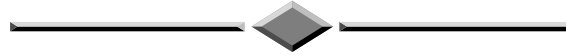




## A G E N D A



FOR THE *REGULAR MEETING OF RED DEER CITY COUNCIL*

TO BE HELD IN

THE COUNCIL CHAMBERS, CITY HALL

*MONDAY, November 16, 2009*

COMMENCING AT 3:00 P.M.



- (1) Confirmation of the Minutes of the Regular Meeting of Monday, October 19, 2009, Monday, November 2, 2009 – Organization Review, and Monday, November 2, 2009 – Regular Council Meeting.
- (2) **UNFINISHED BUSINESS**
  1. Legislative and Administrative Services Manager – *Re: Veterans Recognition Program* ..1
- (3) **PUBLIC HEARINGS**
  1. Legislative and Administrative Services Manager – *Re: Land Use Bylaw Amendment 3357/X-2009* ..3  
(Consideration of Second & Third Readings)
  2. Parkland Community Planning Services – *Re: Land Use Bylaw Amendment 3357/L-2009 – Escarpment Areas* ..5  
(Consideration of Second & Third Readings)

(4) **REPORTS**

1. Parkland Community Planning Services - *Re: Land Use Bylaw Amendment 3357/Z-2009 - Proposed Secondary Suite Regulations* ..26
2. Parkland Community Planning Services - *Re: Land Use Bylaw Amendment 3357/HH-2009 - Husky Oil Limited - R3 Residential (Multiple Family) District to C1 Commercial (City Centre) District 4505-49<sup>th</sup> Avenue, Lot 40, Block 23, Plan 082 5950* ..42

(5) **CORRESPONDENCE**

(6) **PETITIONS AND DELEGATIONS**

(7) **NOTICES OF MOTION**

(8) **ADMINISTRATIVE INQUIRIES**

(9) **BYLAWS**

1. **3357/X-2009** – Land Use Bylaw Amendment ..47  
(2<sup>nd</sup> and 3<sup>rd</sup> Readings) ..3
2. **3357/L-2009** – Land Use Bylaw Amendment – *Escarpment Areas* ..48  
(2<sup>nd</sup> and 3<sup>rd</sup> Readings) ..5
3. **3357/Z-2009** – Land Use Bylaw Amendment – *Proposed Secondary Suite Regulations* ..116  
(1<sup>st</sup> Reading) ..26

- |    |  |       |
|----|--|-------|
| 4. | <b>3357/HH-2009 - Land Use Bylaw Amendment - <i>Husky Oil Limited R3 Residential (Multiple Family) District to C1 Commercial (City Centre) District 4505-49<sup>th</sup> Avenue, Lot 40, Block 23, Plan 082 5950</i></b> | ..122 |
|    | (1 <sup>st</sup> Reading)  | ..42  |

(10) **COMMITTEE OF THE WHOLE**

1. Land & Economic Development Manager and Land & Economic Development Officer – *Re: Negotiations*

**\*\*That the Recommendation, Report and Attachments remain confidential following the in-camera session pursuant to Sections 23 (1)(b), 24 (1)(a)(g) and 25 (1)(b) of the *Freedom of Information and Protection of Privacy Act*\*\***

Unfinished Business Item No. 1



**DATE:** November 16, 2009

**TO:** City Council

**FROM:** Elaine Vincent, Legislative & Administrative Services Manager

**SUBJECT:** Veteran Recognition Program

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*History:*

At the Monday September 21, 2009 Council Meeting consideration of the Veteran Recognition Program report was tabled for up to two months as per the resolution noted below:

*“Resolved* that Council of the City of Red Deer, agrees to table the report from the Bylaw Research Coordinator, dated August 28, 2009, Re: Veteran Recognition Program, for up to two months.”

*Recommendation:*

That Council consider

- 1) Passing a resolution lifting from the table consideration of the Veteran Recognition Program;
- 2) Passing a resolution to further table the Veteran Recognition Program for a further 3 months.

A handwritten signature in cursive script, appearing to read 'Elaine Vincent'.

Elaine Vincent  
Manager



***Comments:***

We support the recommendation of Administration.

“Morris Flewwelling”  
Mayor

“Craig Curtis”  
City Manager



Council Decision – November 16, 2009

DATE: November 17, 2009  
TO: Julia Townell, Bylaw Research Coordinator  
FROM: Elaine Vincent, Legislative & Administrative Services Manager  
SUBJECT: Veteran Recognition Program

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*Reference Report:*

Legislative and Administrative Services Manager, dated November 16, 2009

*Resolution:*

*"Resolved* that Council of the City of Red Deer having considered the report from the Legislative and Administrative Services Manager, dated November 16, 2009 **Re: Veteran Recognition Program** hereby agrees to table the Veteran Recognition Program up to 3 months."

MOTION CARRIED

*Report Back to Council:* Yes

A handwritten signature in blue ink, appearing to read 'Elaine Vincent'.

Elaine Vincent  
Legislative and Administrative Services Manager

c: Director of Development Services  
Inspections & Licensing Manager



Public Hearing No. 1

**DATE:** November 16, 2009  
**TO:** City Council  
**FROM:** Elaine Vincent, Legislative & Administrative Services Manager  
**SUBJECT:** Land Use Bylaw Amendment 3357/X-2009

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*History:*

At the Monday, October 19, 2009 Council Meeting, Land Use Bylaw Amendment 3357/X-2009 received first reading. This Bylaw was advertised in the Red Deer Advocate on October 30, 2009 and November 6, 2009.

Land Use Bylaw Amendment 3357/X-2009 allows for changes to Section 4.7(8)(i) for the revocation of a home occupation license by the License Inspector to be appealable to the Red Deer Appeal & Review Board instead of appealable to Council.

*Recommendation:*

That Council consider:

- 1.) Second and Third Reading of Land Use Bylaw Amendment 3357/X-2009.

A handwritten signature in cursive script, appearing to read 'Elaine Vincent'.

Elaine Vincent  
Manager

***Comments:***

We support the recommendation of Administration.

“Morris Flewwelling”  
Mayor

“Craig Curtis”  
City Manager

**FILE COPY**



**Council Decision – November 16, 2009**

**DATE:** November 17, 2009  
**TO:** Frieda McDougall, Deputy City Clerk  
**FROM:** Elaine Vincent, Legislative & Administrative Services Manager  
**SUBJECT:** Land Use Bylaw Amendment 3357/X-2009

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*Reference Report:*

Legislative and Administrative Services Manager, dated November 16, 2009

*Bylaw Readings:*

At the Monday, October 19, 2009 Council Meeting, Land Use Bylaw Amendment 3357/X-2009 received first reading. This Bylaw was advertised in the Red Deer Advocate on October 30, 2009 and November 6, 2009. At the Monday, November 16, 2009 Council Meeting, Land Use Bylaw Amendment received second and third readings. A copy of the bylaw is attached.

*Report Back to Council:* No

A handwritten signature in purple ink, appearing to read 'E Vincent'.

Elaine Vincent  
Legislative and Administrative Services Manager

/attach.

c: Legislative Assistant, Sanja Milinovic



**DATE:** November 16, 2009

**TO:** City Council

**FROM:** Elaine Vincent, Legislative & Administrative Services Manager

**SUBJECT:** Land Use Bylaw Amendment 3357/L-2009 – Escarpment Areas

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***History:***

At the Monday, August 24, 2009 Council Meeting, Land Use Bylaw Amendment 3357/L-2009 was tabled for four weeks. At the Monday, September 21, 2009 Council Meeting, Land Use Bylaw Amendment 3357/L-2009 was further tabled to the Monday, October 5, 2009 Council Meeting. At the Monday, October 19, 2009 Council Meeting, Land Use Bylaw Amendment 3357/L-2009 received first reading. This Bylaw was advertised in the Red Deer Advocate on October 30, 2009 and November 6, 2009.

Land Use Bylaw Amendment 3357/L-2009 is proposed to further refine and improve the current *Land Use Bylaw* regulations. The escarpment areas have been tailored using data verified by a qualified geotechnical engineer. They are a better assessment of the risks associated with development in each escarpment area. The Guidelines will standardize and clarify the internal process for processing permit applications in escarpment areas. Property owners will know forthright what information is required, who can provide the information and that the City will not be responsible for losses association with development in higher risk escarpment areas.

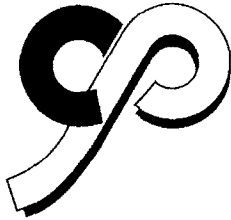
***Recommendation:***

That Council consider:

- 1.) Second and Third Reading of Land Use Bylaw Amendment 3357/L-2009.

A handwritten signature in black ink, appearing to read 'Elaine Vincent', with a large, stylized loop at the end.

Elaine Vincent  
Manager

**PARKLAND  
COMMUNITY  
PLANNING  
SERVICES**

Originally submitted to Council on Monday,  
October 19, 2009.

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:** October 2, 2009

**TO:** Elaine Vincent, Manager, Legislative and Administrative Services

**FROM:** Tara Lodewyk, Planner

**RE:** *Land Use Bylaw* amendment 3357/L-2009, Map 5/2009  
EscarPMENT Areas

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**Background**

Parkland Community Planning Services (PCPS) has been working with Engineering Services to review the requirements of the *Land Use Bylaw* pertaining to escarpment areas. These requirements set out the process and regulations around development permit applications for developments, redevelopments, and clearing or grading in city escarpment areas. An escarpment area includes sites within or adjacent to an escarpment or slope which could be affected by slope instability.

**Existing Land Use Bylaw Regulations**

Currently in the *Land Use Bylaw* there are escarpment areas identified on the land use constraint maps. These were first put in place over five years ago using a standard setback of 50 metres from the escarpment or slope.

If a property owner is developing, redeveloping, and grading or clearing within the escarpment setback area they are required to provide cross sections of the slope and a geotechnical study or other satisfactory evidence showing the soil is suitable for development to the satisfaction of Engineering Services. If this was not enough information a full geotechnical study report could be requested by Engineering Services.

Engineering Services felt the current regulations could be improved in several areas. They found that the current standard setbacks were sometimes excessive on flatter slopes and not enough on steeper slopes because the standard setback distance does not factor in the height of the slope or condition of the slope. They also found that in some cases the public did not submit information that was verified by a qualified surveyor which created obstacles in applying the information and concerns with liability.

The current bylaw requires a permit if you are redeveloping, developing or clearing or grading in the escarpment area. This does not include adding fill or excavating which could affect stability.

