Minimum/maximum building footprints;
- Fencing design and materials;
- Roofing materials;
- Diversity of building design;
- Exterior finish; and
- Landscaping requirements.

11.0 TRANSPORTATION NETWORK

The NASP has an extensive walkway and pathway system that offers residents choices in mobility, while accommodating the automobile as the primary mode of transportation.

The objective of the Timberlands NASP is to provide convenient access to the destinations within and outside the community.

The transportation network conforms to the East Hill MASP and provides direct linkages to the main collector system, commercial uses, joint use site and other community facilities.

11.1 Arterial Roadways

The East Hill MASP designates both 30 Avenue and the eventual extension of 67 Street as divided arterial roadways and these will be the two primary roadways used to access the Timberlands development. Two all directional access points are provided to 30 Avenue. One will access the commercial node at the mid-point of the quarter and the second one at the extreme south end of the quarter to access residential areas. One right-in / right-out access to the commercial area has been identified on the Plan from 30 Avenue.

Access to 67 Street and to the commercial area will be accommodated via one all directional access in the middle of the quarter and two potential right-in / right-out access points.

All right-in / right-out access locations are to be spaced at approximately 200 meter spacing from adjacent intersections and will need to have acceleration and deceleration lanes.

In order to facilitate the future extension of 67 Street and improvements to 30 Avenue, there is land dedication required from NW Timberlands.

Figure 11.1, Regional Road Network, illustrates the proposed transportation plan for the Timberlands development.

11.2 Collector Roadways

The neighbourhood Area Structure Plan provides four collector roadways linking the Timberlands neighbourhood to the arterial roadways and the proposed Timberstone Park neighbourhood to the south.

The first collector is located at the south portion of the Plan and extends east/west to service the residential areas of NW Timberlands. There is no direct connection from this roadway to the commercial areas to the north in order to prevent shortcutting of residential traffic from areas to the south to the commercial area. Intersection improvements will be required where this roadway intersects 30 Avenue because the roadway will be offset 10 meters north of the existing 61 Street intersection at this location. Also as shown on **Figure 6.1**, 61 Street will be reconfigured, local access will be directed north from College Park to the new collector roadway, and the existing 61 Street connection eliminated.



W:_ltd\112870840 - College Park\dwg\70840 NW Timberland ASP_base.dwg
2008-10-23 10:20AM By: thilton

September, 2006
112870840



Stantec

Stantec Consulting Ltd.
600, 4808 Ross Street
Red Deer AB Canada
T4N 1X5
Tel. 403.341.3320
Fax. 403.342.0969
www.stantec.com

Legend

EXISTING

- Collector Roadways
- Arterial Roadways
- Expressways

PROPOSED

- Collector Roadways
- Arterial Roadways
- Expressways

Client/Project

CITY OF RED DEER
TIMBERLANDS TOWN CENTRE NASP

Figure No.

11.1

Title

Regional Transportation

A second collector roadway is proposed to connect the main east/west residential collector roadway to the proposed Timberstone Park neighbourhood to the south.

Figure 11.2 illustrates the proposed cross-sections for these two 24.0 meter wide residential collector roads. The east/west residential collector will be expanded to a 32.0 meter cross section at the intersection of 30 Avenue to accommodate a proposed island at this location.

The third and fourth collector roadways accommodate access to and from the mixed use commercial area at the north end of the Plan. The first of these two roadways stretches east/west across the Plan area and connects to 30 Avenue and the second north/west collector connects this collector roadway to 67 Street.

The east/west commercial collector will have a 24.0 meter roadway cross section as identified on **Figure 11.2** and will be expanded to a 32.0 meter cross section at the connection to 30 Avenue to accommodate a proposed island at this location. The north/south commercial collector will have a 32.0 meter roadway cross section complete with a landscape center median as shown on **Figure 11.2**. It may be possible to expand this main street entrance to accommodate parallel parking or even possibly angle parking but this detail will need to be approved at the detailed engineering stage in consultation with the Engineering Services Department. This is to ensure that parallel or angle parking does not negatively impact how this roadway functions from a traffic flow and safety perspective.

All four collector roadways will have separate sidewalks with boulevard tree plantings.

11.3 Local Roadways

The system of local roads has been planned to provide access to the individual development cells in the residential area in the south at the same time discouraging outside traffic from short cutting through local roads. Local roads will have a 10.0 meter wide carriage way and a 15.0 meter wide right-of-way. All local roadways will have monolithic curb and gutter sidewalks on each side of the roadway.

A typical cross section of the local roadway is shown on **Figure 11.3**.

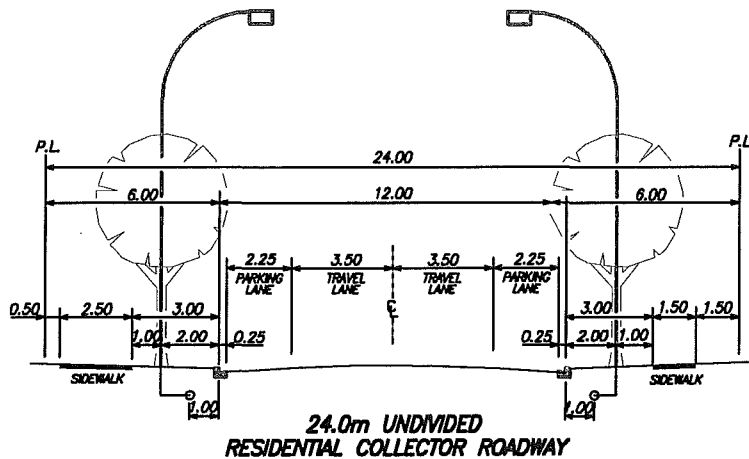
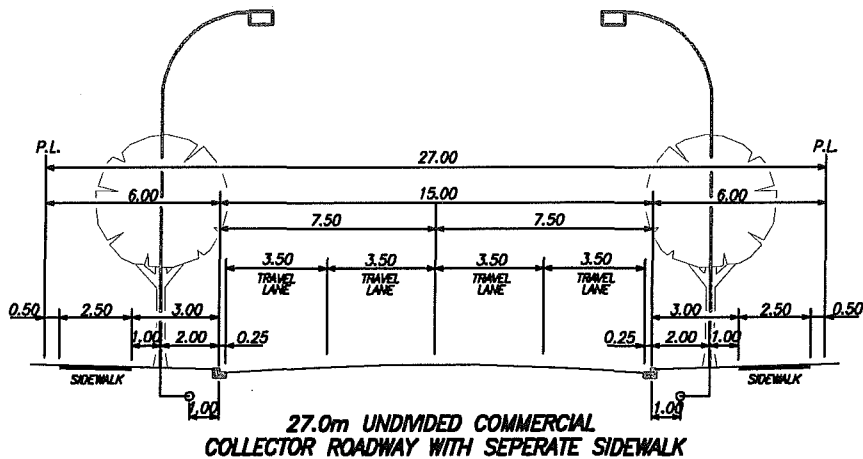
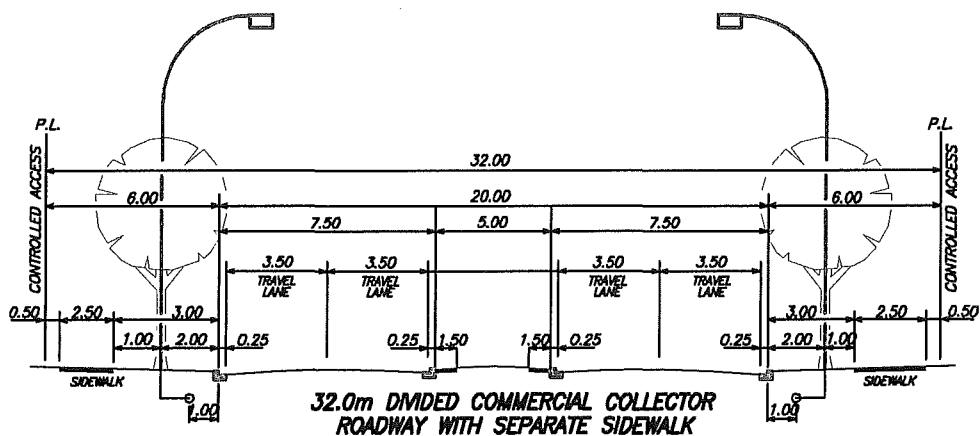
11.4 Laneways

The NW Timberlands NASP has been designed with the majority of lots backing onto laneways, however lanes have not been provided for lots backing onto open space areas. Rear laneways will be designed to City of Red Deer standards and will be 7.0 meters wide.

There will be no connection from the proposed laneways shown on the plan to the proposed commercial development to the north in order to prevent short cutting.

11.5 Roundabout

A roundabout is proposed at the intersection of the two commercial collector roadways in the Town Center area. This intersection feature has become more and more common in new



W:\active\112870840-NW Timberlands Planning\05a-Drawings_ASP\112870840 - College Park\dwg\dwg\70840 NW Timberland ASP_base.dwg October, 2006
2007-05-15 08:41AM By: mfeller 112870840

Client/Project

CITY OF RED DEER

TIMBERLANDS NASP

Figure No.

11.2

Title

Roadway Cross Sections

ORIGINAL SHEET - ANSI A



Stantec

Stantec Consulting Ltd.

600, 4808 Ross Street

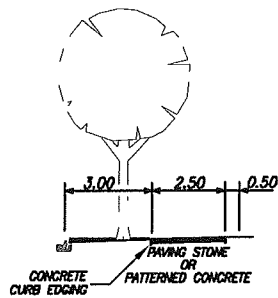
Red Deer AB Canada

T4N 1X5

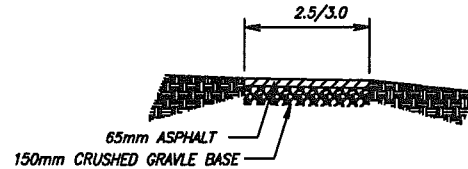
Tel. 403.341.3320

Fax. 403.342.0969

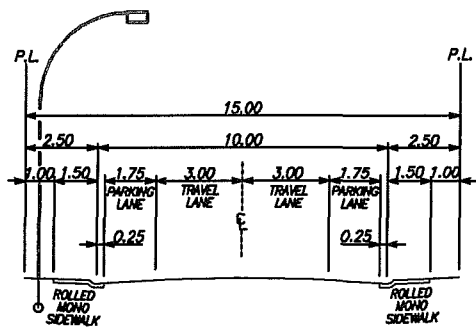
www.stantec.com



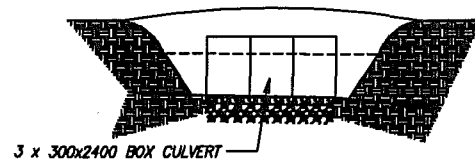
PAVING STONE DETAIL



2.5m OR 3.0m PAVED PATH



15/10 UNDIVIDED RESIDENTIAL LOCAL ROADWAY



BOX CULVERT
(RIGHT-IN/OUT ENTRANCE OFF
30 AVENUE)

W:\active\112870840-NW Timberlands Planning\05a-Drawings_ASP\112870840 - College Park\dwg\dwg\70840 NW Timberland ASP_base.dwg October, 2006
2007-05-14 12:31PM By: mfeller 112870840

ORIGINAL SHEET - ANSI A



Stantec

Stantec Consulting Ltd.

600, 4808 Ross Street

Red Deer AB Canada

T4N 1X5

Tel. 403.341.3320

Fax. 403.342.0969

www.stantec.com

Client/Project

CITY OF RED DEER

TIMBERLANDS NASP

Figure No.

11.3

Title

Roadway Cross Sections

development areas in both Edmonton and Calgary to help both calm and control traffic flows. So far it has been very successful where it has been implemented.

The basic elements of a typical signal lane roundabout are shown on **Figure 11.4**.

Once this project proceeds to the detailed design stage, the details of the roundabout will be investigated further in close consultation with the City of Red Deer Engineering Services Department, Transit Department, and Public Works Department to ensure that this feature will function adequately when considering traffic flows, bus turning movements, and snow removal. In the event that it cannot be designed to the satisfaction of all three of these departments, this intersection would be constructed as a T-intersection as opposed to the traffic circle concept on **Figure 6.1**. (This change would not require a NASP amendment)

11.6 Pedestrian Circulation

A pedestrian network that is direct and convenient is accomplished through the provision of regional and local pathways throughout the community of Timberlands.

Local pathways create an interconnected system within the community and provide connections to the entire Northeast region of Red Deer.

The sidewalks and pathway system are designed to accommodate short, convenient walking and cycling routes within the cellular design of the Land Use Concept.

11.7 Public Transit Network

The Timberlands area will be well serviced by City transit with 100% of the community's population within 400 m of transit stops. Transit routing will conform to City of Red Deer standards and local transit routes will service the community of Timberlands via the collector road system.

The provision and utilization of public transit is a goal of the MASP and is supported by the Timberlands design.

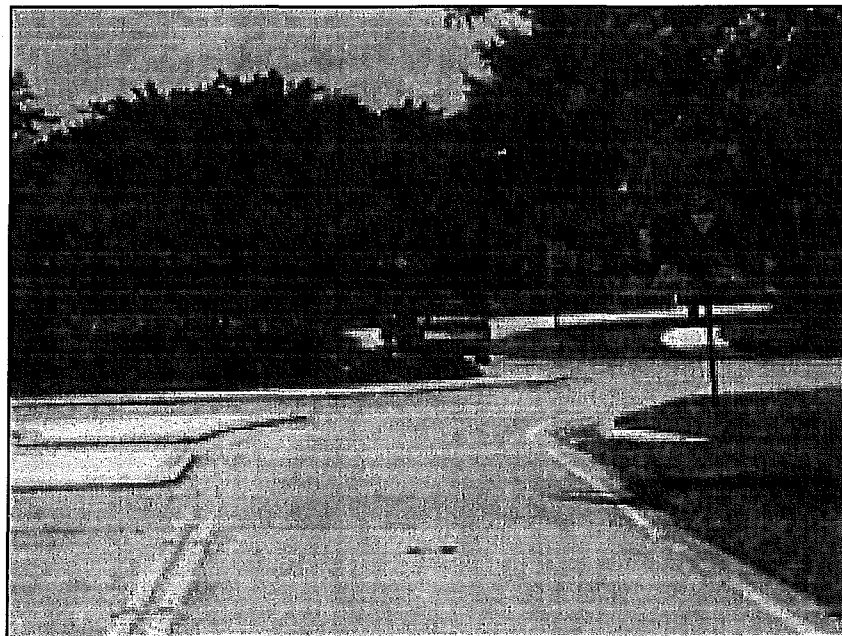
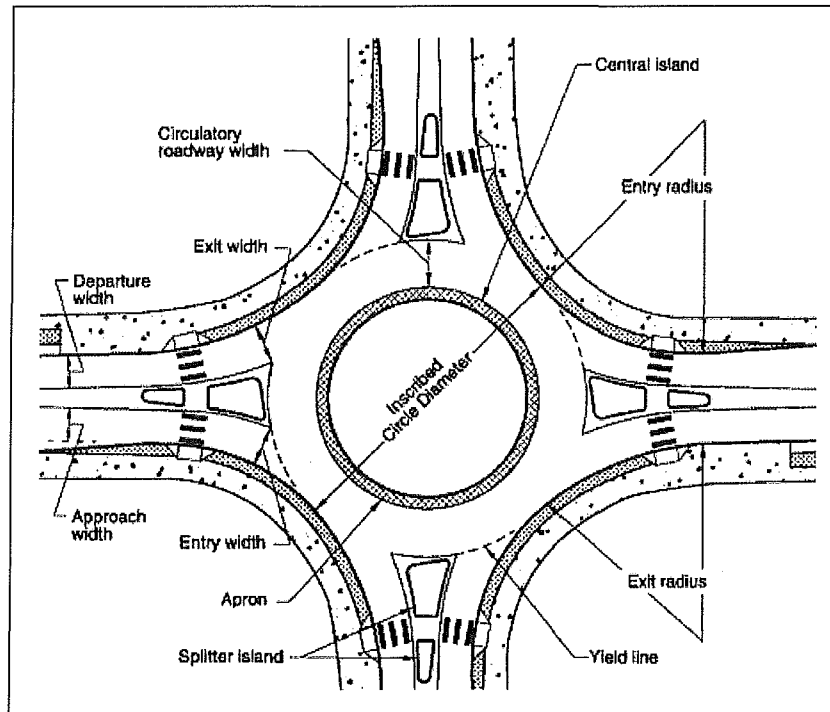


Figure 11.4 – Basic Geometric Elements of a Single Lane Roundabout

* Source - "Roundabouts: An Information Guide" prepared by the US Department of Transportation – Federal Highway Administration

12.0 ENGINEERING SERVICES

12.1 Stormwater Management

Two combined stormwater management facilities (SWMF) are proposed for NW Timberland lands (NW 23) and will be located near the northwest boundary of the development. They will control stormwater from both the major and minor storm system for the entire development as well as major/minor stormwater from ± 10 ha of NE $\frac{1}{4}$ Sec. 23 and a small part (± 1 ha) of the Laebon Lands in the northwest corner of SW $\frac{1}{4}$ Sec. 23. The SWMFs will likely be constructed wetland facilities that will be sized to accommodate stormwater detention for a 1:100 year storm event. The location of these facilities is identified in Figure 6.1, is flexible and will be integrated into the commercial area in the southwest corner of the Plan when this area is developed. It is anticipated that materials can be salvaged from the existing drainage course and re-introduced in the proposed wetland facilities in consultation with the City Park Staff.

All storm sewers within the development will be sized to accommodate a 1 in 5 year stormwater event with stormwater being conveyed on the streets to the stormwater management facilities during large stormwater events.

All stormwater in the development area will discharge into a proposed trunk main located at the intersection of 30 Avenue and the proposed commercial collector located 400 m south of 67 Street, as illustrated in **Figure 12.1**. From there it will be routed into a new trunk to be extended through the Clearview North lands (Melcor Developments) to the west and down the south side of 67 Street to an existing outfall to the Red Deer River which also needs to be twinned.

All stormwater facilities and storm sewers will be designed in accordance with the City of Red Deer Design Guidelines and will become the responsibility of the City of Red Deer to maintain after a two year period.

The major drainage and overall storm system are shown on **Figure 12.2**.

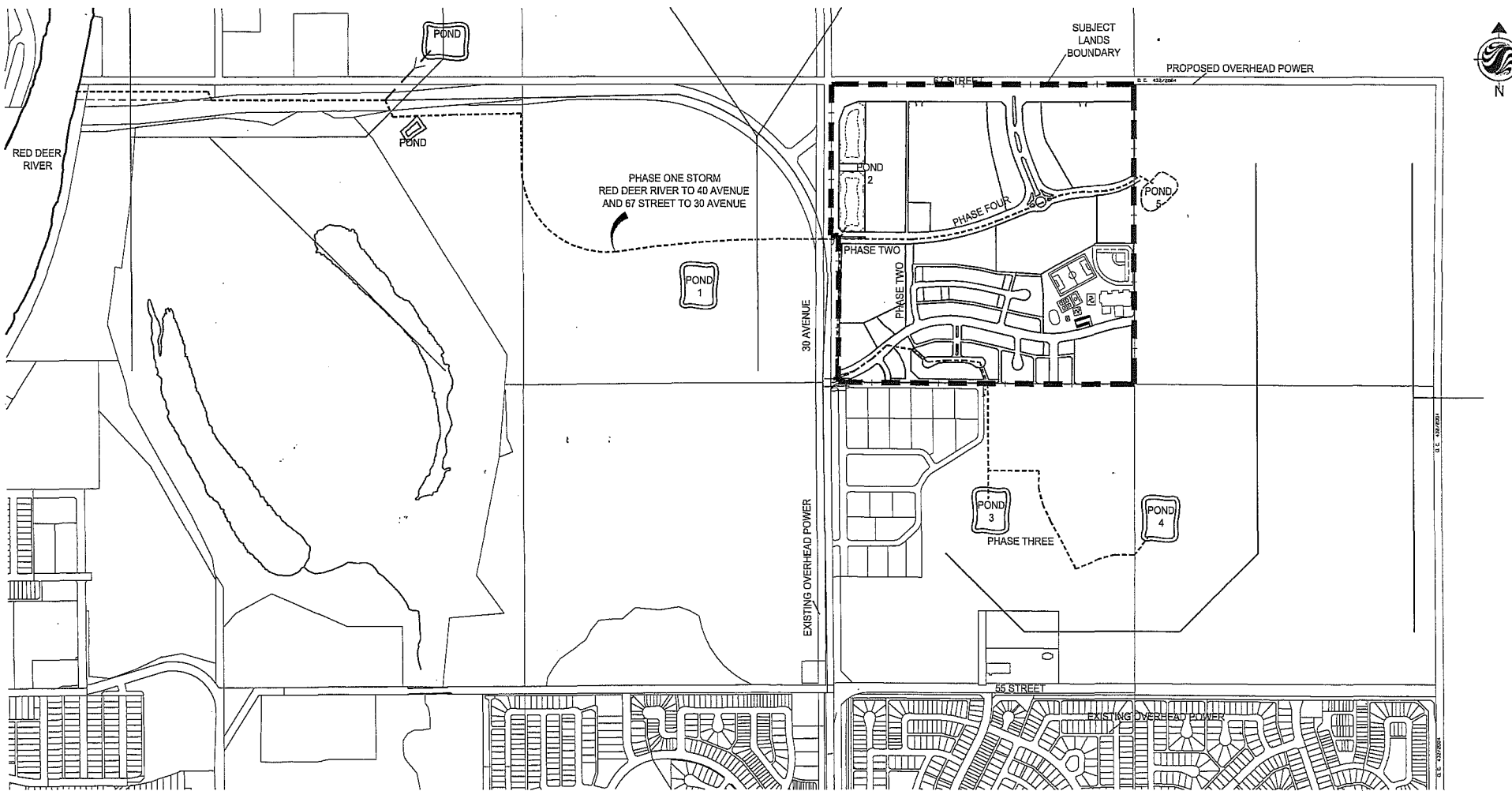
Stormwater Flow From Lands East of 20 Avenue and South of 67 Street (Through Section 23)

Overland stormwater drainage from lands east of 20 Avenue currently flows through Section 23 and the northeast corner of the NE quarter of Section 22 into an existing ravine. The City has expressed a desire to maintain a flow of stormwater into this ravine. Development of Section 23 and construction of 20 Avenue (construction of berms on both sides of the roadway) will block the natural flow of stormwater through Section 23.

Stantec Consulting Ltd. has been retained by the City to complete the "*Greater East Hill Sanitary and Stormwater Functional Study*." This study will review various options for diverting stormwater around the boundary of Section 23 along 20 Avenue and 67 Street to the ravine west of 30 Avenue. Based on this study, the City will determine which option will be implemented.

12.2 Sanitary Sewer Servicing

The proposed development will be serviced from the existing Waskasoo Regional Sanitary Sewer Main, located within the 30 Avenue and 67 Street rights-of-way. The section of main from



W:\active\112870840-NW Timberlands Planning\05a-Drawings_ASP\112870840 - College Park\dwg\dwg\70840 NW Timberland ASP_base.dwg
2007-05-14 12:29PM By: mfeiler

September, 2006
112870840



Stantec

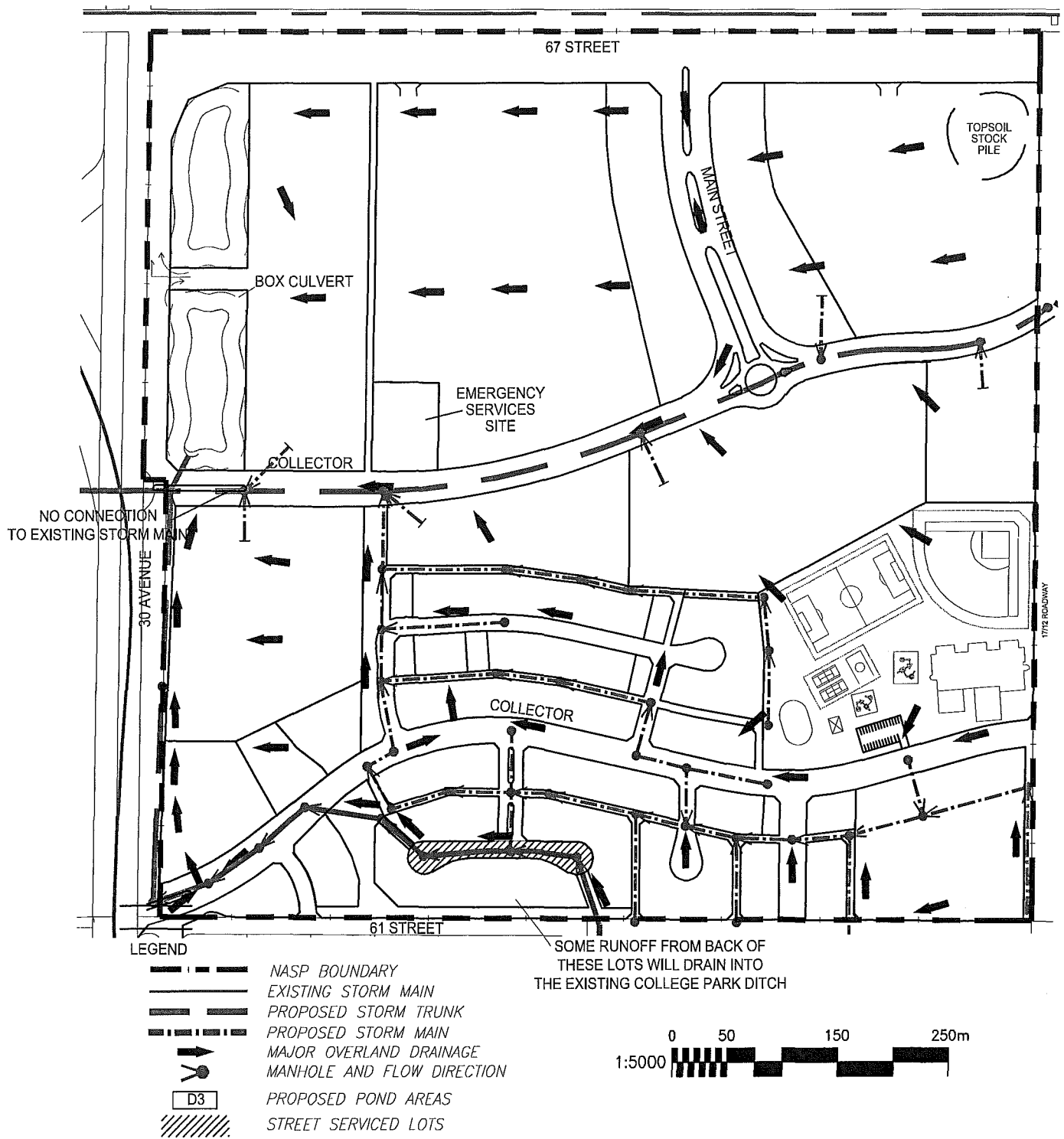
Stantec Consulting Ltd.
600, 4808 Ross Street
Red Deer AB Canada
T4N 1X5
Tel. 403.341.3320
Fax. 403.342.0969
www.stantec.com

Legend

--- TRUNK STORM MAIN
— EXISTING TRUNK STORM MAIN

NOTE: THE PROPOSED ROADWAYS
SHOWN ON ADJACENT LANDS
ARE TENTATIVE
AND SUBJECT TO CHANGE.

Client/Project
CITY OF RED DEER
TIMBERLANDS NASP
Figure No.
12.1
Title
Proposed Storm
Trunk Mains



W:\active\112870840-NW Timberlands Planning\05a-Drawings_ASP\112870840 - College Park\dwg\dwg\70840 NW Timberland ASP_base.dwg 112870840
 2007-05-14 12:31PM By: mfeller

ORIGINAL SHEET - ANSI A



Stantec

Stantec Consulting Ltd.

600, 4808 Ross Street
 Red Deer AB Canada
 T4N 1X5
 Tel. 403.341.3320
 Fax. 403.342.0969
 www.stantec.com

Client/Project

CITY OF RED DEER

TIMBERLANDS NASP

Figure No.

12.2

Title

STORM

Stantec

TIMBERLANDS NEIGHBOURHOOD AREA STRUCTURE PLAN

58 Street to the connection to the City trunk sanitary main in 40 Avenue north of the Red Deer River was oversized to accommodate flows from the adjacent lands.

The sanitary trunk mains for Section 23, as shown on **Figure 12.3** will connect to this main at the intersection of 30 Avenue and 67 Street. Provisions will be made to allow a portion of the flow to be diverted north into the new Northland Drive sanitary trunk main when the east half of Section 23 develops. The overall conceptual sanitary sewer system is shown on **Figure 12.4**.

The majority of the sanitary pipes will be 200mm in diameter, except for the sanitary trunk mains, which will be between 250 to 300 mm in diameter. In most instances the sanitary lines will be located in the lanes except in cases where there is no lane to service from.

All sanitary sewer facilities will be designed in accordance with the City of Red Deer Design Guidelines and will become the responsibility of the City to maintain after a two year period.

It is anticipated that Phase 1 and Phase 2 of the trunk extension will be constructed to the south boundary of the Timberlands Plan.

12.3 Water Distribution

The overall water distribution system needed to service NW Timberlands is shown on **Figure 12.5**. The City of Red Deer will be extending a new water trunk north from the Clearview Booster Station, along the west side of 30 Avenue, which will serve as the main feeder to this development (the site of this trunk is currently under review by the City). In the future a 400 mm trunk water main will be located within the commercial collector road right of way from 30 Avenue to 67 Street, then parallel to the south boundary of 67 Street to the new Reservoir located east of 20 Avenue.

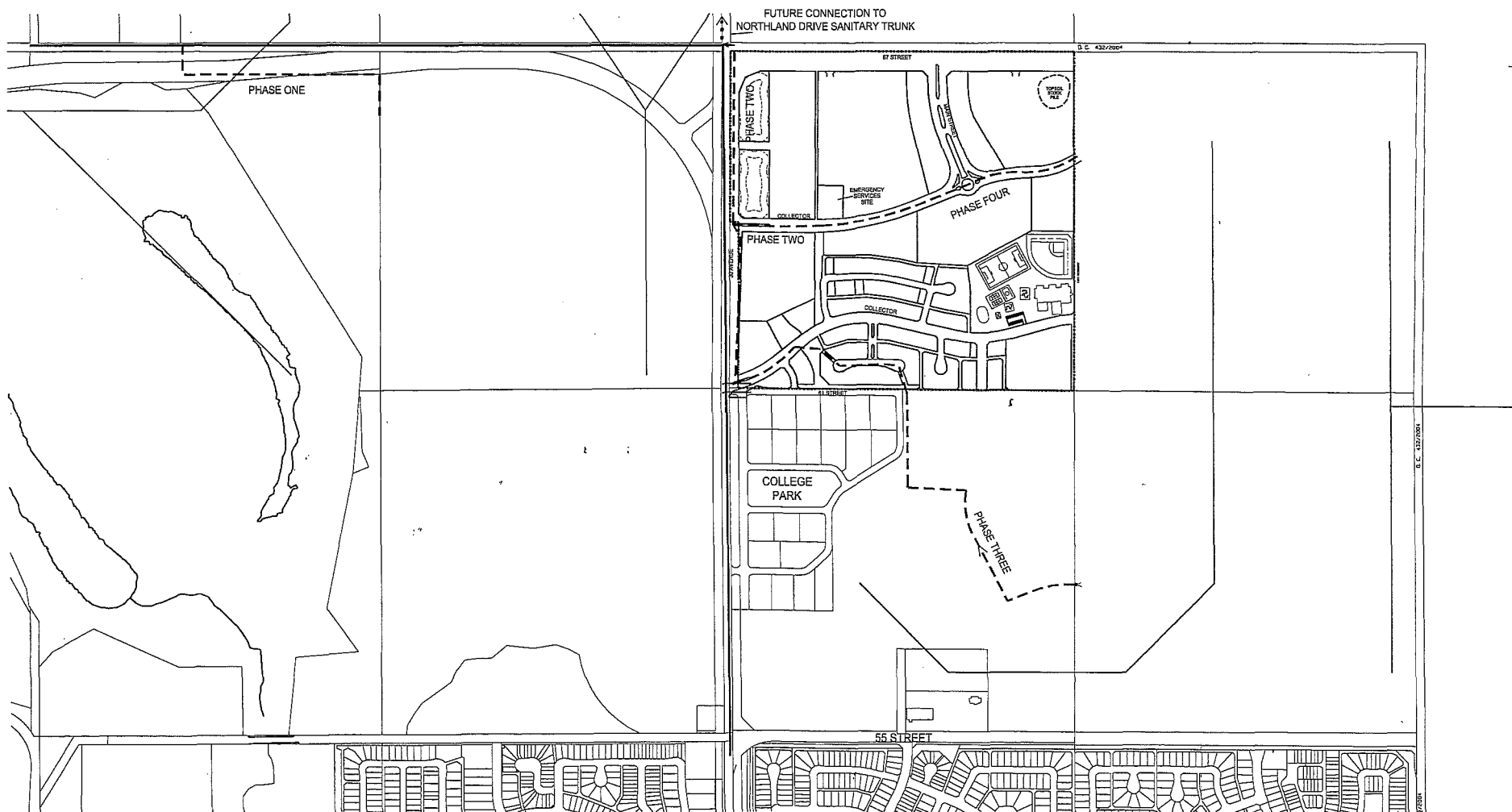
Water mains will be sized at the detailed design and servicing study stage.

All water main facilities will be designed in accordance with the City of Red Deer Design Guidelines and will become the responsibility of the City of Red Deer to maintain after a two year period.

12.4 Power Distribution and Streetlighting

The City of Red Deer EL&P Department has advised that they will service this development from their existing overhead power line located parallel to the west boundary of 30 Avenue and from a new overhead power line to be located near the south boundary of the proposed 67 Street right of way.

Single-phase power lines, owned by FortisAlberta Inc., are located along the south boundary of the existing 67 Street right-of-way and along the east boundary of the 30 Avenue right-of-way. When the City of Red Deer annexes land in Fortis's service area, EL&P applies to the EUB to transfer the annexed land into the City's service area. All land currently within the City of Red Deer boundary is also within the City's service area. EL&P and Fortis then work together to determine which assets and customers should be purchased by the City of Red Deer and the



W:\active\112870840-NW Timberlands Planning\05a-Drawings_ASP\112870840 - College Park\dwg\dwg\70840 NW Timberland ASP_base.dwg
2007-05-14 12:30PM By: mfeiler

September, 2006
112870840



Stantec

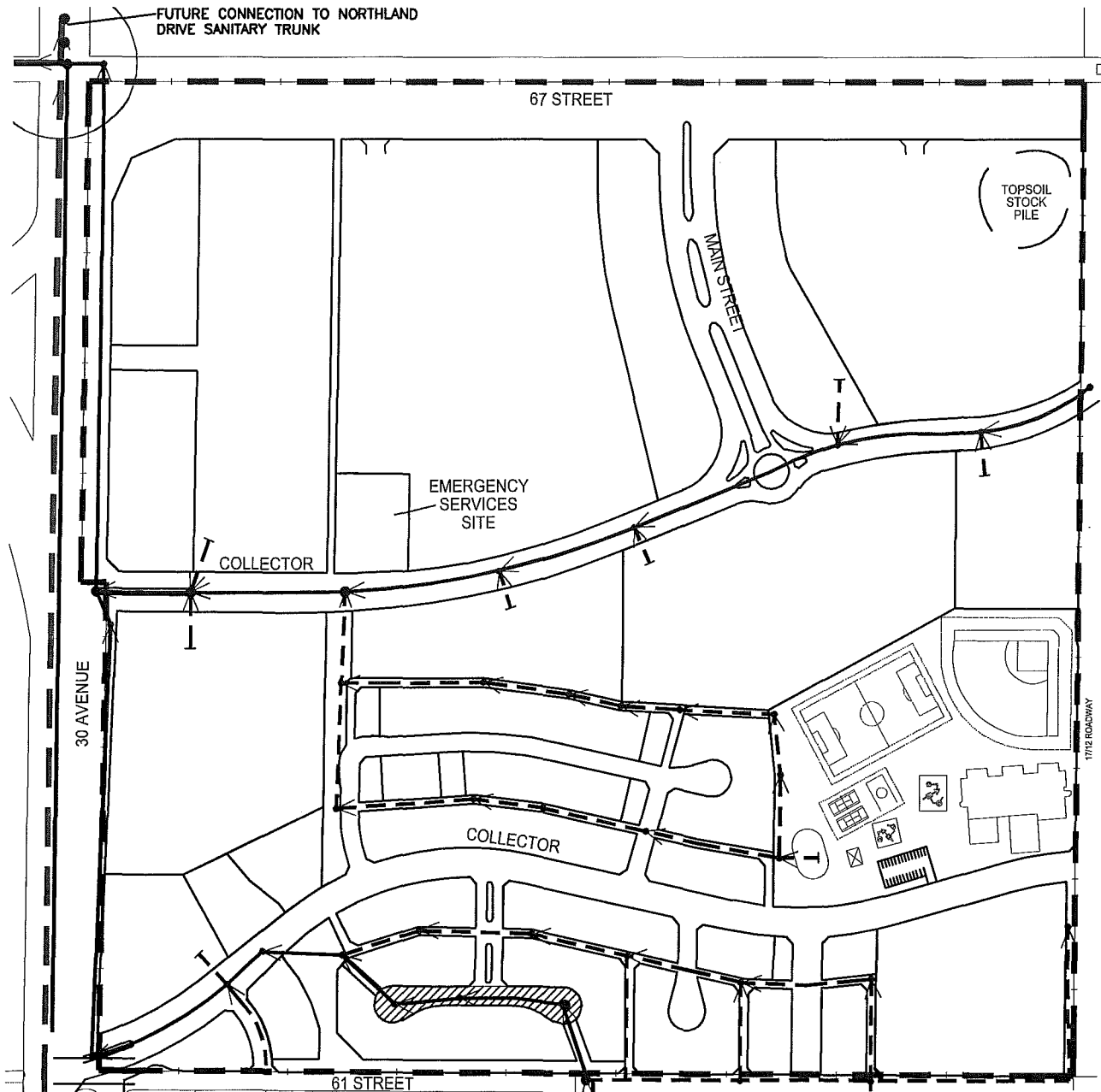
Stantec Consulting Ltd.
600, 4808 Ross Street
Red Deer AB Canada
T4N 1X5
Tel. 403.341.3320
Fax. 403.342.0969
www.stantec.com

Legend

- TRUNK SANITARY MAIN
- EXISTING SANITARY TRUNK MAIN
- MANHOLE

NOTE: THE PROPOSED ROADWAYS
SHOWN ON ADJACENT LANDS
ARE TENTATIVE,
AND SUBJECT TO CHANGE.

Client/Project
CITY OF RED DEER
TIMBERLANDS NASP
Figure No.
12.3
Title
Proposed Sanitary
Trunk Mains



- NASP BOUNDARY
- TRUNK MAINS
- COLLECTOR MAINS
- WASKASOO REGIONAL SEWER MAIN
- MANHOLE AND FLOW DIRECTION
- STREET SERVICED LOTS



W:\active\112870840-NW Timberlands Planning\05a-Drawings_ASP\112870840 - College Park\dwg\dwg\70840 NW Timberland ASP_base.dwg 112870840
 2007-05-14 12:32PM By: mfeiler

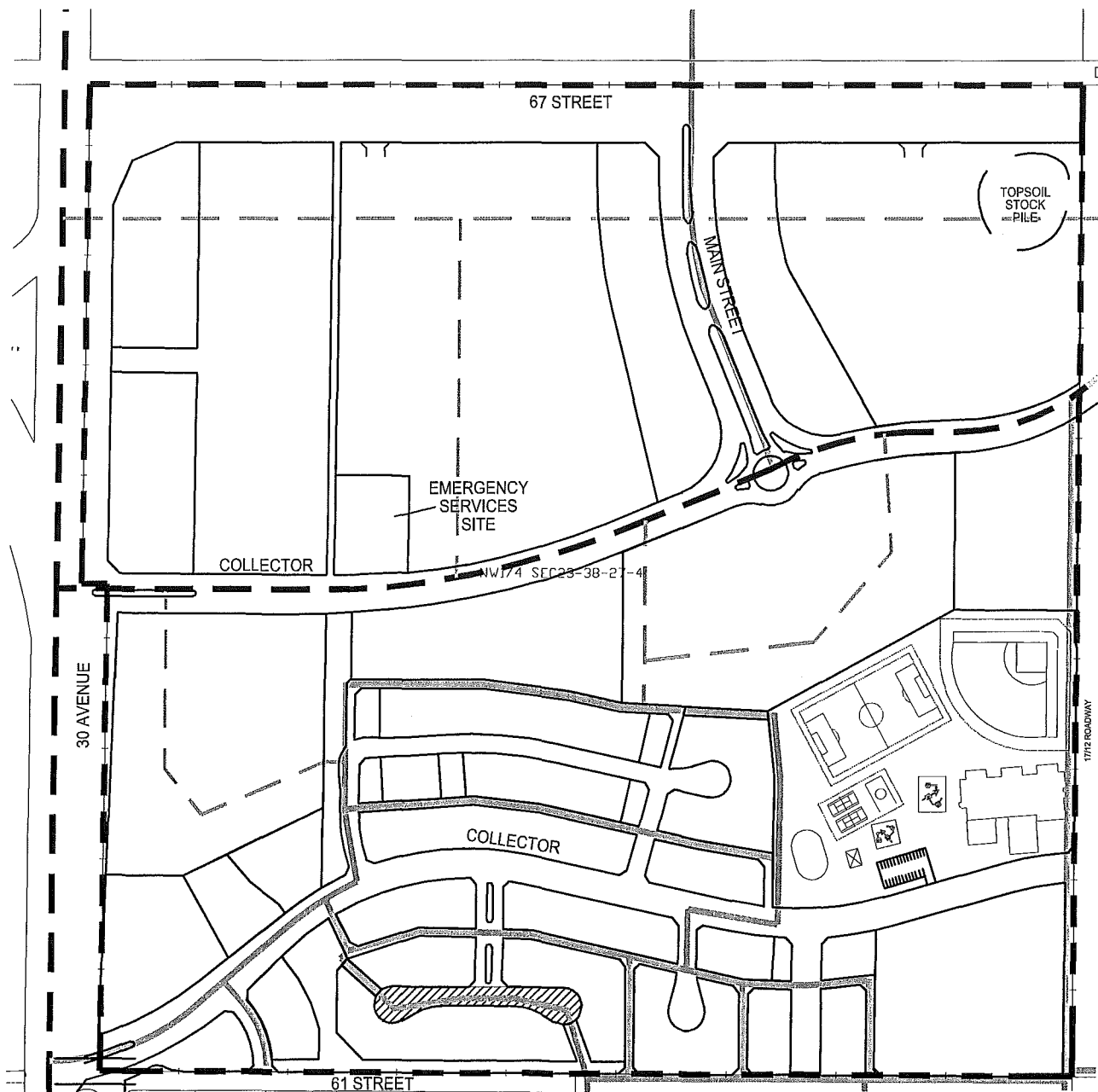
ORIGINAL SHEET - ANSI A



Stantec

Stantec Consulting Ltd.
 600, 4808 Ross Street
 Red Deer AB Canada
 T4N 1X5
 Tel. 403.341.3320
 Fax. 403.342.0969
 www.stantec.com

Client/Project
 CITY OF RED DEER
 TIMBERLANDS NASP
 Figure No.
 12.4
 Title
 SANITARY



- NASP BOUNDARY
- PROPOSED WATER TRUNK
- PROPOSED WATER MAIN
- LOCATIONS SHOWN ARE CONCEPTUAL ONLY
- STREET SERVICED

NOTE: PROPOSED HYDRANTS NOT SHOWN. LOCATIONS TO BE DETERMINED IN DETAILED SERVICING STUDY. PIPESIZING TO BE DETERMINED AT DETAILED DESIGN STAGE.



W:\active\112870840-NW Timberlands Planning\05a-Drawings_ASP\112870840 - College Park\dwg\dwg\70840 NW Timberland ASP_base.dwg 112870840
 2007-05-14 12:27PM By: mfeller

ORIGINAL SHEET - ANSI A



Stantec

Stantec Consulting Ltd.
 600, 4808 Ross Street
 Red Deer AB Canada
 T4N 1X5
 Tel. 403.341.3320
 Fax. 403.342.0969
 www.stantec.com

Client/Project
 CITY OF RED DEER
 TIMBERLANDS NASP
 Figure No.
 12.5
 Title
 WATER

Stantec

TIMBERLANDS NEIGHBOURHOOD AREA STRUCTURE PLAN

timing of such transfers. The transfer of these customers and assets to the City of Red Deer will generally occur as the newly annexed lands are developed. Currently, the Fortis lines on 55 Street and 30 Avenue service many Fortis customers outside of the City of Red Deer. Fortis has expressed interest in keeping these lines until all of the land occupied by Fortis customers has been annexed by the City of Red Deer.

12.5 Shallow Utilities

Gas, telephone and cable television services will be provided by the following companies:

- ATCO Gas (Natural Gas)
- Telus Communications (Telephone)
- Shaw Cable (Cable Television)

ATCO Gas will service this development by constructing a large diameter medium pressure gas main along the existing high-pressure gas main right-of-way from Rollis Street to 55 Street. A new alignment will be required to extend this main north to service the NW Timberlands (NW 23) development area.

Shaw Cable does not have any facilities in the immediate vicinity to service the NW Timberlands (NW 23) development area. A fibre optics cable will need to be constructed east along 67 Street from the Gaetz Avenue/67 Street intersection or north along 30 Avenue from the Ross Street/30 Avenue intersection.

In addition to the Telus and Shaw communications networks, the City of Red Deer has partnered with the Alberta Government (Bell West) to provide Supernet fibre optics service to all schools and City owned facilities within the City. Provisions should also be made for the extension of the "Supernet/City of Red Deer Rednet" fibre optics network to the new school site and if possible to the Town Centre site.

The shallow utility alignments will be established during preparation of the detailed servicing study for the NW Timberlands (NW 23) Lands.

12.6 ATCO Pipelines High Pressure Gas Line (ROW 2271KS)

The existing high pressure gas line that extends north / south through the proposed development is proposed to be maintained in the development concept. In the south half of the Plan it has been located within a proposed linear park.

This high pressure gas line also stretches through the proposed commercial development at the north end. The developer of this commercial area will need to work closely with ATCO Pipelines to ensure that all of their requirements are met for development around this gas line. This includes, but is not limited to, not placing any buildings over this gasline. It may become necessary to relocate this section of pipeline if it cannot be accommodated in the commercial layout concept. Crossing agreements will be required from ATCO Pipelines for the two collector roadway crossings and if there is insufficient cover a concrete bridge may have to be constructed.

13.0 IMPLEMENTATION

13.1 Development Staging

Infrastructure to service the first phase of the Timberlands residential development will be serviced from a new sanitary and storm trunk, which will be extended into these lands from the north. Each successive stage will be developed with the logical and economical extension of these municipal services with the intent of meeting the needs of the regional and local housing market.

As shown on **Figure 13.1 – Proposed Phasing**, the first phase is expected to start in the southwest corner. Then development will proceed to the easterly direction. The phasing boundaries are shown conceptually and may vary from those shown when redistricting and subdivision applications are made. As well, portions of separate phases may be developed concurrently if there is sufficient demand and / or if the municipal servicing is made more efficient as a result.

Phasing has tentatively been provided for the Town Centre Lands however it is difficult to predict how this area may be developed and the phasing is therefore subject to change. It is anticipated that it will develop starting at the western boundary and extend in a eastward direction.

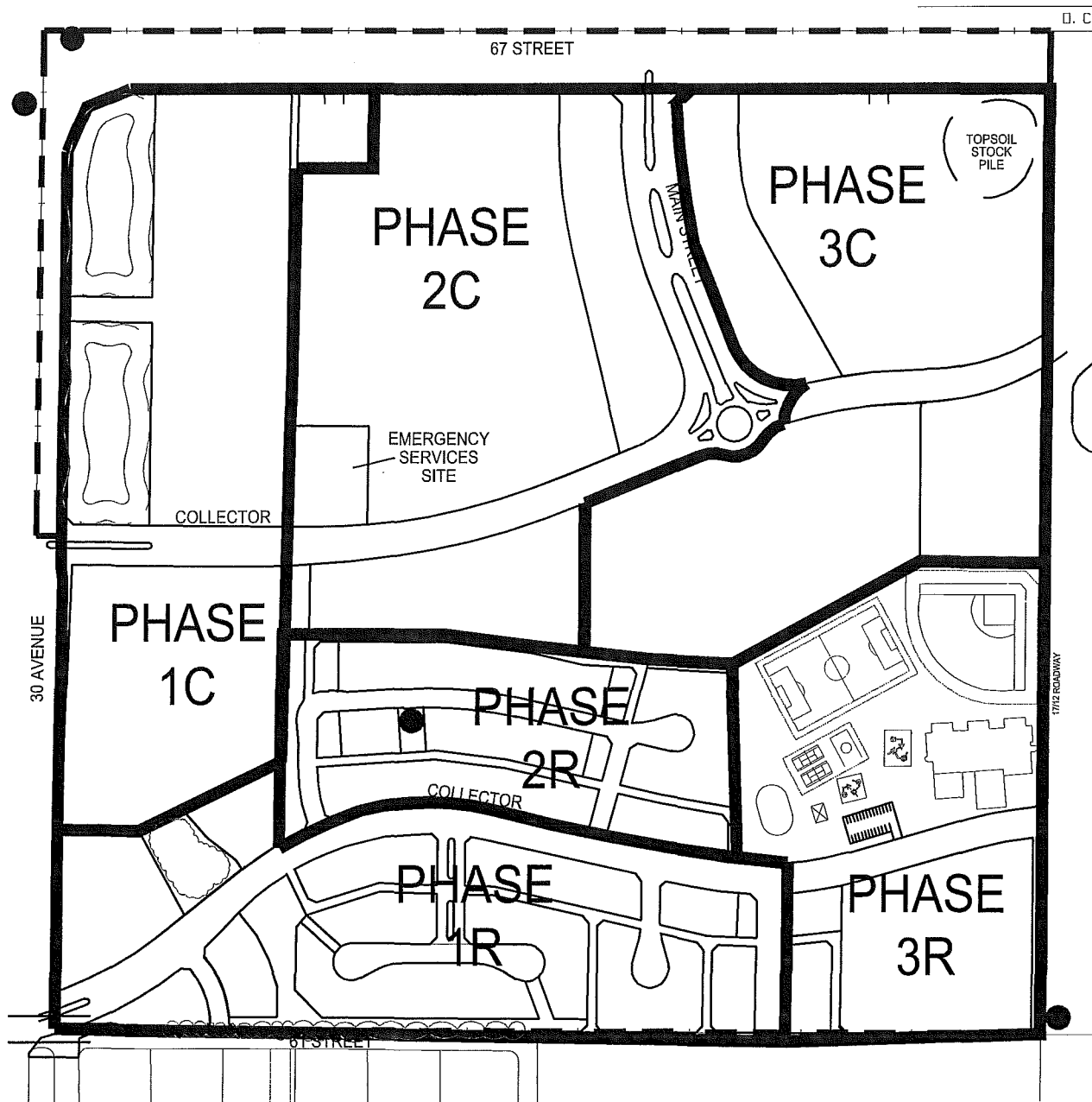
13.2 Redistricting and Subdivision

Redistricting and subdivision applications, to conform to the land use designations described in the NASP, will be undertaken as necessary. Guided by the City of Red Deer MDP, the East Hill MASP and the Timberland NASP, redistricting and subdivisions will be required to adhere to the City of Red Deer Land Use Bylaw and informational requirements necessary for each application.

13.3 Plan Amendments

An amendment to the adopted NASP is required for any significant changes to the plan, such as:

- Major shift in the location of community facilities
- Major shift between general land use categories (e.g. residential to industrial)
- Major shift in infrastructure design or layout, excepting the addition or deletion of lanes (e.g. roads, sanitary services)
- Change in other documents affecting planning and land use in the area (such as a major amendment to the MASP)
- Any other circumstance at the discretion of the City of Red Deer where public interests necessitate formal amendments.



- Legend**
- Subject Lands
 - Municipal Reserve (P1)
 - Public Utility Lot (P1)
 - Phase Boundary
 - 1R Residential Phasing
 - 1C Commercial Phasing



W:\active\112870840-NW Timberlands Planning\05a-Drawings_ASP\112870840 - College Park\dwg\dwg\70840 NW Timberland ASP_base.dwg 11/28/2006 12:28PM By: mfeller

ORIGINAL SHEET - ANSI A



Stantec

Stantec Consulting Ltd.

600, 4808 Ross Street
Red Deer AB Canada
T4N 1X5
Tel. 403.341.3320
Fax. 403.342.0969
www.stantec.com

Client/Project
CITY OF RED DEER

TIMBERLANDS NASP

Figure No.

13.1

Title

PHASING

NASP 3217/G-2007
Timberlands Neighbourhood

DESCRIPTION: Land Use Framework for 159.02 acres (63.8 hectares) of land on the east side of Red Deer, east of 30th Avenue, south of 67th Street and North of existing College Park Subdivision.

FIRST READING: July 3, 2007

FIRST PUBLICATION: July 13, 2007

SECOND PUBLICATION: July 20, 2007

PUBLIC HEARING & SECOND READING: July 30, 2007

THIRD READING: _____

LETTERS REQUIRED TO PROPERTY OWNERS: YES ☐ NO ☒

DEPOSIT: YES ☐ \$ _____ NO ☒

COST OF ADVERTISING RESPONSIBILITY OF: CITY

ACTUAL COST OF ADVERTISING:

\$ 420.42 X 2

TOTAL: \$ _____

MAP PREPARATION: \$ _____

TOTAL COST: \$ _____

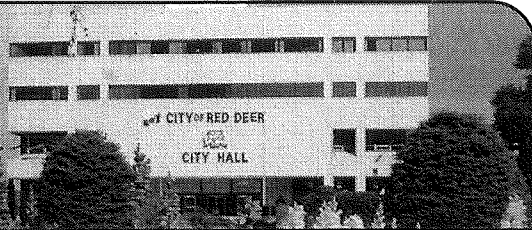
LESS DEPOSIT RECEIVED: \$ _____

AMOUNT OWING/ (REFUND): \$ _____

INVOICE NO.: _____

BATCH NO.: _____

(Advertising Revenue to 180.5901)



www.reddeer.ca

Municipal Planning Commission Approvals

On July 16, 2007 the Municipal Planning Commission issued approval of the following applications:

Discretionary Uses:

Vanier Woods

1. Mason Martin Homes – 38 multi-attached (townhouse) units to be located at 150 Vanier Drive.

You may appeal Discretionary approvals to the Red Deer Subdivision & Development Appeal Board, Legislative & Administrative Services, City Hall, prior to 4:30 p.m. Monday, August 6, 2007. You may not appeal a Permitted Use unless it involves a relaxation, variation or misinterpretation of the Land Use Bylaw. Appeal forms (outlining appeal fees) are available at Legislative & Administrative Services. For further information, please phone 342-8132.

Development Officer Approvals

On July 18, 2007, the Development Officer issued approval for the following applications:

Gaetz Avenue North

1. Totem Building Supplies – discretionary use for "outdoor display and sale of goods" in connection with a 22.3 m² shed to be located at 7730-50 Avenue.

Lancaster

2. Snell & Oslund Surveys Ltd. – a 3.12 metre rear yard to an existing detached garage located at 149 Lanterman Close.
3. D. Mousseau – a 2.9 metre rear yard to a proposed detached garage to be located at 78 Linn Close.

Oriole Park

4. Pinnacle Housing Corp. – a 1.25 metre side yard to a proposed single family dwelling and attached garage to be located at 8 Oakfield Close.
5. Birchwood Construction – a 5.4 metre rear yard to the house and a 4.05 metre rear yard to the deck at a proposed single family dwelling and attached garage to be located at 60 Oakwood Close.
6. Bemoco Land Surveying Ltd. – a 1.21 metre side yard to the cantilever on an existing semi-detached dwelling located at 6009 Orr Drive.
7. Bemoco Land Surveying Ltd. – a 1.24 metre side yard to the cantilever on an existing semi-detached dwelling located at 6007 Orr Drive.

West Lake

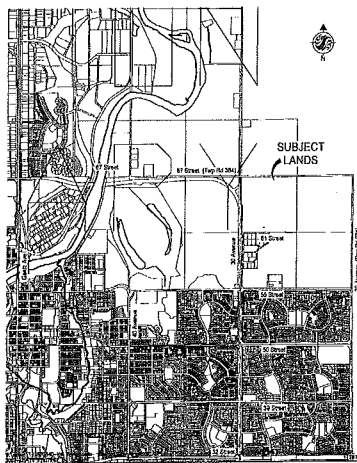
8. L. Parkins – a 6.32 metre rear yard to the house and a 3.47 metre rear yard to the deck at a proposed single family dwelling and attached garage to be located at 200 Wiley Crescent.

You may appeal this decision to the Red Deer Subdivision & Development Appeal Board, Legislative & Administrative Services, City Hall, prior to 4:30 p.m. August 3, 2007. Appeal forms (outlining appeal fees) are available at Legislative & Administrative Services. For further information please phone 342-8192.

TIMBERLANDS NEIGHBOURHOOD

Neighbourhood Area Structure Plan Amendment NW 23-38-27-4

City Council proposes to pass Bylaw 3217/G-2007, the Timberlands Neighbourhood Area Structure Plan. The proposed bylaw sets out the land use framework for approximately 63.8 hectares (159.02 acres) of land located on the east side of Red Deer, east of 30th Avenue, south of 67 Street and north of the existing College Park subdivision. The Timberlands Neighbourhood will consist of a modern mixed use community offering a wide variety of residential and commercial land uses, special residential uses (assisted living, day care, temporary care) and mixed land uses. The plan also provides for a place of worship site, potential emergency services site, school and park sites, trail locations, and bus stops, local and collector roads as well as storm water ponds. The proposed bylaw may be inspected by the public at Legislative & Administrative Services, 2nd Floor of City Hall during regular office hours or for more details, contact the city planners at Parkland Community Planning Services 343-3394.



Starline Consulting Ltd.
600, 4508 Ross Street
Red Deer AB Canada
T4N 1X5
Tel: 403-341-3320
Fax: 403-342-6989
www.starline.com

City Council will hear from any person claiming to be affected by the proposed bylaw at a Public Hearing on Monday, July 30 2007 at 6:00 p.m. in Council Chambers, 2nd floor of City Hall. If you want your letter or petition included on the Council agenda you must submit it to the Manager, Legislative & Administrative Services by Tuesday, July 24, 2007. Otherwise, you may submit your letter or petition at the Council meeting or you can simply tell Council your views at the Public Hearing. Council's Procedure Bylaw indicates that each presentation is limited to 10 minutes. Any submission will be public information. If you have any questions regarding the use of this information please contact the Manager, Legislative & Administrative Services at 342-8132.

URGENT! Please call/fax within 1 hour of receiving

RED DEER ADVOCATE

Ph. (403)314-4343 Fax (403) 342-4051

INSERT DATE:

Friday, July 20

AD SIZE:

4x182

AD CODE:

32359CityofRD G20

Sales Rep

17

Composed by

dh

pdf'd by

OK as is

OK with corrections

Approved by

FINAL PROOF. Proof read and approve or mark corrections.
Proofing is the responsibility of the Advertiser. Thank you for your co-operation

Development Officer Approvals

On July 11, 2007, the Development Officer issued approval for the following applications:

Deer Park

1. Best Surveys Ltd. - a 0.3 metre side yard to an existing hot tub located at 104 Dussan Street.

Rosedale

2. H. Rus - a 0.52 metre rear yard to an existing garden shed located at 627, 600 Range Close.

Sunnybrook

3. M. Hurt - a 0.61 metre side yard to a proposed carport addition to an existing detached garage for a total width of 8.56 metres, to be located at 24 Stewart Street.

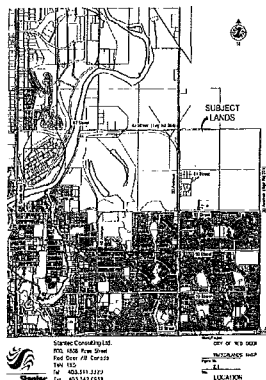
West Lake

4. G. Dyer - a 7.92 metre width to a proposed detached garage to be located at 73 White Avenue.

You may appeal this decision to the Red Deer Subdivision & Development Appeal Board, Legislative & Administrative Services, City Hall, prior to 4:30 p.m. July 27, 2007. Appeal forms (outlining appeal fees) are available at Legislative & Administrative Services. For further information please phone 342-8192.

TIMBERLANDS NEIGHBOURHOOD Neighbourhood Area Structure Plan Amendment NW 23-38-27-4

City Council proposes to pass Bylaw 3217/G-2007, the Timberlands Neighbourhood Area Structure Plan. The proposed bylaw sets out the land use framework for approximately 63.8 hectares (159.02 acres) of land located on the east side of Red Deer, east of 30th Avenue, south of 67 Street and north of the existing College Park subdivision. The Timberlands Neighbourhood will consist of a modern mixed use community offering a wide variety of residential and commercial land uses, special residential uses (assisted living, day care, temporary care) and mixed land uses. The plan also provides for a place of worship site, potential emergency services site, school and park sites, trail locations, and bus stops, local and collector roads as well as storm water ponds. The proposed bylaw may be inspected by the public at Legislative & Administrative Services, 2nd floor of City Hall during regular office hours or for more details, contact the city planners at Parkland Community Planning Services 343-3394.



City Council will hear from any person claiming to be affected by the proposed bylaw at a Public Hearing on Monday, July 30, 2007 at 6:00 p.m. in Council Chambers, 2nd floor of City Hall. If you want your letter or petition included on the Council agenda you must submit it to the Manager, Legislative & Administrative Services by Tuesday, July 24, 2007. Otherwise, you may submit your letter or petition at the Council meeting or you can simply tell Council your views at the Public Hearing. Council's Procedure Bylaw indicates that each presentation is limited to 10 minutes. Any submission will be public information. If you have any questions regarding the use of this information please contact the Manager, Legislative & Administrative Services at 342-8132.

INVITATION TO TENDER

Sealed Tenders clearly marked Queen's Business Park Reservoir and Pump Station closing August 2, 2007, delivered or mailed to the Purchasing Section - Main Floor at:

The City of Red Deer
4914 - 48 Avenue
Red Deer, Alberta T4N 3T3

and received before 2:00 p.m. local time on August 2, 2007, will be opened in public immediately thereafter. Tenders received and not conforming to the foregoing will be returned to the Bidding(s) without consideration. Faxed Tenders Documents or Tender Amendments will not be accepted.

The Work is comprised of approximately:

Construction of a 6500 cubic metre concrete reservoir and pumphouse superstructure, associated facilities, approximately 1,125 m water main, and tie-ins as detailed on the design drawings, and as specified in the CONTRACT DOCUMENTS.

Commissioning Completion Date: August 15, 2008

Tender Documents may be obtained from The City of Red Deer Engineering Services Department, Third Floor, City Hall, on or after July 6, 2007 for a \$50 non-refundable fee. The City of Red Deer Contract Specifications 2006 Edition may be viewed on The City of Red Deer Website @ www.reddeer.ca.

Subcontractors may view the Tender Documents at the Engineering Services Department, or the Edmonton, Calgary, and Red Deer Construction Association offices.

A pre-tender meeting will be held at the Stantec boardroom 6th floor, 4808 Ross Street, Red Deer on Wednesday, July 18, 2007 at 1:00 pm, followed by a site tour to help familiarize tenderers with the site and the site conditions.

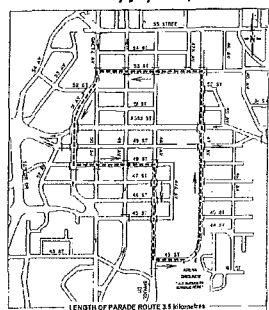
Inquiries regarding this Project may be directed to:

Gregory J. Sikora, M.Sc., P.Eng. Jason Hanayak, C.Tech.
The City of Red Deer Stantec Consulting Ltd.
Engineering Services Department
403 - 342 - 8158 403 - 341 - 3320

Road Closure Notice

Westerner Days Parade

Wednesday July 18th, 2007.



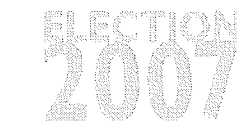
THE CITY OF RED DEER
WESTERN PARADE ROUTE
AND BARRICADE LOCATIONS

Barricades will be erected as indicated on the map of the Downtown core, at approximately 9:15am for about three (3) hours on Wednesday July 18th, 2007 for the Westerner Days Parade.

In addition, 43rd Street and 47th Avenue, in front of the Arena will be closed at 7:30am until approximately 1:00pm.

The Transit Department will discontinue operations during the Westerner Parade. The last departure time from City Centre is 8:45am and the last arrival time to City Centre is 9:15am. Transit Route #9 will be rerouted away from Parkvale and the Arena Grounds for the entire morning until the roadway is opened at approximately 1:15pm. Transit Route #11 departing from City Centre will not travel on 48th Avenue on parade day morning and the Transit stop at 48th Avenue and 43rd Street will be out of service. After the parade the first departure time from City Centre is 12:15pm. For further Transit information please contact the Transit Customer Service Centre at 342-8225.

Your cooperation is appreciated.



Your City. Your Choice.

www.reddeer.ca/election

CITY OF RED DEER Social Planning Department REQUEST FOR PROPOSALS Facilitator: Aboriginal Community Housing Plan

The City of Red Deer Social Planning Department is requesting proposals for a contracted facilitator to assist the Aboriginal Community in Red Deer to develop a plan that identifies housing priorities and outlines strategies to address the priorities; that will determine a delivery model and fund administrator for the Federal Homelessness Partnering Strategy (HPS) Aboriginal funds; and that will result in a positive process that allows for the integration of Aboriginal priorities within the overall Community Housing Plan for Red Deer. This opportunity is open to any & all applicants.

Please submit proposals to:
Wendy Klassen
Community Development Supervisor,
Social Planning Department
4th Floor, City Hall

Deadline: 4:30 p.m.
Friday, July 27th, 2007.

For more information please contact:
Maribeth Friesen (342-8164) or
George MacLeod (342-8100)
Social Planning Department
City of Red Deer

To view the detailed Request for proposals and the Terms of Reference, please visit "Red Deer Housing" at www.ci.online.ca/housing

Municipal Planning Commission Approvals

On July 9, 2007 the Municipal Planning Commission issued approval of the following applications:

Discretionary Uses:

Grandview

1. Shauna Fritzell o/a At Your Fingertips - a home occupation for a nail salon to be located at 57 Gordon Street.

South Gate

2. A & S Auto Sales - a 21m² temporary building for use as a "motor vehicle sales office and temporary sales lot" to be located at 3410 - 50 Avenue.

Riverlands

3. TJ Melton o/a Spice Wellness Systems - a fitness and wellness centre to be located at E16, 5560 - 45 Street

Permitted Uses

Morrison

1. Shane Stafford - addition of a 59.89 m² second floor to an existing single family dwelling and attached garage located at 55 Marion Crescent.

Oriole Park

2. Norman Standish - a 47.13 m² rear addition to an existing single family dwelling located at 12 Oriole Park Road

You may appeal Discretionary approvals to the Red Deer Subdivision & Development Appeal Board, Legislative & Administrative Services, City Hall, prior to 4:30 p.m. Monday, July 31, 2007. You may not appeal a Permitted Use unless it involves a relaxation, variation or misinterpretation of the Land Use Bylaw. Appeal forms (outlining appeal fees) are available at Legislative & Administrative Services. For further information, please phone 342-8132.

URGENT! Please call/fax within 1 hour of receiving

RED DEER ADVOCATE

Ph. (403)314-4343 Fax (403) 342-4051

INSERT DATE:	Friday, July '13	Sales Rep:	16	OK as is OK with corrections Approved by
AD SIZE:	6x242	Composed by:	dh	
AD CODE:	31138cityofrdG13	published by:		

FINAL PROOF. Proof read and approve or mark corrections. Proofing is the responsibility of the Advertiser. Thank you for your co-operation

TIMBERLANDS NEIGHBOURHOOD
Neighbourhood Area Structure Plan Amendment
NW 23-38-27-4

City Council proposes to pass **Bylaw 3217/G-2007**, the Timberlands Neighbourhood Area Structure Plan. The proposed bylaw sets out the land use framework for approximately 63.8 hectares (159.02 acres) of land located on the east side of Red Deer, east of 30th Avenue, south of 67 Street and north of the existing College Park subdivision. The Timberlands Neighbourhood will consist of a modern mixed use community offering a wide variety of residential and commercial land uses, special residential uses (assisted living, day care, temporary care) and mixed land uses. The plan also provides for a place of worship site, potential emergency services site, school and park sites, trail locations, and bus stops, local and collector roads as well as storm water ponds. The proposed bylaw may be inspected by the public at Legislative & Administrative Services, 2nd Floor of City Hall during regular office hours or for more details, contact the city planners at Parkland Community Planning Services 343-3394.

“Map”

City Council will hear from any person claiming to be affected by the proposed bylaw at a Public Hearing on **Monday, July 30 2007** at 6:00 p.m. in Council Chambers, 2nd floor of City Hall. If you want your letter or petition included on the Council agenda you must submit it to the Manager, Legislative & Administrative Services by **Tuesday, July 24, 2007**. Otherwise, you may submit your letter or petition at the Council meeting or you can simply tell Council your views at the Public Hearing. Council's Procedure Bylaw indicates that each presentation is limited to 10 minutes. Any submission will be public information. If you have any questions regarding the use of this information please contact the Manager, Legislative & Administrative Services at 342-8132.

(Publication Dates: July 13, 2007 and July 20, 2007)



DATE: July 25, 2007

TO: City Council

FROM: Craig Curtis, City Manager

RE: Municipal Sustainability Initiative (MSI) Analysis and Recommendations

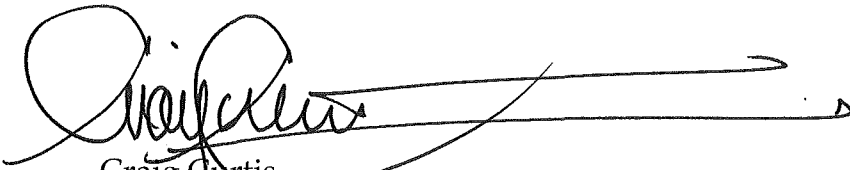
1. The Province's new Municipal Sustainability Initiative (MSI) was announced in April. This commitment is part of Premier Stelmach's promise to provide new funding of \$1.4 billion to municipalities phased in from 2007 to 2010.
2. The initial announcement included a large number of restrictions and conditions surrounding the use of these funds, which were divided into five different programs.
3. Municipalities across the province, including Red Deer, applauded the announcement of new funding but expressed major concern that the conditions could not be effectively met.
4. The Province was quick to react to the initial criticism and many of the conditions were eliminated or softened, especially in regard to "collaboration and cooperation between municipalities."
5. In late spring, the Minister of Municipal Affairs and Housing announced that the funding formula for MSI would be further reviewed and committed to consulting with municipal stakeholders across the province.
6. The Alberta Urban Municipalities Association (AUMA) is attempting to develop a municipal consensus on a funding formula. However, this is proving difficult to achieve. The AUMA has developed a draft position paper entitled "Municipal Sustainability Initiative: Analysis and Recommendations" dated July 5, 2007. The Province is also holding a series of eight regional consultation sessions across the province.
7. The City has been active in presenting its position on the MSI funding formula, and the following advocacy initiatives have been undertaken:
 - City Manager and City Treasurer participated in a conference call with AUMA on July 13.

City Council
Municipal Sustainability Initiative (MSI)
Analysis and Recommendations
Page 2

- City administration submitted a letter report to AUMA on July 18 (copy attached).
- Deputy Mayor Bev Hughes, City Manager and City Treasurer will participate in a regional consultation session in Red Deer on July 26 (refer to completed questionnaire attached entitled "Discussion Paper, Municipal Sustainability Initiative, July 13).
- City Treasurer has completed a detailed response to the AUMA position paper, and this will be presented to City Council on July 30.
- Mayor Flewwelling will participate in a conference call convened by AUMA in the second week of August.

8. RECOMMENDATION:

That City Council formally endorse the position paper prepared by the City Treasurer in response to the draft AUMA position paper.



Craig Curtis
City Manager

c Gary Mullin, City Treasurer
Senior Management Team

Municipal Sustainability Initiative (MSI)

AUMA “Solutions” Paper

City of Red Deer Response

KEY PRINCIPLES

1. Linkage with Provincial Revenues – The provincial tax base is linked to the economy, and thus municipal revenues should also follow the economy.

We agree that City’s need long-term, predictable and sustainable funding and that we should expect that funding to grow and shrink as the Alberta economy ebbs and flows. On the other hand, AUMA’s contention that unbalanced growth occurs due to the competition for property taxes is unclear. Growth occurs for many reasons. Funding is not a primary growth driver but is needed to deal with growth and should be tailored to those growth pressures. It is not logical to divert funding to low growth areas in the hope that it will result in growth, while high growth areas struggle to meet the needs of a growing community. In any case, MSI funding is required for both growth and to maintain existing assets.

2. Community Sustainability

a. Communities need the ability to plan and implement their own long-term sustainability initiatives.

The City considers that the ideal position would be for funding to be unconditional. However, if the Province wishes to be more specific, a set of principles and outcomes should be developed for the expenditure of these funds. It should be recognized that every municipality faces different infrastructure challenges, and funding guidelines and conditions should be as flexible as possible. We agree that each municipality should complete a long-term Sustainability Plan which prioritises its critical infrastructure needs and how these needs can be funded. However, these plans should not be subject to a formal approval process, which would create additional bureaucracy.

b. Municipal governments will track sustainability through a new Audit and Performance Measurement System and action will be contemplated where the Audit discloses an issue with sustainability.

As stated above, funding should be unconditional and should not be linked to regionalization or governance. In cases where a solid argument can be made for improved sustainability through regionalisation, municipalities should have the freedom to negotiate reasonable arrangements.

The City of Red Deer does not support any new Audit and Performance Measurement System. As an alternative, The City of Red Deer would be prepared to submit an annual certification, signed by the Mayor and Chief Administrative Officer, attesting to the fact that MSI funds were spent in accordance with general principles and Red Deer’s own unique Sustainability Plan.

3. Complementary funding– MSI funding should not replace existing grant programs. Agree

4. Equitable funding– MSI contributions should provide all municipalities with a minimum amount of funding.

The City supports a small amount of MSI base funding to municipalities with small populations and inadequate industrial tax bases. For example, the Village of Bawlf received \$100,000 under the existing AMIP program although on a population bases alone they would have received only \$65,000. The slightly higher allocation likely means that they could more easily fund a meaningful project. However, the vast majority of the funding should be provided on a per capita basis because population is the primary driver of municipal expenditures.

5. Autonomous decisions– Funding should enable municipalities to meet their own priorities.

We agree that municipalities are in the best position to determine where funds should be allocated. See point 2a above.

6. Simple process without competition – Program simplicity increases the value of funding.

We agree that competitive programs should be eliminated or, at the very least, not expanded. Economic sustainability in the context of MSI funding is not just growth related. Building of new capital assets is needed to deal with growth. Just as important is the need to re-invest to ensure existing assets can continue to provide the base level of service that would be required even if there was no growth. The City of Red Deer recognises that both are equally important and that one cannot be done at the expense of the other. We are working diligently to ensure Red Deer's needs are well planned and can be achieved. The ability of local municipalities to prioritise their own needs should be most important.

If the Province feels the need to target certain priorities, such as rural roads or housing, it should provide targeted funds outside the MSI.

ISSUES:

1. Disparity of sustainable and equitable funding.

The MSI does not provide a base amount of funding for every municipality. See previous key principle 4.

2. Limited municipal autonomy through placement of conditions on funding without any real corresponding increase in accountability.