The current regulations are also unclear as to which permit applications require Indemnity agreements. Currently, the Municipal Planning Commission (MPC) can only make an indemnity agreement a condition of the development permit.

Lastly, the information required with a permit application did not include the option of asking for a landscaping plan so Engineering Services could determine if other alterations were planned that would affect the slope stability such as underground sprinklers, planting shrubs that require heavy water, building retaining walls, etc.

**Land Use Bylaw Amendment 3357/L-2009****Page 2 of 3**

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**Proposed Amendment**

The objectives of the proposed *Land Use Bylaw* (LUB) amendment are to:

1. adopt an escarpment area setback that takes into consideration slope condition and height,
2. indemnify The City in approving all development permit applications in escarpment areas where a geotechnical assessment or investigation is required,
3. add the requirement of a legal survey or historical survey data of the slope by a qualified surveyor for inclusion in the development permit application,
4. add that a development permit is also required for excavating or adding fill in an escarpment area; and
5. add the option for Engineering Services to request a landscaping plan with a development permit application.

**1. Site Specific Setback**

Parkland Geotechnical Consulting Ltd. has recently prepared a document entitled *City of Red Deer Guidelines for Development Adjacent to Slopes (Guidelines)*. These are attached to the report. This document will be used by Engineering Services to determine safe setback distances for development when reviewing development permits for sites in escarpment areas. The Guidelines also establish the escarpment area setbacks on the proposed land use constraint maps. These proposed setbacks are varied throughout the city based on site specific observations of the local slope condition and height. A summary map of the proposed changes to the escarpment areas is attached as the amendment affects 66 land use constraint maps in the *Land Use Bylaw*.

The proposed amendment also removes Figure 1 in the *Land Use Bylaw* because the escarpment areas are shown on the land use constraint maps in a larger and more detailed format. The information contained on Figure 1 is difficult to read in detail because it shows the whole city on one map.

**2. Indemnity Agreement**

The proposed amendment adds a section to the *Land Use Bylaw* that clearly states forthright that an indemnity agreement is signed by land owners in an escarpment area where a geotechnical assessment or investigation is required with their development permit application. These are slopes, identified in the *Guidelines*, are typically higher than 20 metres or in an active toe or former slide area. An indemnity agreement causes the land owner to be responsible for their actions and state that The City is not responsible for losses associated with any subsequent slope movement.

**3. Legal survey**

For all development permit applications in an escarpment area, the proposed amendment requires a legal survey or historical survey data completed by a qualified surveyor to verify the slope height and provide accurate cross sections. This data is needed by Engineering Services to apply the *Guidelines for Development Adjacent to Slopes*. The data is also used to confirm the slope condition and height has not recently changed with such actions as deforestation, heavy watering, heavy rainfall, etc.

The proposed amendment provides Engineering Services with the authority to ask for a geotechnical assessment or investigation by a qualified engineer. This is required when the slope height and condition are examined using the assessment matrix in the *Guidelines* and the recommendation is further assessment or investigation of the slope or escarpment. These are sites where there is a steep or high slope, active toe erosion, or former slide area. As well applicants who want to vary from the default setback distance in the *Guidelines* will also be asked to complete an investigation supporting their proposed setbacks.



**Land Use Bylaw Amendment 3357/L-2009**Page 3 of 3

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**4. Excavating or Filling in an Escarpment Area**

The proposed amendment adds the requirement for land owners in an escarpment area to obtain a development permit if they wish to excavate or add fill. This is in addition to needing a development permit for development, redevelopment, clearing or grading in an escarpment area.

**5. Landscaping Plan**

There are several landscaping actions that could affect slope stability such as underground sprinklers, shrubs that require heavy watering, building retaining walls, etc. Engineering Services would like the option of requiring a landscaping plan with the development permit application. This would typically be on escarpment area sites where a new home is being built or the yard is being redone as a result of a major redevelopment.

**Consultation**

The amendment has been circulated to City administration and City solicitors. It has their support.

Those parcels which were previously not included in the escarpment area were sent a letter explaining the change and requesting comment. Of the fifty two (52) letters sent, six people called requesting further information and/or explanation of the changes. There were no objections to the proposed changes.

The amendment was presented to the Environmental Advisory Committee for comment on September 30. They support the changes to the bylaw and feel these changes are an improvement from the existing regulations. The committee wanted to stress how important the escarpment areas are within the city and our growth areas. They look forward to providing input on further plans and policies that relate to the escarpment areas.

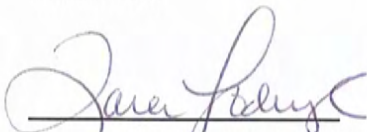
**Planning Analysis**

The proposed amendment further refines and improves the current *Land Use Bylaw* regulations. The escarpment area setbacks have been tailored using data verified by a qualified geotechnical engineer. They are a better assessment of the risk associated with development in each escarpment area. The *Guidelines* will standardize and clarify the internal process for processing permit applications in escarpment areas. Property owners will know forthright what information is required, who can provide that information and that the City will not be responsible for losses associated with development in higher risk escarpment areas.

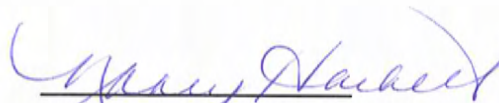
**Recommendation**

That City Council proceed with the first reading of Land Use Bylaw Amendment 3357/L-2009.

Sincerely,



Tara Lodewyk ACP, MCIP  
Planner



Nancy Hackett ACP, MCIP  
City Planning Manager

cc. Colleen Jensen, Paul Goranson, Brian Johnson, Frank Colosimo, Rebecca Clark, Tom Warder, Mark Brotherton

**CITY OF RED DEER**

**Guidelines for Proposed Development  
Adjacent to Slopes**

**CITY OF RED DEER  
GUIDELINES FOR PROPOSED DEVELOPMENT  
ADJACENT TO SLOPES**

**June 2008**

**Prepared by:**

**Parkland Geotechnical Consulting Ltd., Red Deer, AB**

**CITY OF RED DEER**

**Guidelines for Proposed Development  
Adjacent to Slopes**

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**CITY OF RED DEER****Guidelines for Proposed Development  
Adjacent to Slopes****1.0 INTRODUCTION****1.1 GENERAL OVERVIEW**

The City of Red Deer has several steep valley banks and sloped areas within the present City boundaries and perimeter areas which will conceivably join with the City in the future. These slopes include river valley escarpments, creek valley escarpments, low and high river banks, natural landforms, cut-slopes and man-made embankments. The City has commissioned development of a systematic method or Decision Matrix for assessing risk associated with development near slopes.

**1.2 REGULATORY BACKGROUND**

The present regulatory framework governing development adjacent to slopes was developed by Alberta Environment in the 1990's and is discussed in the following documents:

*"Environmental Reference Manual for the Review of Subdivisions in Alberta", November 1996*

*"Interim Guidelines for the Subdivision of Land Adjacent to Steep Valley Banks", 1994*

The guidelines in these documents have been almost universally adopted by several of the municipalities in the area including the City of Red Deer. The basic two points are:

1. The primary definition of a slope is an area with a slope of more than 15 percent (8.53 degrees or 6.7H:1V). To put this in perspective, the typical side slope for a full basement house with a rear walk out would be about 15 percent. This definition was clearly meant as a threshold to "flag" sites for more specific analysis in order to identify geotechnical issues and provide geotechnical recommendations for the proposed development. Any sites flatter than this is classified as suitable for development without further slope review. This guideline was never intended to be an absolute restriction against development.
2. The default recommendation for a top-of-slope setback is 30 m from the crest for development. This is a relatively loose guideline since it does not take into account several important factors, most importantly the height of the slope. For example, a 30 m setback for a 2 to 3 m high slope is probably far too restrictive; but in other cases such as Oriole Park West, Riverview Estates (Red Deer County) and east above Gaetz Lakes site specific slope assessments have recommended setbacks in excess of 30 m. Most municipalities allow for this setback guideline to be relaxed on the basis of a site specific slope assessment study performed by a qualified geotechnical engineer.

**CITY OF RED DEER****Guidelines for Proposed Development  
Adjacent to Slopes**

In recent years AENV has advocated the assessment of slopes areas for setbacks to private property lines in new subdivisions. It was pointed out that, even if a structure such as a house was safe from slope movement, the loss of undeveloped yard areas and temporary structures such as gazebos, decks, etc. would still be a cause for concern and might result in possible devaluation of property. Clearly this would not apply to private property such as farms or older developments with established property lines near slopes.

The City of Edmonton follows a couple of policies and practices which are of interest and have been adopted in practice by the writer. There is an understanding with geotechnical consultants in Edmonton that the City will only accept slope assessment reports which have an actual surveyed slope profile or contour survey and include documentation of a manual or computer modelled stability analysis. The City of Edmonton also has a policy to differentiate between the development and structural setback requirements. The level of risk between an area of undeveloped private property and a permanent structure on the property are different, with the risk to structures being more of a concern. The differences are discussed later in Section 2.2. Therefore two setback lines are requested in a slope assessment report: a Development Restriction Line which is closest to the crest and would apply to property lines and a Building Restriction Line which would be the closest allowable point within the property for permanent structures.

**1.3 PURPOSE OF THE DECISION MATRIX**

The purpose of Slope Assessment Matrix outlined in this document is to provide a standardized tool that can be used by the City of Red Deer to assess a reasonable default setback limit for development near the toe and crest of slopes within the City. The City policy at the time of writing in 2006 was to apply a setback of 50 m, but this type of precaution clearly doesn't apply to some of the smaller and flatter slopes within the City; and it may not be sufficient for some of the more significant local slopes and high river banks.

The second purpose of the Matrix tool is also to give development proponents a clear understanding of the level of geotechnical work expected in the development proposal to support any proposed relaxation of the default setback.

**1.4 LIABILITY**

It must be clearly understood that the proponent is responsible for the stability of the proposed development relative to the adjacent slope. The default set-back distances provided in the Decision Matrix were developed for City of Red Deer use and are only provided to the public for general information purposes. If the proponent chooses to adopt these set-back distances for his development, it must be understood this decision is taken at his own risk. For this reason the City strongly suggests that a qualified geotechnical engineer be consulted for any development near a slope.