We agree that dividing MSI funding into numerous "envelopes" is an unnecessary barrier. We already invest time allocating and re-allocating AMIP and New Deal funding to match our local priorities to the funding conditions. Conditional grants create an unnecessary layer of bureaucracy.

3. Implied transfer of housing responsibility.

The City supports the allocation of funding to municipalities for affordable housing. Municipalities are in an excellent position to identify local priorities and facilitate projects. However, this funding should be outside the MSI funding allocation.

4. Over-emphasis on incentives for inter-municipal cooperation.

Inter-municipal cooperation should not be mandatory. Municipal cooperation already occurs throughout the province and in Central Alberta through the north water group, Waskasoo Regional Waste, and provision of water to the County of Red Deer's 'gasoline alley' development. "Compulsory" inter-municipal co-operation is heavy handed and pits municipality against municipality, particularly if priorities are different, and if there are 'one-to-many' relationships.

5. Light Rail Transit:

We agree with the recommendation that a light rail transit program for the two major cities needs to be implemented and funded by the two Governments, separate from the MSI. This recommendation should be expanded so that a comprehensive strategy be developed that would also include non-rail transit programs, and passenger service between major cities (e.g. high speed rail link).

RECOMMENDATIONS

1. Establish a Formal Provincial-Municipal Agreement that includes a Permanent Funding Mechanism and a Partnership/Engagement Mechanism.

We agree that funding should be formalised through an agreement that outlines the amount of funding and includes a process for effective engagement and enhanced provincial-municipal relations. We want to reiterate that funding should be completely unconditional and that the funding formula should be simple. Other than allocating an amount to smaller municipalities, funds should be disbursed as per capita. There should be a further adjustment that recognises each municipality's rate of growth so that the impact of rapid growth being experienced by communities such as Red Deer, Ft. McMurray, Grande Prairie, etc., is acknowledged. Both the population number and the rate of growth numbers are available.

The City of Red Deer does not support any formula that utilises equalized assessment as it is complex, confusing and seen by many as unfair and subject to error.

2. Establish the following components to be included in the Allocation formula of the new Fund:

a. Base Funding – Ensuring municipalities with small populations receive base funding is a reasonable accommodation to very small municipalities. Tying this to funds necessary to fulfill all provincial regulatory and reporting requirements adds a layer of complexity that would be counter-productive.

Urban Municipalities Funding - \$70 Million allocation based on per capita adjusted for equalized assessment. We disagree that grants should be adjusted for equalized assessment

Rural Municipalities Funding - \$30 Million allocation based on road km adjusted for equalized assessment (amount increases with lower equalized assessment per road km). We disagree that grants should be adjusted for equalized assessment, and we do not support special funding for specific purposes such as rural roads. As soon as special considerations are used (such as road kms.) then the question is asked about what special considerations urbans have that rurals don't (such as police, recreation, ambulance, etc).

b. Equalized Assessment Component – \$250 million allocation based on the education property tax component, which is based on equalized assessment. We do not agree that grants should be adjusted for equalized assessment. The equalized assessment process is confusing, and assessment values continue to fluctuate across the province, so allocating MSI funding on assessment would be confusing. It should also be noted that new assessment generates new property taxes, which means that much of that new development already has a funding source.

c. Municipal Revenue Sustainability Component – \$1,050 million (\$1.05 billion) allocation based on a per capita basis. We agree.

The City of Red Deer also agrees in principle with AUMA's assertion that MSI funding should be linked to Provincial Revenue, but has concerns that the specific revenues referred to (fuel tax, personal income tax, gaming and natural resources) may be too limiting. We would prefer to see the sustainable funding linked to total Provincial Revenues.

3. Hold municipal governments accountable for good governance and financial management through Municipal Sustainability Audit Reports rather than complex conditional grant programs.

If grants are to be truly unconditional, there should not be a new layer of bureaucracy created that would require spending audits. We have no concerns providing a Municipal Sustainability Plan. Performance reporting and asset condition evaluation will be a natural outcome of the new PSAB accounting requirements and establishment of a separate municipal sustainability audit system and performance reporting mechanism is not necessary.

4. Establish a process to consider and act on changing a governance structure if a Municipal Sustainability Audit Report shows good reason to do so.

It is considered that sustainability or viability of municipalities and decisions regarding regionalization or amalgamation should not be linked to this unconditional grant program,

5. Establish provincial requirements for multi-jurisdictional planning processes for all municipalities.

Issues such as density and cost sharing are areas where we would welcome some Provincial guidelines, given that urban municipalities shoulder an inordinate burden when it comes to services such as recreation, parks and culture, policing, fire and ambulance.

Legislative amendments to authorize municipalities to raise other revenues are not the solution to the funding issues. However, some ability to tailor existing revenue sources, such as the ability to have split non-residential tax rates, and expansion of development levies, could be helpful. We believe municipalities should have right of first refusal on the sale of Crown land.

6. Immediately reconvene the Minister's Council to further address Municipal and Provincial Roles and Responsibilities (recommendations 6, 7 and 8 of the Report of the Minister's Council).

The City of Red Deer believes that the Minister's Council on Municipal Sustainability should be expanded to include representation from smaller municipalities. The recommendations appear to be driven primarily by the needs of Edmonton and Calgary. All municipalities should be given the opportunity to provide input on funding related to police, ambulance and other services.

7. Have the Government of Alberta assist with a study of the municipal infrastructure deficit.

Agree. See recommendation 3.

8. Communications Strategy.

Agree.

BENEFITS OF THE NEW PROVINCIAL-MUNICIPAL AGREEMENT

Agree, with the exception of the need for a separate audit process to verify that the funds have been spent on key municipal requirements set by the community.

Notes prepared by Gary Mullin, City Treasurer, City of Red Deer

MUNICIPAL SUSTAINABILITY INITIATIVE ANALYSIS AND RECOMMENDATIONS

PREPARED BY:

ALBERTA URBAN MUNICIPALITIES ASSOCIATION

July 5, 2007



BACKGROUND

The 2007 provincial budget provides Alberta municipalities with an unprecedented \$400 million in new investment through the Municipal Sustainability Initiative (MSI). By 2010-11, \$1.4 billion will be provided to municipalities to assist them in achieving sustainability. This is equivalent to the education property tax currently collected in Alberta.

The Association strongly endorses the vision of the Government of Alberta to further invest in Alberta municipalities. The pressures created from the phenomenal economic growth in Alberta over the past few years have been well documented and are recognized by all government partners. We applaud the Government of Alberta for the creation of the MSI and feel that with some refinement of the allocation methodology, this program will help municipalities manage growth pressures, deal with a backlog of capital projects, and address the increasing cost of providing quality municipal services to Albertans.

This submission is intended to be forward-looking, and is not intended to suggest that Year 1 funding should not occur as announced.

KEY PRINCIPLES

AUMA recommends that the MSI funding should be based on the following principles.

1. **Linkage with Provincial Revenues – The provincial tax base is linked to the economy, and thus municipal revenues should also follow the economy.** Municipal governments exist for the long-term, and are moving more and more towards long-term planning. In order to effectively implement long-term plans, municipalities must, to the degree possible in having funding tied to the economy, have corresponding long-term, predictable and sustainable funding. While municipalities have access to own-source revenues such as fines and penalties, charges for services, and investment income, the bulk of their revenues come from the property tax, and grant funding from other governments. This does not lead to balanced growth in regions due to the competition for property taxes (no other major revenue sources). Revenue linkage gives municipalities greater revenue diversity to meet the complexity of service and infrastructure demands, while at the same time recognizing that municipalities cannot expect to only share in the fruits of a growing economy, but rather, municipal governments' revenues should grow and shrink as the Alberta economy ebbs and flows. The result is a true partnership between the province and municipalities, featuring effective long-term planning, and a better capacity for achieving municipal sustainability.
2. **Community Sustainability –**
 - a. **Communities need the ability to plan and implement their own long term sustainability initiatives.** Community priorities have to be set by that community not through complex provincial conditional grant systems. Municipalities have to consider all factors that impact the long term sustainability of their communities. Rather than receive conditional funding, each municipality should complete a long term sustainability plan which prioritizes its critical infrastructure needs and, based on this plan, it should submit to the Provincial Government an audit of its sustainability priorities, including how the MSI addressed those priorities.
 - b. **Municipal governments will track sustainability through a new Audit and Performance Measurement System and action will be contemplated where the Audit discloses an issue with sustainability.** Due to external forces and changes occurring over time, local governance structures will sometimes have to change. Sometimes this is a matter of gaining economies of scale through regionalization, and sometimes this is a matter of declining viability or sustainability of communities. In cases where a solid argument can be made for improved sustainability through regionalization, a process should be put in place for considering this course of action. In cases where

municipalities cannot sustain themselves, other options for their governance, including dissolution, should be considered. This concept was highlighted in the convention-approved AUMA Paper on "Formation, Fundamental Changes and Dissolution" (2004) and is discussed in the recently approved AUMA Position Paper entitled "Multi-jurisdictional Planning" (2007).

3. **Complementary funding– MSI funding should not replace existing grant programs.** Alberta municipalities face increasing costs for providing quality services and eliminating the infrastructure deficit. In addition, extreme differences in revenue-raising capacity exist amongst Alberta municipal governments, and there are disparate effects of provincial grants upon them¹. The MSI should provide a new source of funding for all to complement existing permanent programs, until such time as municipal and provincial responsibilities and education taxes and grants are reviewed as recommended in the Minister's Council Report.
4. **Equitable funding– MSI contributions should provide all municipalities with a minimum amount of funding.** MSI funding must provide a base amount of money to all Alberta municipalities, so that each municipality is provided with enough cash to carry out priority projects, especially given that, with the conclusion of the Alberta Municipal Infrastructure Program (AMIP), smaller municipalities will be at a substantial loss of funding without a base amount within MSI.
5. **Autonomous decisions– Funding should enable municipalities to meet their own priorities.** Municipalities are in the best position to determine where funds should be allocated. It is important to allow municipalities the ability to determine how the greatest overall benefit for the municipality can be derived. Enhanced municipal autonomy was a major consideration in adopting new municipal legislation in Alberta in 1994.
6. **Simple process without competition – Program simplicity increases the value of funding.** Competitive programs, tight restrictions on fund use and detailed reporting can all impact on the value that municipalities are able to derive from the MSI funding. Competitive programs typically require comprehensive applications, adjudication and reporting processes. While the AUMA understands that accountability is paramount, there is concern with how competitive processes impact the ability to secure funding. Another challenge inherent in a competitive process is that of potentially rewarding funds to those municipalities which have reached a crisis point because of previous poor or insufficient planning, while those municipalities which have planned well and invested well in their infrastructure are overlooked. Additionally, overly onerous requirements may result in program delays that negatively impact planning cycles. In Alberta, there are already existing funding programs to look to as precedents that maintain accountability and provide

¹ The following were findings from a Report carried out by Nichols Applied Management for the Minister's Council on Municipal Sustainability, June 2006:

- changes in individual support programs may have differential effects on particular municipalities or groups of municipalities
- reductions in education levies will provide different levels of "tax room" depending on each municipality's assessment base.
e.g., a 10% reduction in provincial education rates equates to:¹
 - 1.7% of McLennan's municipal taxes
 - 5.7% of Edmonton's municipal taxes
 - 12.3% of Rocky View's municipal taxes
- the net impacts of concurrent changes in municipal responsibilities, provincial support programs, and education taxes may differ widely by type or size of municipality and from municipality to municipality
- potential impacts must be examined on a disaggregated municipal basis as well as in terms of aggregate effects

municipalities with greater flexibility through a system of robust project criteria and post-project audit sampling.

ISSUES

Based on the foregoing principles, the following issues exist with the MSI.

1. **Disparity of sustainable and equitable funding.** The MSI is to be fully implemented at the same time as the Alberta Municipal Infrastructure Program (AMIP) ends. AMIP provides a base amount of funding for every municipality whereas the MSI does not. As a result, the completion of AMIP and ramping up of MSI can result in a lack of viability for those municipalities currently in high financial need. Moreover, the magnitude of the impact resulting from the funding will vary among municipalities. Based on the current allocation formula, some municipalities will not receive enough funding to do anything substantial to properly address local needs.
2. **Limited municipal autonomy through placement of conditions on funding without any real corresponding increase in accountability.** To address key provincial priorities the MSI funding is divided into numerous "envelopes". While this appears to be a well-intentioned mechanism to meet the needs which have been expressed to the GOA, in reality this will only serve as a barrier to meeting the needs of Albertans. Over-regulation of funding conditions may result in the allocation of funds to non-priority areas. Conditional funding assumes that municipal needs are the same across all municipalities and that they align with those of the Province. This is at odds with "place-based" decision making and limits a municipality's ability to address local needs. Municipal governments are in the best position to understand the needs of their ratepayers. Overall, the highly conditional nature of the MSI is not congruent with the philosophy of enhanced municipal autonomy that was used to develop Alberta's *Municipal Government Act*, nor does an emphasis on conditions actually enhance any accountability tied to ensuring the funds are well spent on appropriate matters.
3. **Implied transfer of housing responsibility.** The MSI provides municipalities with funding for affordable housing projects. This implies a transfer of responsibility for affordable housing from the Province to municipalities. This contradicts recommendation 6 of the final report of the Minister's Council on Municipal Sustainability (MCMS): "No major realignment of current municipal and provincial roles and responsibilities is required". Furthermore, the Council recommended further addressing the shared responsibilities of affordable housing, ground ambulance and policing by September 2007, and it is expected that the Council members will explore this jointly.

During Year 1 of MSI, municipalities will use the funding provided to carry out affordable housing projects. However, this is not a solution to the housing situation. Municipalities are currently calculating the investment required to meet affordable housing challenges.

While not yet complete, early indications suggest that funding demands will be much greater than what is currently provided under the MSI. This designation of funds can be expected to build expectations among ratepayers that municipalities cannot meet.

Therefore any changes in municipal responsibility should be separated from the MSI program – the MSI funding relates to existing responsibilities and the revenues required to plan, implement and sustain those accountabilities. AUMA intends to develop a separate submission to the Government of Alberta on the housing responsibilities for the different orders of governments and any changing funding requirements related to changes in responsibilities.

4. **Over-emphasis on incentives for inter-municipal cooperation.** A significant portion of the MSI funds are tied to inter-municipal cooperation. While AUMA supports inter-municipal cooperation, it

is most meaningful and progressive when it is truly voluntary. As noted in the final report from the MCMS, municipal cooperation already occurs throughout the province.

There are challenges to what amounts to "compulsory" inter-municipal co-operation. For example, where one municipality has multiple neighbouring municipalities it may not be possible to accommodate all of the projects. In some cases, some municipalities may not have the capacity to meet the expectations of their neighbours for collaboration. In other situations, a municipality may not have neighbours with which to partner. In other cases, there are municipalities that wish to cooperate, but have a neighbor that is not interesting in cooperative projects – the result is a penalization to the neighbor that wishes to take on cooperative efforts. The co-operative component of the MSI could place some pressure on municipalities to favour collaborative projects over priority projects identified in long-term plans (both statutory and non-statutory).

5. **Light Rail Transit:** While not specifically mentioned in the MSI, light rail transit deserves mention as an issue in the same way that affordable housing is discussed above. Both Calgary and Edmonton currently operate light rail transit systems. These systems are needed in areas with high population and complex transportation needs. The Governments of Alberta and Canada need to recognize those requirements and how important light rail transit is to the major cities leading economic diversification. A light rail transit program for the two major cities needs to be implemented and funded by the two Governments, separate from the MSI.

RECOMMENDATIONS

As stated, the AUMA and AAMDC believe that the MSI is a strong commitment from the Government of Alberta to adequately address local priorities in Alberta municipalities. We further believe that the following recommendations will enhance the MSI and overall municipal sustainability.

1. **Establish a Formal Provincial-Municipal Agreement that includes a Permanent Funding Mechanism and a Partnership/Engagement Mechanism.** The Government of Alberta should implement a permanent transfer of provincial revenues that follows the economy of the Province, rather than a ten-year commitment. This will provide municipalities, to the degree possible in having funding tied to the economy, with a source of predictable, sustainable funding and will enable long-term planning. This should be formalized through an agreement that outlines the amount of funding and includes a process for effective engagement and enhanced provincial-municipal relations. Municipalities' plan and support infrastructure that lasts for centuries. Revenue sources have to align with that long range planning horizon, governance demands and long term maintenance requirements.
2. **Establish the following components to be included in the Allocation formula of the new Fund:**
 - A Base Funding² component that ensures municipalities with low assessment bases receive a base funding:

TOTAL	\$100 Million
-------	---------------

² One manner of determining an amount for the base would be to calculate the amount of money necessary to fulfill all provincial regulatory and reporting requirements.

URBAN MUNICIPALITIES	<p>\$70 Million</p> <p>Allocated based on per capita, adjusted for equalized assessment (amount increases with lower equalized assessment per capita)</p> <p>The base amount for the identified municipalities would be \$25,000 per municipality plus per capita</p> <p>Only allocated to those that are 75% below equalized assessment per capita</p>
RURAL MUNICIPALITIES	<p>\$30 Million</p> <p>Allocated based on road km adjusted for equalized assessment (amount increases with lower equalized assessment per road km)</p> <p>Only allocated to those that are 75% below equalized assessment per road km</p> <p>The base amount for the identified municipality would be \$25000 per municipality plus per road km.</p>

After 2010, when the Alberta Municipal Infrastructure Program is complete, the total amount of the base funding component (\$100 Million) will rise by the same percentage as the municipal revenue sustainability component (see "Municipal Revenue Sustainability" below).

- An **Equalized Assessment** component of \$250 million that would be distributed to municipalities based on their contribution to the education property tax component. This amount would be fixed until 2010 after which the amount would change by the difference in the total Provincial Education Tax requisition and \$1.2 billion. This would provide municipalities with the operating support to meet demands in growing communities but would also be adjusted each year by the Provincial Education Property Tax requirements (if they reduce then this amount reduces).
- A **Municipal Revenue Sustainability** component that is fixed to targeted Provincial Revenues and distributed on a per capita basis to municipalities. The funding under this component would increase from \$150 million in 2008, to \$250 million in 2009 and \$1,050 million in 2010 when the AMIP program has been completed and the funds transferred to this program. In 2010 the future amounts will be set by the percentage of the \$1,050 million to the total amounts of the Provincial Revenues below. The Provincial revenues which the municipal revenue source would be linked to would be:
 - i. Fuel tax
 - ii. Personal income tax
 - iii. Gaming
 - iv. Natural resources (this to be consistent with recommendation 11³ of the March 2007 Report of the Minister's Council on Sustainability)

³ Report to the Minister of Municipal Affairs and Housing: Presented by the Minister's Council on Municipal Sustainability (March 5, 2007):

3. **Hold municipal governments accountable for good governance and financial management through Municipal Sustainability Audit Reports rather than complex conditional grant programs.** Accountability can be best attained through the establishment of a municipal sustainability audit system and performance reporting rather than through an annual transfer of conditional grants. The recommended system is to have an annual, signed auditor's report to the Government of Alberta, showing how the revenue flow has been spent to meet the sustainability obligations of the municipality. Under such an audit system, sound financial planning will be achieved and long-term planning will allow all municipalities to effectively use their revenues in the best interest of their citizens. A measure of asset performance would allow the government to know that critical asset upgrades are being completed and the citizens' needs are being addressed, while at the same time leaving Council empowered to lead its community. The sustainability audit reports would provide the Provincial Auditor General with the confidence that shared provincial revenues are being allocated based on the municipalities' highest requirements.

The audit reports could also be used to demonstrate the sustainability or viability of municipalities. There are very few municipalities which dissolve or restructure in any given year; however, there are some that are substantially supported by provincial grants. There may be alternate governance structures or different governance partnerships that could be found for those municipalities that struggle to maintain services and infrastructure with their current revenues. A possible measure of viability is the percentage of total revenues that the municipality receives as a provincial grant.

4. **Establish a process to consider and act on changing a governance structure if a Municipal Sustainability Audit Report shows good reason to do so.** There are two cases where changes may be required to governance structures. If a Municipal Audit Report shows that:

- The benefits of achieving economies of scale through regionalization/amalgamation outweigh the benefits of maintaining distinct municipalities. (If the Audit Report can show duplication of services/infrastructure amongst neighbouring municipalities, this should trigger a cost-benefit analysis of regionalization/amalgamation).
- A municipality is unable to sustain itself using its current property tax regime and other current revenues, and that municipality agrees to dissolve. (Then, it is recommended that the resulting or newly formed community should be eligible for double the MSI for 5 years after its dissolution, which would be applied to that community's infrastructure needs.

5. **Establish provincial requirements for multi-jurisdictional planning processes for all municipalities.** Multi-jurisdictional planning would address:

- o growth management
- o land use and density
- o sustainability planning
- o transportation planning
- o intermunicipal dispute resolution processes
- o tax-sharing, cost-sharing, and revenue-sharing

Establish specific Provincial direction, by Regulation, for land use planning in transition areas between municipalities, and develop greater coordination and integration of Provincial land

Recommendation 11: The Government of Alberta should consider redefining the concept of "economic rent" to include the direct costs imposed upon municipalities as a result of resource development, and provide municipalities access to revenues from industry to offset these costs through one of the following options: a. Increased provincial resource royalty rates, with the increase earmarked for allocation to directly affected municipalities; or b. Legislative amendments to authorize municipalities to raise the necessary revenues directly from resource utilizers.

management activities with multi-jurisdictional planning, including sale of Crown land to municipalities⁴.

6. **Immediately reconvene the Minister's Council to further address Municipal and Provincial Roles and Responsibilities (recommendations 6, 7 and 8 of the Report of the Minister's Council).**
7. **Have the Government of Alberta assist with a study of the municipal infrastructure deficit.** It is expected that this task will become more straight-forward as municipalities move towards reporting tangible capital assets and creating asset management systems. With renewed investments in communities by the provincial and municipal governments, all parties will have to regularly revisit the MSI fund and its effectiveness. The study would be the base for the performance reports for municipalities. This would evolve, becoming information contained in the annual financial reporting.
8. Develop a comprehensive **Communications Strategy** with the following goals:
 - To effectively communicate the proposed formula to the AUMA and AAMDC membership
 - To raise the value of municipal governments and the functions of municipal governments amongst society in general.
 - To raise the level of understanding of municipal finance (including reserves) amongst MLAs
 - To raise public awareness of the effectiveness of the MSI funding.

BENEFITS OF THE NEW PROVINCIAL-MUNICIPAL AGREEMENT

To conclude, AUMA would like to outline the major benefits arising from a new Provincial-Municipal Agreement such as the one proposed in this paper.

1. The Agreement will help municipal governments address critical capital and operating deficits, ultimately benefitting all Albertans.
2. The funds will follow the Provincial economy, therefore providing more funding when the Province is growing, and communities need to respond quickly and effectively to growth and less funding when Provincial revenues are under pressure from economic downturns.
3. A Sustainability Audit Report to the Provincial Auditor General with the verification that the funds have been spent on key municipal requirements set by the community will increase municipal accountability.
4. The Agreement will take pressure off the need for the property tax system to meet all the growth pressures, and this is beneficial in times when the Government of Alberta runs surpluses.
5. Long-term financial planning will be enhanced and will be more effective for both the Government of Alberta and municipal governments.
6. Through provision of more sustainable and predictable revenues for municipal governments, the Government of Alberta will be in a better position to examine roles and responsibilities of government and to better align accountability.

⁴ These recommendations are from AUMA's Position Paper on Multi-Jurisdictional Planning, published February 2007.

7. Sustainable and predictable revenue flows for municipal governments will allow the Government of Alberta to address other critical provincial issues that are of importance to all Albertans.
8. If the Government of Alberta shifts responsibilities to municipal governments, the formula allows for adjustments that will ensure the new municipal responsibilities are compensated with adequate funding.
9. Municipalities will become better economic development partners with the Province.
10. The Agreement strongly re-enforces the philosophy that there is only one taxpayer supporting all orders of government.
11. The Agreement will form a solid foundation of the NEW DEAL for municipalities.

DRAFT



ALBERTA

MINISTER OF MUNICIPAL AFFAIRS AND HOUSING

*Office of the Minister
MLA, Lac La Biche - St. Paul*

AR34282

July 6, 2007

Dear Mayor or Reeve:

Earlier this spring, I committed to consulting with municipal stakeholders on the Municipal Sustainability Initiative (MSI). As a first step to fulfilling this commitment, I met with the Boards of both the Alberta Association of Municipal Districts and Counties and the Alberta Urban Municipalities Association to discuss the MSI. While I expect to hear further from both associations, it is now time to hear directly from municipalities on this important initiative.

A series of regional consultation sessions will take place across the province over the next several weeks. These sessions are designed to allow you, as municipal leaders, to share your thoughts on key aspects of the MSI, including funding conditions, program components and the funding allocation among municipalities.

I invite you to send two representatives to the consultation session of your choice. These sessions will take place from 10:00 a.m. to 3:00 p.m. and will be held in the following locations:

- | | | |
|------------------------|--------------------------|------------------------|
| ▪ July 18 – Brooks | → ▪ July 26 – Red Deer | ▪ August 3 – Westlock |
| ▪ July 19 – Lethbridge | ▪ July 30 – Vermilion | ▪ August 16 – Edmonton |
| ▪ July 25 – Calgary | ▪ August 1 – Peace River | |

Information on the session venue will be mailed to you prior to the regional sessions, along with an agenda and discussion paper.

Please RSVP the names of your representatives and the session they will be attending to Brandy Cox, Advisor, Strategic Issues, Planning and Coordination Unit, Alberta Municipal Affairs and Housing via e-mail (brandy.cox@gov.ab.ca) or phone (780-415-9786) at least three business days prior to the session you plan to attend.

If you are unable to attend, I encourage you to write to me with your comments and suggestions.

I am committed to ensuring that the Municipal Sustainability Initiative meets the needs of Alberta municipalities and your input is critical to ensuring success.

I look forward to meeting with you at the regional consultation sessions and hearing your perspective on the MSI.

Sincerely,



Ray Danyluk
Minister

cc: Chief Administrative Officer

Mr. Don Johnson, President
Alberta Association of Municipal Districts and Counties

Mr. Bob Hawkesworth, President
Alberta Urban Municipalities Association

Discussion Paper

Municipal Sustainability Initiative

July 13, 2007



Introduction

The Municipal Sustainability Initiative (MSI) was announced as part of the 2007 provincial budget. This initiative fulfills Premier Ed Stelmach's 10-year commitment to provide municipalities with sustainable funding, ramping up to \$1.4 billion per year in 2010-11.

Under the MSI, municipalities will receive an additional \$400 million in provincial funding in 2007-08, increasing to \$500 million in 2008-09, \$600 million in 2009-10, and ramping up to \$1.4 billion annually in 2010-11. This funding responds to the pressures of growth, and provides incentives for greater intermunicipal cooperation and coordination.

Although program funding conditions and funding allocations have been determined for the current year, the Government of Alberta is interested in hearing municipal perspectives on how the MSI should be designed for future years. This discussion paper has been prepared to assist municipal leaders in providing input into this important review.

The Minister of Municipal Affairs and Housing is hosting a number of regional consultation sessions during the summer of 2007 to consult further on portions of the MSI. This consultation will focus on the capital and conditional operating components of the MSI.

Municipal leaders attending these sessions are encouraged to bring this discussion paper with them to the session, or alternatively, to mail the completed discussion paper to Municipal Affairs and Housing.

If you have any questions about this consultation process or the discussion paper, please contact:

Brandy Cox
Strategic Issues Advisor
Municipal Affairs and Housing
780-415-9786

Thank you for your taking the time to provide your input.

Name of Municipality

The City of Red Deer**Section One****Allocation Model**

In 2007-08, \$278 million of MSI funding has been distributed in proportion to education property tax requisitions.

An additional \$12 million has been allocated through a Sustainable Investment (SI) fund to support smaller municipalities with limited local property tax bases and/or higher local mill rates. Funding in the SI component is available only to urban municipalities that have an equalized assessment per capita below \$50,000 and/or tax rates above 10 mills, and to rural municipalities that have an equalized assessment per kilometre of local road less than \$300,000 and/or tax rates above 10 mills. SI funds are distributed on a per capita basis to qualifying municipalities.

The remaining \$110 million is allocated for affordable housing and/or special projects. These components will not be addressed during this consultation process.

1 a) Which variables do you believe should be considered when allocating funding among municipalities?

- | | |
|---|-------------------------------------|
| Population | <input checked="" type="checkbox"/> |
| Population Growth | <input checked="" type="checkbox"/> |
| Population Decline/Lack of Growth | <input checked="" type="checkbox"/> |
| Equalized Assessment | <input type="checkbox"/> |
| Equalized Assessment Growth | <input type="checkbox"/> |
| Equalized Assessment Decline/Lack of Growth | <input type="checkbox"/> |
| Education Property Tax Requisitions | <input type="checkbox"/> |
| Kilometres of Local Road | <input type="checkbox"/> |
| Kilometres of Local Utility Pipe | <input type="checkbox"/> |
| Municipal Tax Rate | <input type="checkbox"/> |
| Other: _____ | <input type="checkbox"/> |

- 1 b) Of those variables you believe should be considered, please rank them in order of preference (noting the most important factor with a 1, etc.). Leave the box blank if you believe the variable should not be considered within the funding allocation formula.

Population	<input type="text" value="1"/>
Population Growth	<input type="text" value="2"/>
Population Decline/Lack of Growth	<input type="text" value="3"/>
Equalized Assessment	<input type="text"/>
Equalized Assessment Growth	<input type="text"/>
Equalized Assessment Decline/Lack of Growth	<input type="text"/>
Education Property Tax Requisitions	<input type="text"/>
Kilometres of Local Road	<input type="text"/>
Kilometres of Local Utility Pipe	<input type="text"/>
Municipal Tax Rate	<input type="text"/>
Other: _____	<input type="text"/>

Comments

The City of Red Deer supports a base funding allocation to small municipalities. The City does not support any other special allocations and believes the funding should be completely unconditional, based entirely on population and population growth. The City of Red Deer does not support using assessment to allocate funding.

1 c) Should the model include specific provisions for small municipalities and/or those with a more limited local assessment base?

Yes ☒

No ☐

1 d) If yes, how should eligibility for this funding be determined?

Equalized Assessment per capita	<input type="checkbox"/>
Equalized Assessment per kilometre of road	<input type="checkbox"/>
Municipal Tax Rate	<input type="checkbox"/>
Population	<input checked="" type="checkbox"/>
Other: _____	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>

1 e) How should this funding be allocated? If a base amount should be provided, what should the base amount be?

	Yes/No	Amount
Minimum base amount	<input checked="" type="checkbox"/>	\$ 100,000
Per capita	<input type="checkbox"/>	
Per kilometre of road	<input type="checkbox"/>	
Other: _____	<input type="checkbox"/>	
Other: _____	<input type="checkbox"/>	
Other: _____	<input type="checkbox"/>	

Section Two

Program Components

The three main funding components of the 2007-08 MSI are capital projects, conditional operating, and affordable housing.

The capital projects funding component of the MSI is divided into three sub-components:

1. Core Capital – roads and bridges, water and sewer, emergency vehicles, etc.
2. Community Capital – recreation and cultural facilities, other municipal buildings, etc.
3. Coordination Incentives

The conditional operating funding component of the MSI is also divided into three sub-components:

1. Planning Activities and Joint Services and Administration
2. Non-Profit Community Facility Operations
3. Special Initiatives

The affordable housing component and the special initiatives do not fall under the scope of this consultation process.

- 2 a) What are the anticipated key spending priorities in your municipality over the next 10 years? Please rank in order of importance, with one being the most important, and indicate the percentage of total funding that you believe should be allocated to each priority area.

Component	Ranking	Percentage
Core Capital	<input type="text" value="1"/>	<input type="text" value="33"/>
Community Capital	<input type="text" value="1"/>	<input type="text" value="33"/>
Operating	<input type="text" value="1"/>	<input type="text" value="33"/>
Other: _____	<input type="text"/>	<input type="text"/>
Other: _____	<input type="text"/>	<input type="text"/>

Comments

The City of Red Deer believes strongly that each municipality has its own unique circumstances and that there should be no distinction between core capital and community capital. Both are important with respect to using MSI funding for operating. The City of Red Deer would only support this concept in two cases:

- 1) If MSI became a permanent source of funding. We recognize however, that the Province is unable at this time to commit to permanent MSI funding, so to become dependent on these funds for on-going operating expenses would not be prudent.
- 2) For debt servicing, if the term of the debt coincided with the length of time MSI funding was expected to continue. This would allow much greater freedom in determining when projects could be started.

Section Three

Funding Conditions

Provincial taxpayers expect the Government of Alberta to ensure accountability for the expenditure of public funds, and funding conditions represent one approach to ensuring this accountability. A number of funding conditions are included in the 2007-08 MSI.

Capital Projects Funding

1. **Core Capital:** Funding must be spent on projects such as municipal roads and bridges, public transit, water and wastewater, emergency service vehicles and facilities, etc. Municipalities must use at least 20 percent of their Core Capital allocation for projects on which they consult with neighbouring municipalities.
2. **Community Capital:** Funding must be spent on projects such as libraries, recreation and cultural facilities, municipal administrative and public works buildings, etc. Municipalities must use at least 50 percent of their Community Capital allocation for projects on which they consult with neighbouring municipalities.
3. **Coordination Incentives:** Funding must be spent on projects to support core and community capital projects that are jointly planned and funded with neighbouring municipalities.

Conditional Operating Funding

1. **Joint Planning and Joint Services and Administration:** Funding must be spent on planning projects that facilitate intermunicipal cooperation, projects involving the joint delivery of services, or projects to have one administration team provide services to two or more municipalities.
2. **Non-Profit Community Facility Operations:** Funding must be used to support the operation and maintenance of community facilities operated by non-profit groups.
3. **Special Initiatives:** Funding is set aside for special initiatives that will support projects that reflect both municipal and provincial priorities.

3 a) How should the province ensure the necessary level of accountability for the expenditure of MSI funding? Please check all that apply.

Conditions specifying how much can be spent on capital versus operating ☐

Conditions specifying the types of capital projects ☐

Conditions specifying the types of operating projects ☐

Conditions specifying requirements for intermunicipal coordination and/or cooperation ☐

Annual reporting requirements ☒

Periodic audit requirements ☐

Other: _____ ☐

Comments

The City of Red Deer is concerned that MSI funding should not be tied to governance reporting or audit. A potential solution may be to establish an approval certification signed by the Mayor and CAO that the funds were used in accordance with some general principles and the City's sustainability plan. Every attempt should be made to avoid additional levels of bureaucracy.

3 b) Are there any projects that are not currently eligible for funding under the MSI that you believe should be eligible in future years?

This will not be entirely clear until all the MSI funding criteria has been released and understood.

Section Four

General Comments

4 a) Please offer any other comments or suggestions for improving on the MSI.

The City of Red Deer believes that the Ministers Council on municipal sustainability should be expanded to include representation from smaller municipalities. The recommendations appear to be driven primarily by the needs of Calgary and Edmonton. All municipalities should be given the opportunity to provide input on funding related to police, ambulance and other services.

Municipal Affairs and Housing recognizes that the Municipal Sustainability Initiative is still very new, and that this consultation process is taking place much earlier in the program history than is typical. Some municipalities may find it challenging to provide input regarding the future design of the program, as they have not yet had any meaningful opportunity to work with the program.

This will not be the only opportunity for municipalities to offer comment and suggestions regarding the program. If you develop suggestions later on in the program as you have an opportunity to work with it, please do not hesitate to forward your suggestions and comments to Municipal Affairs and Housing.

The City of Red Deer supports the allocation of housing funding to municipalities as they are in an excellent position to identify local priorities and facilitate projects, similar to the FCSS model. However, this funding should be outside of the MSI funding allocation.



Office of the City Manager

July 18, 2007

Mr. John McGowan
Alberta Urban Municipalities Association
10507 Saskatchewan Drive
Edmonton, AB T6E 4S1

Dear Mr. McGowan:

Re: Review of AUMA Principles, Issues & Recommendations issued July 5, 2007

Thank you for the opportunity to provide input into the AUMA "solutions" paper that we discussed during our July 13, 2007 conference call.

We recognise the considerable challenge AUMA faces in developing principles and issues and recommendations that are acceptable to the majority of AUMA members. While it is clear that AUMA's aim is to enhance the MSI and overall municipal sustainability, we have reviewed with Red Deer City Council the six key principles, five issues, and eight recommendations put forth by AUMA and have attached preliminary comments. The following provides a brief summary of some of the City's positions:

- The City is concerned that the MSI grant should not be linked to governance, reporting or audit. As suggested during the conference call, a potential solution may be to establish an annual certification signed by the Mayor and CAO. Every attempt should be made to avoid additional levels of bureaucracy, while at the same time giving the Province credit for the funding.
- The City believes that the Minister's Council on Municipal Sustainability should be expanded to include representation from smaller municipalities. The recommendations appear to be driven primarily by the needs of Edmonton and Calgary. All municipalities should be given the opportunity to provide input on funding related to police, ambulance and other services.
- Funding should be linked to a wider range of Provincial revenue sources.
- The City does not support any special allocation for rural roads. A case can be made for many special needs.
- The City supports the concept of allocating a portion of the total grant to small municipalities to ensure they have a reasonable level of base funding.
- It is considered that the remainder of the funding should be completely unconditional, based entirely on existing population and rate of population growth.
- The City supports the allocation of funding to municipalities for affordable housing. Municipalities are in an excellent position to identify local priorities and facilitate projects. However, this funding should be outside the MSI funding allocation.

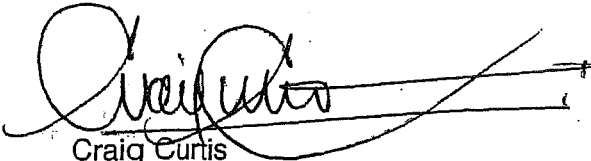
Mr. John McGowan
July 18, 2007
Page 2

In summary, The City of Red Deer feels strongly that the funding formula should be clear, equitable and easily understood by Council and citizens. It is considered that simple population based allocation is the best way to accomplish this.

The City of Red Deer is in the process of developing a brief that will be submitted to the Minister and AUMA. If you have any questions about this preliminary response, please contact me at 403-342-8156 or our City Treasurer, Gary Mullin, at 403-342-8258.

Thank you.

Yours truly,

A handwritten signature in black ink, appearing to read 'Craig Curtis', is written over three horizontal lines.

Craig Curtis
City Manager

- c. City Councillors, The City of Red Deer
Sue Welke, AUMA
Bruce Thom, AUMA

FILE



Council Decision – July 30, 2007

Legislative & Administrative Services

DATE: July 31, 2007
TO: Craig Curtis, City Manager
FROM: Kelly Kloss, Legislative & Administrative Services Manager
SUBJECT: Municipal Sustainability Initiative (MSI) Analysis and Recommendations

Reference Report:

City Manager, dated July 25, 2007

Resolutions:

"Resolved that Council of the City of Red Deer having considered the report from the City Manager, dated July 25, 2007, re: Municipal Sustainability Initiative (MSI) Analysis and Recommendations, hereby endorses the position paper, prepared by the City Treasurer in response to the draft AUMA position paper, as presented to Council on July 30, 2007."

Report Back to Council: No

Comments/Further Action:

I will forward the position paper to the Province and AUMA with a copy to our local MLA's.



Kelly Kloss
Manager

/chk

c City Treasurer



FILE

July 31, 2007

Brandy Cox
Strategic Issues Advisor
Municipal Affairs and Housing
17th Floor, Commerce Place
10155 – 102 Street
Edmonton, AB T5J 4L4

Dear Ms Cox:

Re: Municipal Sustainability Initiative (MSI)

At the July 30, 2007 Red Deer City Council meeting, Council endorsed the enclosed brief in response to the Discussion Paper on the Municipal Sustainability Initiative (MSI), dated July 13, 2007.

Thank you for the opportunity to provide comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kelly Kloss', written over the printed name and title.

Kelly Kloss
Manager

/attach.

c Victor Doerksen, MLA, Red Deer South
 Mary Anne Jablonski, MLA, Red Deer North

Discussion Paper

Municipal Sustainability Initiative

July 13, 2007

Alberta

Introduction

The Municipal Sustainability Initiative (MSI) was announced as part of the 2007 provincial budget. This initiative fulfills Premier Ed Stelmach's 10-year commitment to provide municipalities with sustainable funding, ramping up to \$1.4 billion per year in 2010-11.

Under the MSI, municipalities will receive an additional \$400 million in provincial funding in 2007-08, increasing to \$500 million in 2008-09, \$600 million in 2009-10, and ramping up to \$1.4 billion annually in 2010-11. This funding responds to the pressures of growth, and provides incentives for greater intermunicipal cooperation and coordination.

Although program funding conditions and funding allocations have been determined for the current year, the Government of Alberta is interested in hearing municipal perspectives on how the MSI should be designed for future years. This discussion paper has been prepared to assist municipal leaders in providing input into this important review.

The Minister of Municipal Affairs and Housing is hosting a number of regional consultation sessions during the summer of 2007 to consult further on portions of the MSI. This consultation will focus on the capital and conditional operating components of the MSI.

Municipal leaders attending these sessions are encouraged to bring this discussion paper with them to the session, or alternatively, to mail the completed discussion paper to Municipal Affairs and Housing.

If you have any questions about this consultation process or the discussion paper, please contact:

Brandy Cox
Strategic Issues Advisor
Municipal Affairs and Housing
780-415-9786

Thank you for your taking the time to provide your input.

Name of Municipality

The City of Red Deer

Section One

Allocation Model

In 2007-08, \$278 million of MSI funding has been distributed in proportion to education property tax requisitions.

An additional \$12 million has been allocated through a Sustainable Investment (SI) fund to support smaller municipalities with limited local property tax bases and/or higher local mill rates. Funding in the SI component is available only to urban municipalities that have an equalized assessment per capita below \$50,000 and/or tax rates above 10 mills, and to rural municipalities that have an equalized assessment per kilometre of local road less than \$300,000 and/or tax rates above 10 mills. SI funds are distributed on a per capita basis to qualifying municipalities.

The remaining \$110 million is allocated for affordable housing and/or special projects. These components will not be addressed during this consultation process.

1 a) Which variables do you believe should be considered when allocating funding among municipalities?

Population	<input checked="" type="checkbox"/>
Population Growth	<input checked="" type="checkbox"/>
Population Decline/Lack of Growth	<input checked="" type="checkbox"/>
Equalized Assessment	<input type="checkbox"/>
Equalized Assessment Growth	<input type="checkbox"/>
Equalized Assessment Decline/Lack of Growth	<input type="checkbox"/>
Education Property Tax Requisitions	<input type="checkbox"/>
Kilometres of Local Road	<input type="checkbox"/>
Kilometres of Local Utility Pipe	<input type="checkbox"/>
Municipal Tax Rate	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>

- 1 b) Of those variables you believe should be considered, please rank them in order of preference (noting the most important factor with a 1, etc.). Leave the box blank if you believe the variable should not be considered within the funding allocation formula.

Population	<input type="text" value="1"/>
Population Growth	<input type="text" value="2"/>
Population Decline/Lack of Growth	<input type="text" value="3"/>
Equalized Assessment	<input type="text"/>
Equalized Assessment Growth	<input type="text"/>
Equalized Assessment Decline/Lack of Growth	<input type="text"/>
Education Property Tax Requisitions	<input type="text"/>
Kilometres of Local Road	<input type="text"/>
Kilometres of Local Utility Pipe	<input type="text"/>
Municipal Tax Rate	<input type="text"/>
Other: _____	<input type="text"/>

Comments

The City of Red Deer supports a base funding allocation to small municipalities. The City does not support any other special allocations and believes the funding should be completely unconditional, based entirely on population and population growth. The City of Red Deer does not support using assessment to allocate funding.

1 c) Should the model include specific provisions for small municipalities and/or those with a more limited local assessment base?

Yes ☒

No ☐

1 d) If yes, how should eligibility for this funding be determined?

Equalized Assessment per capita	<input type="checkbox"/>
Equalized Assessment per kilometre of road	<input type="checkbox"/>
Municipal Tax Rate	<input type="checkbox"/>
Population	<input checked="" type="checkbox"/>
Other: _____	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>

1 e) How should this funding be allocated? If a base amount should be provided, what should the base amount be?

	Yes/No	Amount
Minimum base amount	<input checked="" type="checkbox"/>	\$100,000
Per capita	<input type="checkbox"/>	
Per kilometre of road	<input type="checkbox"/>	
Other: _____	<input type="checkbox"/>	
Other: _____	<input type="checkbox"/>	
Other: _____	<input type="checkbox"/>	

Section Two

Program Components

The three main funding components of the 2007-08 MSI are capital projects, conditional operating, and affordable housing.

The capital projects funding component of the MSI is divided into three sub-components:

1. Core Capital – roads and bridges, water and sewer, emergency vehicles, etc.
2. Community Capital – recreation and cultural facilities, other municipal buildings, etc.
3. Coordination Incentives

The conditional operating funding component of the MSI is also divided into three sub-components:

1. Planning Activities and Joint Services and Administration
2. Non-Profit Community Facility Operations
3. Special Initiatives

The affordable housing component and the special initiatives do not fall under the scope of this consultation process.

- 2 a) What are the anticipated key spending priorities in your municipality over the next 10 years? Please rank in order of importance, with one being the most important, and indicate the percentage of total funding that you believe should be allocated to each priority area.

Component	Ranking	Percentage
Core Capital	<input type="text" value="1"/>	<input type="text" value="33"/>
Community Capital	<input type="text" value="1"/>	<input type="text" value="33"/>
Operating	<input type="text" value="1"/>	<input type="text" value="33"/>
Other: _____	<input type="text"/>	<input type="text"/>
Other: _____	<input type="text"/>	<input type="text"/>

Comments

The City of Red Deer believes strongly that each municipality has its own unique circumstances and that there should be no distinction between core capital and community capital. Both are important with respect to using MSI funding for operating. The City of Red Deer would only support this concept in two cases:

- 1) If MSI became a permanent source of funding. We recognize however, that the Province is unable at this time to commit to permanent MSI funding, so to become dependent on these funds for on-going operating expenses would not be prudent.
- 2) For debt servicing, if the term of the debt coincided with the length of time MSI funding was expected to continue. This would allow much greater freedom in determining when projects could be started.

Section Three

Funding Conditions

Provincial taxpayers expect the Government of Alberta to ensure accountability for the expenditure of public funds, and funding conditions represent one approach to ensuring this accountability. A number of funding conditions are included in the 2007-08 MSI.

Capital Projects Funding

1. **Core Capital:** Funding must be spent on projects such as municipal roads and bridges, public transit, water and wastewater, emergency service vehicles and facilities, etc. Municipalities must use at least 20 percent of their Core Capital allocation for projects on which they consult with neighbouring municipalities.
2. **Community Capital:** Funding must be spent on projects such as libraries, recreation and cultural facilities, municipal administrative and public works buildings, etc. Municipalities must use at least 50 percent of their Community Capital allocation for projects on which they consult with neighbouring municipalities.
3. **Coordination Incentives:** Funding must be spent on projects to support core and community capital projects that are jointly planned and funded with neighbouring municipalities.

Conditional Operating Funding

1. **Joint Planning and Joint Services and Administration:** Funding must be spent on planning projects that facilitate intermunicipal cooperation, projects involving the joint delivery of services, or projects to have one administration team provide services to two or more municipalities.
2. **Non-Profit Community Facility Operations:** Funding must be used to support the operation and maintenance of community facilities operated by non-profit groups.
3. **Special Initiatives:** Funding is set aside for special initiatives that will support projects that reflect both municipal and provincial priorities.

3 a) How should the province ensure the necessary level of accountability for the expenditure of MSI funding? Please check all that apply.

- | | |
|---|-------------------------------------|
| Conditions specifying how much can be spent on capital versus operating | <input type="checkbox"/> |
| Conditions specifying the types of capital projects | <input type="checkbox"/> |
| Conditions specifying the types of operating projects | <input type="checkbox"/> |
| Conditions specifying requirements for intermunicipal coordination and/or cooperation | <input type="checkbox"/> |
| Annual reporting requirements | <input checked="" type="checkbox"/> |
| Periodic audit requirements | <input type="checkbox"/> |
| Other: _____ | <input type="checkbox"/> |

Comments

The City of Red Deer is concerned that MSI funding should not be tied to governance reporting or audit. A potential solution may be to establish an approval certification signed by the Mayor and CAO that the funds were used in accordance with some general principles and the City's sustainability plan. Every attempt should be made to avoid additional levels of bureaucracy.

3 b) Are there any projects that are not currently eligible for funding under the MSI that you believe should be eligible in future years?

This will not be entirely clear until all the MSI funding criteria has been released and understood.

Section Four

General Comments

4 a) Please offer any other comments or suggestions for improving on the MSI.

The City of Red Deer believes that the Ministers Council on municipal sustainability should be expanded to include representation from smaller municipalities. The recommendations appear to be driven primarily by the needs of Calgary and Edmonton. All municipalities should be given the opportunity to provide input on funding related to police, ambulance and other services.

Municipal Affairs and Housing recognizes that the Municipal Sustainability Initiative is still very new, and that this consultation process is taking place much earlier in the program history than is typical. Some municipalities may find it challenging to provide input regarding the future design of the program, as they have not yet had any meaningful opportunity to work with the program.

This will not be the only opportunity for municipalities to offer comment and suggestions regarding the program. If you develop suggestions later on in the program as you have an opportunity to work with it, please do not hesitate to forward your suggestions and comments to Municipal Affairs and Housing.

The City of Red Deer supports the allocation of housing funding to municipalities as they are in an excellent position to identify local priorities and facilitate projects, similar to the FCSS model. However, this funding should be outside of the MSI funding allocation.



FILE

July 31, 2007

Mr. John McGowan
Alberta Urban Municipalities Association
10507 Saskatchewan Drive
Edmonton, AB T6E 4S1

Dear Mr. McGowan:

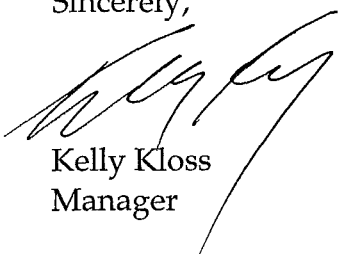
Re: Municipal Sustainability Initiative (MSI)

At the July 30, 2007 Red Deer City Council meeting, Council endorsed the enclosed brief in response to the AUMA Solutions Paper regarding the Municipal Sustainability Initiative (MSI).

In addition, Council endorsed the attached response to the Province's Municipal Sustainability Initiative Discussion Paper dated July 13, 2007.

Thank you for the opportunity to provide feedback on this matter.

Sincerely,



Kelly Kloss
Manager

/attach.

c Victor Doerksen, MLA, Red Deer South
 Mary Anne Jablonski, MLA, Red Deer North
 City Manager
 Financial Services Manager
 City Treasurer

Municipal Sustainability Initiative (MSI)

AUMA "Solutions" Paper

City of Red Deer Response

KEY PRINCIPLES

1. Linkage with Provincial Revenues – The provincial tax base is linked to the economy, and thus municipal revenues should also follow the economy.

We agree that City's need long-term, predictable and sustainable funding and that we should expect that funding to grow and shrink as the Alberta economy ebbs and flows. On the other hand, AUMA's contention that unbalanced growth occurs due to the competition for property taxes is unclear. Growth occurs for many reasons. Funding is not a primary growth driver but is needed to deal with growth and should be tailored to those growth pressures. It is not logical to divert funding to low growth areas in the hope that it will result in growth, while high growth areas struggle to meet the needs of a growing community. In any case, MSI funding is required for both growth and to maintain existing assets.

2. Community Sustainability

a. Communities need the ability to plan and implement their own long-term sustainability initiatives.

The City considers that the ideal position would be for funding to be unconditional. However, if the Province wishes to be more specific, a set of principles and outcomes should be developed for the expenditure of these funds. It should be recognized that every municipality faces different infrastructure challenges, and funding guidelines and conditions should be as flexible as possible. We agree that each municipality should complete a long-term Sustainability Plan which prioritises its critical infrastructure needs and how these needs can be funded. However, these plans should not be subject to a formal approval process, which would create additional bureaucracy.

b. Municipal governments will track sustainability through a new Audit and Performance Measurement System and action will be contemplated where the Audit discloses an issue with sustainability.

As stated above, funding should be unconditional and should not be linked to regionalization or governance. In cases where a solid argument can be made for improved sustainability through regionalisation, municipalities should have the freedom to negotiate reasonable arrangements.

The City of Red Deer does not support any new Audit and Performance Measurement System. As an alternative, The City of Red Deer would be prepared to submit an annual certification, signed by the Mayor and Chief Administrative Officer, attesting to the fact that MSI funds were spent in accordance with general principles and Red Deer's own unique Sustainability Plan.

3. Complementary funding– MSI funding should not replace existing grant programs. Agree

4. Equitable funding– MSI contributions should provide all municipalities with a minimum amount of funding.

The City supports a small amount of MSI base funding to municipalities with small populations and inadequate industrial tax bases. For example, the Village of Bawlf received \$100,000 under the existing AMIP program although on a population bases alone they would have received only \$65,000. The slightly higher allocation likely means that they could more easily fund a meaningful project. However, the vast majority of the funding should be provided on a per capita basis because population is the primary driver of municipal expenditures.

5. Autonomous decisions– Funding should enable municipalities to meet their own priorities.

We agree that municipalities are in the best position to determine where funds should be allocated. See point 2a above.

6. Simple process without competition – Program simplicity increases the value of funding.

We agree that competitive programs should be eliminated or, at the very least, not expanded. Economic sustainability in the context of MSI funding is not just growth related. Building of new capital assets is needed to deal with growth. Just as important is the need to re-invest to ensure existing assets can continue to provide the base level of service that would be required even if there was no growth. The City of Red Deer recognises that both are equally important and that one cannot be done at the expense of the other. We are working diligently to ensure Red Deer's needs are well planned and can be achieved. The ability of local municipalities to prioritise their own needs should be most important.

If the Province feels the need to target certain priorities, such as rural roads or housing, it should provide targeted funds outside the MSI.

ISSUES:

1. Disparity of sustainable and equitable funding.

The MSI does not provide a base amount of funding for every municipality. See previous key principle 4.

2. Limited municipal autonomy through placement of conditions on funding without any real corresponding increase in accountability.

We agree that dividing MSI funding into numerous "envelopes" is an unnecessary barrier. We already invest time allocating and re-allocating AMIP and New Deal funding to match our local priorities to the funding conditions. Conditional grants create an unnecessary layer of bureaucracy.

3. Implied transfer of housing responsibility.

The City supports the allocation of funding to municipalities for affordable housing. Municipalities are in an excellent position to identify local priorities and facilitate projects. However, this funding should be outside the MSI funding allocation.

4. Over-emphasis on incentives for inter-municipal cooperation.

Inter-municipal cooperation should not be mandatory. Municipal cooperation already occurs throughout the province and in Central Alberta through the north water group, Waskasoo Regional Waste, and provision of water to the County of Red Deer's 'gasoline alley' development. "Compulsory" inter-municipal co-operation is heavy handed and pits municipality against municipality, particularly if priorities are different, and if there are 'one-to-many' relationships.

5. Light Rail Transit:

We agree with the recommendation that a light rail transit program for the two major cities needs to be implemented and funded by the two Governments, separate from the MSI. This recommendation should be expanded so that a comprehensive strategy be developed that would also include non-rail transit programs, and passenger service between major cities (e.g. high speed rail link).

RECOMMENDATIONS

1. Establish a Formal Provincial-Municipal Agreement that includes a Permanent Funding Mechanism and a Partnership/Engagement Mechanism.

We agree that funding should be formalised through an agreement that outlines the amount of funding and includes a process for effective engagement and enhanced provincial-municipal relations. We want to reiterate that funding should be completely unconditional and that the funding formula should be simple. Other than allocating an amount to smaller municipalities, funds should be disbursed as per capita. There should be a further adjustment that recognises each municipality's rate of growth so that the impact of rapid growth being experienced by communities such as Red Deer, Ft. McMurray, Grande Prairie, etc., is acknowledged. Both the population number and the rate of growth numbers are available.

The City of Red Deer does not support any formula that utilises equalized assessment as it is complex, confusing and seen by many as unfair and subject to error.

2. Establish the following components to be included in the Allocation formula of the new Fund:

a. Base Funding – Ensuring municipalities with small populations receive base funding is a reasonable accommodation to very small municipalities. Tying this to funds necessary to fulfill all provincial regulatory and reporting requirements adds a layer of complexity that would be counter-productive.

Urban Municipalities Funding - \$70 Million allocation based on per capita adjusted for equalized assessment. We disagree that grants should be adjusted for equalized assessment

Rural Municipalities Funding - \$30 Million allocation based on road km adjusted for equalized assessment (amount increases with lower equalized assessment per road km). We disagree that grants should be adjusted for equalized assessment, and we do not support special funding for specific purposes such as rural roads. As soon as special considerations are used (such as road kms.) then the question is asked about what special considerations urbans have that rurals don't (such as police, recreation, ambulance, etc).

b. Equalized Assessment Component – \$250 million allocation based on the education property tax component, which is based on equalized assessment. We do not agree that grants should be adjusted for equalized assessment. The equalized assessment process is confusing, and assessment values continue to fluctuate across the province, so allocating MSI funding on assessment would be confusing. It should also be noted that new assessment generates new property taxes, which means that much of that new development already has a funding source.

c. Municipal Revenue Sustainability Component – \$1,050 million (\$1.05 billion) allocation based on a per capita basis. We agree.

The City of Red Deer also agrees in principle with AUMA's assertion that MSI funding should be linked to Provincial Revenue, but has concerns that the specific revenues referred to (fuel tax, personal income tax, gaming and natural resources) may be too limiting. We would prefer to see the sustainable funding linked to total Provincial Revenues.

3. Hold municipal governments accountable for good governance and financial management through Municipal Sustainability Audit Reports rather than complex conditional grant programs.

If grants are to be truly unconditional, there should not be a new layer of bureaucracy created that would require spending audits. We have no concerns providing a Municipal Sustainability Plan. Performance reporting and asset condition evaluation will be a natural outcome of the new PSAB accounting requirements and establishment of a separate municipal sustainability audit system and performance reporting mechanism is not necessary.

4. Establish a process to consider and act on changing a governance structure if a Municipal Sustainability Audit Report shows good reason to do so.

It is considered that sustainability or viability of municipalities and decisions regarding regionalization or amalgamation should not be linked to this unconditional grant program,

5. Establish provincial requirements for multi-jurisdictional planning processes for all municipalities.

Issues such as density and cost sharing are areas where we would welcome some Provincial guidelines, given that urban municipalities shoulder an inordinate burden when it comes to services such as recreation, parks and culture, policing, fire and ambulance.

Legislative amendments to authorize municipalities to raise other revenues are not the solution to the funding issues. However, some ability to tailor existing revenue sources, such as the ability to have split non-residential tax rates, and expansion of development levies, could be helpful. We believe municipalities should have right of first refusal on the sale of Crown land.

6. Immediately reconvene the Minister's Council to further address Municipal and Provincial Roles and Responsibilities (recommendations 6, 7 and 8 of the Report of the Minister's Council).

The City of Red Deer believes that the Minister's Council on Municipal Sustainability should be expanded to include representation from smaller municipalities. The recommendations appear to be driven primarily by the needs of Edmonton and Calgary. All municipalities should be given the opportunity to provide input on funding related to police, ambulance and other services.

7. Have the Government of Alberta assist with a study of the municipal infrastructure deficit.

Agree. See recommendation 3.

8. Communications Strategy.

Agree.

BENEFITS OF THE NEW PROVINCIAL-MUNICIPAL AGREEMENT

Agree, with the exception of the need for a separate audit process to verify that the funds have been spent on key municipal requirements set by the community.

Notes prepared by Gary Mullin, City Treasurer, City of Red Deer

Discussion Paper

Municipal Sustainability Initiative

July 13, 2007



Introduction

The Municipal Sustainability Initiative (MSI) was announced as part of the 2007 provincial budget. This initiative fulfills Premier Ed Stelmach's 10-year commitment to provide municipalities with sustainable funding, ramping up to \$1.4 billion per year in 2010-11.

Under the MSI, municipalities will receive an additional \$400 million in provincial funding in 2007-08, increasing to \$500 million in 2008-09, \$600 million in 2009-10, and ramping up to \$1.4 billion annually in 2010-11. This funding responds to the pressures of growth, and provides incentives for greater intermunicipal cooperation and coordination.

Although program funding conditions and funding allocations have been determined for the current year, the Government of Alberta is interested in hearing municipal perspectives on how the MSI should be designed for future years. This discussion paper has been prepared to assist municipal leaders in providing input into this important review.

The Minister of Municipal Affairs and Housing is hosting a number of regional consultation sessions during the summer of 2007 to consult further on portions of the MSI. This consultation will focus on the capital and conditional operating components of the MSI.

Municipal leaders attending these sessions are encouraged to bring this discussion paper with them to the session, or alternatively, to mail the completed discussion paper to Municipal Affairs and Housing.

If you have any questions about this consultation process or the discussion paper, please contact:

Brandy Cox
Strategic Issues Advisor
Municipal Affairs and Housing
780-415-9786

Thank you for your taking the time to provide your input.

Name of Municipality

The City of Red Deer

Section One

Allocation Model

In 2007-08, \$278 million of MSI funding has been distributed in proportion to education property tax requisitions.

An additional \$12 million has been allocated through a Sustainable Investment (SI) fund to support smaller municipalities with limited local property tax bases and/or higher local mill rates. Funding in the SI component is available only to urban municipalities that have an equalized assessment per capita below \$50,000 and/or tax rates above 10 mills, and to rural municipalities that have an equalized assessment per kilometre of local road less than \$300,000 and/or tax rates above 10 mills. SI funds are distributed on a per capita basis to qualifying municipalities.

The remaining \$110 million is allocated for affordable housing and/or special projects. These components will not be addressed during this consultation process.

1 a) Which variables do you believe should be considered when allocating funding among municipalities?

- | | |
|---|-------------------------------------|
| Population | <input checked="" type="checkbox"/> |
| Population Growth | <input checked="" type="checkbox"/> |
| Population Decline/Lack of Growth | <input checked="" type="checkbox"/> |
| Equalized Assessment | <input type="checkbox"/> |
| Equalized Assessment Growth | <input type="checkbox"/> |
| Equalized Assessment Decline/Lack of Growth | <input type="checkbox"/> |
| Education Property Tax Requisitions | <input type="checkbox"/> |
| Kilometres of Local Road | <input type="checkbox"/> |
| Kilometres of Local Utility Pipe | <input type="checkbox"/> |
| Municipal Tax Rate | <input type="checkbox"/> |
| Other: _____ | <input type="checkbox"/> |

1 b) Of those variables you believe should be considered, please rank them in order of preference (noting the most important factor with a 1, etc.). Leave the box blank if you believe the variable should not be considered within the funding allocation formula.

Population	<input type="text" value="1"/>
Population Growth	<input type="text" value="2"/>
Population Decline/Lack of Growth	<input type="text" value="3"/>
Equalized Assessment	<input type="text"/>
Equalized Assessment Growth	<input type="text"/>
Equalized Assessment Decline/Lack of Growth	<input type="text"/>
Education Property Tax Requisitions	<input type="text"/>
Kilometres of Local Road	<input type="text"/>
Kilometres of Local Utility Pipe	<input type="text"/>
Municipal Tax Rate	<input type="text"/>
Other: _____	<input type="text"/>

Comments

The City of Red Deer supports a base funding allocation to small municipalities. The City does not support any other special allocations and believes the funding should be completely unconditional, based entirely on population and population growth. The City of Red Deer does not support using assessment to allocate funding.

1 c) Should the model include specific provisions for small municipalities and/or those with a more limited local assessment base?

Yes ☒

No ☐

1 d) If yes, how should eligibility for this funding be determined?

Equalized Assessment per capita	<input type="checkbox"/>
Equalized Assessment per kilometre of road	<input type="checkbox"/>
Municipal Tax Rate	<input type="checkbox"/>
Population	<input checked="" type="checkbox"/>
Other: _____	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>

1 e) How should this funding be allocated? If a base amount should be provided, what should the base amount be?

	Yes/No	Amount
Minimum base amount	<input checked="" type="checkbox"/>	<input type="text" value="\$100,000"/>
Per capita	<input type="checkbox"/>	
Per kilometre of road	<input type="checkbox"/>	
Other: _____	<input type="checkbox"/>	
Other: _____	<input type="checkbox"/>	
Other: _____	<input type="checkbox"/>	

Section Two

Program Components

The three main funding components of the 2007-08 MSI are capital projects, conditional operating, and affordable housing.

The capital projects funding component of the MSI is divided into three sub-components:

1. Core Capital – roads and bridges, water and sewer, emergency vehicles, etc.
2. Community Capital – recreation and cultural facilities, other municipal buildings, etc.
3. Coordination Incentives

The conditional operating funding component of the MSI is also divided into three sub-components:

1. Planning Activities and Joint Services and Administration
2. Non-Profit Community Facility Operations
3. Special Initiatives

The affordable housing component and the special initiatives do not fall under the scope of this consultation process.

- 2 a) What are the anticipated key spending priorities in your municipality over the next 10 years? Please rank in order of importance, with one being the most important, and indicate the percentage of total funding that you believe should be allocated to each priority area.

Component	Ranking	Percentage
Core Capital	<input type="text" value="1"/>	<input type="text" value="33"/>
Community Capital	<input type="text" value="1"/>	<input type="text" value="33"/>
Operating	<input type="text" value="1"/>	<input type="text" value="33"/>
Other: _____	<input type="text"/>	<input type="text"/>
Other: _____	<input type="text"/>	<input type="text"/>

Comments

The City of Red Deer believes strongly that each municipality has its own unique circumstances and that there should be no distinction between core capital and community capital. Both are important with respect to using MSI funding for operating. The City of Red Deer would only support this concept in two cases:

- 1) If MSI became a permanent source of funding. We recognize however, that the Province is unable at this time to commit to permanent MSI funding, so to become dependent on these funds for on-going operating expenses would not be prudent.
- 2) For debt servicing, if the term of the debt coincided with the length of time MSI funding was expected to continue. This would allow much greater freedom in determining when projects could be started.

Section Three

Funding Conditions

Provincial taxpayers expect the Government of Alberta to ensure accountability for the expenditure of public funds, and funding conditions represent one approach to ensuring this accountability. A number of funding conditions are included in the 2007-08 MSI.

Capital Projects Funding

1. **Core Capital:** Funding must be spent on projects such as municipal roads and bridges, public transit, water and wastewater, emergency service vehicles and facilities, etc. Municipalities must use at least 20 percent of their Core Capital allocation for projects on which they consult with neighbouring municipalities.
2. **Community Capital:** Funding must be spent on projects such as libraries, recreation and cultural facilities, municipal administrative and public works buildings, etc. Municipalities must use at least 50 percent of their Community Capital allocation for projects on which they consult with neighbouring municipalities.
3. **Coordination Incentives:** Funding must be spent on projects to support core and community capital projects that are jointly planned and funded with neighbouring municipalities.

Conditional Operating Funding

1. **Joint Planning and Joint Services and Administration:** Funding must be spent on planning projects that facilitate intermunicipal cooperation, projects involving the joint delivery of services, or projects to have one administration team provide services to two or more municipalities.
2. **Non-Profit Community Facility Operations:** Funding must be used to support the operation and maintenance of community facilities operated by non-profit groups.
3. **Special Initiatives:** Funding is set aside for special initiatives that will support projects that reflect both municipal and provincial priorities.

3 a) How should the province ensure the necessary level of accountability for the expenditure of MSI funding? Please check all that apply.

- | | |
|---|-------------------------------------|
| Conditions specifying how much can be spent on capital versus operating | <input type="checkbox"/> |
| Conditions specifying the types of capital projects | <input type="checkbox"/> |
| Conditions specifying the types of operating projects | <input type="checkbox"/> |
| Conditions specifying requirements for intermunicipal coordination and/or cooperation | <input type="checkbox"/> |
| Annual reporting requirements | <input checked="" type="checkbox"/> |
| Periodic audit requirements | <input type="checkbox"/> |
| Other: _____ | <input type="checkbox"/> |

Comments

The City of Red Deer is concerned that MSI funding should not be tied to governance reporting or audit. A potential solution may be to establish an approval certification signed by the Mayor and CAO that the funds were used in accordance with some general principles and the City's sustainability plan. Every attempt should be made to avoid additional levels of bureaucracy.

3 b) Are there any projects that are not currently eligible for funding under the MSI that you believe should be eligible in future years?

This will not be entirely clear until all the MSI funding criteria has been released and understood.

Section Four

General Comments

4 a) Please offer any other comments or suggestions for improving on the MSI.

The City of Red Deer believes that the Ministers Council on municipal sustainability should be expanded to include representation from smaller municipalities. The recommendations appear to be driven primarily by the needs of Calgary and Edmonton. All municipalities should be given the opportunity to provide input on funding related to police, ambulance and other services.

Municipal Affairs and Housing recognizes that the Municipal Sustainability Initiative is still very new, and that this consultation process is taking place much earlier in the program history than is typical. Some municipalities may find it challenging to provide input regarding the future design of the program, as they have not yet had any meaningful opportunity to work with the program.

This will not be the only opportunity for municipalities to offer comment and suggestions regarding the program. If you develop suggestions later on in the program as you have an opportunity to work with it, please do not hesitate to forward your suggestions and comments to Municipal Affairs and Housing.

The City of Red Deer supports the allocation of housing funding to municipalities as they are in an excellent position to identify local priorities and facilitate projects, similar to the FCSS model. However, this funding should be outside of the MSI funding allocation.

**ELECTRIC, LIGHT & POWER DEPARTMENT**

DATE: July 23, 2007

TO: Kelly Kloss, Manager, Legislative & Administrative Services

FROM: Ligong Gan, EL&P Manager

RE: Alberta Market Surveillance Administrator – 2007 Q2 Compliance Report

The EL&P department requests Council's approval of the Compliance Report to the Alberta *Market Surveillance Administrator* ("**MSA**") for the second quarter of 2007.

Background

The Alberta MSA is an independent body established under the *Electric Utilities Act* ("**Act**") to protect the public interest and to ensure fairness and transparency in Alberta's deregulated electricity marketplace. The *Code of Conduct Regulation* ("**Code**") provides various powers to the MSA to carry out its duties. The Code has a number of key requirements including the following

- Equal treatment of customers
- Protection of customer information
- Equal treatment of retailers
- Relationship and behaviour between an owner and its affiliated retailer

All market participants, including wires owners, retailers and generators must follow the Code. Any person that feels that the City has failed to conduct its business in accordance with the Code may submit a complaint to the MSA.


The City as an owner of an electric distribution system is subject to the provisions of the Code. One of the requirements is that the City of Red Deer submit reports to the MSA, both quarterly and annually, to indicate compliance with the Code respecting its electric system operation. The reports must present a compliance plan and in case of any non-compliance, actions taken to remedy the non-compliance. The reports must also include how complaints, if any, have been dealt with.

The MSA allows the City to rely upon the compliance plan and audit reporting provided by Enmax Power and Enmax Energy and as such, no compliance plan or audit reporting is directly required of the City of Red Deer.

The 2007 Q2 Compliance Report is attached. The EL&P Department did not have any incidents of non-compliance with the Code in the second quarter of 2007.

Recommendation

It is respectfully recommended that Council approve the attached report of "2007 Second Quarter Compliance Report to Council of the City of Red Deer".

A handwritten signature in black ink, appearing to read "Gan Ligong", written in a cursive style.

Ligong Gan, P.Eng.
EL&P Manager

Attachment

City of Red Deer Electric Light & Power Department

2007 Second Quarter Compliance Report

to

Council of the City of Red Deer

This Report is submitted to the Council of The City of Red Deer pursuant to sections 34(1) and 34(2) of the *Code of Conduct Regulation* (AR 160/2003) for the period of April 1, 2007 to June 30, 2007.

The City of Red Deer EL&P department advises that

- (a) The City of Red Deer had no incidents of non-compliance with the *Code of Conduct Regulation*.
- (b) The City of Red Deer took no action to remedy any non-compliance as there were no incidents of non-compliance.
- (c) The City of Red Deer received no complaints of non-compliance with the *Code of Conduct Regulation*, therefore, no complaints were dealt with.
- (d) Enmax Energy and Enmax Power will report directly to their Board of Directors on the manner in which they dealt with complaints of non-compliance with the *Code of Conduct Regulation* or their own compliance plans, including those complaints respecting the functions performed by those two entities for the City of Red Deer.

Per: _____


Ligong Gan, P.Eng.
Manager, Electric Light & Power Department

Per: _____

Kelly Kloss
City Clerk, City of Red Deer

Date: _____

Comments:

We agree with the recommendations of the EL & P Manager.

"Morris Flewwelling"
Mayor

"Craig Curtis"
City Manager

FILE



Council Decision – July 30, 2007

Legislative & Administrative Services

DATE: July 31, 2007
TO: Ligong Gan, EL & P Manager
FROM: Kelly Kloss, Legislative & Administrative Services Manager
SUBJECT: Alberta Market Surveillance Administrator – 2007 Q2 Compliance Report

Reference Report:

EL & P Manager, dated July 23, 2007

Resolutions:

“Resolved that Council of the City of Red Deer having considered the report from the EL & P Manager, dated July 23, 2007, re: Alberta Market Surveillance Administrator – 2007 Q2 Compliance Report, hereby approves the Alberta Market Surveillance Administrator – 2007 Q2 Compliance Report, as presented to Council on July 30, 2007.”

Report Back to Council: No

Comments/Further Action:

A signed copy of the 2007 Q2 Compliance Report is attached for your files.

A handwritten signature in black ink, appearing to read 'Kelly Kloss', written over the printed name and title.

Kelly Kloss
Manager

/chk

City of Red Deer Electric Light & Power Department

2007 Second Quarter Compliance Report

to

Council of the City of Red Deer

This Report is submitted to the Council of The City of Red Deer pursuant to sections 34(1) and 34(2) of the *Code of Conduct Regulation* (AR 160/2003) for the period of April 1, 2007 to June 30, 2007.

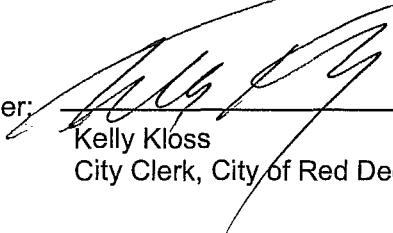
The City of Red Deer EL&P department advises that

- (a) The City of Red Deer had no incidents of non-compliance with the *Code of Conduct Regulation*.
- (b) The City of Red Deer took no action to remedy any non-compliance as there were no incidents of non-compliance.
- (c) The City of Red Deer received no complaints of non-compliance with the *Code of Conduct Regulation*, therefore, no complaints were dealt with.
- (d) Enmax Energy and Enmax Power will report directly to their Board of Directors on the manner in which they dealt with complaints of non-compliance with the *Code of Conduct Regulation* or their own compliance plans, including those complaints respecting the functions performed by those two entities for the City of Red Deer.

Per: _____


Ligong Gan, P.Eng.
Manager, Electric Light & Power Department

Per: _____


Kelly Kloss
City Clerk, City of Red Deer

Date: _____

July 30, 2007

MEMO

DATE: July 23, 2007

TO: Legislative & Administrative Services Manager – Kelly Kloss

FROM: License Inspector - Deborah C. Mann
Permits & Licensing Supervisor – Joyce Boon

RE: Taxi Bylaw Rate Increase

As a Municipality, we are allowed by the Municipal Government Act to pass bylaws which govern public safety, transportation and business licensing. Our Council has deemed it is in the public's best interest to regulate the Taxi Industry. When Council passed Taxi Business Bylaw 3282/2001 in June 2001, they assured the public of taxi fare consistency and safety of both the vehicle and driver.

As directed by Council, there is a formula with which taxi fare increases are calculated using the Alberta average Consumer Price Index (CPI) to determine the amount of the increase.