**CITY OF RED DEER****Guidelines for Proposed Development  
Adjacent to Slopes****2.0 GENERAL COMMENTS**

Landslides are a naturally occurring process along river valley slopes, creek valley, ravines and river banks; as well as improperly designed man-made cut-slopes and embankment fills. Instabilities can range from minor on-going surficial ravelling of soil and vegetation to large earth movements associated with shear planes at greater depth in the slope profile. The more massive movements can involve relatively large slide blocks or rotational failures that can lead to significant regression of crest areas. The combination of natural and man-made factors which can lead to instabilities include:

- river erosion at the toe of the slope;
- planes of weakness in the subsoil or bedrock;
- increased groundwater levels, due to irrigation, leaking facilities or swimming pools, removal of vegetation, etc.;
- blockage of natural springs or surface drainage courses;
- grading/fill placement on or near the slope; and/or
- natural softening processes due to weathering, deforestation, freeze/thaw effects, etc.

The typical local slope failure is a series of regressive slumps. A steepened slope will slump back over time and the slide mass will run down the slope face to establish a stable slope profile for the existing soil and groundwater conditions. Over time the factor of safety of the slope will increase slightly, as vegetation is established on the slope face to protect the soil from weathering. If the toe area is subject to erosion, slumping and regression will continue, because the slope is not allowed to establish a stable profile. As a general rule, mature vegetated slopes in an area which are not subject to ongoing disturbance or erosion provide an indication of stable long-term slope angles for local materials of similar geology. Land along the crest of a steepened slope can experience cracking and shifting of the ground that can damage structures or lead to loss of property if located too close to the slope.

**2.1 SLOPE STABILITY**

The purpose of a slope assessment is to assess slope stability relative to the risk to the top of slope development, not to answer the question of is the slope stable or not. For example; what impacts would a small slide halfway down a slope face have on an existing house above the crest of the slope? In this example the slope is not stable, but the instability has no impact on the house. Slope stability is also a relative concept which is dependent on many factors. Under the present conditions most of the slopes within the City of Red Deer are stable despite some relatively steep slope angles. This is considered short term stability. However, possible impacts from changes in the slope's governing conditions such as deforestation, heavy watering, heavy rainfall or a nearby

**CITY OF RED DEER****Guidelines for Proposed Development  
Adjacent to Slopes**

water main break could cause instabilities some of the steeper slopes. If a slope is flat enough that the internal strength of soils can support slope face under a relatively wet condition, this is considered long term stability; and it is long term stability which is used to assess development risks.

Therefore, the development concern is verifying whether a proposed development is at an acceptable risk relative to possible slope movements. For example, if a slope failed and caused a 5 m strip of crest area to slide down the slope, what impact would this slide have on a structure either 6 or 50 m away from the old crest? The answer to both distances is no impact. However, the sight of a landslide 1 m away from the structure would be cause for much more concern than a slide 45 m away. Geotechnical engineers typically deal with this risk by suggesting a specific set-back distance for development from the crest to protect the development from impacts of slope movement.

For developments with significant slopes, a top-of-bank development setback is typically established to minimize risk of damage to structures and property due to slope movements. For development adjacent to natural river slope, the top-of-bank setback should be based on an assessment of factors including, but not limited to: slope height and inclination, surface conditions, subsurface stratigraphy, groundwater conditions, slope vegetation and toe erosion. Establishing the setback involves a reasonable degree of judgement since cost effective investigations can only provide limited knowledge of subsurface and surface erosion conditions. The setback is a line beyond which the risk of slope movement is judged to be low. Structures located in front of the setback line, may not necessarily experience slope movement or failure, but they are judged to be subject to a level of risk higher than what is conventionally acceptable.

For developments in the toe areas of significant slopes, a similar development setback should also be considered to minimize risk of damage to structures and property due to the run-out of the slide mass on the slope face and into the toe area. Toe area setbacks are more complicated to estimate than crest area regressions, because potential for run-out is more variable and present models have a high level of uncertainty. Therefore establishing setbacks for toe areas involves an even higher degree of judgement based on experience than crest set-backs.

## **2.2 ACCEPTED STABILITY CRITERIA**

Slope stability analysis needs to be conducted to assess potential sensitivity of the local slopes to potential development in the upland area. Slope stability is described in terms of a factor of safety (FS) against slope failure which is the ratio of total forces promoting failure divided by the sum of forces resisting failure. In general, a FS of less than 1 indicates that failure is expected and a FS of more than 1 indicates that the slope is stable. A steepened slope will slump back over time to establish a stable profile for the existing soil and groundwater conditions. The FS of a slope will increase slightly as vegetation is established on the face to protect the sub grade soil from weathering. Given the possibility of soil variation, groundwater fluctuation, erosion and other factors, slopes with FS ranging between 1.0 and 1.3 are considered to be marginally stable and a "long term" stable slope is considered to have a FS of over 1.3.

**CITY OF RED DEER****Guidelines for Proposed Development  
Adjacent to Slopes**

For top-of-bank development a FS of at least 1.3 is desired for the critical failure surface which is the failure surface with the lowest calculated FS intersecting the proposed structure or private development. Structures generally represent a higher risk and potential for loss of investment, therefore a FS of at least 1.5 is recommended for the slope or the proposed structure is "set back" a distance from the crest to provide this factor of safety. The crest is defined as the line where there is a distinct break in the grade at the top of the slope as determined by the intersection of the slope angle with the extension of upland surface grade. The set-back provides a buffer zone which might be subject to slope movement, but will provide warning to the Owner before the structure is impacted.

For land development above non-stable slopes ( $FS < 1.3$ ), the recommended practice is to provide set back limits. The upland point above the crest at which the  $FS > 1.5$  would apply to the location of permanent structures on private property (i.e. Building Restriction Line). The upland point above the crest at which the  $FS > 1.3$  would apply to private property lines in proposed developments near slopes (i.e. a Development Restriction Line). This two set-back line practice recognizes that top of bank movements could result in loss of useable property, but allows less risk sensitive development such as yard landscaping and temporary structures (decks, gazebos, etc.) between the Building and Development Restriction Lines, subject to conditions (eg. height of new fill for terraced walls). Under this system it must be accepted these yard features will be subject to a higher risk of movement than the house.

**2.3 INFLUENCES ON SLOPE STABILITY**

Two soil characteristics which are important for assessing slope stability are texture and soil strength. Texture is a terms used to describe soil particle size distribution. Fine grained soils are generally weaker and more susceptible to erosion. Coarse sands and gravels require substantially higher flows to create erosion than fine grained sands, silt and clays. Soils strength is provided by a combination of friction, cohesion and pore pressure.

- Friction is the measure of strength derived from inter-particle friction and is described as an angle which represents the natural angle of repose for the material (eg. picture the side slopes on a pile of sand).
- Cohesive strength is a measure of inter-soil particle attraction caused by factors such as chemical bonding, oxidation and suction caused by adhesion of water between clay particles in unsaturated soils (negative pore-pressure). Cohesion between clay particles can be reduced by wetting, weathering or increasing pore pressure between clay particles. Cohesion can be increased by natural drying of the soil, but significant drying may lead to desiccation and cracking which may allow future surface water to penetrate deeper into the soil. Freezing of fine clays causes drying and desiccation, while thawing usually causes softening. Cohesion is the strength component which allows clay soils to stand a steep slopes and be more resistant to short term erosion than silts or fine sands.



**CITY OF RED DEER****Guidelines for Proposed Development  
Adjacent to Slopes**

- Pore pressure is the measure of water pressure in the void spaces between soil particles. In unsaturated soils the water clings to soil particles and the adhesion of the water causes suction or negative pore pressure. Introduction of plant roots also creates inter-particle suction by drawing water from the surrounding soil. In saturated soils, the void space is filled with water which reduces negative pore pressure and cohesion, so the strength of the soil is dependent on inter-particle friction. In the short-term there may be some residual cohesion, but it will diminish over time if the soil remains saturated. In severe cases, if free water in saturated soil cannot dissipate, pore pressure may build up and force soil particles apart reducing inter-particle contact and friction.

Sand gravel is non plastic soils which derive almost all strength from the physical interaction of friction between soil particles. Clay and silt-clay mixtures are plastic soils which behave like a clay and derive strength from both cohesion and friction in an unsaturated condition.

### **3.0 LOCAL SLOPE CONDITIONS**

#### **3.1 GEOLOGY**

In simplified terms, the surface geology in the Red Deer area is has been formed by three main geologic events.

1. The Pre-glacial Red Deer River channel crosses the City on an alignment similar to the present river. This feature incised a channel into the bedrock formation and laid down a layer blanket of coarse alluvial gravel which basically covers the downtown Red Deer area and underlies some of the upland area till deposits along the toe of the north hill area.
2. The glacial period laid down a thick layer of very stiff glacial clay (till) throughout the area except for a long narrow basin aligned north south through the footprint of Red Deer roughly parallel to Highway 2 between Ponoka and Innisfail. This basin was filled by Glacial Lake Red Deer which was created by melt water from the receding glaciers and resulted in a thick layer of silty lacustrine clay being deposited on top of the till generally between Highway 2 and 30<sup>th</sup> Avenue. The areas outside of these limits typically have shallow till.
3. In the post glacial period, the present Red Deer River formed and cut a river valley through the centre of Red Deer. The river is an incised meandering channel which swings from side to side in a wide river valley causing erosion at the toe of the river valley walls on the outside bends and creating a shallow terraced flood-plain at the inside bends and transitional stretches through the river valley. The loops of the river translate downstream over time resulting in stepped terraces and ox-bow lakes, which are historical channels of the river which have been cut-off within old flood-plain terraces. The two Gaetz Lakes are examples of ox-bow lake formations. Mature river channels like the present Red Deer River become more stable and translate downstream at a slower rate.

The Red Deer is fed by Waskasoo and Piper Creek from the south. These two creeks have formed their own valleys which meet near the toe of the south hill near Rotary Park and empty into the Red Deer River west of River Glen School.

Through the City the normal Red Deer River surface slopes down moving west east from 854 m to 850 m (i.e. 1 4 m drop); and the 1:100 flood stage has a height of about 3.5 m above the normal level. The river valley of the downtown area is mainly above the flood plain with a typical elevation of about 860 m. The upland areas have a general range of elevation from 880 to 890 m with a gentle grade towards the river valley. In some of the outside bends of the river the high river bank varies from 24 to 30 m high.

The typical upland soil profile is 8 to 15 m of silty lacustrine clay, overlying silty, sandy clay till to an elevation of about 855 to 860 m. The till is underlain by a pre-glacial gravel layer (near the river) and/or silt-stone and clay shale bedrock. The downtown soil profile is 2 - 5 m of fine alluvial silt, sand and clay, overlying dense coarse sand & gravel and bedrock which is typical found at 854 m±. The toe areas along the river are characterized in some areas by a few localized shallow terraces which are typically till.