The Alberta average CPI in 2006 was 3.9 percent shown on Attachment A.

Attachment B shows the Proposed Increase for 2007 based on the CPI of 3.9 per cent. As in previous years the new rate to be effective October 1, 2007.

RECOMMENDATION

Council approves the proposed increase effective October 1, 2007.

Respectfully submitted,



Deborah Mann


Joyce Boon

Attachment A



Statistics
Canada Statistique
Canada

Canada

Related tables: Consumer price indexes.

Consumer Price Index, by province ←
(Alberta) ←

	2002	2003	2004	2005	2006
	1992=100				
Alta.					
All-items	124.2	129.7	131.5	134.3	139.5
Food	120.4	122.1	123.9	126.1	129.7
Shelter	122.3	132.2	134.4	138.8	152.7
Household operations and furnishings	115.6	116.2	116.5	117.3	119.1
Clothing and footwear	102.8	101.8	101.1	102.2	101.4
Transportation	141.5	151.9	155.8	161.2	165.7
Health and personal care	116.0	118.0	119.9	121.4	123.7
Recreation, education and reading	127.5	129.2	129.7	130.4	130.6
Alcoholic beverages and tobacco products	142.6	157.6	161.3	163.3	166.0
Special aggregates					
All-items excluding food	124.8	131.1	132.9	135.8	141.4
All-items excluding energy	122.4	126.2	127.7	129.6	134.5
	% change from previous year				
All-items	3.4	4.4	1.4	2.1	3.9
Food	3.0	1.4	1.5	1.8	2.9
Shelter	0.7	8.1	1.7	3.3	10.0
Household operations and furnishings	1.5	0.5	0.3	0.7	1.5
Clothing and footwear	-0.2	-1.0	-0.7	1.1	-0.8
Transportation	6.2	7.3	2.6	3.5	2.8
Health and personal care	1.4	1.7	1.6	1.3	1.9
Recreation, education and reading	2.4	1.3	0.4	0.5	0.2
Alcoholic beverages and tobacco products	28.4	10.5	2.3	1.2	1.7
Special aggregates					
All-items excluding food	3.5	5.0	1.4	2.2	4.1
All-items excluding energy	4.0	3.1	1.2	1.5	3.8
Note: Annual average indexes are obtained by averaging the indexes for the 12 months of the calendar year.					
Source: Statistics Canada, CANSIM II, table 326-0002 and Catalogue nos. 62-001-XPB and 62-010-XIB.					
Last modified: 2007-01-23.					

To learn more about the Consumer Price Index, see [Your Guide to the Consumer Price Index](#).

Attachment B

Calculation for Proposed 2007 Rate Increase

Apply the adopted formula as follows:

CPI January 2007 Alberta states 12 month average = 3.9 %

New cost of average 3 km trip= 103.9 % x \$ 8.57 =\$ 8.90

New distance calculation: 70 M divided by 103.9% = 67 m (for each 10 cent increment)

Drop rate = \$ 2.70 for first 92 m

Hourly rate = \$ 35.09 x 103.9% = \$ 36.46 per hour

For timing purposes during meter inspections:

	3600 seconds	(number of seconds per hour)
Divided by	<u>366</u>	(number of .10 increments in hourly rate)
Equals	9.84	(number of seconds per .10 increment)

The drop rate remains constant, the time and distance percentages are divided into the remainder of the fare (ie: \$ 8.90 - \$ 2.70 = \$ 6.20)

For consistency:	Distance factor	= 76% of \$ 6.20 = \$ 4.71
	Time factor	= 24% of \$ 6.20 = \$ 1.49
	Drop rate	= <u>\$ 2.70</u>

TOTAL fare for average 3 km trip in 2007	\$ 8.90
--	---------

Comments:

We agree with the recommendations of the License Inspector.

"Morris Flewwelling"
Mayor

"Craig Curtis"
City Manager

FILE



Council Decision – July 30, 2007

Legislative & Administrative Services

DATE: July 31, 2007

TO: Deb Mann, Licensing Inspector

FROM: Kelly Kloss, Legislative & Administrative Services Manager

SUBJECT: Taxi Business Bylaw Amendment 3282/B-2007
Rate Increase - Effective October 1, 2007

Reference Report:

Licensing Inspector, dated July 23, 2007

Bylaw Readings:

Taxi Business Bylaw Amendment 3282/B-2007 was given three readings. A copy of the bylaw is attached.

Report Back to Council: No

Comments/Further Action:

This office will amend the consolidated version of Taxi Business Bylaw 3282/2001 and distribute copies in due course.

A handwritten signature in black ink, appearing to read 'Kelly Kloss', written over the printed name and title.

Kelly Kloss
Manager

/chk

/attach.

c Inspections & Licensing Manager

BYLAW 3282/B-2007

Being a bylaw to amend Bylaw No. 3282/2001, the Taxi Business Bylaw of The City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3282/2001 is hereby amended by:

1 Deleting Subsections (b) and (c) of Schedule "B", Section 1 and replacing them with the following new Subsections:

- "1 (b) \$0.10 for each additional 67 metres or portion thereof;
- (c) waiting time – no charge for the first three minutes; thereafter, \$36.46 per hour, based on the proportion of the time during which the taxi waited, calculated at \$0.10 per 9.84 seconds."

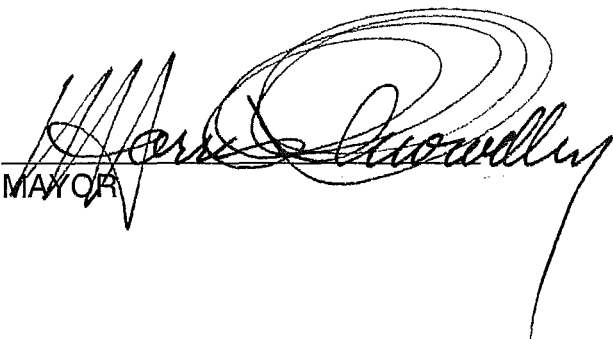
2 This Bylaw shall come into effect October 1, 2007.

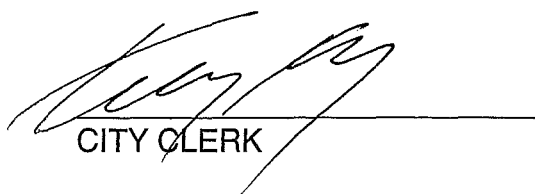
READ A FIRST TIME IN OPEN COUNCIL this 30th day of July 2007.

READ A SECOND TIME IN OPEN COUNCIL this 30th day of July 2007.

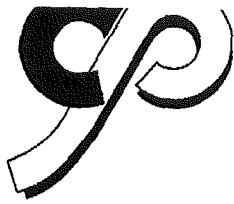
READ A THIRD TIME IN OPEN COUNCIL this 30th day of July 2007.

AND SIGNED BY THE MAYOR AND CITY CLERK this 30th day of July 2007.


MAYOR


CITY CLERK

Item No. 4



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

Suite 404, 4808 Ross Street
Red Deer, Alberta, T4N 1X5
Phone: (403) 343-3394
FAX: (403) 346-1570
E-mail: pcps@pcps.ab.ca

DATE: July 19, 2007

TO: Kelly Kloss, Legislative & Administrative Services Manager

FROM: Tara Lodewyk, Planner

RE: Land Use Bylaw Amendment 3357/J-2007
Gaming or Gambling Establishments

City Council, on January 24, 2006, based on a request from the Parkvale Community Association, passed the following resolution:

"Resolved that Council of the City of Red Deer having considered the correspondence from the Parkvale Community Association, dated October 13, 2005 and the report from Parkland Community Planning Services, dated January 24, 2006, re: Issues Related to Land Use Bylaw Amendment Request – Casinos in C1 Commercial District, hereby directs the Administration to investigate an amendment to the Land Use Bylaw that would address issues related to gaming establishments and solutions such as discretionary zoning, setbacks and parking."

Planning staff have summarized the resolution into three main issues:

- 1) Consider gaming establishments as a discretionary use in C1 Commercial (City Centre) District and C4 Commercial (Major Arterial) District.
- 2) Review the setback requirements of gaming establishments from residential neighbourhoods.
- 3) Review the parking standards for gaming establishments in C1 Commercial (City Centre) District.

BACKGROUND

Definitions

Casinos (and similar use bingo halls) are both currently encompassed within the Land Use Bylaw definitions of a "Gaming or Gambling Establishment" and a "Commercial Recreational Facility" as noted below:

"Gaming or Gambling Establishment" means any premises wherein or whereon games of chance or percentage are the principal use of the premises and includes such premises as **bingo halls** and **casinos**.

"Commercial Recreational Facility" means a facility in which the public participate in recreational activity, and without limiting the generality of the foregoing, may include amusement arcades, billiard or pool halls, **bingo halls**, bowling alleys, **casinos**, fairs, gymnasiums, racquet courts, roller skating, and simulated golf.

Gaming or gambling establishments, which include casinos and bingo halls, are not listed as a separate use in any of the districts in the Land Use Bylaw. However, a commercial recreation facility, which includes casinos and bingo halls, is listed as a use in certain City land use

districts. The following table summarizes in which land use districts a commercial recreational facility is listed and whether it is a permitted or discretionary use.

Land Use District	Commercial Recreation Facility	
	<i>Permitted</i>	<i>Discretionary</i>
C1 (City Centre)	•	
C1A (City Centre West)		•
C2A (Regional Shopping Centre)		•
C2B (District Shopping Centre)		•
C3 (Neighbourhood commercial)	Prohibited	Prohibited
C4 (Major Arterial)	•	
DC No. 1 (Bremner Ave)	•	
DC No. 6 (Heritage Village)		Council Discretion
DC No. 20 (former Red Deer County building site on 32 St.)	•	
DC No. 21 (Riverlands)		•

Currently there are two casinos located within the city of Red Deer. Jackpot Casino (4705 50 Street) is located in a C1 Commercial (City Centre) District and Cash Casino (6350 67th Street) located in a C4 Commercial (Major Arterial) District. There are two bingo halls in Red Deer, which are both located in the C1A District.

Location Regulations – LUB Section 5.7 (1) (b) and (e)

The location of gaming establishments is regulated in the site development regulations for commercial land use districts in the Land Use Bylaw as follows:

*Within **C1 and C1A Districts**, where a drinking or gaming establishment is proposed as an ancillary use or as the main use and where it would **abut a residential area or lane or reserve which abuts a residential area**, the developer shall provide the Development Authority with an **impact statement** as part of the application for a development permit, indicating measures taken to ensure that noise or visual impacts from the proposed establishment will not negatively affect the adjoining neighbourhood. (Section 5.7 (1) (b))*

*A gaming or drinking establishment in a **C2A, C2B or C4 District** shall not be located where it would **abut a residential area or a lane or reserve which abuts a residential area**. This prohibition shall not apply to a gaming or drinking establishment which is proposed as **an ancillary use**, subject to the developer providing the Development Authority as part of the application for a development permit an impact statement... (Section 5.7 (1) (e))*

In a C1 and C1A district, a gaming or drinking establishment is subject to the discretion of the Development Authority and can abut a residential area if the impact statement shows there is **no** negative affect on the adjoining neighbourhood.

In a C2A, C2B or C4 district a gaming establishment as a primary use **can not** abut a residential area. Subject to the discretion of the Development Authority, a gaming establishment **can** abut a residential area if it is an ancillary use and the impact statement shows there is **no** negative affect on the adjoining neighbourhood.

PLANNING ANALYSIS

Issue 1: Consider gaming establishments as a discretionary use

A request has been made by the Parkvale Community Association to make gaming establishments a discretionary use in C1 and C4 commercial districts. Planning staff have reviewed all districts within the city.

Definitions

Prior to considering gaming establishments as a discretionary use, the definitions of commercial recreation facility and gaming or gambling establishment which include both the casino and bingo hall uses should be reviewed. The current duplication causes confusion and is misleading in the Land Use Bylaw. Casinos and bingo halls are very different from amusement arcades, billiard halls, bowling alleys, fairs, gymnasiums, racquet courts, roller skating and simulated golf uses and activities.

Bingo halls and casinos are both considered "gaming" by the Alberta Gaming and Liquor Commission wherein minimum age restrictions are applicable and alcohol can be served on these premises.

Casinos and bingo halls should be removed from the definition of "Commercial Recreational Facility" thereby leaving a casino and bingo hall defined only as a "Gaming or Gaming Establishment". The "Gaming or Gambling Establishment" use would then need to be added wherever a commercial recreation facility use was listed so as not to change the original intent of the applicable land use districts.

Primary vs. Ancillary Use

Gaming establishments typically contain a combination of gaming, restaurant, drinking establishment and/or entertainment uses. In the case of a casino, the primary use of the facility is gaming which determines whether the application is considered a discretionary or permitted use. The ancillary uses such as a drinking establishment or entertainment are not a factor.

Due to the potential disruption and impact on adjoining uses, drinking establishments as the primary use are listed as a discretionary use in every applicable land use district in the city.

This supports the argument that gaming establishments should be treated as a discretionary use in those districts where it is currently permitted. Gaming establishments would then be evaluated the same as a drinking establishment which is often always an ancillary use.

Direct Control District Option

Another land use approach for regulating casinos/bingo halls is consideration of creating a separate direct control district for sites that contain gaming establishments. In a survey of comparable communities, Regina, Kelowna and Edmonton regulate casinos by having the site zoned as a direct control land use district with specific requirements. Lethbridge, Edmonton and Grand Prairie treat casinos as a discretionary use; applications are reviewed by City Council or the Development Authority on a case by case basis.

In Red Deer, the general purpose of a direct control district is to provide for innovative developments that require specific regulations unavailable in other land use districts. Direct control districts are not intended to be a substitution for any other land use district that could be used to achieve the same result. As gaming or gambling establishments are not considered an

innovative land use or development, the direct control district approach would not be supported by planning staff.

C1 District

Gaming establishments, subject to meeting certain conformity requirements, are considered an appropriate and viable land use in our downtown. The City of Red Deer's *Greater Downtown Action Plan* (GDAP) supports recreational and entertainment facilities. Under the section on commercial opportunities and marketing, Policy 6.5 encourages entertainment and tourism in the downtown as noted below:

Encourage the retention of existing entertainment and tourism establishments in the commercial core and the development of new entertainment and tourism enterprises through a business retention and recruitment program.

One of the design principles for a safe downtown outlined in the GDAP (Page 39) is to support the development of mixed use areas which encourage activity and people contact during the day and evening. Examples of activity generators are recreation and entertainment facilities and restaurants.

Based on policies of the GDAP, planning staff would not support removal of gaming establishment uses from the C1 Commercial District as they are a viable entertainment facility and an activity generator. Planning staff would however, support gaming establishments be treated as a discretionary use.

Adjacent Property Owner Input

The Parkvale Community Association (PCA) was consulted regarding this proposed Bylaw amendment. PCA is concerned that the community will not have the opportunity to address issues that arise from gaming establishments. The Development Authority under section 2.4 (5) has the option with all applications to require the applicant to provide information on an development permit to be included in the notification to all property owners located within 65 metres of the boundary of the site which is the subject of the intended development.

To ensure that the adjacent community is consulted, planning staff support making the notification of property owners and any community association within 65 metres, by the Development Authority, mandatory for C1, C1A or DC6 districts where a gaming establishment can abut residential. This would be in addition to the required impact assessment. The Development Authority would then be aware of all issues prior to making a decision.

Issue #2: Review setback requirement for casinos from residential neighbourhoods

The Parkvale Community Association has requested that casino development setbacks from residential neighbourhoods be considered. Currently, there is no setback requirement in the Land Use Bylaw. The only requirement is that an impact statement be required in a C1 and C1A districts where a gaming establishment abuts a residential area. In a C2A, C2B and C4 districts, a gaming establishment as an ancillary use is required to provide an impact statement. In cases where the impact statement was negative, the Development Authority would most likely refuse the application or require measures to resolve the impact.

Defining 'Abut'

According to the dictionary *Abut means to join at a border or boundary; to form a point or line of contact*. Based on this definition and the Land Use Bylaw, a gaming establishment could be

located across the street from a residential use and not be considered to abut. This intent is not clear in the current Commercial District Regulation Sections 5.7 (1) (b) and (e) of the Land Use Bylaw (see page 2 of this report).

Jackpot Casino 4705 50th Street (C1 zoning), also has C1 (City Centre) Commercial zoning located to its north, south and west. To the east is a specially designated area for low impact commercial. As stated in the Land Use Bylaw, this area was established as a transition zone between the historic downtown commercial core and the prominent residential areas in Parkvale. Across a busy intersection to the southeast on the corner of 47th Avenue and 49th Street, is R1A (low density residential including semi-detached) zoning. Technically, as the regulations currently read, the casino does not abut a residential area because there is no common line of contact due to the division by 49th Street.

Planning staff support modifying the current commercial district regulations to include a public street when referencing abutting residential areas.

Noise Impact

During the recent casino expansion proposal, the Parkvale Community Association feared the expansion would create more noise. Based on City of Red Deer Engineering Department traffic counts, 49th and Ross Streets are classified as arterials and on an average summer weekday carry over 10,500 vehicles per day. 47th Avenue to the east of Jackpot Casino carries over 4,600 vehicles on an average summer weekday. Average city traffic noise is 80 decibels according to the Canadian Hearing Society. Don MacAuley from Central TV completed a noise assessment of Jackpot Casino and determined after a thorough noise test that "there is absolutely no noise that can be heard outside of our existing building even from right outside the existing entrances." Noise coming from inside the casino would have to be over 80 decibels to be heard in the Parkvale community over traffic background noise.

Cash Casino, 6350 67th Street, is located in a C4 (Major Arterial) Commercial district. To the west is a C2B (District Shopping Centre) Commercial District. To the south there is a PS (Public Service) District. The nearest residential is a mobile home park that is located one lot over and across 67A Street to the north. Similar to Jackpot Casino, Cash Casino technically the casino does not abut a residential area. Planning staff consulted with City administration and Alberta Gaming and Liquor Commission who indicated they have not received any noise complaints from residents located in the R4 area to the north of Cash Casino.

67 Street and Taylor Drive are both classified as arterial roadways. Taylor Drive carries over 13,000 vehicles and 67th Street over 19,000 vehicles on an average summer weekday. At this location, traffic would also be louder than any noise generated internally by the casino thereby mitigating any potential noise generation, if any, by the casino.

With the current LUB impact statement requirement in C1 and C1A Districts for a gaming establishment as a primary use to assess measures to be taken to ensure that noise or visual impacts will not negatively affect any adjoining properties, planning staff feel that the current bylaw provides adequate opportunity for development controls relative to any adjoining residential use or area. Gaming establishments as a main use in C2A, C2B and C4 commercial areas are not permitted to abut any residential area.

As indicated previously, a change to the LUB regulations to include "public street" in the area considered as "abutting" will further help regulate the location of casinos relative to residential areas.

Issue #3: Review the parking standards for gaming establishments in C1

The Parkvale Community Association has concerns that patrons of the Jackpot Casino are using their neighbourhood streets for parking. Planning staff have reviewed this situation including analyzing parking standard requirements for gaming establishments in the C1 Commercial District.

Parking Overflow into Parkvale Neighbourhood

Planning staff documented parking availability on the streets in close proximity to the casino and Parkvale neighbourhood (47 Avenue, 48th, 49th, and 50th Street) for seven days May 1-May 7, 2006. Pictures were taken consistently at 9am, 1pm and 8pm during the week and at 4pm and 8pm on the weekends. At 8pm photos were also taken of the parking lots leased by the Jackpot Casino for their patrons (Stanford Inn and David Thompson Health Region).

During the week, at 9am and 1pm vehicles were often parked along 47th avenue between 49th and 46th street, 49th street between 47th and 46th avenue, and the north side of 50th street between 47th and 46th avenue. A few vehicles were parked on 48th street close to the corner of 47th avenue. These are also the areas that permit vehicles to be parked all day. The other streets in the study area have one or two hour time limits that are in effect until 5pm each day. There were consistently several parking stalls available on these streets.

During the week, at 8pm more than 75% of the parking spots were available on these streets. The leased Stanford Inn parking lot was consistently full. The David Thompson Health Region parking lot was 10% full.

On the weekend, at 4pm and 8pm, it was busier but still more than 50% of the overall parking spots were available. The Stanford Inn lot was full and more vehicles were parked in the David Thompson Health Region parking lot. According to Jackpot Casino, they are the busiest at 10pm on Thursday thru Saturday.

Photos of the streets for the week at each specific time are available from PCPS for viewing.

Since parking was busier at 9am and 1pm during the week than in the evenings, the assumption can be made that most of the vehicles parking on 47th Avenue, 48th and 49th Street are downtown employees. There is no correlation between the casino's busiest times and the when the streets have the most vehicles parked.

Based on site area research and documentation, planning staff conclude that there is no parking problem in the Parkvale Neighbourhood due to use by casino patrons.

Parking Standards

The C1 Commercial (City Centre) District, except for residential uses, is the only land use district in the city that exempts parking standard requirements. The parking standards were eliminated in the downtown many years ago to encourage economic development in the downtown area.

As a comparison, the Cash Casino is located in a C4 Commercial (Major Arterial) District where one parking stall is required for every 2.3 seats. If the City Centre had the same standards of a C4, the Jackpot Casino would have to provide 227 parking stalls based on 522 seats. With the expansion and addition of 105 more seats, the total number of parking stalls required would be 272 in a C4 Commercial District.

The casino currently has 233 *parking stalls leased* and dedicated to patrons between the DTHR, Stanford Inn, Audio West and their own. This does not include 235 *on-street parking* stalls on surrounding area streets. Jackpot Casino does recognize of the 235 area on-street public parking spaces that 70 of these are along residential streets in Parkvale.

There are other types of uses in the C1 Commercial District that create a high demand for parking such as drinking establishments, theatres, restaurants, banks, civic uses (City Hall, library) and offices. It would not be an equitable solution to single out a parking requirement for one type of use over another. The issue of parking requirements in the C1 Commercial District would need to be reviewed on the basis of the whole downtown C1 area. At this point in time, planning staff consider it premature to enter into a large downtown community planning process to explore whether commercial parking standards should be reintroduced into the C1 Commercial District.

PROPOSED LUB AMENDMENTS

1. Change to Section 1.3

To create consistency and clarity within Land Use Bylaw, planning staff recommend that casinos and bingo halls be removed from the current definition of "*commercial recreational facility*". This would result in casinos and bingo halls defined only under the definition of gaming or gambling establishment.

2. Addition of Gaming or Gambling Establishment to discretionary use table in Sections 5.2, 5.3, and 5.4

If casinos and bingo halls are deleted from the commercial recreation facility definition, wherever commercial recreational facility was listed in the Land Use Bylaw, "*gaming and gambling establishment*" would need to be added as a separate use so as not to change the intent of the applicable districts.

3. Addition of Gaming or Gambling Establishment to discretionary use table in Sections 5.1, 5.6, 8.1, 8.6, 8.20 and 8.20.1

Planning staff recommend that "*gaming or gambling establishments*" be changed to a discretionary use in the C1 Commercial (City Centre), C4 Commercial (Major Arterial), DC1 (Bremner Ave) and DC20 (former County building site) Land Use Districts. Applications for gaming or gambling establishments would now be at the discretion of the Development Authority for approval.

4. Change to Section 5.7 (1) (b) and 5.7 (1) (e)

For clarity, planning staff recommend removing gaming establishments from these sections and creating two new sections specific to gaming establishments and the applicable districts. With the amendment Sections 5.7(1)(b) and (e) would only pertain to drinking establishments. This amendment does not affect the regulations of drinking establishments with the exception of the wording has been clarified to include residential areas that abut a street which abuts a residential area.

5. Addition of Section 5.7 (1) (f)

Planning staff recommend the addition of Section 5.7(1)(f). A gaming establishment as an ancillary or main use in a C1, C1A or DC6 (Heritage Village) district would be required to complete an impact statement. A statement has been added requiring the Development Authority to notify property owners and any community association within a 65 metre radius of the subject site.

6. Addition of Section 5.7(1) (g)

Planning staff recommend the addition of Section 5.7(1)(g). A gaming or gambling establishment as a main use in a C2A, C2B, C4, DC1 (Bremner Ave), DC20 (former County building) and DC21 (Riverlands) would not be allowed to abut a residential area. A gaming establishment as an ancillary use would be required to submit an impact statement.

7. Summary

"*Gaming or gambling establishments*" would be considered a discretionary use in all land use districts. As a discretionary use, Municipal Planning Commission approval is required. DC6 District would still require City Council approval. Please refer to the table below. The arrows indicate a LUB change.

Land Use District	Current LUB		Proposed LUB Amendment for	
	Commercial Recreation Facility		Gaming Establishment Uses	
	Permitted	Discretionary	Permitted	Discretionary
C1 (City Centre)	•		—→	•
C1A (City Centre West)		•		•
C2A (Regional Shopping Centre)		•		•
C2B (District Shopping Centre)		•		•
C4 (Major Arterial)	•		—→	•
DC No. 1 (Bremner Ave)	•		—→	•
DC No. 6 (Heritage Village)		Council Discretion		Council Discretion
DC No. 20 (former Red Deer County Building site)	•		—→	•
DC No. 21 (Riverlands)		•		•

CONSULTATION

Administration was asked to comment on the proposed bylaw amendments. Administration supports the proposed amendment which includes prohibiting gaming establishments as a main use in DC20 (former County building site) since it shares a border with a multi-family site. Also the proposed bylaw amendment has been changed to include consistent terminology in the parking regulations table.

The Parkvale Community Association (PCA) has also had an opportunity to comment on the proposed bylaw amendments. A letter expressing their concerns is attached. PCPS response to their comments is as follows:

- A setback requirement for gaming establishments to residential areas near the C1, C1A or DC6 districts will not necessarily prevent the existing casino from expanding. They could be considered a legal non-conforming use and MPC could approve an expansion to the site. Alberta Liquor and Gaming has stated that it is very unlikely another casino would ever be approved in Red Deer.
- PCPS has added a requirement that property owners and any community association within 65 metres of the subject site in a C1, C1A or DC6 district are notified as well as the completion of the impact assessment. This was always an option to the Development Authority but with the amendment it is required. Property owners and community associations will have the option to submit comments prior to MPC making a decision.
- PCA believes that a *“direct control district would enable City Council, the community and the MPC an opportunity to more clearly address such issues that arise from 24 hour operations, adult entertainment and drinking establishments”*. PCPS feels that making a use discretionary provides the approving authority with the most flexibility in making a decision and attaching conditions to any approval. The public also has the opportunity to speak at MPC or appeal a decision of MPC. A direct control district would require spot zoning within a conventional district when an application is received for a gaming establishment. This is reactive rather than proactive. It does not prevent a gaming establishment from being located next to a residential area.
- PCA would like the *“same common sense that is used for drinking establishments and for other residential neighbourhoods in Red Deer. Because Parkvale is located adjacent to downtown does not preclude its residents from the same rights and protection that other residential neighbourhoods enjoy.”* In regards to proximity to residential, this amendment would treat gaming establishments the same as drinking establishments without adult entertainment. As outlined in the *Modest Infill Design Guidelines* for Parkvale Community, the PCA recognizes in their mission statement that they are a unique neighbourhood. Parkvale has the benefit of the amenities and proximity to downtown unlike other residential neighbourhoods. PCPS understands their concern to be a quiet family oriented neighbourhood but they are adjacent to commercial. The nearby low impact commercial zone is meant to act as a buffer and transition zone between the low density residential and commercial hub of the city.
- Businesses located in the low impact commercial district are required to meet parking standards. PCPS recognizes that there are those who work in the downtown parking on Parkvale area streets. Gaming establishments can not be singled out as the sole contributor to this Parkvale problem as their peak times do not correspond to the peak non-resident parking in the neighbourhood. PCA has the option of approaching City Administration to consider implementing a permit parking program similar to the residential area adjacent to the hospital.
- PCA that *“the casino is under no obligation to make measures for parking.”* As per the regulations in the C1 district Jackpot Casino has no obligation to provide parking but as a condition of the development permit for their recent expansion, the MPC required the Jackpot Casino to lease more parking spaces. MPC has the discretion to attach such conditions if there are concerns.

If adopted, how do these amendments affect Parkvale?

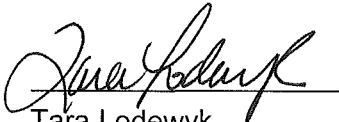
A gaming establishment will be considered a discretionary use in the C1 land use district therefore the Municipal Planning Commission would be the approving authority on each application for a gaming establishment. An impact statement will be required to gauge the visual and noise impacts on the neighbourhood because it abuts a street which abuts a

residential area. The Development Authority will have to notify property owners and Parkvale Community Association as they are within 65 metres of the subject site of any gaming establishment application. Property owners and the community association have the option of submitting comments prior to the MPC meeting. A meeting of MPC is held where they have the authority to attach conditions to the permit. Examples of conditions could be parking requirements, site access, etc. The Parkvale Community Association and the public have the opportunity to address MPC with their concerns. Decisions of the MPC are advertised and can be appealed.

RECOMMENDATION

That City Council proceed with the first reading of Land Use Bylaw Amendment 3357/J-2007.

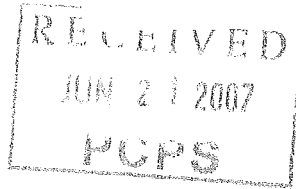
Respectfully Submitted,


Tara Lodewyk
Planner


Tony Lindhout
City Planning Manager

cc. Colleen Jensen

June 16, 2007



Tara Lodewyk
Parkland Community Planning Services
Suite 404, 4808 Ross Street
Red Deer, AB
T4N 1X5

Dear Ms Lodewyk,

**Re: Proposed Land Use Bylaw Amendment
For Gaming Establishment**

The Parkvale Community Association (PCA) is pleased to finally see that some work is being done in this area. As you know, it has been eighteen months since the PCA initially requested that the City of Red Deer review the existing bylaw as it relates to gaming establishments.

The present expansion of the Jackpot Casino along an avenue shared by the historic neighbourhood of Parkvale is the result of a less than adequate bylaw. The PCA is asking that residential neighbourhoods not have to face the same demanding process that took place between Jackpot Casino and Parkvale community in 2005. It is hoped that an amendment to the bylaw will lead to better practices in the area of gaming establishment development in the City of Red Deer.

The Parkvale Community Association asked that three areas of the current bylaw be reviewed:

1. List casinos as discretionary use
2. Review setback requirements
3. Review parking standards

Discretionary Use / Direct Control

The Association is pleased to see that a recommendation to remove casinos and bingo halls from the definition of commercial recreational facility and to establish gaming establishments as a separate discretionary use. However, the question remains as to why *direct control* is not being recommended. Parkvale's experience with the expansion to the Jackpot Casino which is located adjacent to one of the most historical residential neighbourhoods in our city, presented many challenges that would have been better addressed under *direct control*.

Parkvale Community Association
P.O. Box 27112, Plaza Post Office
Red Deer, AB T4N 6X8

While the Association does not dispute the Greater Downtown Action Plan (GDAP) that recommends casinos in the C1 District, it does believe that downtown neighbourhoods should be afforded the same consideration when it comes to gaming establishments.

It is the Association's opinion that *direct control* on the fastest growing industry in the country is a good practice, one adopted by other municipalities. *Direct control* would enable City Council, the community and the MPC an opportunity to more clearly address such issues that arise from 24-hour operations, adult entertainment and drinking establishments located in casinos.

The Association strongly believes that it is time to look at better practices. The impact of decisions made today will have great impact in the future. The present congestion of bars in the downtown core is certainly an example of that.

Set-Back Requirements

All residential neighbourhoods need to be protected from casinos growing at exponential rates. At no time did the PCA request that there be no casino in downtown. The Association is asking that careful consideration be given to where casinos are located.

The PCPS appears to be playing a semantic game when interpreting the word "abut". Clearly, one is called to use the same common sense that is used for drinking establishments and for other residential neighbourhoods in Red Deer. Because Parkvale is located adjacent to downtown does not preclude its residents from the same rights and protection that other residential neighbourhoods enjoy.

While it is obviously too late to address the current expansion at Jackpot Casino, the Association fears that Jackpot Casino may well request further expansion in the future. The Association wishes that it be made clear that current expansion should not be construed as grandfather for any future expansion. Establishing a set back requirement would preclude this from happening.

The recommendation to conduct an impact study is clearly not a valid recommendation. Impact studies tend to be very subjective. One need only speak to the residents living across the street from the Jackpot Casino. Apparently, impact studies did not anticipate the current parking issues in Bower where residents complain that they were not properly consulted.

Parking

The fact that the PCPS recommendation does not address the issue in any way is disconcerting. The casino parking issue is part of a greater parking issue downtown. On several occasions, the PCA has responded to the request for input with respect to the parking issues in the downtown core. It has been reported several times that a significant number of downtown employees are parking in our neighbourhood to avoid the cost of parking downtown.


The Jackpot Casino is located across the street from a Low Impact Commercial district where very small businesses are required to meet parking standards. These

entrepreneurial type businesses often watch casino patrons park directly in front of their establishments because the casino is under no obligation to make measures for parking. Clearly, something is wrong.

In closing...

In summary, the PCA can only conclude that this first draft for a Land Use Amendment does not meet our expectations. In many respects, it seems to be an attempt to appease community rather than a serious effort that speaks to gaming establishments and the future development of our city.

Respectfully,

A handwritten signature in black ink, appearing to read 'Dawna Barnes', with a stylized, cursive script.

Dawna Barnes
Land-use Committee Chair

Cc: Virgina Hays, PCA President
Morris Flewwelling, Mayor
Members of City Council

Comments:

We agree with the recommendations of Parkland Community Planning Services that Council consider first reading of the Land Use Bylaw Amendment. A Public Hearing would be held on Monday, August 13, 2007 at 6:00 p.m. in Council Chambers during Council's regular meeting.

It is recommended that making casinos a discretionary use is more appropriate than a Direct Control designation. Furthermore the parking issues cannot be dealt with on an ad hoc basis and, in the case of casinos, is provided through the Licensing Agreement with the Province.

"Morris Flewwelling"
Mayor

"Craig Curtis"
City Manager



Council Decision – July 30, 2007

Legislative & Administrative Services

DATE: July 31, 2007
TO: Tara Lodewyk, Parkland Community Planning Services
FROM: Kelly Kloss, Legislative & Administrative Services Manager
SUBJECT: Land Use Bylaw Amendment 3357/J-2007
Gaming or Gambling Establishments

Reference Report:

Parkland Community Planning Services, dated July 19, 2007

Bylaw Readings:

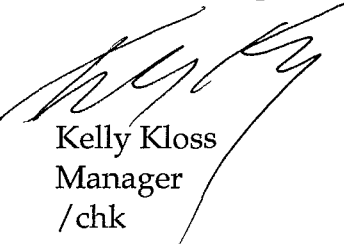
Prior to voting on first reading of Land Use Bylaw Amendment 3357/J-2007 the following resolution was passed:

"Resolved that Council of the City of Red Deer agrees to table consideration of first reading of Land Use Bylaw Amendment 3357/J-2007 for up to six weeks to allow Administration to review the option of Council becoming the approving authority for Gaming or Gambling Establishments."

Report Back to Council: Yes

Comments/Further Action:

Please prepare the necessary follow-up report for presentation back to either the August 27, 2007 or September 10, 2007 Council meeting.



Kelly Kloss
Manager
/chk

c Director of Development Services
Inspections & Licensing Manager
Land & Economic Development Manager

FILE



July 31, 2007

Ms. Dawna Barnes
Land-Use Committee Chair
Parkvale Community Association
P.O. Box 27112, Plaza Post Office
Red Deer, AB T4N 6X8

Dear Dawna:

Re: *Land Use Bylaw Amendment 3357/J-2007*
 Gaming or Gambling Establishments

Red Deer City Council considered first reading to *Land Use Bylaw Amendment 3357/J-2007* at the City of Red Deer's Council Meeting held on Monday, July 30, 2007. For your information, a copy of the bylaw is attached.

Land Use Bylaw Amendment 3357/J-2007 provides for casinos and bingo halls to be deleted from the current definition of "commercial recreational facility" and be defined under the definition of "gaming or gambling establishment". Gaming or gambling establishments would be considered a discretionary use in all land use districts. As a discretionary use, Municipal Planning Commission approval is required. DC6 District (Heritage Village) would still require City Council approval.

Prior to voting on first reading of *Land Use Bylaw Amendment 3357/J-2007*, the following tabling resolution was passed. Once we are aware of the date this matter will be presented to Council, my office will advise you so that you can be in attendance.

Please call if you have any questions.

Sincerely,

Kelly Kloss

Manager

/attach.

c Parkland Community Planning Services

BYLAW NO. 3357/J-2007

Being a Bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of The City of Red Deer as described herein.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3357/2006 is hereby amended as follows:

- 1 In Section 1.3 the definition of commercial recreational facility is deleted in its entirety and replaced with the following new definition:

“Commercial Recreational Facility ” means a facility in which the public participate in recreational activity, and without limiting the generality of the foregoing, may include amusement arcades, billiard or pool halls, bowling alleys, fairs, gymnasiums, racquet courts, roller skating, and simulated golf but does not include a gaming or gambling establishment.

- 2 In Section 3.1, Table 3.1 Parking Requirements delete Gaming Establishment/Bingo and replace with the following:

Use	Parking Spaces
Gaming or Gambling Establishment	1.0 space per 2.3 seats

- 3 In Section 5.1 (1) (b) (xx) gaming and gambling establishment is added as a discretionary use in the C1 Permitted and Discretionary Uses Table:

5.1 (1) (b) (xx) Gaming or Gambling Establishment subject to section 5.7(1)(f)

- 4 In Section 5.2 (1) (b) (xxi) gaming and gambling establishment is added as a discretionary use in the C1A Permitted and Discretionary Uses Table:

5.2 (1) (b) (xxi) Gaming or Gambling Establishment subject to section 5.7(1)(f)

- 5 In Section 5.3 (1) (b) (xvi) gaming and gambling establishment is added as a discretionary use in the C2A Permitted and Discretionary Uses Table:

5.3 (1) (b) (xvi) Gaming or Gambling Establishment subject to section 5.7(1)(g)

- 6 In Section 5.4 (1) (b) (xvi) gaming and gambling establishment is added as a discretionary use in the C2B Permitted and Discretionary Uses Table:

5.4 (1) (b) (xvi) Gaming or Gambling Establishment subject to section 5.7(1)(g)

- 7 In Section 5.6 (1) (b) (xiv) gaming and gambling establishment is added as a discretionary use in the C4 Permitted and Discretionary Uses Table:

5.6 (1) (b) (xiv) Gaming or Gambling Establishment subject to section 5.7(1)(g)

- 8 Section 5.7 (1) (b) is deleted and replaced with the following:

5.7 (1) (b) Within C1 and C1A Districts, where a drinking establishment is proposed as an ancillary use or as the main use and where it would abut a residential area or lane or street or reserve which abuts a residential area, the developer shall provide the Development Authority with an impact statement as part of the application for a development permit, indicating measures taken to ensure that noise or visual impacts from the proposed establishment will not negatively affect the adjoining neighbourhood.

- 9 Section 5.7 (1) (e) is deleted and replaced with the following:

5.7 (1) (e) Notwithstanding uses listed in sections 5.3(1)(b), 5.4(1)(b) or 5.6(1)(a) and (b), a drinking establishment in a C2A, C2B and C4, District shall not be located where it would abut a residential area or lane or street or reserve which abuts a residential area. This prohibition shall not apply to a drinking establishment which is proposed as an ancillary use, subject to the developer providing the Development Authority as part of the application for a development permit, an impact statement being an assessment of measures to be taken to ensure that noise or visual impacts from the drinking establishment will not negatively affect adjoining properties.

- 10 Addition of Section 5.7 (1) (f):

5.7 (1) (f) Within C1, C1A and DC(6) Districts, where a gaming or gambling establishment is proposed as an ancillary use or as the main use and where it would abut a residential area or lane or street or reserve which abuts a residential area, the developer shall provide the Development Authority with an impact statement as part of the application for a development permit, indicating measures taken to ensure

that noise or visual impacts from the proposed establishment will not negatively affect the adjoining neighbourhood. The Development Authority will notify all property owners and any community association located within 65 metres of the boundary of the site which is the subject of the intended development.

11 Addition of Section 5.7 (1) (g):

5.7 (1) (g) A gaming or gambling establishment in a C2A, C2B, C4, DC(1), DC(20) and DC(20.1) District shall not be located where it would abut a residential area or lane or street or reserve which abuts a residential area. This prohibition shall not apply to a gaming or gambling establishment which is proposed as an ancillary use, subject to the developer providing the Development Authority as part of the application for a development permit, an impact statement being an assessment of measures to be taken to ensure that noise or visual impacts from the gaming establishment will not negatively affect adjoining properties.

12 Section 8.1 (1) (b) (i) gaming or gambling establishment is added as a discretionary use in the DC(1) Permitted and Discretionary Uses Table:

8.1 (1) (b) Discretionary Uses:

(i) Gaming or Gambling Establishment subject to section 5.7(1) (g).

13 In Section 8.6 (1) (a) gaming or gambling establishment is added as a discretionary use in the DC(6) Permitted and Discretionary Uses Table:

8.6 (1) (a) (xvi) Gaming or Gambling Establishment subject to section 5.7 (1) (f).

14 In Section 8.20 (1) (b) gaming or gambling establishment is added as a discretionary use in the DC(20) Permitted and Discretionary Uses Table:

8.20 (1) (b) (iv) Gaming or Gambling Establishment subject to section 5.7 (1) (g).

15 In Section 8.20.1 (1) (b) gaming or gambling establishment is added as a discretionary use in the DC(21) Permitted and Discretionary Uses Table:

8.20.1 (1) (b) (xxii) Gaming or Gambling Establishment subject to section 5.7 (1) (g).

READ A FIRST TIME IN OPEN COUNCIL this day of 2007.

READ A SECOND TIME IN OPEN COUNCIL this day of 2007.

READ A THIRD TIME IN OPEN COUNCIL this day of 2007.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2007.

MAYOR

CITY CLERK

**Legislative & Administrative Services**

DATE: July 23, 2007

TO: City Council

FROM: Legislative & Administrative Services Manager

RE: **Rescinding of Council Policy #4602 – Snow & Ice Control Program**

Background

Council Policy #4602 provides for snow and ice control within the City and was approved by Council on September 9, 1996 with revisions approved on December 15, 1997.

Issue

Legislative & Administrative Services (LAS), as leader of the Corporate Policy & Procedure Program, is in the process of reviewing Council Policies. This review looks for:

- If the Policy, at a Council level, is needed based on:
 - Legislation (MGA or other)
 - Council governance
 - Delegation of authority to the City Manager
 - Other external requirements (e.g. AUMA)
- Compliance with current legislation
- Proper delegation of authority
- Updating policies
- Unnecessary policies
- Clarity

In reviewing Council Policy #4602, Snow and Ice Control Program, we found that:

- a. The policy goes beyond the policy direction that the City will remove snow and includes direction that should be handled at the administrative level. As well the policy addresses only a small component of the total snow removal program.
- b. The service level for snow and ice removal is addressed in the Public Works Service Plan and funding to the identified service level is approved annually by Council during the budget deliberations.
- c. Delegation of authority is not required as the responsibility for snow and ice control has been delegated by the City Manager to the Public Works Manager through the Director of Development Services.

Legislative & Administrative Services

- d. The process of Council approving finances for a snow removal program based on a service plan, and the establishment of Administrative Policies and Procedures adequately addresses issues related to liability.

Based on the above, it is recommended that Council Policy #4602, Snow and Ice Control Program be repealed. Subsequently the appropriate Administrative Policies and Procedures will be established.

As the review of Council Policies progresses, more policies may be forwarded to Council for rescinding.

Consultation

LAS consulted with the City Manager, Public Works Manager and Risk Management & Insurance Analyst and they are in agreement that Council Policy #4602 can be rescinded and replaced with an Administrative Policy/Procedure.

Recommendation

That Council rescinds Council Policy #4602, Snow and Ice Control Program.

POLICY NO. 4602**Page 1 of 3****TITLE:** *Snow and Ice Control Program***Date of Approval:**
*September 9, 1996***SECTION:** *Development Services (Public Works)***Dates of Revision:**
December 15, 1997

POLICY STATEMENT

The purpose of this policy is to provide for snow and ice control within the City.

The City shall undertake a *Snow & Ice Control Program* on City streets, lanes and parking lots, as approved by the Public Works Manager, involving the following key items:¹

1. Plowing and/or snow removal and/or sanding of all roadways designated under the current emergency snow clearing route map. The emergency snow clearing route map shall be updated as required and approved by the City Manager.
- 2.¹ Plowing and/or snow removal and/or sanding of all roadways designated under the current supplemental snow clearing route map. The supplemental snow clearing route map shall be updated as required and approved by the City Manager.
3. Plowing and/or snow removal and/or sanding of roadways, laneways, parking lots in spot locations throughout the City where unreasonable or unsafe driving conditions exist. Included in this item are requests from other City departments or ratepayers to do work in isolated areas within the City on a work order basis.
- 4.¹ Plowing would be considered for remaining subdivision roadways depending on driving conditions. This operation is typically to be considered only to minimize driving difficulty and ensure access for emergency vehicles. The operation would result in a plowed windrow being left at the curb until removed by melting temperatures. In the next winter season that a plowing is required, the windrow would be placed on the alternate side of the street.

¹ December 15, 1997

City Council Policy**POLICY NO. 4602****Page 2 of 3****TITLE:** *Snow and Ice Control Program***Date of Approval:**
*September 9, 1996***SECTION:** *Development Services (Public Works)***Dates of Revision:**
December 15, 1997

-
- 5.¹ In extreme situations when a large amount of snow has accumulated/is accumulating within a short period of time, resulting in severe limitations of emergency vehicle access, a plowing operation will be initiated immediately whereby snow is plowed to both sides of the street. These windrows will be left between the parking lane and the outside traffic lane. Restrictive parking signs will not be placed for the plowing operation. There will be no openings made in the windrow for private access.
- 6.¹ Plowing will be considered for lanes once they are inaccessible by garbage or recycling trucks. Generally, lanes shall be plowed and a windrow left on both sides of the lane. It will be the residents' responsibility to clear out any access required.
- 7.¹ Generally priority is to be assigned to Item #1 followed by Item #2, #3, and finally #4, or #5 and #6. However, if conditions require and it would be effective, lower priority items may be done at the same time as higher priority items. Where long blocks are plowed and there are no front driveways, at mid-block between two properties an opening will be made in the windrow. Road, lane, marked crosswalks and private driveway intersections are to be cleared as soon possible if blocked by City operations defined in Items #1 to #4. Consideration may be given to licensed day cares and physically challenged residents to provide an access through the windrow. This access will be wide enough to accommodate wheelchair access. For the access to be provided, a sign must be placed in front of the address in advance of the plowing operation commencing. If a sign is not in place prior to the plowing, then the access will be provided as soon as it becomes possible.
8. During the plowing operation, an attempt will be made to place the windrow at an intersection as far back as possible to provide sufficient sight distance. If not done at that time, it may be necessary to go back when time permits to improve sight distance.
9. Snow fences may be erected at the discretion of the Public Works Manager on

¹ December 15, 1997

POLICY NO. 4602**Page 3 of 3****TITLE: Snow and Ice Control
Program****Date of Approval:
September 9, 1996****SECTION: Development Services
(Public Works)****Dates of Revision:
December 15, 1997**

public or private land with approval, to alleviate drifting conditions on public roads and lanes.

- 10.¹ Salt will be incorporated in the sanding material only during active temperature conditions to reduce ice formation on bridges and roadways and to prevent snow from sticking to pavement. The concentration may be varied depending upon temperature conditions. Salt will be used as sparingly as possible.
- 11.¹ Sanding operations will normally be limited to those roadways defined in the emergency and supplemental snow clearing route maps but will be extended to all City roadways and lanes if a request is received and conditions warrant.
12. The Public Works Department is to provide for 24 hour response to road conditions and to have personnel available on shift, with the exception of Sundays from 4:30 a.m. to 7:30 a.m. and statutory holidays, every day of the week from the beginning of November to the end of March.
13. The Public Works Department will manage snow storage locations for snow removal operations by complying with requirements in the Alberta Environmental Protection and Enhancement Act.

Private contractors will be permitted to deposit snow at these storage sites in designated areas, provided they register with the Public Works Department each year. Once registered, they will be required to call prior to the snow being hauled and again with the total number of loads once the haul is completed.

The City Manager will establish rates that contractors will be charged for depositing snow at a snow storage site.

¹ December 15, 1997

Comments:

We agree with the recommendations of the Legislative & Administrative Services Manager.

"Morris Flewwelling"
Mayor

"Craig Curtis"
City Manager

FILE



Council Decision – July 30, 2007

Legislative & Administrative Services

DATE: July 31, 2007

TO: Frank Colosimo, Public Works Manager

FROM: Kelly Kloss, Legislative & Administrative Services Manager

SUBJECT: Rescinding of Council Policy 4602
Snow & Ice Control Program

Reference Report:

Legislative & Administrative Services Manager, dated July 23, 2007

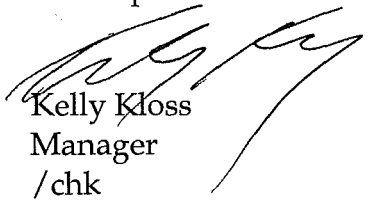
Resolutions:

"Resolved that Council of the City of Red Deer hereby agrees to table consideration of the report from the Legislative & Administrative Services Manager, dated July 23, 2007, re: Rescinding of Council Policy 4602 – Snow & Ice Control Program, to allow a review by the City Solicitor."

Report Back to Council: Yes

Comments/Further Action:

Based on discussions with the City Solicitor, this matter was tabled to allow further legal review related to liability and the need for Council Policy in relation to providing municipal services. I will be contacting the City Solicitor to review this issue.


Kelly Kloss
Manager
/chk

c Director of Development Services

Roger Burmeister
Farm Consultant
Your European Connection!
Mobile: 403-350-8089
Bus: 403-346-8900
Fax: 403-343-3448
E-Mail: cdnfarms@telusplanet.net
Website: www.canada-farms.com



Red Deer
Real Estate Ltd.
3608 – 50 Avenue
Red Deer, Alberta
T4N 3Y6 Canada

**City of Red
Inspections**

29.5.07

Re: 3608 – 50 Ave Lincoln Building

To Whom it May Concern:

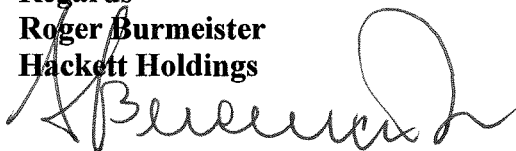
As the owner of Hackett Holdings, who owns the above mentioned building, I would like to apply for relaxation regarding the use of this building. It is currently Zoned C4 and I would like approval for doctors, accountants, lawyers or any kind of office. The office space will be around 2000 sq. ft. as you can see from attached drawings.

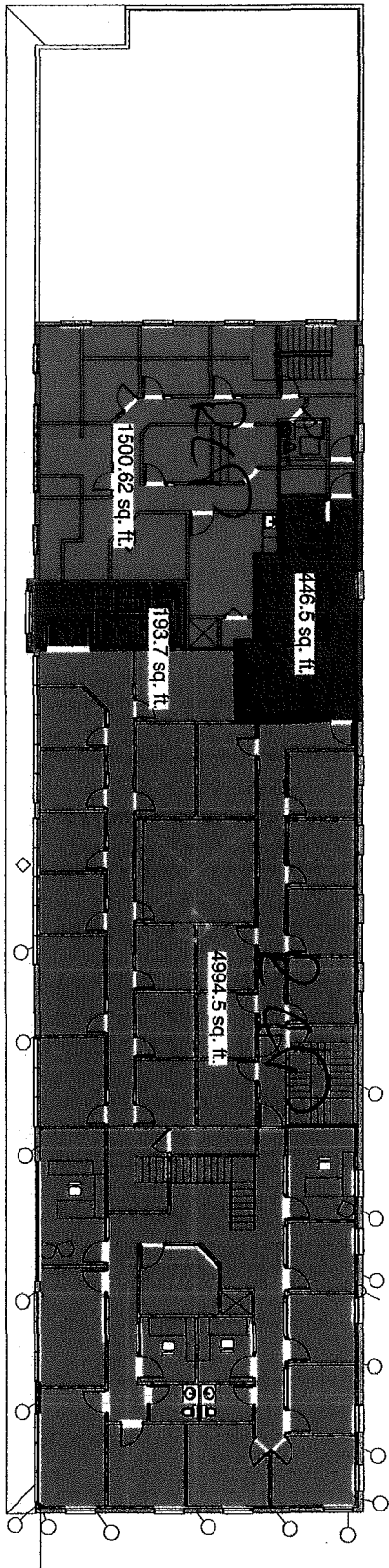
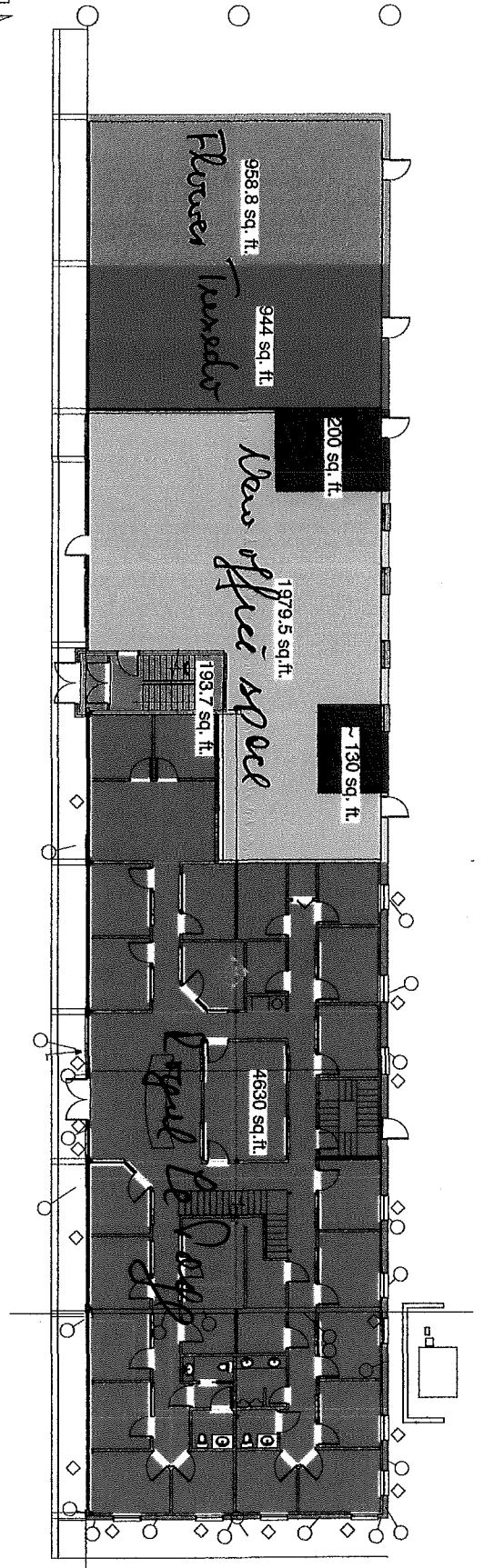
There are relaxations given all around me:

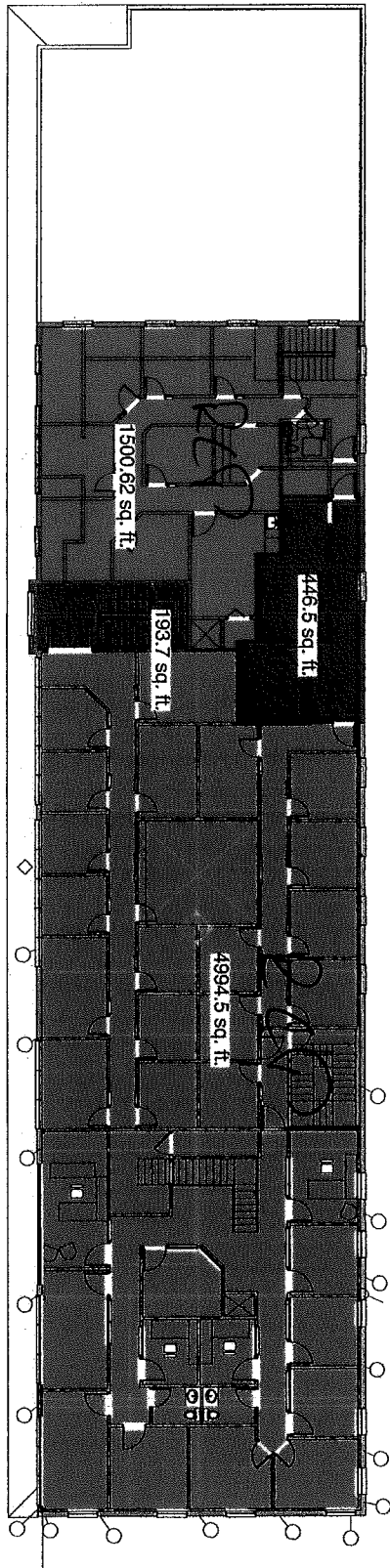
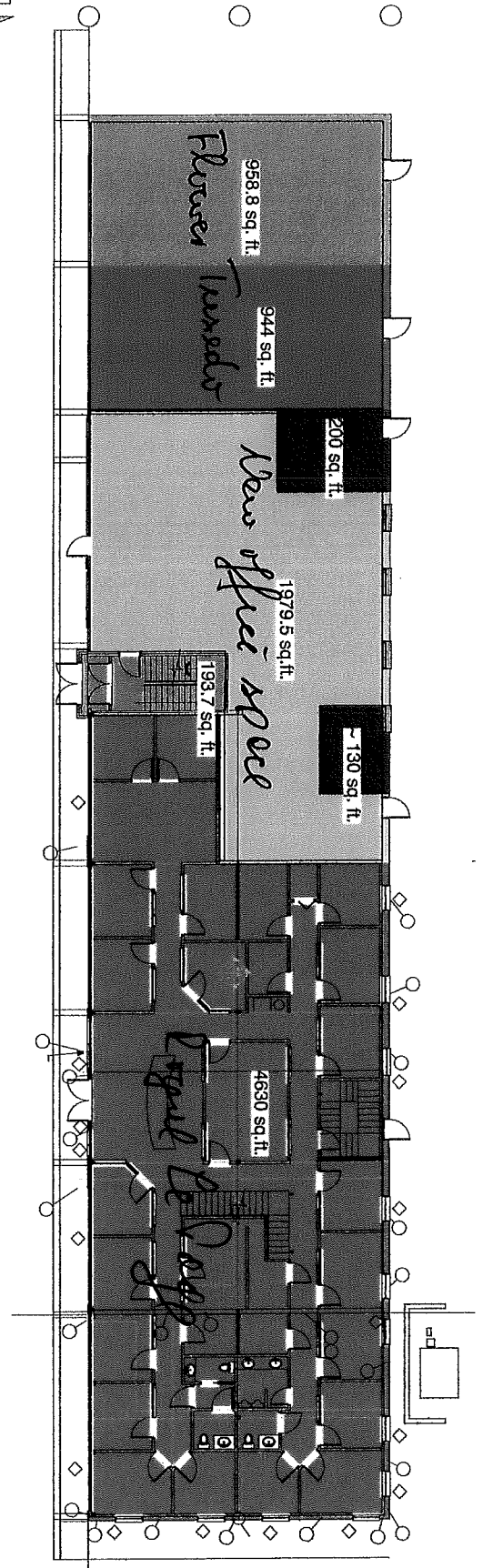
- The Dispensary building across the road has three doctors in it,
- 2 large apartment buildings (one will be just 40 feet away from my building) with very questionable back lane access and future parking problems,
- next door to the North (old Royal LePage) is an insurance office and oilfield supply.

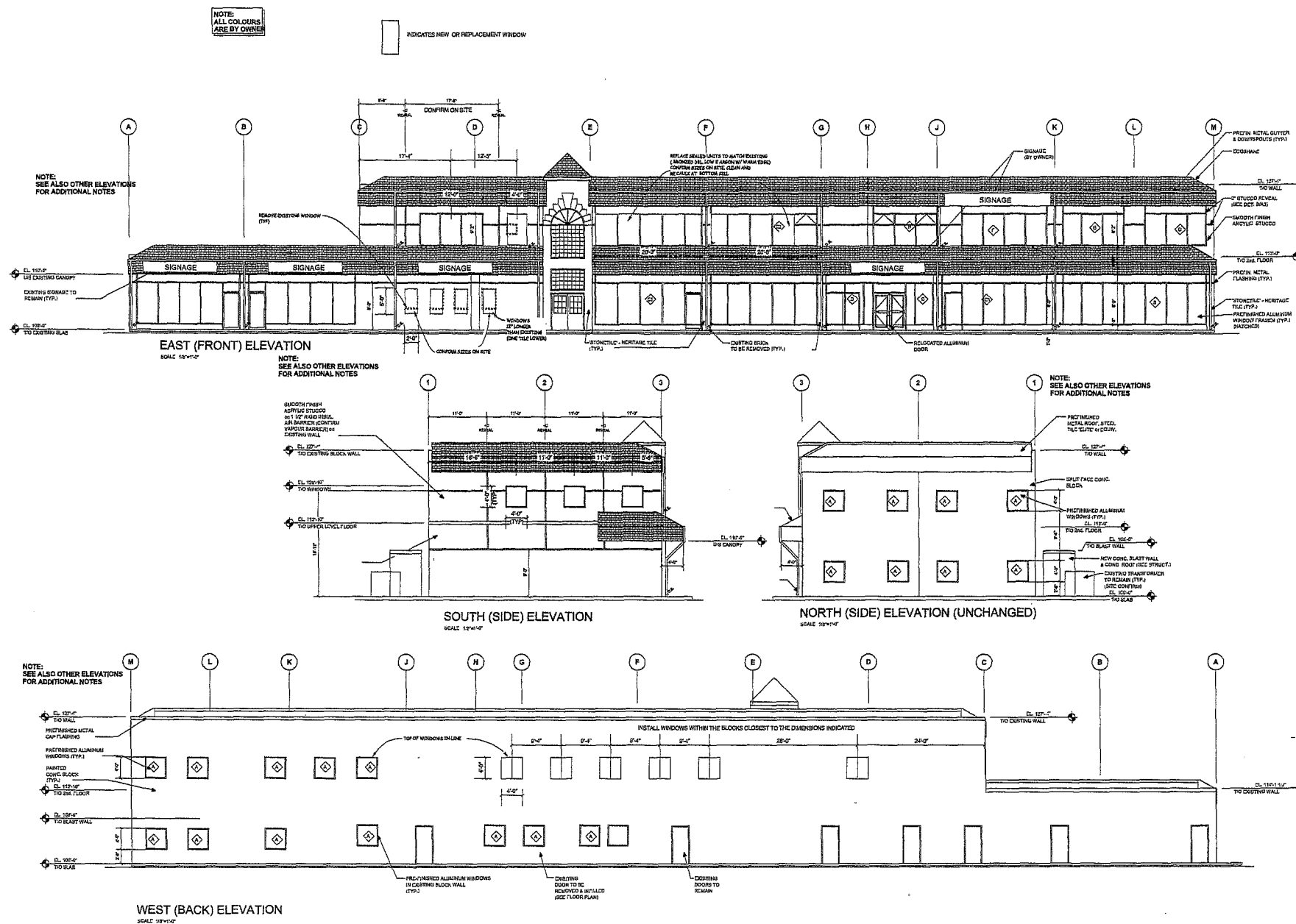
I would appreciate very much for this to be approved at your next meeting on June 17th 2007. If there are any questions please contact me before June 1st as I am going to Europe for the month of June.

Regards
Roger Burmeister
Hackett Holdings









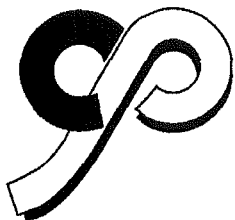
INDICATES NEW OR REPLACEMENT WINDOW

NOTE:
SEE A) FOR RETURN TO PURCHASER

NORTH (SIDE) ELEVATION (UNCHANGED)

ANY REPRODUCTION WITHOUT PERMISSION IS PROHIBITED.

[illegible]



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

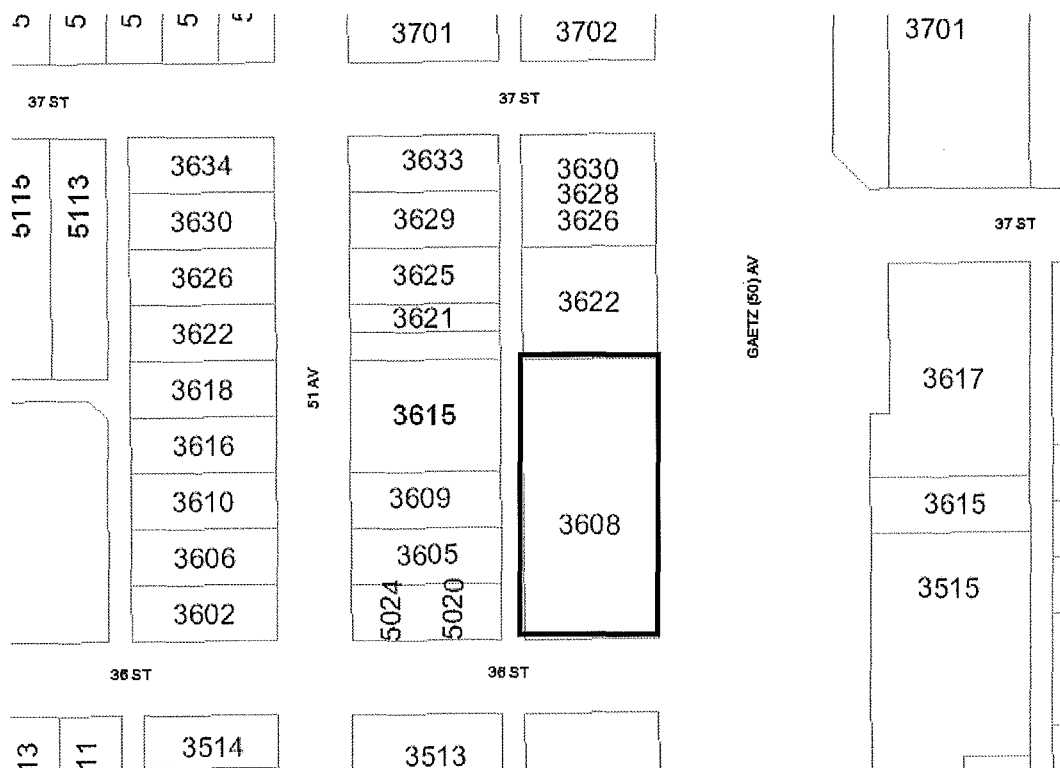
131

Suite 404, 4808 Ross Street
Red Deer, Alberta, T4N 1X5
Phone: (403) 343-3394
FAX: (403) 346-1570
e-mail: pcps@pcps.ab.ca

TO: Kelly Kloss, Legislative and Administrative Services Manager
FROM: Orlando Toews, ACP MCIP, Planner
RE: Proposed "Offices" at 3608 – 50 Avenue (Lincoln Building)
Lot 21, Block 2, Plan 052 3422
DATE: July 23, 2007

Background

Mr. Roger Burmeister, Hackett Holdings, has requested that the City consider a "relaxation regarding the use of this building." Specifically, he wishes to have, "approval for doctors, accountants, lawyers or any kind of office." This site is currently designated C4 Commercial (Major Arterial) District in the Land Use Bylaw.





Planning Analysis

The Land Use Bylaw defines “offices” as follows:

Office means a development that provides professional, management, administrative, consulting, and health care services, such as the offices of doctors, lawyers, accountants, engineers, architects, clerical, secretarial, employment, telephone answering and similar office support services.

The C4 district does not list “offices” as either a permitted or discretionary use. Presently the C4 use that is most similar to “office” is “commercial service facility”, which is listed as a permitted use. The definition for “commercial services facility” includes, among other things, “financial or insurance services outlet, real estate agency, travel agency, commercial school or day care but does not include office.” Offices are listed as a use in the C1, C1A (Downtown), DC21 (Riverlands) and C2A districts (10% of leaseable floor area in regional shopping centres). Thus there are a number of other districts in which offices are accommodated.

Although Mr. Burmeister is requesting a relaxation, effectively what the applicant is asking for is a Land Use Bylaw amendment to allow “offices” as a use in the C4 district. An amendment to the LUB may be approached in one of two ways:

1. A site specific amendment, wherein “offices” could be listed as a permitted or discretionary use on this particular site, or as an amendment to the C4 district as a whole. From a planning and land use perspective spot zoning amendments are not generally considered to be a good practice.

OR

2. A broad amendment wherein the C4 district as a whole would allow "offices" as either a permitted or discretionary use. Such an amendment based upon one request may have significant and possibly negative effect on the City as a whole.

Recommendation

Planning and Administrative staff do not believe that there is anything unique or special about this site or its existing development to justify making an exception to allow "offices" on this site. Similarly, staff does not support an amendment to the C4 district as a whole to allow "offices" as either a permitted or discretionary use without further study to determine the possible benefit or detriment of doing so. The MDP review is underway and it is anticipated that the revised MDP will provide direction on this issue.

Accordingly, planning staff recommends that Council deny this amendment application to the Land Use Bylaw to allow "offices" as a use in the C4 Commercial (Major Arterial) District, either specifically on this site or in the C4 district in general.

Respectfully submitted,

Orlando Toews, ACP, MCIP
Planner
Parkland Community Planning Services

Tony Lindhout, ACP, MCIP
City Division Manager
Parkland Community Planning Services



DATE: June 21, 2007

TO: Kelly Kloss , Legislative & Administrative Services Manager

FROM: Joyce Boon – Development & Licensing Supervisor
Inspections & Licensing Department 403-342-8192

RE: Hackett Holdings 3608-50 Avenue

Mr. Roger Burmeister of Hackett Holdings has requested that the City of Red Deer consider the approval of *office use* at the location of 3608-50 Avenue.

Land Use Bylaw

The site at 3608-50 Avenue is the current site of Royale Lepage Real Estate as well as the former Lincolns Restaurant and pub. There have been various uses within the building over the years, such as retail sales, hair salon, amusement arcade etc. The site is zoned C4.

The C4 zoning allows:

Permitted uses:

Commercial Recreation – gyms, bingos, amusement arcade,
Commercial Service – massage, beauty, tanning, small vet, financial, insurance, real estate travel agency
Service & Repair of goods
Restaurants

Discretionary uses:

Drinking establishments
Funeral home
Hotel, motel,
Outdoor display of goods

The C4 zoning does not allow office use which is defined as professional, management, administrative, engineers, architect, clerical, accountants, lawyers and health services such as office for doctors, or similar office support services.

Office uses as listed above are permitted in C1, C1A, (Downtown) DC21, (Riverlands) C2A (Regional Shopping Centers)

History

In 1996 after a Court of Appeal ruling to allow an office use for a lawyer's office in C4 zoning, the Land Use Bylaw was amended to clearly reflect where offices could locate.

The Land Use Bylaw clearly indicates that C1 zoning is intended to act as the main office area for the city while providing a wide range of commercial uses.

Approved uses in the area:

In his letter of request, Mr. Burmetister has asked how the Dispensary got approved at 3617- 50 Avenue zoned C4. This site is a Pharmacy / Compound centre which is deemed merchandise sales and is permitted. An occupancy permit was issued to this business. The Aurora Medical and Varicose Vein Clinic as well as a Denture Clinic operate within this site. These uses were approved by the Municipal Planning Commission as Personal Services with accessory office use which involved on site service labs, lab preparation and service with retail and office area ancillary to the principal uses.

Apartment buildings that have been developed in this area are mostly located to the west off the rear lane of this site. The zoning on these lots are R2 zoning which allows multi family buildings as discretionary uses. A number of multi-family buildings have been approved by Municipal Planning Commission in this area with parking being proposed off the lane. A most recent development for a 12 suite multi family building was approved by the Subdivision and Development Appeal Board met the parking requirements of the Land Use Bylaw and had a condition of a deferred lane paving agreement being entered into by the land owner and the city of Red Deer Engineering Services Department.

Recommendation

Inspections & Licensing administration recommends that City Council not approve a exception to the Land Use Bylaw at 3608-50 Avenue, zoned C4, to allow office use.

Any change to the City's policy related to office uses should be addressed through the Municipal Development Plan review process rather than on an adhoc basis on individual properties.

Respectively Submitted



Comments:

We agree with the recommendations of Parkland Community Planning Services. It is recommended that no further office zoning be permitted pending the review and adopting of the Municipal Development Plan. This will set the context for office development throughout the City.

The Municipal Development Plan is expected to be adopted by January of 2008.

"Morris Flewwelling"
Mayor

"Craig Curtis"
City Manager



FILE

July 31, 2007

Mr. Roger Burmeister
Hackett Holdings
3608 – 50 Avenue
Red Deer, AB T4N 3Y6

Dear Mr. Burmeister:

*Re: Proposed "Offices" at 3608 – 50 Avenue (Lincoln Building)
Lot 21, Block 2, Plan 052 3422*

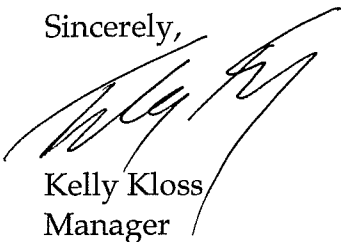
At the July 30, 2007 Red Deer City Council meeting, Council reviewed your request for an exception to the Land Use Bylaw at 3608 – 50 Avenue, zoned C4, to allow office use.

The City of Red Deer is currently undergoing a review of the Municipal Development Plan and will review the location of offices throughout Red Deer including if the C4 district as a whole should be expanded to allow "offices" as either a permitted or discretionary use. The Municipal Development Plan is expected to be complete in January of 2008.

Based on the upcoming review of the Municipal Development Plan, Council did not support your request to rezone your property to allow office uses.

For more information regarding the Municipal Development Plan, please contact the city planners at Parkland Community Planning Services, 343-3394.

Sincerely,



Kelly Kloss
Manager

c Parkland Community Planning Services
Development and Licensing Supervisor



Council Decision – July 30, 2007

Legislative & Administrative Services

DATE: July 31, 2007
TO: Orlando Toews, Parkland Community Planning Services
FROM: Kelly Kloss, Legislative & Administrative Services Manager
SUBJECT: Proposed "Offices" at 3608 – 50 Avenue (Lincoln Building)
Lot 21, Block 2, Plan 052 3422

Reference Report:

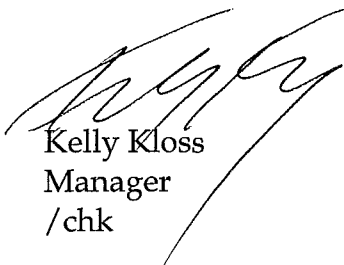
Parkland Community Planning Services, dated July 23, 2007

Resolutions:

"Resolved that Council of the City of Red Deer having considered the correspondence from Mr. Roger Burmeister, of Hackett Holdings, dated May 29, 2007, re: Proposed Offices at 3608 – 50 Avenue (Lincoln Building), hereby denies the request to allow offices as a use in the C4 Commercial (Major Arterial) District."

Report Back to Council: No

Comments/Further Action:


Kelly Kloss
Manager
/chk

c Director of Development Services
Inspections & Licensing Manager
Development & Licensing Supervisor

Christine Kenzie

From: Orlando Toews
Sent: July 24, 2007 1:37 PM
To: Christine Kenzie
Cc: Tony Lindhout
Subject: RE: Municipal Development Plan - Completion Date

BACKUP INFORMATION
NOT SUBMITTED TO COUNCIL

Christine,

Craig Teal has indicated that the anticipated date for adoption of the new MDP is December 2007 or possibly January 2008. I can revise the report to include this info along with a statement that no more offices related amendments to the LUB should be considered until the MDP is completed/adopted.