The static groundwater levels in the upland area are typically 3 to 5 m below grade, but the groundwater level drop in elevation near crest areas of the valley escarpments. The static groundwater levels in the downtown area are also 3 to 5 m below grade, but these elevations vary considerably with the river and creek surfaces due to the hydraulic connection through the highly permeable gravel in the downtown area. The upland and river valley groundwater levels are considered to be hydraulically connected, but in cases of peak precipitation springs may be created in the valley walls if the groundwater levels rise to intercept the slope surface or preferential pathways such as sandy layers in the slope face.

### **3.2 VEGETATION AND RESERVE AREA**

Much of the upland and river valley areas have been developed and areas which have not been developed are either park or farmland, which was the historic land use for the area in the past century. There is a significant area reserve land or natural park along the river and creek escarpments. Most of the reserve areas are moderately to heavily wooded with mature spruce and poplar trees. On the slope face the thickness of undergrowth is generally light and the forest floor is often matted with leaves and pine needles with some grassed clearings. Developed upland and toe areas typically are landscaped. Some clearings, including former slide areas, are now covered with new growth trees.

### **3.3 RIVER SHORE AND BED**

The Red Deer River shore typically consists of a narrow beach with a shallow slope of exposed coarse gravel. This gravel is considered to be a combination of river bed deposits and coarse grained colluvium from landslides which was too heavy for the present river flows to carry away. This gravel beach extended about 1 m above the river surface at the tie of this study. Ice patches along the shoreline indicate that the winter river levels were near the top of the gravel. Based on observations and past experience at the CP Rail, Taylor Drive and 67<sup>th</sup> Street bridges, the typical river bed consists of a

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thin layer of gravel overlying bedrock.

**3.4 RIVER EROSION**

Historical aerial photographs indicate that river erosion is causing toe erosion in the order of up to 0.5 m per year average in some of the outside bends of the river which has created high river banks. The erosion rates slow considerably on straighter reaches of the river. The river erosion appears to be event related and not continuous over time, so major erosion is expected after periods of extensive flooding. River erosion is capable of causing major landslides, such as the one observed in east Red Deer across the river from Three Mile Bend Park. The high river banks on the outside bends of the Red Deer River are over-steepened due to past or ongoing toe erosion and generally considered to be unstable ( $FS < 1$ ).

**3.5 TYPICAL MATURE SLOPE ANGLES**

The typical slope face for mature slopes that are not subject to ongoing erosion forces on the face or at the toe are a good indicator of typical stable slope angles. Based on local slope observations in the Red Deer area:

- the lacustrine silty clay slopes typically have angles of 3.5H to 4H:1V. Localized slope areas in silty clay steeper than 3.5H:1V, were considered to be susceptible to potential shallow surficial slumping under very adverse wet conditions.
- The till or bedrock in the lower slope is typically considered to be capable of standing protected at the present slope angles of 1.5 to 2H:1V.

Many very steep, and in some cases near vertical areas of lacustrine clay are present within the City. These steep slope faces are indicative of favorable short-term conditions which result in higher cohesive strength in the clay. Some local clay is estimated to be capable of standing vertical to heights of up to 5 m as long as favorable conditions exist. The fact that a clay slope is very steep should not be mistaken for long-term stability, since clay soils lose cohesion upon wetting or weathering and will eventually regress to a stable slope angle more in line with the frictional strength of the soil. In many cases the main factor holding the top part of the vertical clay face to the slope is the organic cover and tree roots.

**3.6 REVIEW OF COMMON LOCAL SLOPE FAILURE CONFIGURATIONS**

Several slope failure configurations have been known to occur in the Red Deer area. Each local slope failure is slightly different, but most can be roughly categorized as one of six basic types.

1. The most common slope movements in the Red Deer area have occurred in areas where slopes have been created or modified by man-made crest or slope face activity. In most cases these slope modifications were made with common deficiencies including, but not limited to: use of poor quality materials; placement of fill on poor quality or organic soils and other debris; placement fill to unstable angles; and placement of fill over springs without proper sub-drainage. Slope

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failures of these areas have ranged from minor slumps and slow moving creeps to major landslides. A recent example of this type of failure was the 1998 landslide on the City Barrett Park area west of 44<sup>th</sup> Avenue Close near Springbett Drive.

2. In areas of natural or cut slopes in native soils the typical slope failure is a small to moderate sized shallow slump on the slope face where a tension crack opens a scarp area on the upslope side of the slump and the slide mass rotates and runs out onto the lower slope face. The slide mass in most slump cases does not run-out past the toe of the slope. These slump failures are most common in wet lacustrine clay soils, especially cut-slope areas which are slightly steeper than long range soil strength would allow under wet conditions. Typical examples of small slumps are the cut slope failures along the 1991 CP Rail alignment near Highway 2.
3. There are several slightly larger slope failures in slopes that are not subject to toe erosion where slightly steepened upper lacustrine soils have failed at the crest or slightly back from the crest due to some change in slope condition like over-watering or deforestation. This type of failure results in a crest regression. The typical slide configuration is a rotational or block slide shape where a tension crack opens a scarp area at the crest and the slide mass rotates and runs out over the steeper lower slope area. In some of the larger local slides the run-out has flowed out into the toe area. Based on observations the typical slide deposits colluvium on the slope face and the run-out barely makes it past the toe of the slope. In the worst cases the run-out may be much as roughly 1 to 1.5 times the height of the slope. An example of this type of failure was the 1998 landslide on the City parkland west of 43A Avenue Close near Ross Street.
4. There are a couple of cases of large deep slope failures that have extended below the upper lacustrine soils into the underlying till deposits. The scarp areas are usually located at the crest or slightly back from the crest and are caused by some change in slope condition like over-watering or deforestation. This type of failure also results in potential crest regression. The typical slide configuration is a rotational or block slide shape where a tension crack opens a scarp area at the crest and the slide mass rotates and rolls or runs out over the steeper lower slope area. In some of the larger local slides the run-out has flowed out into the toe area. Based on observations this type of slide deposits colluvium with a run-out that could extend out the height of the slope. An example of this type of failure was the south area landslide on the City parkland west of Spruce Drive overlooking Piper Creek which occurred in 2007.
5. In areas of active toe erosion, like the outside bends of the river, relatively steep and in some cases high river bank slopes are created. Toe erosion along the outside bends of the Red Deer River is usually minor with occasional high erosion events tied to local river flooding. The toe regression caused by major flood events creates localized steepening of the toe area. After the floods recede, the lower portion of the slope above the new river shore flattens back to an angle in keeping with the short term strength of the slope material (soil or bedrock) which is generally between 1H and 1.5H:1V. The crest location usually

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remains constant as the slope below flattens and this create a steepening of the toe area. Ultimately, this area will steepen to a point where the profile exceeds the short term strength capabilities of the soil within the slope. At this point the crest area experiences a series of narrow slumps of near vertical clay soil near the top of the slope and the occasional larger block slides which will be in the order of 3 to 10 m wide at the crest. In summary, this type of slope is formed by a toe erosion event followed by a period of slope flattening. Therefore, the crest regression lags behind the toe erosion usually by a period years. Examples of this type of ongoing failure are below Oriole Park West and Riverview Park subdivision.

When larger block slides occur in high river banks, it is usually the slope profile in the upper lacustrine soils which fail. The slide mass of lacustrine soils flows out over the lower slope face into the river to be washed away. Over time the river will remove the slide mass or colluvium and re-establish the original shoreline, but in the short term the colluvium actually protects the shoreline from erosion. The largest example of this type of historical failure is the river valley escarpment opposite the southeast corner of Three Mile Bend Recreation Area.

6. The least common type of slope movement in the Red Deer area is a deep seated failure which extends down through the overburden soils into weak layers which may be present within the bedrock formation. These landslides are generally ancient slides which can be remobilized under certain adverse conditions. Deformations at the crest and the toe of these very large slides can cause substantial damage even though the movements are relatively small on a comparative scale to the slope area affected. There are no known slides areas of this nature within the City of Red Deer. However, there is a large ancient slide on the south river valley escarpment of the Blindman River about 3 km west of the City that was re-activated during residential development of the area in the 1990's.

### **3.7 DEVELOPMENTS IMPACTS**

Development impacts on slopes include roads embankments, commercial developments and local residential development backing and in some areas encroaching into the crest areas and onto slopes. Older residences are generally closer than newer structures. Even when private lots do not extend to the crest reserve land is often used by the local residents to extend their yards. Other historically observed development impacts of note include: underground sprinklers; temporary structures such as sheds; PVC pipe and flexible weeping tile discharging roof run-off or pool/hot tub water into the crest area; and organic debris such as grass clippings, leaves and tree branches dumped onto the slope face. A great number of the historical landslides within Red Deer can be attributed to man-made activities, especially improper infilling and lot grading along crest areas.

**CITY OF RED DEER****Guidelines for Proposed Development  
Adjacent to Slopes****4.0 ASSESSMENT MATRIX**

The proposed assessment matrix process is essentially a preliminary slope assessment to define a reasonable, but still conservative default setback distance for various areas around the City of Red Deer, based on several general conditions which govern slope stability and risk, namely:

1. Height of Slope broken into four groups (0 -8m; 8-15m; 15-20m and >20m)
2. General slope angle broken into four groups (>6H:1V; 4-6H:1V; 2-4H:1V and <2H:1V)
3. Areas of toe erosion due to river or creek action.
4. Areas of known slides where residual soil strengths will govern.

The following table outlines the default setback criteria and any special conditions which apply regarding investigation requirements.

**RECOMMENDED DEFAULT SET-BACK DISTANCE**  
**SLOPE CONDITION v.s. SLOPE HEIGHT**

	H = 0 - 8 m	H = <8 - 15 m	H = <15 - 20 m	H > 20 m
>4H:1V Rel. Gentle	5m	1H	1H	1H
2H to 4H:1V Moderate	1.5H	1.5H	2H	Investigation (30 m Min)
<2H:1V Steep	2H	2H	2.5H	Investigation (30 m Min)
Active Toe Erosion	Assessment	Investigation	Investigation	Investigation
Former Slide Area	Assessment	Investigation	Investigation	Investigation

An Escarpment Plan has been prepared by the City providing a quick reference to illustrate the default set-back distances which apply around the City, based on the governing slope conditions identified in the Matrix table above. The Map was developed for reference purposes only. The key variables of height and existing angle of the slope for a specific slope must be verified by accurate historical or site specific survey information. The default set-back requirements given above are considered to be applicable to both the crest area and the toe.