If this is acceptable I will forward a signed hard copy to you as soon as I can. Thanks

Orlando Toews

From: Christine Kenzie
Sent: July 24, 2007 12:13 PM
To: Tony Lindhout
Cc: Orlando Toews
Subject: Municipal Development Plan - Completion Date

Do you have a date that you expect the Municipal Development Plan to be completed?

Would like to insert the date in comments from Craig Curtis re the report from Orlando on "Proposed Offices at 3608 - 50 Avenue (Lincoln Building) that will go on the July 30th Council Agenda.

Craig is saying that no further office zoning should be permitted pending the review and adoption of the Municipal Development Plan. Would like to insert expected date of completion of this plan.

Thanks for your help.

Christine Kenzie
Legislative & Administrative Services
City of Red Deer
403.342.8201
christine.kenzie@reddeer.ca

Christine Kenzie

From: Orlando Toews
Sent: July 24, 2007 8:06 AM
To: Christine Kenzie
Subject: PCPS report for council agenda

Attachments: C4 offices July232007.doc

Good Morning Christine,

Here is our report in response to the request by Roger Burmeister, Hackett Holdings, re a relaxation/amendment to allow offices in the Lincoln Building, 3608 – 50 Ave, request to allow offices in a C4 district.

When will we know if this item makes it onto the July 30 Council agenda, as I want to let the applicant know?

Let me know if you need anything else from me. Thank you for your patience.

Orlando Toews, ACP, MCIP
Planner
Parkland Community Planning Services
#404, 4808 Ross Street
Red Deer, AB T4N 1X5
Ph: (403) 343-3394
Fax: (403) 346-1570



C4 offices
July232007.doc (540.

Christine Kenzie

From: Kelly Kloss
Sent: July 13, 2007 2:33 PM
To: Christine Kenzie
Subject: FW: Hackett Holdings at 3608 - 50 Ave, request for offices in C4

FYI

Kelly Kloss
Manager
Legislative & Administrative Services
The City of Red Deer
(403) 342-8134 Office
(403) 346-6195 FAX
kelly.kloss@reddeer.ca

From: Orlando Toews
Sent: July 13, 2007 12:17 PM
To: Joyce Boon
Cc: Kelly Kloss; Tony Lindhout
Subject: RE: Hackett Holdings at 3608 - 50 Ave, request for offices in C4

Joyce, I will incorporate your comments from June 21 into my report and I will aim to submit it to Kelly on / by July 23 for inclusion on the Council agenda. I agree with your recommendation to deny a relaxation or amendment to the LUB.

Orlando

From: Joyce Boon
Sent: July 13, 2007 12:04 PM
To: Orlando Toews
Cc: Kelly Kloss
Subject: RE: Hackett Holdings at 3608 - 50 Ave, request for offices in C4

Ok where are we now with the Hackett holdings report for council I am out of the office until July 19th.

Joyce Boon
Permits & Licensing Supervisor
Inspections & Licensing Department
403-342-8192
joyce.boon@reddeer.ca

From: Joyce Boon
Sent: June 25, 2007 4:00 PM
To: Orlando Toews
Cc: Tony Lindhout; Paul Meyette
Subject: RE: Hackett Holdings at 3608 - 50 Ave, request for offices in C4

Ok we will hold off our report until after topics on July 3. I have mentioned this to Christine. Keep me in the loop of how the discussion goes at Topics

Joyce Boon
Permits & Licensing Supervisor

Inspections & Licensing Department
403-342-8192
joyce.boon@reddeer.ca

From: Orlando Toews
Sent: June 25, 2007 2:31 PM
To: Joyce Boon
Cc: Tony Lindhout
Subject: Hackett Holdings at 3608 - 50 Ave, request for offices in C4

Hi Joyce,

I know Kelly K. sent this request out for referral, but I understand it really was supposed to be done through PCPS so Tony L. has asked me to carry it from here.

I had a quick read through your draft report and I think you're on track. At the bottom of page 1 you may want to add that office uses in the C2A are limited to 10% of gross leaseable area. At this point in time I agree with your recommendation. If offices are allowed on this site it begs the question of why offices shouldn't be allowed anywhere else in the C4 districts. That's a difficult question to answer without a comprehensive study of the issue.

Although we want to process this application in a timely manner, Craig Teal told me that as part of the MDP review he and Richard Parker have a discussion paper on offices going to Council Topics on July 3. In their paper they are asking City Admin / Council for direction on this issue. They present 3 options: formalize the current practice of limiting offices to the downtown, allow offices in the four new pre-planned mixed use / town centres, or undertake a more formal comprehensive study of offices.

I suggest we wait to see what, if any, direction comes out of the July 3 Topics meeting. I realize that anything coming out of a Topics meeting is not official City policy, but I think it still has value in gauging which way the wind is blowing.

Thoughts/comments?

Orlando Toews
PCPS

<< File: Kelly Kloss - Lincolns for office use in c4 zoning.doc >>

Christine Kenzie

From: Kelly Kloss
Sent: July 05, 2007 11:06 PM
To: Joyce Boon; Paul Meyette
Cc: Christine Kenzie
Subject: RE: Hackett Holdings - 3608-50 Avenue - Council

Hi Joyce,

They went with Option 2 on Richard Parker's report on Office Locations but these deal with locating offices in 4 "town Centre" type locations in various regional centre locations in Red Deer. I do not recall that they discussed C4 zones, you may have to talk with Tony Lindhout or Colleen Jensen as to the report on the C4.

The dogs could go to July 30 Topics but as I mentioned if you did up the report we may be able just to email it to members of Council unless we need in person feedback from them.

Kelly

From: Joyce Boon
Sent: Thu 2007/07/05 4:04 PM
To: Paul Meyette; Kelly Kloss
Subject: Hackett Holdings - 3608-50 Avenue - Council

I was asked to hold up my report to council related to C4 zoning for office use on this site until after topics on Tuesday July 3, 2007.

What is the Status and will council be reviewing this request now.?

Kelly please let me know. Also for your information I am preparing the report on Dogs at large re City Manger Directive. I will get this report to you ASAP, so after you review it you can let me know when and if it will go to topics. If it go to topics maybe July 30 as I will be at Council with Limo bylaw. Thanks

Joyce Boon

Permits & Licensing Supervisor

Inspections & Licensing Department

403-342-8192

joyce.boon@reddeer.ca

2007/07/09

FILE



Legislative & Administrative Services

DATE: May 30, 2007

TO: Tony Lindhout, Parkland Community Planning Services
Joyce Boon, Permits & Licensing Supervisor

FROM: Kelly Kloss, Legislative & Administrative Services Manager

SUBJECT: Request for Comments: By Monday, June 28, 2007
Letter from Mr. Roger Burmeister, Hackett Holdings
Request For Relaxation of Use – Lincoln Building – 3608 – 50
Avenue

Please provide your comments to the attached letter from Mr. Burmeister asking for a relaxation for the use of the building located at 3608 – 50 Avenue.

I would appreciate your comments by Monday, June 25, 2007 for possible inclusion on the Tuesday, July 3, 2007 Council agenda.

A handwritten signature in black ink, appearing to read 'Kelly Kloss'.

Kelly Kloss
Manager

/attach.



FILE

LEGISLATIVE & ADMINISTRATIVE SERVICES

May 30, 2007

Mr. Roger Burmeister
Hackett Holdings
3608 – 50 Avenue
Red Deer, AB T4N 3Y6

Dear Mr. Burmeister:

Re: 3608 – 50 Avenue, Lincoln Building

Your letter dated May 29, 2007, regarding your request for City Council to make an exception to the Land Use Bylaw to allow the use of the building at 3608 – 50 Avenue to include offices for doctors, accountants, lawyers, etc., has been forwarded to City Administration for review.

This item will not be presented to Council at the June 18th Council Meeting, as you had requested, because of the time involved in researching your request. I will contact you when this item will be ready to be presented to Council.

Please call if you have any questions.

Sincerely,



Kelly Kloss
Manager

PETITION FOR LOCAL IMPROVEMENT

(Pursuant to the Municipal Government Act, Chapter M-26.1, of the RSA 1994, and amendments thereto)

TO: THE MAYOR AND COUNCIL OF THE CITY OF RED DEER IN THE PROVINCE OF ALBERTA

WE, THE UNDERSIGNED PROPERTY OWNERS, REQUEST THAT YOU CONSTRUCT A LANE PAVING BETWEEN WEST PARK CRESC AND 41 STREET CRESC FROM 59 AVENUE CRESC TO 59 AVENUE CRES AS A LOCAL IMPROVEMENT TO BE ASSESSED BY WAY OF A UNIT RATE TO BE FIXED BY COUNCIL, IN ACCORDANCE WITH THE PROVISIONS OF THE MUNICIPAL GOVERNMENT ACT AND THE BYLAWS OF THE CITY OF RED DEER.

NAME OF PERSON WHO IS THE REPRESENTATIVE OF THE PETITIONERS

EACH PETITIONER, BY SIGNING THIS PETITION, CERTIFIES THAT HE OR SHE IS AN ELECTOR OF THE CITY OF RED DEER.

THE ESTIMATED COST TO CONSTRUCT THIS LANE IS \$150 - \$350/m. AN AVERAGE LOT WIDTH OF 17.1m (56ft) COULD PAY APPROXIMATELY \$145 - \$270 A YEAR FOR TWENTY YEARS OR CHOOSE A ONE TIME PAYMENT OF APPROXIMATELY \$1,375 - \$3,550. THESE COSTS ARE PRELIMINARY ONLY. PROPERTY OWNERS WOULD RECEIVE A DETAILED COST ESTIMATE AFTER A VALID PETITION IS APPROVED.

SIGNATURE OF REGISTERED OWNER OR ASSESSED OWNER	PRINTED NAME OF REGISTERED OWNER OR ASSESSED OWNER	STREET ADDRESS OR LEGAL DESCRIPTION OF LAND	DATE	SIGNATURE OF ADULT WITNESS
<i>[Signature]</i>	K. Rosenberg	5935	May 21/07	Jeanne Goldsack
<i>[Signature]</i>	Shauna Rouken	5917 Westpark Cres	May 14/07	Jeanne Goldsack
<i>[Signature]</i>	M. Wilson	5919 Westpark	At June 14/07	Jeanne Goldsack
<i>[Signature]</i>	RICHARD HEFFERMAN	3520 59TH AVE SW	JUN 22/07	Jeanne Goldsack

THE CITY OF RED DEER
 Legislative & Administrative Services
RECEIVED
 TIME _____
 DATE July 3/07
 BY [Signature]

NOTES:

1. This form is a prepared from suggestions by Alberta Municipal Affairs for the information and convenience of interested individuals. It has no legislative effect. For certainty, legal advice should be sought, when a petition is being considered.
2. Each page of this petition shall contain an accurate and identical statement of the purpose and objectives of the petition. As the wording of the petition is critical, legal advice should be obtained.
3. In the absence of a municipal address, indicate legal description of property on which petitioner owns.
4. Each person witnessing a signature on the petition is required to sign an Affidavit that to the best of their belief, the persons whose signatures they witnessed are electors of the municipality.

PETITION FOR LOCAL IMPROVEMENTPage 2

(Pursuant to the Municipal Government Act, Chapter M-26.1, of the RSA 1994, and amendments thereto)

TO: THE MAYOR AND COUNCIL OF THE CITY OF RED DEER IN THE PROVINCE OF ALBERTA

WE, THE UNDERSIGNED PROPERTY OWNERS, REQUEST THAT YOU CONSTRUCT A LANE PAVING BETWEEN WEST PARK CRESC AND 41 STREET CRESC FROM 59 AVENUE CRESC TO 59 AVENUE CRES AS A LOCAL IMPROVEMENT TO BE ASSESSED BY WAY OF A UNIT RATE TO BE FIXED BY COUNCIL, IN ACCORDANCE WITH THE PROVISIONS OF THE MUNICIPAL GOVERNMENT ACT AND THE BYLAWS OF THE CITY OF RED DEER.

NAME OF PERSON WHO IS THE REPRESENTATIVE OF THE PETITIONERS

EACH PETITIONER, BY SIGNING THIS PETITION, CERTIFIES THAT HE OR SHE IS AN ELECTOR OF THE CITY OF RED DEER.

THE ESTIMATED COST TO CONSTRUCT THIS LANE IS \$150 - \$350/m. AN AVERAGE LOT WIDTH OF 17.1m (56ft) COULD PAY APPROXIMATELY \$145 - \$270 A YEAR FOR TWENTY YEARS OR CHOOSE A ONE TIME PAYMENT OF APPROXIMATELY \$1,375 - \$3,550. THESE COSTS ARE PRELIMINARY ONLY. PROPERTY OWNERS WOULD RECEIVE A DETAILED COST ESTIMATE AFTER A VALID PETITION IS APPROVED.

SIGNATURE OF REGISTERED OWNER OR ASSESSED OWNER	PRINTED NAME OF REGISTERED OWNER OR ASSESSED OWNER	STREET ADDRESS OR LEGAL DESCRIPTION OF LAND	DATE	SIGNATURE OF ADULT WITNESS
<i>M. Gaboury</i>	M. Gaboury	5902 41 st St.	May 7, 07	<i>J. Mitchell</i>
<i>George Youn</i>	GEORGE YOUN	5906 41 st Cr.	May 7, 07	<i>J. Mitchell</i>
<i>Donna Carlson</i>	DONNA CARLSON	5910-41 st Cr.	May 7, 07	<i>J. Mitchell</i>
<i>Jessie Brondgeest</i>	Jessie Brondgeest	5926-41 st Cr.	May 7, 07	<i>J. Mitchell</i>
<i>Ron Brondgeest</i>	Ron Brondgeest	5930-41 st Cr.	May 7, 07	<i>J. Mitchell</i>
<i>Barbara Breau</i>	BARBARA BREAU	5934-41 st Cr.	May 14, 07	<i>J. Mitchell</i>
<i>Natalie Macintosh</i>	NATALIE MACINTOSH	5905 WEST PARK CR.	May 15, 07	<i>J. Mitchell</i>
<i>Sharon Gladman</i>	SHARON GLADMAN	5946-41 st Cr.	May 17, 07	<i>J. Mitchell</i>
<i>Marlene Zacharias</i>	MARLENE ZACHARIAS	5931 West Park Cr.	May 17, 07	<i>J. Mitchell</i>
<i>Susan Mitchell</i>	Susan Mitchell	5938 41 st Cr.	May 17, 07	<i>J. Mitchell</i>
<i>Myrna Dalziel</i>	MYRNA DALZIEL	5915-10 th Cr.	"	<i>J. Mitchell</i>

NOTES:

1. This form is a prepared from suggestions by Alberta Municipal Affairs for the information and convenience of interested individuals. It has no legislative effect. For certainty, legal advice should be sought, when a petition is being considered.
2. Each page of this petition shall contain an accurate and identical statement of the purpose and objectives of the petition. As the wording of the petition is critical, legal advice should be obtained.
3. In the absence of a municipal address, indicate legal description of property on which petitioner owns.
4. Each person witnessing a signature on the petition is required to sign an Affidavit that to the best of their belief, the persons whose signatures they witnessed are electors of the municipality.

PETITION FOR LOCAL IMPROVEMENT

(Pursuant to the Municipal Government Act, Chapter M-26.1, of the RSA 1994, and amendments thereto)

TO: THE MAYOR AND COUNCIL OF THE CITY OF RED DEER IN THE PROVINCE OF ALBERTA

WE, THE UNDERSIGNED PROPERTY OWNERS, REQUEST THAT YOU CONSTRUCT A LANE PAVING BETWEEN WEST PARK CRESC AND 41 STREET CRESC FROM 59 AVENUE CRESC TO 59 AVENUE CRES AS A LOCAL IMPROVEMENT TO BE ASSESSED BY WAY OF A UNIT RATE TO BE FIXED BY COUNCIL, IN ACCORDANCE WITH THE PROVISIONS OF THE MUNICIPAL GOVERNMENT ACT AND THE BYLAWS OF THE CITY OF RED DEER.

NAME OF PERSON WHO IS THE REPRESENTATIVE OF THE PETITIONERS

EACH PETITIONER, BY SIGNING THIS PETITION, CERTIFIES THAT HE OR SHE IS AN ELECTOR OF THE CITY OF RED DEER.

THE ESTIMATED COST TO CONSTRUCT THIS LANE IS \$150 - \$350/m. AN AVERAGE LOT WIDTH OF 17.1m (56ft) COULD PAY APPROXIMATELY \$145 - \$270 A YEAR FOR TWENTY YEARS OR CHOOSE A ONE TIME PAYMENT OF APPROXIMATELY \$1,375 - \$3,550. THESE COSTS ARE PRELIMINARY ONLY. PROPERTY OWNERS WOULD RECEIVE A DETAILED COST ESTIMATE AFTER A VALID PETITION IS APPROVED.

SIGNATURE OF REGISTERED OWNER OR ASSESSED OWNER	PRINTED NAME OF REGISTERED OWNER OR ASSESSED OWNER	STREET ADDRESS OR LEGAL DESCRIPTION OF LAND	DATE	SIGNATURE OF ADULT WITNESS
<i>Jennifer Goldsack</i>	Jennifer Goldsack	5942-41 St. Cr	March 21	<i>A Mitchell</i>
<i>Kyla Kilpatrick</i>	KILA KILPATRICK	5933- West Pk Cr	March 21	<i>A Mitchell</i>
<i>John Kaare</i>	John Kaare	5922 41 St. Cr.	May 1	<i>A Mitchell</i>
<i>Jack Gray</i>	Jack Gray	5914-41 St. Cr.	May 1	<i>A Mitchell</i>
<i>Doug WATL</i>	Doug WATL	3516-59 Ave Cr	May 6	<i>A Mitchell</i>
<i>Don & Greta Towers</i>	Don & Greta Towers	3512 59 Ave	8 May 7	<i>A Mitchell</i>
<i>Jim W Chalmers</i>	Jim Chalmers	5943 West Pk Cr	May 7	<i>A Mitchell</i>
<i>Mike Becker</i>	Mike Becker	5939 West Pk Cr	May 7	<i>A Mitchell</i>
<i>G. Vander Meulen</i>	G. VANDER MEULEN	5934 WEST PARK CR	May 7	<i>A Mitchell</i>
<i>Robert B Graystone</i>	Robert B Graystone	5927 West Pk Cr.	May 7	<i>A Mitchell</i>
<i>Tanie Honey</i>	Tanie Honey	5925 West Pk Cr	May 7	<i>A Mitchell</i>

NOTES:

1. This form is a prepared from suggestions by Alberta Municipal Affairs for the information and convenience of interested individuals. It has no legislative effect. For certainty, legal advice should be sought, when a petition is being considered.
2. Each page of this petition shall contain an accurate and identical statement of the purpose and objectives of the petition. As the wording of the petition is critical, legal advice should be obtained.
3. In the absence of a municipal address, indicate legal description of property on which petitioner owns.
4. Each person witnessing a signature on the petition is required to sign an Affidavit that to the best of their belief, the persons whose signatures they witnessed are electors of the municipality.

PETITION FOR LOCAL IMPROVEMENTPage 4

(Pursuant to the Municipal Government Act, Chapter M-26.1, of the RSA 1994, and amendments thereto)

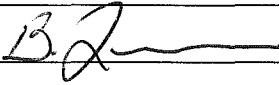
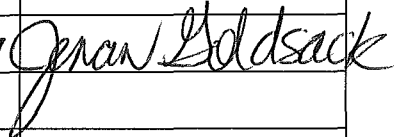
TO: THE MAYOR AND COUNCIL OF THE CITY OF RED DEER IN THE PROVINCE OF ALBERTA

WE, THE UNDERSIGNED PROPERTY OWNERS, REQUEST THAT YOU CONSTRUCT A LANE PAVING BETWEEN WEST PARK CRESC AND 41 STREET CRESC FROM 59 AVENUE CRESC TO 59 AVENUE CRES AS A LOCAL IMPROVEMENT TO BE ASSESSED BY WAY OF A UNIT RATE TO BE FIXED BY COUNCIL, IN ACCORDANCE WITH THE PROVISIONS OF THE MUNICIPAL GOVERNMENT ACT AND THE BYLAWS OF THE CITY OF RED DEER.

NAME OF PERSON WHO IS THE REPRESENTATIVE OF THE PETITIONERS

EACH PETITIONER, BY SIGNING THIS PETITION, CERTIFIES THAT HE OR SHE IS AN ELECTOR OF THE CITY OF RED DEER.

THE ESTIMATED COST TO CONSTRUCT THIS LANE IS \$150 - \$350/m. AN AVERAGE LOT WIDTH OF 17.1m (56ft) COULD PAY APPROXIMATELY \$145 - \$270 A YEAR FOR TWENTY YEARS OR CHOOSE A ONE TIME PAYMENT OF APPROXIMATELY \$1,375 - \$3,550. THESE COSTS ARE PRELIMINARY ONLY. PROPERTY OWNERS WOULD RECEIVE A DETAILED COST ESTIMATE AFTER A VALID PETITION IS APPROVED.

SIGNATURE OF REGISTERED OWNER OR ASSESSED OWNER	PRINTED NAME OF REGISTERED OWNER OR ASSESSED OWNER	STREET ADDRESS OR LEGAL DESCRIPTION OF LAND	DATE	SIGNATURE OF ADULT WITNESS
	BRENT LAWRENCE	5941 West Park Cres.	July 7/07	

NOTES:

1. This form is a prepared from suggestions by Alberta Municipal Affairs for the information and convenience of interested individuals. It has no legislative effect. For certainty, legal advice should be sought, when a petition is being considered.
2. Each page of this petition shall contain an accurate and identical statement of the purpose and objectives of the petition. As the wording of the petition is critical, legal advice should be obtained.
3. In the absence of a municipal address, indicate legal description of property on which petitioner owns.
4. Each person witnessing a signature on the petition is required to sign an Affidavit that to the best of their belief, the persons whose signatures they witnessed are electors of the municipality.

PETITION FOR LOCAL IMPROVEMENTPage Re-submission

(Pursuant to the Municipal Government Act, Chapter M-26.1, of the RSA 1994, and amendments thereto)

July 19/07

TO: THE MAYOR AND COUNCIL OF THE CITY OF RED DEER IN THE PROVINCE OF ALBERTA

WE, THE UNDERSIGNED PROPERTY OWNERS, REQUEST THAT YOU CONSTRUCT A LANE PAVING BETWEEN WEST PARK CRESC AND 41 STREET CRESC FROM 59 AVENUE CRESC TO 59 AVENUE CRES AS A LOCAL IMPROVEMENT TO BE ASSESSED BY WAY OF A UNIT RATE TO BE FIXED BY COUNCIL, IN ACCORDANCE WITH THE PROVISIONS OF THE MUNICIPAL GOVERNMENT ACT AND THE BYLAWS OF THE CITY OF RED DEER.

NAME OF PERSON WHO IS THE REPRESENTATIVE OF THE PETITIONERS

EACH PETITIONER, BY SIGNING THIS PETITION, CERTIFIES THAT HE OR SHE IS AN ELECTOR OF THE CITY OF RED DEER.

THE ESTIMATED COST TO CONSTRUCT THIS LANE IS \$150 - \$350/m. AN AVERAGE LOT WIDTH OF 17.1m (56ft) COULD PAY APPROXIMATELY \$145 - \$270 A YEAR FOR TWENTY YEARS OR CHOOSE A ONE TIME PAYMENT OF APPROXIMATELY \$1,375 - \$3,550. THESE COSTS ARE PRELIMINARY ONLY. PROPERTY OWNERS WOULD RECEIVE A DETAILED COST ESTIMATE AFTER A VALID PETITION IS APPROVED.

SIGNATURE OF REGISTERED OWNER OR ASSESSED OWNER	PRINTED NAME OF REGISTERED OWNER OR ASSESSED OWNER	STREET ADDRESS OR LEGAL DESCRIPTION OF LAND	DATE 2007	SIGNATURE OF ADULT WITNESS
<i>[Signature]</i>	G VANDER MEULEN	5935 WEST PARK CR	July 16	<i>[Signature]</i>
<i>[Signature]</i>	KYLA THERRIEN	5933 WEST PARK CR	July 16	<i>[Signature]</i>
<i>[Signature]</i>	KYLA THERRIEN	5933 WEST PARK CR	July 16	<i>[Signature]</i>
<i>[Signature]</i>	Lorraine J WAHL	3516 - 59Ave N	July 18	<i>[Signature]</i>

NOTES:

1. This form is a prepared from suggestions by Alberta Municipal Affairs for the information and convenience of interested individuals. It has no legislative effect. For certainty, legal advice should be sought, when a petition is being considered.
2. Each page of this petition shall contain an accurate and identical statement of the purpose and objectives of the petition. As the wording of the petition is critical, legal advice should be obtained.
3. In the absence of a municipal address, indicate legal description of property on which petitioner owns.
4. Each person witnessing a signature on the petition is required to sign an Affidavit that to the best of their belief, the persons whose signatures they witnessed are electors of the municipality.

Date: July 20, 2007
To: Legislative & Administrative Services Manager
From: Engineering Services Manager
Re: **Proposed Lane Paving as a Local Improvement Project
Between West Park Crescent and 41 Street Crescent
From 59 Avenue Crescent to 59 Avenue Crescent**

In November, 2006 the Engineering Services Manager received a call from a property owner, living adjacent to the above noted project, requesting information relative to construction of the above noted project as a local improvement as shown on the attached drawing.

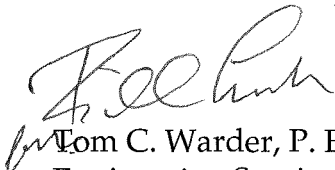
On November 16, 2006, the Engineering Services Department provided the information and advised the property owner to submit a petition to the Legislative and Administrative Services Manager if the benefiting property owners wished to proceed with the noted local improvement project. A petition has now been submitted. The City Assessor will provide comments on the validity of the petition.

As indicated in our November 16, 2006 letter, this project is estimated to cost between \$58,500-136,500; which equates to about \$86.40-201.70 per front metre. Detailed costs will not be determined until detailed design is completed.

RECOMMENDATION

Subject to the petition being declared valid, we respectfully recommend that a local improvement for paving the lane between West Park Crescent and 41 Street Crescent from 59 Avenue Crescent to 59 Avenue Crescent be initiated.

Construction of the project could occur in the summer of 2008.


Tom C. Warder, P. Eng.
Engineering Services Manager

SLR/ldr
Att.

- c. Director of Corporate Services
City Assessor
Public Works Manager



November 2006

SCALE 1:1500

Proposed Lane Paving

Affected Homeowners



November 16, 2006

Mrs. Kyla Kilpatrick
5933 West Park Crescent
Red Deer, AB T4N 1E9

Dear Mrs. Kilpatrick:

**Re: Proposed Construction of a Lane Paving as a Local Improvement Project
Between 42 Street Crescent and West Park Crescent
From 59 Avenue Crescent to 59 Avenue Crescent**

In November, the Engineering Services Department received an email from you requesting information relative to construction of the above noted project as a local improvement.

In order for City Council to consider construction of this project, it will be necessary for you to do the following:

1. Contact the other property owners who will benefit from the local improvement project.
2. Inform them of the scope of work and estimated cost of the proposed project.
3. Have them indicate to you whether they are or are not in favour of local improvement project by doing the following:
 - a. By signing the enclosed petition form.or
 - b. Having them forward a letter to you outlining their position.

The proposed rates and costs shown on the attached forms are based on a preliminary cost estimate. The rates and cost for each property will be confirmed once a petition is received and Council authorizes the preparation of a detailed design and cost estimate. On completion of the design, The City will send out the "Notice of Intent" informing each property owner of the applicable rates and costs for their property. We would also advise that due to the length

Mrs. Kyla Kilpatrick
November 16, 2006
Page 2

of time required to process a local improvement project request, this project, if approved, will likely be constructed in the summer of 2007.

Please be aware that if any property owner has a fence or tree encroaching into the lane right of way they will be responsible for removing it at their own cost prior to the lane paving.

To assist you in this matter, the Engineering Services Department has prepared the enclosed local improvement information package that includes the following information:

- 1) A copy of "Procedures For Initiating a Petition For Construction of a Local Improvement".
- 2) A copy of "What is a Local Improvement".
- 3) A petition form.
- 4) A plan showing the limits of the project.
- 5) The estimated cost of the work is \$150-\$350 per lineal metre of lane. Total estimated cost of construction is \$58,500-136,500. This works out to \$6.70-15.70/m of frontage based on paying annually for 20 years, or a one time payment of \$86.40-201.70/m of frontage for a one time payment. For example, an average 17.07m (56') wide lot could pay between \$144.40-267.85 a year for 20 years, or a one time payment of \$1,474.00-3,551.00.

If you have any concerns or require additional information with regard to this proposed local improvement, please contact Shelley Rowley at (403) 342-8179.

Yours truly,



Bill Luka, P. Eng.
Streets Engineer

SLR/eas
Encls.

c. Engineering Services Manager



Assessment & Taxation Services

DATE: July 23, 2007

TO: Kelly Kloss, Legislative & Administrative Services Manager

FROM: Debra Stott, Tax Collector

SUBJECT: Petition for Local Improvement – Lane Paving
Between West Park Crescent and 41 Street Crescent
From 59 Avenue Crescent to 59 Avenue Crescent

There are 39 properties, with a total assessment value of \$9,120,000, which will be affected by this proposed local improvement. In order to be valid:

1. A minimum of 26 registered owner signatures must appear on the petition. Twenty seven registered owners signed this petition, and
2. Assessment value of the properties whose registered owners signed the petition must total a minimum of \$4,560,000. The assessment value of the properties whose registered owners signed the petition totals \$6,409,600.

Section 392 (2) of the Municipal Government Act states:

“A petition is not a sufficient petition unless

- (a) it is signed by 2/3 of the owners who would be liable to pay the local improvement tax, and
- (b) the owners who sign the petition represent at least ½ of the value of the assessments prepared under Part 9 for the parcels of land in respect of which the tax will be imposed.”

This petition meets the above requirements of the Municipal Government Act.

Recommendation

That Council proceed with the request for construction of the paved lane.

A handwritten signature in black ink, appearing to read "Debra Stott". The signature is written in a cursive, flowing style.

Debra Stott, CMA
Tax Collector



DATE: July 23, 2007

TO: Kelly Kloss, Manager
Legislative and Administrative Services

FROM: Lorraine Poth, Manager
Financial Services

SUBJECT: Local Improvement – Lane Paving Between West Park Crescent and 41
St Crescent From 59 Ave Crescent to 59 Avenue Crescent

Local improvements are generally funded out of either the Tax Stabilization Reserve or the Capital Projects Reserve. There are sufficient funds in the Tax Stabilization Reserve to fund the above improvement based on the estimated costs provided by Engineering.

Recommendation

Council approve funding for the local improvement from the Tax Stabilization Reserve .

Lorraine Poth

Comments:

The Municipal Government Act provides that a group of owners may petition Council for a local improvement. A petition is valid if it is signed by two thirds of the owners who would be liable to pay the local improvement tax and the owners who sign the petition represent at least one half of the value of the assessment.

If the petition is valid, The City must prepare a local improvement plan which includes an estimate of the cost of the improvement for each property. This plan is sent out to all property owners affected who then have 30 days to object to the local improvement.

If a valid petition is received objecting to the local improvement, Council must not proceed with the improvement. If there is not a valid petition, Council can proceed with the improvement and pass a local improvement tax bylaw.

As we received a valid petition, we recommend that Council approve proceeding with the local improvement plan.

"Morris Flewwelling"
Mayor

"Craig Curtis"
City Manager

FILE



Council Decision – July 30, 2007

Legislative & Administrative Services

DATE: July 31, 2007
TO: Tom Warder, Engineering Services Manager
FROM: Kelly Kloss, Legislative & Administrative Services Manager
SUBJECT: Proposed Lane Paving as a Local Improvement Project
Between West Park Crescent and 41 Street Crescent
From 59 Avenue Crescent to 59 Avenue Crescent

Reference Report:

Engineering Services Manager, dated July 20, 2007, Tax Collector, dated July 23, 2007, and Financial Services Manager, dated July 23, 2007

Resolutions:

"Resolved that Council of the City of Red Deer having considered the petition re: Proposed Construction of a Paved Lane Between West Park Crescent and 41 Street Crescent From 59 Avenue Crescent to 59 Avenue Crescent, hereby agrees that Administration prepare a local improvement plan for the proposed construction of a paved lane in the areas specified."

Report Back to Council: Yes

Comments/Further Action:

Please proceed with the local improvement plan as noted above.


Kelly Kloss
Manager
/chk

c Director of Development Services
Tax Collector
Financial Services Manager
Streets Engineer



FILE

LEGISLATIVE & ADMINISTRATIVE SERVICES
July 31, 2007

Susan Mitchell
5938 – 41 Street Crescent
Red Deer, AB T4N 1B7

Dear Ms. Mitchell:

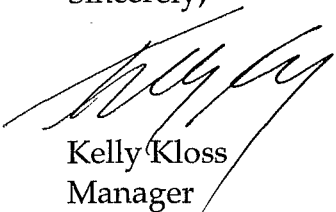
**Re: *Petition for Local Improvement – Lane Paving
Between Wet Park Crescent and 41 Street Crescent
From 59 Avenue Crescent to 59 Avenue Crescent***

At the City of Red Deer's Council Meeting held Monday, July 30, 2007, Council considered the petition regarding the proposed construction of a paved lane as referenced above. Council agreed to have Administration prepare a local improvement plan for the construction of the paved lane in the areas specified.

Once the plan is prepared that includes the approximate cost of improvements, a "Notice of Intent" will be sent to all property owners affected. The property owners would then have 30 days to object to the local improvement. If sufficient owners object, being two thirds of the owners who represent one half of the value of the assessment, then the improvement would not proceed. If no objection is received, we would present to Council a Local Improvement Tax Bylaw so the paving could proceed. We will let you know when this bylaw will be presented to Council.

Please call me if you require any additional information.

Sincerely,



Kelly Kloss
Manager

c Engineering Services Manager
 Tax Collector
 Financial Services Manager

BYLAW NO. 3386/2007

A Bylaw to License and Regulate the use of Limousines and Motor Vehicles for hire within the limits of The City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1 This Bylaw may be cited as the Limousine Bylaw.

2 DEFINITIONS

In this Bylaw unless otherwise specified:

"Bylaw Enforcement Officer" means any person authorized to enforce City bylaws and includes the License Inspector;

"Chauffeur" means any person who operates a limousine and who is in possession of a current and valid City of Red Deer Chauffeur License;

"Chauffeur License" means a license issued to a person for the purpose of driving a limousine;

"License Inspector" means the Inspections and Licensing Manager for The City or any designated member of the Inspections and Licensing Department for The City;

"Limousine" means a motor vehicle for hire, to transport persons, which shall include, but is not limited to, formal limousine, stretched limousine, super, mega and ultra stretched limousines ;

"Limousine Service" means the business of providing limousines for transporting persons;

"Limousine Vehicle Identification License" means The City of Red Deer identification issued under this bylaw for attachment to a limousine vehicle;

"Mechanical Fitness Report" means a form approved by the License Inspector and signed by a licensed mechanic which shall contain such information as the License Inspector may require but in any event shall certify that the vehicle is safe, fit and include information as to the safety and condition of the steering mechanism, brake system, bodywork, including conditions of doors and locks, windows, electrical light and signal systems, exhaust system, tire wear and condition and that the vehicle is suitable to convey passengers;

“Motor Vehicle” means a vehicle propelled by any power other than muscular power

“Non-resident” means a person, business or corporation that is not a resident as defined in this bylaw.

“Peace Officer”, “Special Constable”, and “Bylaw Enforcement Officer” means any employee of The City appointed as a Special Constable or Bylaw Enforcement Officer and any member of the Canadian Corps of Commissionaires or the City Detachment of the R.C.M.P. appointed or assigned to enforce the provisions of this bylaw;

“Person” means a natural person or body corporate and includes a partnership, a group of persons acting in concert, or an association;

“Pre-arranged” means a minimum of one (1) hour before a trip begins

“Resident” means a person, business or corporation that has a business location in the city of Red Deer with a valid Occupancy Permit or resides in the city of Red Deer, and has a valid Home Occupation License for a Limousine Service;

“Single Event” means the use of a Limousine in a twenty four (24) hour period once in a calendar year”.

3 LICENSES – BUSINESS AND VEHICLES

ALL APPLICANTS

- (1) No person shall operate a Limousine Service or Limousine without the following:
 - (a) a valid Occupancy Permit, Home Occupation License or Non Resident Business License obtained pursuant to The City of Red Deer bylaws,
 - (b) a City of Red Deer Chauffeur License,
 - (c) a Limousine Vehicle License Identification tag attached to each Limousine as issued hereunder.
- (2) Any person who wishes to operate a Limousine Service or Limousine Vehicle shall obtain the applicable licenses by making application to the License Inspector and paying the applicable fee as set out in Schedule “A”.

- (3) All applications shall be in writing and shall include identification of the registered owner, mechanical inspection, and proof of valid insurance with respect to all limousines to be used and the following information:

NON-CORPORATION

- (i) full name, address and telephone number of the business and the individual completing the application;
- (ii) list of all convictions, both criminal and traffic, in any jurisdiction;
- (iii) such other information as the License Inspector may reasonably require.

CORPORATION

- (iv) corporate name, business address and telephone number of the corporation and the individual completing the application;
- (v) copy of minutes and articles of incorporation, Certificate of Incorporation and Certificate of Good Standing with respect to the corporation;
- (vi) full name, address and telephone number of all shareholders, directors and office holders of the corporation;
- (vii) list of all convictions of the corporation, its shareholders and directors both criminal and traffic in any jurisdiction;
- (viii) such other information that the License Inspector may reasonably require.

4 CHAUFFEUR LICENSES

- (1) No person shall drive a Limousine or act as a Limousine Chauffeur without being in possession of a valid City of Red Deer Chauffeur License obtained pursuant to this bylaw.
- (2) Any person who wishes to drive a Limousine or act as a Limousine Chauffeur shall obtain the applicable license by making application to the License Inspector and paying the applicable fee set out in Schedule "A".