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The setback distance given is considered be for the Development Restriction line between the crest property line. It is acknowledged that existing properties may not meet this requirement. In the case of a property or existing property up for redevelopment near a slope, a distance of  $0.5H$  should be added to the set-backs above to determine the Structural Restriction Line.

## **5.0 DEVELOPMENT PROPOSAL REQUIREMENTS**

The City of Red Deer Land Use Bylaw (3357/2006) stipulates minimum requirements for proposed development, redevelopment, clearing or grading within an escarpment area. As part of the application for a development permit, the proponent for any development near a slope within the City of Red Deer must include accurate survey documentation to identify the governing case in terms of slope angle and height for the adjacent slope(s) ; and verify the default set-back distance for the development. The proposed development plan must show a representative cross-section of the slope in the escarpment area both prior to the development and following development and final grading.

The proponent is required to provide evidence to the satisfaction of the City that the site is suitable for the proposed development. The decision matrix provided in Section 4.0 is a systematic tool or method to help the Development Officer assess the risk associated with development near slopes and guide developers to provide the appropriate level of assessment required to satisfy the City that the site is suitable for the proposed development. Assessment using the Decision Matrix will result in one of four typical recommendations

1. A proposed development which meets with the applicable recommended default set-back distances provided in the preceding table will be considered to be acceptable to the City.
2. For an adjacent slope that is 8.0 m high or less, if the proposed development does not meet with the recommended default conditions in the preceding table, the developer is required to commission a qualified geotechnical engineer to perform a slope assessment to develop site specific geotechnical recommendations for the development including recommendations for the proposed Development Restriction set-back and Structural Restriction set-back.
3. For an adjacent slope that is greater than 8.0 m high, if the proposed development does not meet with the recommended default conditions outlined in the preceding section, the developer is required to commission a qualified geotechnical engineer to perform a detailed slope investigation study to develop site specific geotechnical recommendations for the development including recommendations for the proposed Development Restriction set-back and Structural Restriction set-back.
4. In the case where the default set-back in the Decision Matrix states "Investigation" or "Assessment", a site specific assessment or detail investigation report is required regardless of the slope geometry.

In the case where a slope assessment is required, the assessment must be performed by a qualified geotechnical engineer and the assessment should include as a minimum:

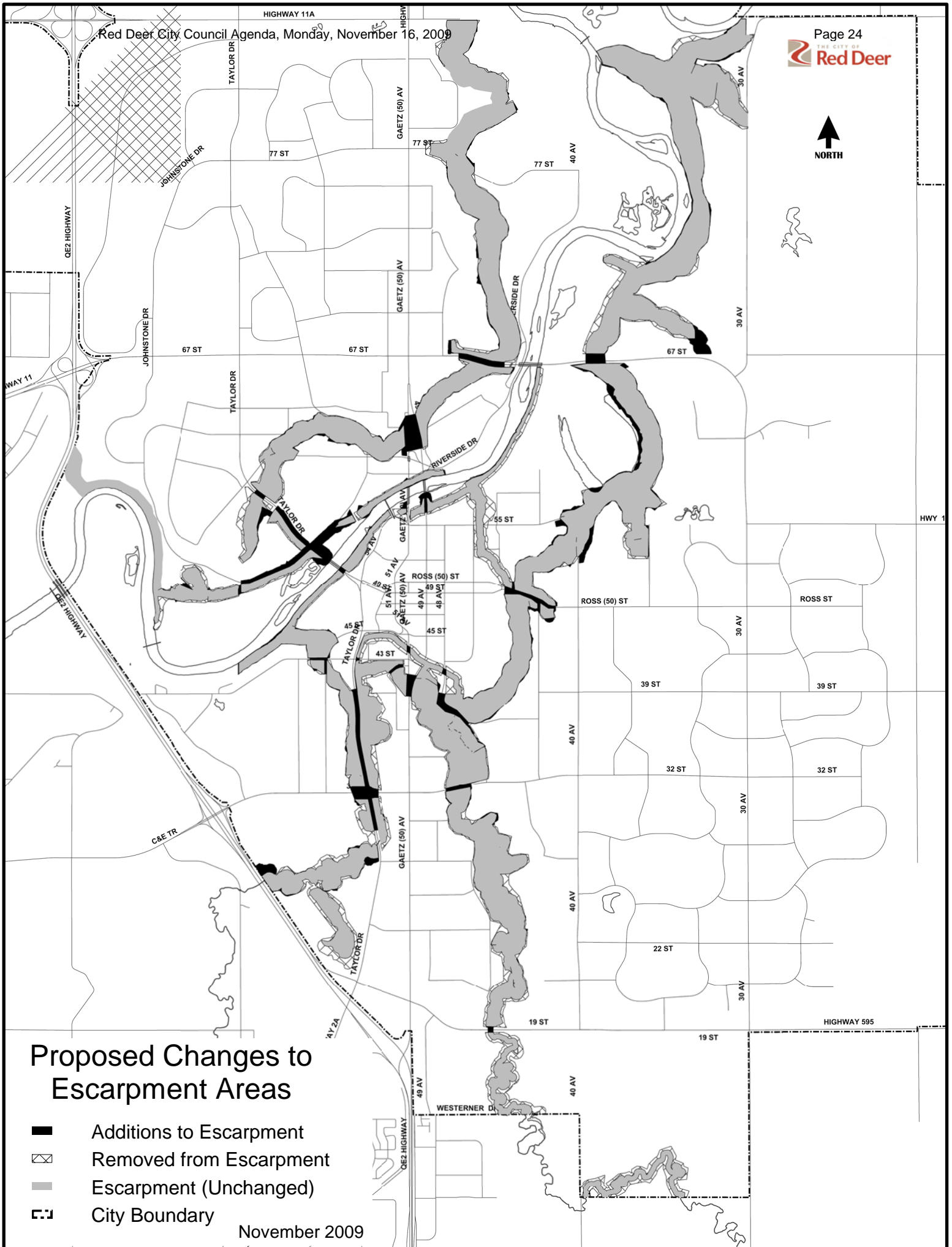
- documentation of a site visit to observing slope conditions;
- representative slope profiles in accordance with the Bylaw;
- any other relevant information required to support the slope assessment; and,
- geotechnical recommendations for development including development (property line) set-backs and structural set-backs if required.

In the case where a detailed investigation is required, the detailed slope assessment should be performed by a qualified geotechnical engineer. The investigation program must include as a minimum:

- a historical review of aerial photographs;
- a site visit for observing slope conditions;
- a survey profile(s) or detailed contours;
- site specific subsurface information for the slope (soil and groundwater);
- documentation of slope stability modeling; and,
- geotechnical recommendations for development including development (property line) set-backs and structural set-backs if required.

In terms of qualifications, the geotechnical engineer must be a professional engineer registered to practice in Alberta. The geotechnical engineer or the consulting firm employing the engineer should have suitable professional liability insurance coverage. Any documentation or report provided by the proponent's geotechnical engineer must include a clear statement to the effect that it is understood and accepted that their report will be submitted to the City of Red Deer as part of the development permit review for the proposed development.





***Comments:***

We support the recommendation of Administration.

“Morris Flewwelling”  
Mayor

“Craig Curtis”  
City Manager



Council Decision – November 16, 2009

**DATE:** November 17, 2009

**TO:** Tara Lodewyk, Parkland Community Planning Services  
Nancy Hackett, City Planning Manager  
Tony Lindhout, Assistant City Planning Manager

**FROM:** Elaine Vincent, Legislative & Administrative Services Manager

**SUBJECT:** Land Use Bylaw Amendment 3357/L-2009 – Escarpment Areas

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*Reference Report:*

Legislative and Administrative Services Manager, dated November 16, 2009  
Parkland Community Planning Services, dated October 2, 2009

*Bylaw Readings:*

At the Monday August 24, 2009 Council Meeting, Land Use Bylaw Amendment 3357/L-2009 was tabled for four weeks to the Monday, September 21, 2009 Council Meeting. At that meeting, Land Use Bylaw Amendment 3357/L-2009 was further tabled. At the Monday, October 5, 2009 Council Meeting, Land Use Bylaw Amendment 3357/L-2009 received first reading. This Bylaw was advertised in the Red Deer Advocate on October 30, 2009 and November 6, 2009. On November 16, 2009 Council passed second and third reading of Land Use Bylaw Amendment 3357/L-2009 Escarpment Areas. A copy of the bylaw is attached.

*Report Back to Council:* No

A handwritten signature in blue ink, appearing to read 'Elaine Vincent'.

Elaine Vincent  
Legislative and Administrative Services Manager

/attach.

- |                                  |                                       |
|----------------------------------|---------------------------------------|
| c: Development Services Director | Inspections & Licensing Manager       |
| Corporate Services Director      | Inspections & Licensing Supervisor    |
| Community Services Director      | Land & Economic Development Manager   |
| Engineering Services Manager     | Leigh-Ann Butler, Graphics Supervisor |
| Financial Services Manager       | Property Assessment Technician        |
| Assessment and Taxation Manager  | LAS File                              |
| City Assessor                    |                                       |

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**DATE: November 9, 2009**

**TO: Legislative and Administrative Services Manager**

**FROM: Secondary Suites Steering Committee:**  
**Tony Lindhout, Assistant City Planning Manager**  
**Scott Cameron, Social Planning Manager**  
**Joyce Boon, Development and Licensing Supervisor**  
**Sara Alaric, Strategic Planning Advisor**  
**Russ Pye, Inspections Supervisor**  
**Dale Kelly, Fire Marshal**

**RE: Land Use Bylaw Amendment 3357/Z-2009**  
**Proposed Secondary Suite Regulations**

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City Council at their meeting of April 20, 2009 approved the following resolution:

**“Resolved** that Council of the City of Red Deer after considering the report from the Secondary Suites Steering Committee: Social Planning Manager, City Planning Manager, Development and Licensing Supervisor, Enforcement and Building Supervisor, Land Coordinator and Strategic Planning Advisor, dated April 14, 2009 Re: Secondary Suites Report – with Revisions Following Public Open House, hereby accepts the April 14, 2009 Secondary Suite Steering Committee report as a planning tool for administration to proceed with the following:

- 1) Preparation of the required Land Use Bylaw Amendment (definition, standards and development criteria)
- 2) Fine tune development permit approval process for existing secondary suites, and
- 3) Development of a communications and education strategy for the public.”

City administration has now completed preparation of Land Use Bylaw Amendment 3357/Z-2009 for the purpose of:

- expanding “Secondary Suites” as a use to all city residential neighbourhoods,
- updating Secondary Suite development regulations, and
- facilitating a process for non-approved Secondary Suites (in existence prior to January 1, 2009) by creating a development permit application and inspection process aimed at bringing these units up to current Alberta Fire & Building Codes (Safety Codes Act).

Administration has also prepared a communication strategy for the purpose of keeping citizens and homeowners apprised of proposed new regulations and application processes associated with the development of Secondary Suites.

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**Land Use Bylaw Amendment 3357/Z-2009**  
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**Background/History**

Since 2001, The City has only allowed Secondary Suites to be developed within new neighbourhoods on sites that have been pre-identified in approved residential Neighbourhood Area Structure Plans (NASP). Prior to 2001, The City did allow Secondary Suites in certain residential districts. As part of the City's 2006 Affordable Housing Strategy, it was recommended that the City's Land Use Bylaw be amended to allow the development of Secondary Suites throughout the community in both established and new neighbourhoods. This was on the basis that Secondary Suites can add additional dwelling units within existing housing stocks, add lost population back into older neighbourhoods, is considered a sustainable form of development in that it increases urban densities, utilizes existing municipal infrastructure (streets, utilities, schools, etc.), helps reduce the amount of land required and consumed by new residential developments and in some cases, could be argued that Secondary Suites are a more affordable alternative form of housing.

In 2007 the Province upgraded their fire, building and safety codes with regard to Secondary Suites. The City, through a Secondary Suites Study Steering Committee, has been meeting since early 2008 to guide and direct The City's Secondary Suite land use bylaw amendment process. This has included an initial analysis of Secondary Suites by Western Management Consultants, staff examination of land use bylaw alternatives to expanded development of Secondary Suites and considerable public input in the form of surveys, public meetings and open houses.

**Planning Parameters**

Proposed Land Use Bylaw Amendment 3357/Z-2009 incorporating expanded Secondary Suite uses and updated development regulations is based on the following planning parameters:

1. Recognition that the city has different types of residential neighbourhoods based on age and whether developed in accordance with a Neighbourhood Area Structure Plan.
2. Secondary Suites as a "use" are to be allowed throughout the city in various residential land use districts as well as the C1 (downtown) commercial district. How Secondary Suites are listed as a use (permitted or discretionary) and the related development permit approval process varies based on four different neighbourhood configurations:
  - a) In established (older/mature) residential neighbourhoods with **NO** Neighbourhood Area Structure Plan, **Secondary Suites are proposed to be a "discretionary" use** (includes downtown C1 Commercial District).
  - b) In newer residential neighbourhoods with an existing Neighbourhood Area Structure Plan that contains **pre-identified** Secondary Suite locations:
    - (i) **Secondary Suites will continue to be a "permitted" use at those locations pre-identified for a Secondary Suite, and**

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**Land Use Bylaw Amendment 3357/Z-2009**  
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- (ii) on sites not pre-identified for a Secondary Suite, **Secondary Suites are proposed to be a “discretionary” use.**
  - c) In residential neighbourhoods with an existing Neighbourhood Area Structure Plan that does not pre-identify any Secondary Suite locations, **all Secondary Suites are proposed to be a “discretionary” use.**
  - d) In all residential Neighbourhood Area Structure Plans approved after January 1, 2010:
    - (i) pre-identified Secondary Suite locations will no longer be allowed,
    - (ii) **Secondary Suites are proposed to be a “permitted” use subject to meeting specified location criteria,** and
    - (iii) if any of these location criteria cannot be met, **Secondary Suites would be considered a “discretionary” use.**
3. All “discretionary” use Secondary Suite applications require notification to all landowners within 100 m.
4. The detached dwelling unit typically found in R1 Residential Districts is the best housing form suitable for containing a Secondary Suite. This is on the basis of the larger size (footprint) of a detached dwelling unit and the larger size of lot upon which it is situated in comparison to smaller R1N (narrow) and R1A (semi-detached) lots. It is important to ensure, as best as possible, that enough physical space is available to provide the amenities that all residents (including Secondary Suite residents) would expect from their site (e.g. basic living/yard space, building/site access, off-street parking pads, landscaping, garbage pickup/storage areas, space for accessory buildings, etc.) without compromising overall neighbourhood aesthetics and character.
5. Need to provide detailed Secondary Suite development regulations to ensure that such matters as land use, site location, site criteria, parking, Secondary Suite entrances and floor areas, etc. are addressed.
6. Limit the number of Secondary Suites within all city residential neighbourhoods up to a maximum of 20% of the total number of detached dwelling units within a given named neighbourhood.
- (a) This is double the current 10% maximum number of Secondary Suites lots (of total R1 lots) that are allowed to be pre-identified in existing neighbourhood area structure plans.
  - (b) Allows in established neighbourhoods, with no neighbourhood area structure plan, the creation of new development opportunities for construction of Secondary Suites in up to 20% of the total detached dwelling units in that neighbourhood.
  - (c) Provides a limit and balance to the allowable number of Secondary Suites in a neighbourhood.

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- (d) Allows for a proactive, although limited, approach to implementation of the City's Affordable Housing Strategy.

7. A development application process to deal with non-approved Secondary Suites in existence on January 1, 2009 in all city residential districts including those located in semi-detached dwelling units. Development permit applications must be made to The City prior to January 1, 2012 (2 year time limit from Bylaw approval) otherwise, City could issue a stop order and/or assess offense penalties.

**Proposed Secondary Suite Uses and Development Regulations**

While the City's current Land Use Bylaw already contains Secondary Suite regulations to guide development of "permitted" use Secondary Suites at pre-identified locations within approved neighbourhood area structure plans, additional use provisions and development regulations are necessary as part of expanding the allowance of Secondary Suites into established and mature (older) residential neighbourhoods.

Proposed Land Use Bylaw Amendment 3357/Z-2009 is summarized as follows:

1. A more inclusive Secondary Suite definition - must be a second self-contained dwelling unit within a primary dwelling unit.
2. Allow Secondary Suites as a "permitted" use if in a detached dwelling unit:
  - in a R1 District on a pre-identified Secondary Suite lot in an existing approved Neighbourhood Area Structure Plan (ASP), or
  - in a R1, R1A or R2 District located in a Neighbourhood ASP adopted after January 1, 2010 subject to meeting specified location criteria (e.g. situated on a corner lot, across from PS zoned lands including school sites, across or next to a municipal reserve parcel, lane access), and
  - meets all Secondary Suite development regulations.
3. Allows Secondary Suites as a "discretionary" use if in a detached dwelling unit:
  - in any R1, R1A, R2, R3 and C1 District with no Neighbourhood ASP, or
  - in a Neighbourhood ASP with no pre-identified Secondary Suite locations, or
  - not on a pre-identified lot in a Neighbourhood ASP that pre-identifies Secondary Suite locations, or
  - within a Neighbourhood ASP approved after January 1, 2010 but not in compliance with specified location criteria (e.g. situated on a corner site, across from school site, etc.), and
  - meets all Secondary Suite development regulations.
4. Allows any non-approved Secondary Suite that existed on January 1, 2009 and located in any detached or semi-detached dwelling unit to be considered for approval as a "discretionary" use subject to:
  - submitting a development permit application prior to January 1, 2012,
  - compliance with Safety Codes Act, and

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**Land Use Bylaw Amendment 3357/Z-2009**  
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- meets all Secondary Suite development regulations.
5. All “discretionary” use Secondary Suite applications require notification to all landowners located within 100 m of the boundary of the site.
  6. Only one Secondary Suite allowed per detached dwelling unit and it is not allowed to be located in an accessory building or detached garage.
  7. Secondary Suite development regulations:

Proposed new regulations:

- new Secondary Suites to only be allowed within detached dwelling units located in R1, R1A, R2, R3 and C1 Land Use Districts,
- both a Secondary Suite and a home occupation “permitted office use” may be allowed within a detached dwelling unit; however, a Secondary Suite in combination with any “discretionary home occupation use” will not be allowed in the same detached dwelling unit,
- the floor area of a Secondary Suite must not exceed the total floor area used by the primary dwelling unit,
- penalties for offences (e.g. no valid permit, non-compliance with permit or LUB), and
- the total number of Secondary Suites allowed in an individual neighbourhood not to exceed 20% of the neighbourhood’s total number of detached dwelling units.

Current regulations to be retained:

- a separate entrance door to the Secondary Suite, such entrance shall not be located on any front building elevation facing a public street; notwithstanding this, a single entry door providing access to an enclosed, shared landing area from which both the main dwelling unit and the Secondary Suite take access may be located on any front building elevation facing a public street,
- Secondary Suite with two or fewer bedrooms requires one off-street parking pad,
- Secondary Suite with more than two bedrooms requires two off-street parking pads,
- Secondary Suite parking requirements are in addition to the parking requirement for the primary dwelling,
- parking pad(s) for the Secondary Suite shall be available for the exclusive and unrestricted use of the occupant(s) of the Secondary Suite,
- parking pad(s) for a Secondary Suite:
  - may be located in an attached or detached garage; or
  - may be located in the rear yard, or
  - may be located in the side yard to the rear of the front yard setback,
  - not allowed in tandem with primary residence parking,and
- a Secondary Suite in a dwelling unit may not be converted into a condominium unit or be separately owned from the primary dwelling unit.



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8. Any development permit application for a Secondary Suite that does not comply with the Secondary Suite development regulations or any other LUB requirement (other than use provisions) may be considered for approval as a “discretionary” use by the Municipal Planning Commission provided the proposed Secondary Suite does not interfere with the amenities of the neighbourhood.

**Existing Neighbourhood Area Structure Plans**

Several existing residential Neighbourhood Area Structure Plans (NASPs) will require amendment to bring them in line with proposed Land Use Bylaw Amendment 3357/Z-2009. Existing NASPs that contain pre-identified Secondary Suite locations (allowed as a “permitted” use) would need a statement(s) added to the effect that additional locations for Secondary Suite development may be approved by the Municipal Planning Commission as a “discretionary” use subject to neighbourhood notification (landowners within 100m) and compliance with the Secondary Suite development regulations. The NASP Bylaw amendment will come forward to Council following final approval of proposed Land Use Bylaw Amendment 3357/Z-2009.

**Neighbourhood Planning Guidelines and Standards**

A change to the City's *Neighbourhood Planning Guidelines and Standards* is also required whereby a statement(s) must be added that no longer allows the pre-identification of Secondary Suite locations in new neighbourhood area structure plans. In all future city residential neighbourhoods, Secondary Suites will be considered a “permitted” use if meeting all prescribed location criteria and Secondary Suite development regulations otherwise, Secondary Suites will be considered and processed as a “discretionary” use including neighbourhood notification.