- (3) The application shall be in writing and shall contain the following information:
- (a) full and correct name, address and telephone number of the applicant as well as the name and current address of the licensed business employing the applicant;
 - (b) evidence that the applicant is properly licensed under the laws of the Province of Alberta for the class of vehicle that will be operated;
 - (c) current abstract of driving record from the Province of Alberta and from any territory or Province where the applicant has previously had a drivers license, dated within 30 days of application date;
 - (d) a list of all convictions, criminal, traffic and otherwise in any jurisdiction;
 - (e) such other information that the License Inspector may reasonably require;
 - (f) on initial application, evidence the applicant has completed a driver improvement course recognized by the City, taken within 6 months of application OR proof the applicant is registered to take a driver improvement course within 30 days of application date.

5 TERM AND RENEWAL OF LICENSES

- (1) A Chauffeurs License shall be valid until January 31 in the year following the year in which it was issued. An application for a new license may be made at any time during the year.
- (2) A Limousine Business License shall be valid until January 31 in the year following the year in which it was issued. An application for a new license may be made at any time during the year.
- (3) A Limousine Vehicle Identification License shall be valid until January 31 in the year following the year in which it was issued. An application for a new license may be made at any time during the year.
- (4) A renewal application for any license required by this bylaw shall be made no later than January 31 of the year for which the license is to be renewed. If a renewal application is not received by January 31, it will be deemed expired and a new application will be required.

6 DUTY TO ADVISE OF CHANGE IN INFORMATION

A licensee must advise The City of any changes in the information required under Sections 3 and 4;

- (a) on an application to renew its license; and
- (b) during the currency of any license, within 30 days of any changes to such information.

7 TRANSFER OF VEHICLE IDENTIFICATION LICENSE TO ANOTHER VEHICLE

- (1) Should a vehicle licensee desire to substitute another motor vehicle for any vehicle for which an identification tag has been issued, such licensee shall deliver to the License Inspector the identification tag issued and the information concerning the motor vehicle to be substituted as the License Inspector may require, including;
 - a) a Mechanical Fitness Report;
 - b) evidence of registration;
 - c) evidence of insurance;
 - d) such other information as the License Inspector may reasonably require to ensure conformity with this bylaw.
- (2) When the License Inspector is satisfied that the motor vehicle proposed to be substituted complies with this bylaw and is safe, fit and suitable for use and that the above conditions have been met, he shall, upon payment by the licensee of the fee required in Schedule "A", reissue to the licensee the vehicle identification tag for the motor vehicle so substituted.

8 OPERATING REQUIREMENTS

- (1) A person operating a Limousine or Limousine service;
 - (a) shall not operate on a fixed or scheduled route;
 - (b) shall not pick up passengers in a marked taxi zone or taxicab stand or accept non-pre-scheduled passengers;
 - (c) shall ensure all trips are pre-arranged a minimum of one (1) hour in advance, contracts are signed and log books are kept in the vehicle, as to the date, time, number of passengers, place of pick up and destination for each trip;

- (d) shall ensure all signed contracts and log books are kept safe and secure for a minimum of one year from the time of the trip.
- (e) shall ensure that when on duty will present a clean, neat and well groomed appearance and
- (f) shall wear clothing that is neat, clean and appropriate for transporting persons.

9 POWERS OF LICENSE INSPECTOR

- (1) The License Inspector is hereby authorized to:
 - (a) inspect or cause to be inspected any vehicle which is used to provide services under this bylaw;
 - (b) refuse to issue or renew any license where, in the reasonable opinion of the License Inspector, the applicant does not comply with the requirements of this bylaw;
 - (c) revoke or suspend any license if, in the reasonable opinion of the License Inspector, the licensee has not complied with or is breaching any provision of this bylaw;
 - (d) revoke or refuse to issue a Chauffeur License under this bylaw where, in the reasonable opinion of the License Inspector, the person applying for a license or to whom a license has been issued:
 - (i) has a driving record which makes the driver unfit to drive a public conveyance;
 - (ii) the character, conduct or state of health makes the driver unfit to drive a public conveyance;
 - (iii) the driver does not comply with the requirements or is in breach of any of the provisions of this bylaw;
 - (e) require a driver to undergo additional driver improvement or driver training courses;
 - (f) prescribe and authorize the forms, licenses and certificates to be used or issued under this bylaw.

10 INSPECTION OF DOCUMENTS

Every licensee under this bylaw shall upon the demand of the License Inspector, Bylaw Enforcement Officer or Peace Officer produce any license or document, which the licensee may be required to have under this bylaw.

11 MECHANICAL FITNESS OF VEHICLES

(1) The License Inspector may require any vehicle used to provide services under this bylaw to undergo such inspections for safety and mechanical fitness and to undergo such repairs as in the reasonable discretion of the License Inspector is deemed necessary for the safety of the public; such inspections are not limited to but may include as follows:

- (a) the yearly provision of a Mechanical Fitness Report prepared by a licensed mechanic;
- (b) the repair and correction of any deficiencies and the provision of a further Mechanical Fitness Report confirming same.

(2) All costs of inspections and repairs shall be paid for by the licensee.

(3) No person shall obstruct or interfere with any inspection required under this bylaw.

12 APPEAL

A decision of the License Inspector made pursuant to Sec. 9 (1),(b),(c), and (d) of this bylaw may be appealed to City Council on written notice of appeal delivered to the License Inspector not later than 30 days following such decision.

13 ANNUAL LICENSE FEES

The License Fees under this bylaw are set out in Schedule "A" annexed hereto and made part of this bylaw.

14 FARES TO BE CHARGED FOR LIMOUSINE SERVICES

The minimum fares to be charged for the hire of a Limousine are set out in Schedule "B" annexed hereto and made part of this bylaw. There shall be no charges for portions of an hour or parts thereof.

15 OFFENCES AND PENALTIES

- (1) Any person who contravenes the provisions of this bylaw shown in Schedule "C" is guilty of an offence and liable to pay a fine as specified in Schedule "C" which is annexed hereto and made part of this bylaw.
- (2) Any person who contravenes a provision of this bylaw not listed in Schedule "C" is guilty of an offence and liable upon summary conviction to pay a fine of not less than \$250.00 and not more than \$2500.00 and in default of payment to imprisonment for a period not exceeding 6 months.
- (3) Any person who contravenes any provision of this bylaw and is found guilty of a third or subsequent offence is liable upon summary conviction to pay a fine of not less than \$5000.00 and not more than \$10,000.00 and in default of payment to imprisonment for a period not exceeding six months.
- (4) A Peace Officer, License Inspector, or Bylaw Enforcement Officer who has reasonable grounds to believe that any person has contravened any provision of this bylaw shall:
 - (a) in the case of a contravention set out in Schedule "C" serve upon such person an offence ticket allowing for payment of the specified penalty to The City in lieu of prosecution of the offence;
 - (b) in all other instances serve upon such person a summons requiring the person to appear in court.
- (5) In addition to any penalty(s) the person must pay the applicable license fee(s).

16 EXEMPTIONS

Notwithstanding any other provision in this bylaw the License Inspector may grant an exemption for the following;

- (1) Taxi's licensed under the Taxi Business Bylaw;
- (2) City of Red Deer Transit Services;
- (3) private courtesy transportation such as provided by a car dealership or garage for its customers, and
- (4) busing operations connected with adult or senior living residences.

- (5) busing operations connected with Public or Separate School Boards

16 TRANSITIONAL

Notwithstanding anything in this bylaw, a Limousine Service in existence as at the date of this bylaw shall not be guilty of the offence of not having a license, provided that the Limousine Service is in possession of a license by noon of **October 1, 2007.**

READ A FIRST TIME IN OPEN COUNCIL this 18th day of June 2007
READ A SECOND TIME IN OPEN COUNCIL this day of 2007
READ A THIRD TIME IN OPEN COUNCIL this day of 2007
AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2007

MAYOR

CITY CLERK

Schedule A - FEES

All Licenses expire January 31 of the following year in which they were issued

Resident Limousine Service License	200.00
Resident Single Event Limousine License - one per calendar year	100.00
Non-Resident Limousine Service License	\$400.00
Non-Resident Single Event Limousine License - one per calendar year	\$200.00
Limousine Vehicle Identification License	40.00
Chauffeur License	35.00
Limousine Vehicle Identification License - Replacement or Transfer	35.00
Re-instatement Fee – Any License	100.00

Schedule B - FARES

The minimum fare a Limousine Service may charge is \$60.00 per hour or any portion thereof.

Schedule C - FINES

		<u>1st Offence</u>	<u>2nd Offence</u>	<u>3rd Offence</u>
3 (1)	Operating without a Limousine License	\$500.00	\$1000.00	Mandatory Court Appearance
3 (1)(c)	Operating without a Limousine Vehicle Identification License	\$250.00	\$500.00	Mandatory Court Appearance
4 (1)	Operating without a Chauffeur License	\$250.00	\$500.00	Mandatory Court Appearance
8 (1)(b)	Picking up passengers in marked taxi zone/stand or accepting non-pre-scheduled passengers	\$250.00	\$500.00	Mandatory Court Appearance
8 (1)(c) 8 (1)(d)	Failing to have the proper documents	\$250.00	\$500.00	Suspension

BYLAW NO. 3394/2007

A Bylaw to License and Regulate the use of Limousines and Sedans for hire within the limits of The City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1 This Bylaw may be cited as the Limousine and Sedan Bylaw.

2 **DEFINITIONS**

In this Bylaw unless otherwise specified:

"Bylaw Enforcement Officer" means any person authorized to enforce City bylaws and includes the License Inspector;

"Chauffeur" means any person who is in possession of a current and valid City of Red Deer Chauffeur License;

"Chauffeur License" means a license issued to a person for the purpose of driving a limousine or sedan;

"License Inspector" means the Inspections and Licensing Manager for The City or any designated member of the Inspections and Licensing Department for The City;

"Limousine" means a motor vehicle for hire, not equipped with a meter, to transport persons, which has a minimum seating capacity of five (5) passengers in the rear compartment which shall include, but is not limited to, formal limousine, stretched limousine, super, mega and ultra stretched limousines

"Limousine Service" means the business of providing limousines for transporting persons;

"Limousine Vehicle Identification License" means The City of Red Deer identification issued under this bylaw for attachment to a limousine vehicle;

"Mechanical Fitness Report" means a form approved by the License Inspector and signed by a licensed mechanic which shall contain such information as the License Inspector may require but in any event shall certify that the vehicle is safe, fit and include information as to the safety and condition of the steering mechanism, brake system, bodywork, including conditions of doors and locks,

windows, electrical light and signal systems, exhaust system, tire wear and condition and that the vehicle is suitable to convey passengers;

“Motor Vehicle for hire” means a vehicle propelled by any power other than muscular power

“Non-resident” means a person, business or corporation that is not a resident as defined in this bylaw.

“Peace Officer”, “Special Constable”, and “Bylaw Enforcement Officer” means any employee of The City appointed as a Special Constable or Bylaw Enforcement Officer and any member of the Canadian Corps of Commissionaires or the City Detachment of the R.C.M.P. appointed or assigned to enforce the provisions of this bylaw;

“Person” means a natural person or body corporate and includes a partnership, a group of persons acting in concert, or an association;

“Pre-scheduled” means a minimum of one (1) hour before a trip begins

“Resident” means a person, business or corporation that has a business location in the city of Red Deer with a valid Occupancy Permit or resides in the city of Red Deer, and has a valid Home Occupation License for a Limousine or Sedan Service;

“Sedan” means a full sized, four door, motor vehicle for hire, not equipped with a meter, to transport persons. which has a maximum seating capacity of not more than three (3) passengers in the rear compartment.

“Sedan Service” means the business of providing sedans for transporting persons;

“Sedan Vehicle Identification License” means The City of Red Deer identification issued under this bylaw for attachment to a sedan vehicle;

“Single Event” means the use of a Limousine or Sedan in a twenty four (24) hour period once in a calendar year”.

3 LICENSES – BUSINESS AND VEHICLES

ALL APPLICANTS

- (1) No person shall operate a Limousine Service or Sedan Service or Limousine or Sedan without the following:

- (a) a valid Occupancy Permit, Home Occupation License or Non Resident Business License obtained pursuant to The City of Red Deer bylaws,
 - (b) a City of Red Deer Chauffeur License,
 - (c) a Limousine Vehicle or Sedan Vehicle License Identification tag attached to each Limousine or Sedan as issued hereunder.
- (2) Any person who wishes to operate a Limousine Service or Sedan Service or Limousine Vehicle or Sedan Vehicle shall obtain the applicable licenses by making application to the License Inspector and paying the applicable fee as set out in Schedule "A".
- (3) All applications shall be in writing and shall include identification of the registered owner, mechanical inspection, and proof of valid insurance with respect to all limousines and sedans to be used and the following information:

NON-CORPORATION

- (i) full name, address and telephone number of the business and the individual completing the application;
- (ii) list of all convictions, both criminal and traffic, in any jurisdiction;
- (iii) such other information as the License Inspector may reasonably require.

CORPORATION

- (iv) corporate name, business address and telephone number of the corporation and the individual completing the application;
- (v) copy of minutes and articles of incorporation, Certificate of Incorporation and Certificate of Good Standing with respect to the corporation;
- (vi) full name, address and telephone number of all shareholders, directors and office holders of the corporation;
- (vii) list of all convictions of the corporation, its shareholders and directors both criminal and traffic in any jurisdiction;
- (viii) such other information that the License Inspector may reasonably require.

4 CHAUFFEUR LICENSES

- (1) No person shall drive a Limousine or Sedan or act as a Limousine or Sedan Chauffeur without being in possession of a valid City of Red Deer Chauffeur License obtained pursuant to this bylaw. A licensed automotive mechanic may perform a test drive and not be in breach of this section.
- (2) Any person who wishes to drive a Limousine or Sedan or act as a Limousine or Sedan Chauffeur shall obtain the applicable license by making application to the License Inspector and paying the applicable fee set out in Schedule "A".
- (3) The application shall be in writing and shall contain the following information:
 - (a) full and correct name, address and telephone number of the applicant as well as the name and current address of the licensed business employing the applicant;
 - (b) evidence that the applicant is properly licensed under the laws of the Province of Alberta for the class of vehicle that will be operated;
 - (c) current abstract of driving record from the Province of Alberta and from any territory or Province where the applicant has previously had a drivers license, dated within 30 days of application date;
 - (d) a list of all convictions, criminal, traffic and otherwise in any jurisdiction;
 - (e) such other information that the License Inspector may reasonably require;
 - (f) on initial application, evidence the applicant has completed a driver improvement course recognized by the City, taken within 6 months of application OR proof the applicant is registered to take a driver improvement course within 30 days of application date.

5 TERM AND RENEWAL OF LICENSES

- (1) A Chauffeurs License shall be valid until January 31 in the year following the year in which it was issued. An application for a new license may be made at any time during the year.

- (2) A Limousine Business License or Sedan Business License shall be valid until January 31 in the year following the year in which it was issued. An application for a new license may be made at any time during the year.
- (3) A Limousine Vehicle Identification License or Sedan Vehicle Identification License shall be valid until January 31 in the year following the year in which it was issued. An application for a new license may be made at any time during the year.
- (4) A renewal application for any license required by this bylaw shall be made no later than January 31 of the year for which the license is to be renewed. If a renewal application is not received by January 31, it will be deemed expired and a new application will be required.

6 DUTY TO ADVISE OF CHANGE IN INFORMATION

A licensee must advise The City of any changes in the information required under Sections 3 and 4;

- (a) on an application to renew its license; and
- (b) during the currency of any license, within 30 days of any changes to such information.

7 TRANSFER OF VEHICLE IDENTIFICATION LICENSE TO ANOTHER VEHICLE

- (1) Should a vehicle licensee desire to substitute another limousine or sedan motor vehicle for any limousine or sedan motor vehicle for which an identification tag has been issued, such licensee shall deliver to the License Inspector the identification tag issued and the information concerning the limousine or sedan motor vehicle to be substituted as the License Inspector may require, including;
 - a) a Mechanical Fitness Report;
 - b) evidence of registration;
 - c) evidence of insurance;
 - d) such other information as the License Inspector may reasonably require to ensure conformity with this bylaw.
- (2) When the License Inspector is satisfied that the motor vehicle proposed to be substituted complies with this bylaw and is safe, fit and suitable for use and that the above conditions have been met, he shall, upon payment by the licensee of the fee required in Schedule "A", reissue to the licensee the vehicle identification tag for the motor vehicle so substituted.

8 OPERATING REQUIREMENTS

- (1) A person operating a Limousine or Sedan or Limousine service or Sedan service;
 - (a) shall not operate on a fixed or scheduled route
 - (b) shall not cruise city streets or highways for the purpose of soliciting work;
 - (c) shall not occupy a marked taxi stand
 - (d) shall not pick up passengers in a marked taxi zone or taxicab stand
 - (e) Shall not accept passengers unless the service was previously scheduled a minimum of one (1) hour in advance;
 - (f) shall ensure all trips are pre-scheduled, contracts are signed and log books are kept in the vehicle, as to the date and time the trip is booked, the date and time of the trip, number of passengers, place of pick up and destination for each trip;
 - (g) shall ensure all signed contracts and log books are kept safe and secure for a minimum of one year from the time of the trip.
 - (h) shall ensure that when on duty will present a clean, neat and well groomed appearance and
 - (i) shall wear clothing that is neat, clean and appropriate for transporting persons.
 - (j) shall ensure the minimum rates are charged in accordance with Schedule B.

9 POWERS OF LICENSE INSPECTOR

- (1) The License Inspector is hereby authorized to:
 - (a) inspect or cause to be inspected any vehicle which is used to provide services under this bylaw;

- (b) refuse to issue or renew any license where, in the reasonable opinion of the License Inspector, the applicant does not comply with the requirements of this bylaw;
- (c) revoke or suspend any license if, in the reasonable opinion of the License Inspector, the licensee has not complied with or is breaching any provision of this bylaw;
- (d) revoke or refuse to issue a Chauffeur License under this bylaw where, in the reasonable opinion of the License Inspector, the person applying for a license or to whom a license has been issued:
 - (i) has a driving record which makes the driver unfit to drive a public conveyance;
 - (ii) the character, conduct or state of health makes the driver unfit to drive a public conveyance;
 - (iii) the driver does not comply with the requirements or is in breach of any of the provisions of this bylaw;
- (e) require a driver to undergo additional driver improvement or driver training courses;
- (f) prescribe and authorize the forms, licenses and certificates to be used or issued under this bylaw.

10 INSPECTION OF DOCUMENTS

Every licensee under this bylaw shall upon the demand of the License Inspector, Bylaw Enforcement Officer or Peace Officer produce any license or document, which the licensee may be required to have under this bylaw.

11 MECHANICAL FITNESS OF VEHICLES

- (1) The License Inspector may require any vehicle used to provide services under this bylaw to undergo such inspections for safety and mechanical fitness and to undergo such repairs as in the reasonable discretion of the License Inspector is deemed necessary for the safety of the public; such inspections are not limited to but may include as follows:
 - (a) the yearly provision of a Mechanical Fitness Report prepared by a licensed mechanic;

- (b) the repair and correction of any deficiencies and the provision of a further Mechanical Fitness Report confirming same.
- (2) All costs of inspections and repairs shall be paid for by the licensee.
- (3) No person shall obstruct or interfere with any inspection required under this bylaw.

12 APPEAL

A decision of the License Inspector made pursuant to Sec. 9 (1),(b),(c), and (d) of this bylaw may be appealed to City Council on written notice of appeal delivered to the License Inspector not later than 30 days following such decision.

13 ANNUAL LICENSE FEES

The License Fees under this bylaw are set out in Schedule "A" annexed hereto and made part of this bylaw.

14 RATES TO BE CHARGED FOR LIMOUSINE OR SEDAN SERVICES

The minimum rate to be charged for the hire of a Limousine or Sedan is set out in Schedule "B" annexed hereto and made part of this bylaw. There shall be no charges for portions of an hour for the first hour. After the first hour, portions of no less than half hour increments may be charged.

15 OFFENCES AND PENALTIES

- (1) Any person who contravenes the provisions of this bylaw shown in Schedule "C" is guilty of an offence and liable to pay a fine as specified in Schedule "C" which is annexed hereto and made part of this bylaw.
- (2) Any person who contravenes a provision of this bylaw not listed in Schedule "C" is guilty of an offence and liable upon summary conviction to pay a fine of not less than \$250.00 and not more than \$2500.00 and in default of payment to imprisonment for a period not exceeding 6 months.
- (3) Any person who contravenes any provision of this bylaw and is found guilty of a second or subsequent offence is liable upon summary conviction to pay a fine of not less than \$5000.00 and not more than

\$10,000.00 and in default of payment to imprisonment for a period not exceeding six months.

- (4) A Peace Officer, License Inspector, or Bylaw Enforcement Officer who has reasonable grounds to believe that any person has contravened any provision of this bylaw shall:
 - (a) in the case of a contravention set out in Schedule "C" serve upon such person an offence ticket allowing for payment of the specified penalty to The City in lieu of prosecution of the offence;
 - (b) in all other instances serve upon such person a summons requiring the person to appear in court.
 - (c) authorize the removal, or cause to be removed, any vehicle found operating in contravention of this bylaw.
 - (i) No impounded vehicle shall be released to its owner or his agent until the impounding charge and removal charge on the vehicle have been paid, such charges shall be in addition to any fine or penalty imposed in respect of any such violation, or to any payment made in lieu of prosecution herein provided. The City is not responsible for impounding, towing, or removal charges.
- (5) In addition to any penalty(s) the person must pay the applicable license fee(s).

16 EXEMPTIONS

Notwithstanding any other provision in this bylaw the License Inspector may grant an exemption for the following;

- (1) Taxi's licensed under the Taxi Business Bylaw;
- (2) City of Red Deer Transit Services;
- (3) private courtesy transportation such as provided by a car dealership or garage for its customers, and
- (4) transporting operations connected with adult or senior living residences for which no fee is charged,
- (5) busing operations connected with Public or Separate School Boards

- (6) motor vehicles used in the course of providing care to clients who require personal assistance with activities of daily living.
- (7) Funeral vehicles operating within the scope of a funeral service.

17 GENERAL

- (1) All Limousine Business, Sedan Business and Chauffeur licenses issued pursuant to this bylaw are the property of the City and may not be transferred.
- (2) No license may be issued or renewed if the applicant, or any individual or corporation named in the application, has an unpaid fine owing to the City for an offence under this bylaw.
- (3) A copy of a record of the City, certified by the Inspections and Licensing Manager as a true copy of the original, shall be admitted as evidence as prima facia proof of the facts stated in the record without proof of the appointment or signature of the person signing it.
- (4) In any prosecution for an offence, where a question arises as to whether a person had a valid and subsisting License, the burden is on that person to establish that the License was valid and subsisting.

18 SEVERABILITY

The invalidity of any provision of this Bylaw shall not affect the validity of the remainder.

19 TRANSITIONAL

Notwithstanding anything in this bylaw, a Limousine Service, Limousine vehicle, Sedan Service, Sedan vehicle or chauffeur in existence as at the date of this bylaw shall not be guilty of the offence of not having a license, provided that they are in possession of a valid license(s) by noon of October 1, 2007.

READ A FIRST TIME IN OPEN COUNCIL this	day of	2007
READ A SECOND TIME IN OPEN COUNCIL this	day of	2007
READ A THIRD TIME IN OPEN COUNCIL this	day of	2007
AND SIGNED BY THE MAYOR AND CITY CLERK this	day of	2007

MAYOR

CITY CLERK

Schedule A - FEES

All Licenses expire January 31 of the following year in which they were issued

YEAR	2007	2008
Resident Limousine Service License	\$ 65.00	\$ 200.00
Resident Single Event Limousine License - one per calendar year	35.00	100.00
Non-Resident Limousine Service License	135.00	400.00
Non-Resident Single Event Limousine License - one per calendar year	65.00	200.00
Limousine Vehicle Identification License	15.00	40.00
Chauffeur License	10.00	35.00
Resident Sedan Service License	65.00	200.00
Resident Single Event Sedan License - one per calendar year	35.00	100.00
Non-Resident Sedan Service License	135.00	400.00
Non-Resident Single Event Sedan License - one per calendar year	65.00	200.00
Sedan Vehicle Identification License	15.00	40.00
Limousine or Sedan Vehicle Identification License - Replacement or Transfer	35.00	35.00
Re-instatement Fee – Any License	100.00	100.00

Schedule B - RATES**SEDAN**

A minimum rate of \$60.00 shall be charged for the first hour. After the first hour, portions of no less than half hour increments may be charged.

LIMOUSINE

A minimum rate of \$100.00 shall be charged for the first hour. After the first hour, portions of no less than half hour increments may be charged.

There will be an annual rate increase applied to each rate. It will be calculated by using the amount of the Alberta average Consumer Price Index (CPI) rounded to the nearest dollar and will be effective October 1 of each year, starting October 2008.

Schedule C - FINES

		<u>1st Offence</u>	<u>2nd & subsequent Offence</u>
3 (1)(a)	Operating without a Limousine Business or Sedan Business License	\$1500.00	Mandatory Court Appearance
3 (1)(c)	Operating without a Limousine Vehicle or Sedan Vehicle Identification License	\$1500.00	Mandatory Court Appearance
4 (1)	driving without a Chauffeur License	\$1500.00	Mandatory Court Appearance
8 (1)(a)	Operate on fixed route	\$1000.00	Mandatory Court Appearance
8 (1)(b)	Cruising city street or highway	\$1000.00	Mandatory Court Appearance
8 (1)(c)	Occupy a marked taxi stand	\$1000.00	Mandatory Court Appearance
8 (1)(d)	Picking up passengers in marked taxi zone/stand	\$1000.00	Mandatory Court Appearance
8 (1)(e)	Picking up non-pre-scheduled passengers	\$1000.00	Mandatory Court Appearance
8 (1)(f) 8 (1)(g)	Failing to have the proper documents	\$1000.00	Suspension
8 (1)(j)	Not ensuring minimum rate charged	\$1000.00	Suspension

Item No. 3

BYLAW NO. 3217/G-2007

Being a bylaw to amend Bylaw No. 3217/98, the bylaw containing The City of Red Deer Neighbourhood Area Structure Plans.

COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, ENACTS AS FOLLOWS:

- 1 Bylaw No. 3217/98 containing the City of Red Deer Neighbourhood Area Structure Plans is hereby amended by adding thereto the Timberlands Neighbourhood Area Structure Plan attached as Appendix 'A' hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 3rd day of July 2007.

READ A SECOND TIME IN OPEN COUNCIL this day of 2007.

READ A THIRD TIME IN OPEN COUNCIL this day of 2007.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2007.

MAYOR

CITY CLERK

**"Appendix "A" of the Timberlands
Neighbourhood Area Structure Plan is
submitted as an attachment to this agenda**

Item No. 4

BYLAW 3282/A-2007

Being a bylaw to amend Bylaw No. 3282/2001, the Taxi Business Bylaw of The City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3282/2001 is hereby amended by:

- 1 Deleting under Section 2, Title and Definitions, the definition of "Limousine" in its entirety.
- 2 Deleting Section 36 – "Limousines" in its entirety and subsequent Sections 37 to 74 are renumbered as Sections 36 to 73.
- 3 Deleting under Appeal, Section 55, the reference to "Section 51" and replacing with "Section 50".
- 4 Deleting under Offences and Penalties, Section 60 (2) the reference to "Section 61 (1)" and replacing with "Section 60 (1)".
- 5 Deleting under Offences and Penalties, Section 69, the reference to "Sections 49 and 50" and replacing with "Sections 48 and 49".
- 6 Deleting under Offences and Penalties, Section 70 the reference to "Sections 11, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, and 71," and replace with "Sections 11, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69 and 70".
- 7 Deleting under Offences and Penalties, Section 72 (a), the reference to "Section 72" and replace with "Section 71".
- 8 Deleting under "Schedule A" – "Annual License Fees, Section 7 – Non-Resident Limousine Service Fee" in its entirety.
- 9 Deleting under "Schedule B" – "Section 5 – The minimum fare to be charged for hire of a limousine shall be \$15.00" in its entirety.

READ A FIRST TIME IN OPEN COUNCIL this day of 2007.
READ A SECOND TIME IN OPEN COUNCIL this day of 2007.
READ A THIRD TIME IN OPEN COUNCIL this day of 2007.
AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2007.

MAYOR

CITY CLERK

BYLAW 3282/B-2007

Being a bylaw to amend Bylaw No. 3282/2001, the Taxi Business Bylaw of The City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3282/2001 is hereby amended by:

- 1 Deleting Subsections (b) and (c) of Schedule "B", Section 1 and replacing them with the following new Subsections:
 - "1 (b) \$0.10 for each additional 67 metres or portion thereof;
 - (c) waiting time – no charge for the first three minutes; thereafter, \$36.46 per hour, based on the proportion of the time during which the taxi waited, calculated at \$0.10 per 9.84 seconds."
- 2 This Bylaw shall come into effect October 1, 2007.

READ A FIRST TIME IN OPEN COUNCIL this day of 2007.

READ A SECOND TIME IN OPEN COUNCIL this day of 2007.

READ A THIRD TIME IN OPEN COUNCIL this day of 2007.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2007.

MAYOR

CITY CLERK

BYLAW NO. 3357/J-2007

Being a Bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of The City of Red Deer as described herein.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3357/2006 is hereby amended as follows:

- 1 In Section 1.3 the definition of commercial recreational facility is deleted in its entirety and replaced with the following new definition:

“Commercial Recreational Facility ” means a facility in which the public participate in recreational activity, and without limiting the generality of the foregoing, may include amusement arcades, billiard or pool halls, bowling alleys, fairs, gymnasiums, racquet courts, roller skating, and simulated golf but does not include a gaming or gambling establishment.

- 2 In Section 3.1, Table 3.1 Parking Requirements delete Gaming Establishment/Bingo and replace with the following:

Use	Parking Spaces
Gaming or Gambling Establishment	1.0 space per 2.3 seats

- 3 In Section 5.1 (1) (b) (xx) gaming and gambling establishment is added as a discretionary use in the C1 Permitted and Discretionary Uses Table:

5.1 (1) (b) (xx) Gaming or Gambling Establishment subject to section 5.7(1)(f)

- 4 In Section 5.2 (1) (b) (xxi) gaming and gambling establishment is added as a discretionary use in the C1A Permitted and Discretionary Uses Table:

5.2 (1) (b) (xxi) Gaming or Gambling Establishment subject to section 5.7(1)(f)

- 5 In Section 5.3 (1) (b) (xvi) gaming and gambling establishment is added as a discretionary use in the C2A Permitted and Discretionary Uses Table:

5.3 (1) (b) (xvi) Gaming or Gambling Establishment subject to section 5.7(1)(g)

- 6 In Section 5.4 (1) (b) (xvi) gaming and gambling establishment is added as a discretionary use in the C2B Permitted and Discretionary Uses Table:

5.4 (1) (b) (xvi) Gaming or Gambling Establishment subject to section 5.7(1)(g)

- 7 In Section 5.6 (1) (b) (xiv) gaming and gambling establishment is added as a discretionary use in the C4 Permitted and Discretionary Uses Table:

5.6 (1) (b) (xiv) Gaming or Gambling Establishment subject to section 5.7(1)(g)

- 8 Section 5.7 (1) (b) is deleted and replaced with the following:

5.7 (1) (b) Within C1 and C1A Districts, where a drinking establishment is proposed as an ancillary use or as the main use and where it would abut a residential area or lane or street or reserve which abuts a residential area, the developer shall provide the Development Authority with an impact statement as part of the application for a development permit, indicating measures taken to ensure that noise or visual impacts from the proposed establishment will not negatively affect the adjoining neighbourhood.

- 9 Section 5.7 (1) (e) is deleted and replaced with the following:

5.7 (1) (e) Notwithstanding uses listed in sections 5.3(1)(b), 5.4(1)(b) or 5.6(1)(a) and (b), a drinking establishment in a C2A, C2B and C4, District shall not be located where it would abut a residential area or lane or street or reserve which abuts a residential area. This prohibition shall not apply to a drinking establishment which is proposed as an ancillary use, subject to the developer providing the Development Authority as part of the application for a development permit, an impact statement being an assessment of measures to be taken to ensure that noise or visual impacts from the drinking establishment will not negatively affect adjoining properties.

- 10 Addition of Section 5.7 (1) (f):

5.7 (1) (f) Within C1, C1A and DC(6) Districts, where a gaming or gambling establishment is proposed as an ancillary use or as the main use and where it would abut a residential area or lane or street or reserve which abuts a residential area, the developer shall provide the Development Authority with an impact statement as part of the application for a development permit, indicating measures taken to ensure

that noise or visual impacts from the proposed establishment will not negatively affect the adjoining neighbourhood. The Development Authority will notify all property owners and any community association located within 65 metres of the boundary of the site which is the subject of the intended development.

11 Addition of Section 5.7 (1) (g):

5.7 (1) (g) A gaming or gambling establishment in a C2A, C2B, C4, DC(1), DC(20) and DC(20.1) District shall not be located where it would abut a residential area or lane or street or reserve which abuts a residential area. This prohibition shall not apply to a gaming or gambling establishment which is proposed as an ancillary use, subject to the developer providing the Development Authority as part of the application for a development permit, an impact statement being an assessment of measures to be taken to ensure that noise or visual impacts from the gaming establishment will not negatively affect adjoining properties.

12 Section 8.1 (1) (b) (i) gaming or gambling establishment is added as a discretionary use in the DC(1) Permitted and Discretionary Uses Table:

8.1 (1) (b) Discretionary Uses:

(i) Gaming or Gambling Establishment subject to section 5.7(1) (g).

13 In Section 8.6 (1) (a) gaming or gambling establishment is added as a discretionary use in the DC(6) Permitted and Discretionary Uses Table:

8.6 (1) (a) (xvi) Gaming or Gambling Establishment subject to section 5.7 (1) (f).

14 In Section 8.20 (1) (b) gaming or gambling establishment is added as a discretionary use in the DC(20) Permitted and Discretionary Uses Table:

8.20 (1) (b) (iv) Gaming or Gambling Establishment subject to section 5.7 (1) (g).

15 In Section 8.20.1 (1) (b) gaming or gambling establishment is added as a discretionary use in the DC(21) Permitted and Discretionary Uses Table:

8.20.1 (1) (b) (xxii) Gaming or Gambling Establishment subject to section 5.7 (1) (g).

READ A FIRST TIME IN OPEN COUNCIL this day of 2007.

READ A SECOND TIME IN OPEN COUNCIL this day of 2007.

READ A THIRD TIME IN OPEN COUNCIL this day of 2007.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2007.

MAYOR

CITY CLERK



Personnel

DATE: July 27, 2007

TO: City Clerk

FROM: Rachelle Stenhouse, Labour Relations Coordinator
Marge Wray, Human Resources Manager

SUBJECT: IBEW Local 254 Memorandum of Agreement in the Negotiations of the Collective Agreement Expiring March 3, 2007.

EXECUTIVE SUMMARY

On November 20, 2006, The City of Red Deer was served notice by IBEW Local 254 to commence Collective Bargaining to renew the Collective Agreement expiring on March 3, 2007.

The Bargaining Committee for The City of Red Deer entered into negotiations for the renewal of the collective agreement in January of 2007. After several days of negotiations and the completion of the mediation process, the parties signed of a Memorandum of Agreement on July 26, 2007.

The Memorandum of Agreement was presented to IBEW members on Thursday, July 26th and Monday, July 30th, 2007. The MOA was successfully ratified.

NON-MONETARY ITEMS

The bargaining committees negotiated language and amendments to the collective agreement with respect to process for trouble call-ins, safety and fire retardant clothing, and the grievance process.

In addition, there were a number of housekeeping items that the parties addressed during bargaining.

MONETARY ITEMS

March 4, 2007 – 5.5% Annual Wage Adjustment to all classifications
March 4, 2008 – 5.5% Annual Wage Adjustment to all classifications

These percentage monetary increases were also applied to the standby premium.

The monetary adjustments are in keeping with similar settlements in this sector and the CPI for Alberta.

RECOMMENDATION

The bargaining committee for The City of Red Deer respectfully recommends that City Council approve the Memorandum of Agreement signed on Thursday, July 26, 2007.

FILE



Council Decision – July 30, 2007

Legislative & Administrative Services

DATE: July 31, 2007

TO: Rachelle Stenhouse, Labour Relations Coordinator
Marge Wray, Human Resources Manager

FROM: Kelly Kloss, Legislative & Administrative Services Manager

SUBJECT: IBEW Local 254 Memorandum of Agreement in the Negotiations of the
Collective Agreement Expiring March 3, 2007

Reference Report:

Labour Relations Coordinator, dated July 27, 2007

Resolutions:

"Resolved that Council of the City of Red Deer hereby approves the Memorandum of Agreement with IBEW, for a March 4, 2007 to March 3, 2009 Collective Agreement as ratified by IBEW Local 254 on July 30, 2007, and as presented to Council on July 30, 2007."

Report Back to Council: No

A handwritten signature in black ink, appearing to read 'KK' or similar initials.

Kelly Kloss
Manager
/chk

July 30, 2007

The City ratifies agreement with IBEW Local 254

(Red Deer, Alberta) – City Council ratified a new two-year collective agreement with IBEW Local 254. The agreement is effective March 4, 2007 and runs until March 3, 2009.

This union represents employees in The City's Electric Light and Power department. This department's primary responsibility is to plan, build, operate and maintain Red Deer's electric transmission and distribution facilities to reliably deliver power to every customer in The City's service area.

The parties completed bargaining after several days of negotiations and the completion of a mediation process. IBEW members ratified the agreement on Monday, July 30, 2007.

The City of Red Deer will increase wage rates for their IBEW employees 5.5% over both years of the agreement.

Negotiations proceeded well in an atmosphere of trust and mutual respect. Both parties to the agreement are satisfied that it meets current and future needs.

For more information, please contact:

Marge Wray
Human Resources Manager
403.342.8149

Carter Woloszyn
Assistant Business Manager, IBEW Local 254
780.968.5553