**Public Input**

Significant public consultation and input has occurred throughout the entire Secondary Suite study process. As part of the 2008 Secondary Suite Study produced by Western Management Consultants for The City's Secondary Suites Steering Committee, a web survey was undertaken with over 200 responses, interviews held with stakeholder groups (City departments, Red Deer County, home builders, Urban Development Institute, Red Deer College, Re-Think Red Deer, Chamber of Commerce & utility companies), 2 public open house sessions were held and contact with community associations and residents was undertaken. The majority of public discussions identified parking as the major issue to be addressed; other issues raised included the request for suites to be owner occupied, potential impacts (noise, traffic) related to concentration of Secondary Suites and the need to limit the total number of Secondary Suites in a neighbourhood. In general, and subject to provision of measures to adequately deal with the identified issues, respondents supported the concept of limited Secondary Suite developments within all city neighbourhoods.

The consultant also undertook a “best practices” review of several other Alberta and Canadian municipalities to understand the direction and processes they are utilizing in their approach to development of Secondary Suites. The degree to which Secondary Suites are allowed in other urban centres varies (differing degrees of permitted/discretionary use approaches) however, one

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trend is clear, many municipalities (large and small) are moving in the direction of increasing the opportunities for development of Secondary Suites.

The Secondary Suites Steering Committee, at the request of City Council, held one additional open house in early 2009 for the purpose of gathering additional resident input and to specifically ask citizens for their thoughts on the maximum number of Secondary Suites that should be allowed within individual neighbourhoods. While the Secondary Suites Steering Committee had initially looked at capping the number of Secondary Suites to 25% of the neighbourhood's total number of detached dwelling units, public response at this final open house indicated their preference at capping the number of Secondary Suites in a neighbourhood at 20%.

**Implementation**

It is recommended that a 2 year trial period be undertaken for the implementation of these new Secondary Suite development regulations and permit approval processes. After a two year period the following, among other matters, are proposed to be reviewed:

1. Number of non-approved Secondary Suites legalized.
2. Number of Secondary Suite applications received and processed.
3. Communication strategy with public and landowners.
4. Adequacy of staff resources to deal with Secondary Suite applications.
5. Any issues with the development permit application process.
6. Evaluation of the neighbourhood notification process for "discretionary" use Secondary Suite applications.
7. Review of the proposed 20% neighbourhood cap on the number of Secondary Suites. Have some neighbourhoods reached the 20% threshold? Should this threshold be removed and/or changed?
8. Evaluation of tracking Secondary Suite approvals on The City's Redgis system.
9. Evaluation of Secondary Suite development regulations?
10. Explore if Secondary Suites should be expanded to be allowed in detached garages.
11. Effectiveness of Secondary Suites location criteria (new neighbourhoods).
12. Analyze location/concentration of Secondary Suites.
13. Secondary Suite issues/complaints.
14. Any other matters raised by MPC, Council or administration.

**Planning Analysis**

1. Since completion of the Provincial review of Secondary Suites and related changes to the Safety Codes Act (Fire & Alberta Building Codes) many Alberta urban centres, including The City of Red Deer through its Affordable Housing Strategy and its Secondary Suites Steering Committee, have concluded that Secondary Suites are a viable, achievable and complementary form of housing with clear municipal sustainable advantages.
2. The proposed Secondary Suites LUB amendment significantly expands the number of residential neighbourhoods that will be considered for development of Secondary Suites.

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The current practice of allowing Secondary Suites only on pre-identified sites in the newer NASP neighbourhoods will be replaced with a much broader “use” approach that will allow Secondary Suite development in all city residential neighbourhoods.

3. Site location, land use district and whether located in an old or new neighbourhood are factors that will determine whether a Secondary Suite development permit application would be considered and processed as a “permitted” or “discretionary” use. All “discretionary” use Secondary Suite applications require 100m landowner notification and would need to come before the Municipal Planning Commission for a decision. All Secondary Suite applications will be subject to meeting Secondary Suite development regulations and all will require compliance with the Safety Codes Act (Fire & Alberta Building Codes) as part of obtaining an occupancy permit.
4. An expanded approach to “permitted” Secondary Suite uses. While existing residential neighbourhoods with pre-identified Secondary Suite locations will continue to be allowed as “permitted” uses; this will be expanded in future new residential neighbourhoods whereby pre-identified Secondary Suite locations will be replaced with location criteria (e.g. corner lots, lane access, lots near/across from parks, schools or commercial areas, next to multiple family sites, etc.), facilitating significantly more potential “permitted” use Secondary Suite sites than what is presently allowed. Furthermore, if location criteria cannot be met, additional Secondary Suites locations can be applied for as a “discretionary” use which is not allowed under current regulations.
5. In the city’s older residential neighbourhoods, which were developed primarily as single family detached communities, the proposed allowance of Secondary Suites in existing homes as a “discretionary” use will create additional living units, help re-build dwindling neighbourhood populations (increased densities) and capitalizes on existing neighbourhood infrastructure (roads, utilities and schools). As all “discretionary” use Secondary Suite applications will require neighbourhood notification, the Municipal Planning Commission (Development Authority) will be able to obtain and evaluate public input and consider neighbourhood characteristics. This, combined with evaluating Secondary Suite applications against required development regulations, will help ensure an integrated approach to Secondary Suite developments within established neighbourhoods.
6. Administration believes that the detached dwelling unit is the best form of housing suitable for accommodating a Secondary Suite. This is on the basis of the larger size (footprint) of a detached dwelling unit and the larger size of lot upon which it is situated in comparison to the smaller lot and building footprints of narrow lot (R1N) housing, semi-detached housing units (R1A) and multi-attached dwelling units (R2/R3 townhouses). Administration believes that if new Secondary Suites are allowed in non-detached forms of housing that this would lead to unacceptable quality-of-life compromises and problematic development situations within residential neighbourhoods. Most of this relates to ensuring that enough physical space is available on a site to provide the basic amenities that individual household(s) would expect such as appropriate living & yard space, parking areas, garage, accessory buildings, and garbage/storage pickup areas.

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7. Secondary Suite development in R1N (narrow lot) Residential Districts was not supported by administration based on the following rationale:
- R1N housing is already a higher density form of housing than R1,
  - R1N lot widths are minimum 10.5m (significantly narrower than minimum 12m wide R1 lots),
  - R1N house footprint is usually smaller than R1 house footprint, thereby resulting in less area available for Secondary Suite development. Many R1N homes only have enough main floor space for 2 bedrooms; main floor inhabitants often require use of a portion of basement for laundry, furnace room, possible extra bedroom, etc.; this leaves limited floor space for a Secondary Suite,
  - as no off-street parking is allowed in R1N front yards, all off-street parking and site access is from the lane; as R1N housing is developed in clusters, large portions of rear yards would become over burdened with parking areas; lanes would have increased traffic (noise & dust),
  - as many R1N homeowners build detached garages in their rear yard, this further reduces rear yard space available for Secondary Suite parking pad(s), garbage pick-up areas and outdoor amenity space,
  - lanes are historically more difficult to maneuver in during winter and wet weather (rutted, compete with garbage trucks, more pressure on City to increase lane plowing), and
  - small R1N lot frontage limits availability of resident street parking; many existing R1N streets already face street parking congestion issues (based on complaints).
8. Secondary Suite development in semi-detached dwelling units (R1A) were not supported by administration based on the following rationale:
- many of the items stated for reasons not supporting Secondary Suites on R1N lots also apply to semi-detached lots (increased lane traffic, need for rear parking, small building unit footprints, small yard/living space, semi's are also built in clusters therefore intensifying local parking issues, etc.),
  - while R1A lots do allow front yard driveways and parking, this severely limits any on-street parking for area residents and visitors,
  - minimum R1A lot width is 7.6 m (even narrower than R1N), and
  - allowing Secondary Suites in semi-detached units would effectively create either a tri-plex or a four-plex situation, both of which would fall under a different LUB use definition (multi-attached or multiple family building); from a land use and planning perspective, this clearly is not the form, level or intensity of development and density envisioned for R1A residential districts.
9. In order to deal with and evaluate non-approved Secondary Suites that were in existence on January 1, 2009, the proposal is to deal with these through a proactive development permit application process. The safety of residents in these suites (re: fire and building codes) is of primary concern. The intent is to provide a 2 year time frame (after Bylaw approval) to allow owners of existing non-approved Secondary Suites to come forward and provide opportunity to bring these Secondary Suites up to code. These Secondary Suites will be considered a "discretionary" use and subject to the following development process:

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- a development permit application submitted prior to January 1, 2012,
- site inspection undertaken by Inspections & Licensing and the fire department,
- Secondary Suite evaluated in terms of changes required to comply with the Safety Codes Act,
- applicant must make decision on whether to proceed with required code upgrades,
- Secondary Suite evaluated with regard to Secondary Suite development regulations,
- If applicant wishes to proceed, surrounding landowners (100m) are notified,
- development staff prepares report and recommendation for consideration of the Municipal Planning Commission (MPC), and
- MPC decision is appealable.

The proposed Bylaw amendment sets penalties for Secondary Suites that are in non-conformance with the Land Use Bylaw (permit conditions, regulations, no valid permit).

10. Throughout the Secondary Suites stakeholder and public consultation process, it was suggested a number of times that Secondary Suites should only be allowed in those dwelling units that are occupied by the building owner. In response, the City solicitor has advised that any requirement for a Secondary Suite to be only located in dwelling units occupied by the building owner would not stand up in a court of law if challenged. Accordingly, administration in this Bylaw proposal has excluded any requirement for the primary resident of a dwelling unit, with a Secondary Suite, to be the building owner.
11. City Council requested administration to examine the feasibility of minimum separation criteria between Secondary Suite locations. Administration explored separation criteria such as requiring a minimum separation distance of  $\pm 150$  feet between dwelling units containing Secondary Suites or, to separate Secondary Suites by a minimum of 2 or 3 residential lots. From a land use and planning perspective, there was not enough rationale to preclude adjoining and/or nearby lots from having Secondary Suites.

Administration felt that through the requirements of neighbourhood notification (all discretionary Secondary Suite uses), prescribed development regulations (all Secondary Suites) and pre-determined location criteria (permitted uses in all new neighbourhoods), that the Development Authority (Development Officer or Municipal Planning Commission) would have enough information at hand to make an informed decision on case by case Secondary Suite applications and their potential impact on any new or established neighbourhood.

Furthermore, the location of all approved Secondary Suites will be tracked through the City's Redgis system so development staff will be aware of these in any particular area/neighbourhood. Administration believes it would be unfair, in the case of any "first in" Secondary Suite approval given at a particular location, that any adjoining lot would automatically be precluded (sterilized) the opportunity of having a Secondary Suite especially, if there was no neighbourhood objection. Administration therefore is not proposing any form of Secondary Suite separation criteria in the proposed Bylaw.

12. Administration, sensitive to what some city residents have said at public meetings (re: concentration, noise, parking issues, etc.), has recommended that the total number of

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approved Secondary Suites not exceed 20% of the total number of detached dwelling units within a neighbourhood. Current LUB regulations contain a maximum 10% limitation on the number of lots allowed to be identified (in a NASP) for Secondary Suite development. This 10% limitation was viewed by the Committee as likely being too low to accommodate existing and anticipated Secondary Suite applications in both established and new neighbourhoods.

13. In order to be proactive and implement the Affordable Housing Strategy in a positive manner, administration felt that a proposed 20% limitation was a reasonable balance between the existing 10% LUB limit and any other much higher threshold. City Council directed administration to provide, as information, neighbourhood examples that illustrate the difference in total dwelling unit numbers between a 15% and a 20% neighbourhood cap on Secondary Suites.

Neighbourhood	Maximum Number of Secondary Suites Allowed	
	15% of detached dwelling units	20% of detached dwelling units
West Park (old)	108	144
Bower Place	66	88
Glendale	114	152

Current level of Secondary Suite development activity in selected neighbourhoods:

Neighbourhood	Secondary Suites (SS)		
	Number of pre-identified SS locations as per NASP (permitted uses)	Number of SS locations actually developed with SS unit	Total SS units allowed based on 20% cap
Inglewood West	32	26	<b>73</b>
Inglewood East	16	10	<b>77</b>
Johnstone Crossing	33	28	<b>62</b>
Oriole Park West	20	13	<b>81</b>

Administration believes that in other than one or two possible older city neighbourhood situations (depending on number of non-approved Secondary Suites), potential long term Secondary Suite development will not achieve a level anywhere near the proposed 20% of total detached dwelling unit limitation. It is proposed that the 20% limitation be evaluated after the initial 2 year trial period.

In summary, based on surveys, public meetings and open houses, there is support at the community level for Secondary Suites. Recognizing and opening up Secondary Suite development to all neighbourhoods (established and new) using a combination of Secondary

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Suite “permitted” and “discretionary” use approaches provides a balanced development process and enhanced opportunities for homeowners to create more choices in the range of housing options, some of which could be considered affordable housing. Secondary Suites will create additional living units within city neighbourhoods thereby reducing demands and pressures on new green field developments (urban sprawl) and conforms to community sustainability principles (higher densities, more efficient use of land) advocated in the City’s Municipal Development Plan.

Secondary Suites capitalize on existing neighbourhood infrastructure (streets, utilities, schools, parks, etc.) and the proposed Secondary Suite development regulations provide new housing opportunities in a manner which is compatible and similar with adjoining residential uses. The typical neighbourhood detached dwelling unit, if containing a Secondary Suite, would still retain the curb appearance, function and similar level of activity characteristic of a residential neighbourhood.

**Communication Strategy**

A City communication plan will be developed to keep citizens and staff informed of the proposed changes/process to Secondary Suite development, rules and regulations and to communicate the legislative changes as a result of this initiative. Key messages will include:

- Provide the information and tools necessary to help City officials respond to questions generated by citizens relative to changes to Secondary Suite regulations.
- Make sure the citizens of Red Deer are kept aware of the City’s new approach to development of Secondary Suites, its regulations, development application process, how the changes will affect them and timelines related to adoption of the Bylaw.
- The City of Red Deer wants to ensure our resident safety over everything else. There are Secondary Suites in existence that do not meet fire safety standards and these new regulations will ensure everyone is living in a safe home.
- Affordable housing is a major concern for Red Deer and many communities in Alberta. We must ensure there are affordable options for residents living in, and coming to Red Deer and how Secondary Suites can help to achieve that.
- Secondary Suites are a sustainable option for increased housing stock and The City wants to ensure they are safe, available and accepted by our community.

**Inspections & Licensing Department Process (non-approved Secondary Suites)**

The Inspections & Licensing department has prepared an outline of the development permit application process (attached) to deal with existing non-approved Secondary Suites. This guide would be used as a tool to assist potential applicants in understanding the steps and processes involved.

**Municipal Planning Commission**

The Municipal Planning Commission (MPC) at their meetings of October 5 and 26, 2009 discussed the Secondary Suites proposal (Steering Committee report and draft Land Use Bylaw

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Amendment 3357/Z-2009). MPC did raise the matter of the number of garbage bags allowed for pickup at Secondary Suite locations. It was reported that:

- a) current Secondary Suite locations not known or tracked with regard to garbage pickup,
- b) not aware of any issues with number of garbage bags being picked up at Secondary Suite locations,
- c) the home owner or Secondary Suite occupant would be responsible for purchase of any additional garbage bag tags required to meet garbage unit pickup limitations (current limit is 3 garbage units; over limit requires purchase of tags),
- d) since separate utility metering of Secondary Suites is not currently required, contemplated, or probably even feasible, no additional garbage pickup charges could be applied to the Secondary Suite occupant.

MPC also discussed the potential for utility surcharges on sites containing a Secondary Suite. The Engineering department indicated that current utility usage (power/water/wastewater) is fully captured under the existing practice of single site metering. A separate metering system for Secondary Suites would be expensive to install (both external and inside dwelling) and as Secondary Suites will not necessarily have a separate civic address, billing issues could arise.

Any action required with regard to garbage and utility matters is outside of the proposed Land Use Bylaw amendment. Council could direct that these matters be further evaluated by the respective City departments to determine a future course of action.

MPC at their October 26, 2009 meeting, passed the following motion:

**“Resolved** that the Municipal Planning Commission supports proposed Land Use Bylaw Amendment No. 3357/Z-2009 for Secondary Suites and recommends its approval to City Council.”

**Recommendation:**

That Council proceeds with first reading of Land Use Bylaw Amendment 3357/Z-2009.

*7. Lindhout*

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Tony Lindhout, ACP, MCIP  
Assistant City Planning Manager

attachments - Land Use Bylaw Amendment 3357/Z-2009  
- Inspections & Licensing Process, Non-approved Secondary Suite Discretionary Uses





Date: October 28, 2009  
To: City Council  
From: Municipal Planning Commission  
Subject: Secondary Suite Regulations

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On Monday, October 26, 2009, Municipal Planning Commission considered the Secondary Suite Regulations report presented by Parkland Community Planning Services. Following discussion, the motion as set out below was introduced and passed.

**“Resolved** that the Municipal Planning Commission supports the proposed Land Use Bylaw Amendment No. 3357/Z-2009 and recommends its approval to City Council.”

MOTION CARRIED

The above is submitted for Council's consideration.

A handwritten signature in dark ink, reading 'Morris Flewwelling'. The signature is fluid and cursive, with the first name 'Morris' and last name 'Flewwelling' clearly legible.

Mayor Morris Flewwelling  
Chair, Municipal Planning Commission

/sm

### **Inspections and Licensing Process, Discretionary Use**

1. Applicant makes application and pays fee (fee to include development permit fee, inspection fees, occupancy permit fees and public consultation fees. Approximately: \$300 – \$400 application fee for a discretionary use). Permit Fee Bylaw requires amendment when fee determined.
2. Site inspections completed for site plan review and safety concerns (done by Safety Codes Officer and secondary suite coordinator).
3. Confirm with applicant if they want to proceed with the process pending resolution of safety code issues.
4. Start neighborhood consultation process which will involve a mail out to all land owners within 100 meters of the site informing them of the intended use.
5. Preparation of the Municipal Planning Commission Agenda with staff recommendation. This involves a circulation process of the application to various City departments for comment.
6. Municipal Planning Commission considers the application, with two possible outcomes:
  - a. Approve application. Approval could come with conditions, like:
    - i. building permits (if required)
    - ii. occupancy permit (all suites will get one)
    - iii. owner to comply with the Community Standards Bylaw as it relates to noise and nuisance from the use being approved as a secondary suite
    - iv. secondary suite tenant(s) to use the parking stall(s) as provided on the approved site plan
  - b. Deny application
    - i. denial is subject to appeal
7. Subdivision and Development Appeal Board deals with any appeals that are filed.
8. A Development Permit is issued after the advertising period is up.
9. All other permits are then issued, if required (building, heating, electrical, plumbing etc.).
10. All inspections associated with permits under the building and fire codes are complete.
11. Occupancy permit issued is issued following a final safety and site inspection.

*Comments:*

We support the recommendation of Administration. This project was initially led by Social Planning and embraces the principles of "Smart Growth Red Deer". We feel the draft as presented meets the needs of the community at this time. As it is a result of intense public consultation and discussion, we recognize that a Public Hearings will be held on Monday, December 14, 2009 at 6:00 p.m. in Council Chambers during Council's regular meeting.

"Morris Flewwelling"  
Mayor

"Craig Curtis"  
City Manager

FILE COPY



Council Decision – November 16, 2009

DATE: November 17, 2009

TO: Tony Lindhout, Parkland Community Planning Services  
Nancy Hackett, Parkland Community Planning Services  
Scott Cameron, Social Planning Manager  
Joyce Boon, Development and Licensing Supervisor  
Sara Alaric, Strategic Planning Advisor  
Russ Pye, Inspections Supervisor  
Dale Kelly, Fire Marshal

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: Land Use Bylaw Amendment No. 3357/Z-2009 – Proposed Secondary Suite Regulations

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*Reference Report:*  
Parkland Community Planning Services, dated November 9, 2009

*Bylaw Readings:*

At the Monday, November 16, 2009 Council Meeting, Land Use Bylaw Amendment 3357/Z-2009 received first reading.

*Report Back to Council:* Yes- December 14, 2009

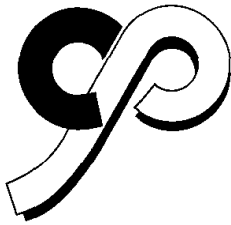
*Comments/Actions:*

A Public Hearing will be held for Land Use Bylaw Amendment 3357/Z-2009 on Monday, December 14, 2009 at 6:00 p.m. in Council Chambers during Council's regular meeting. Our office will now proceed with advertising Land Use Bylaw Amendment 3357/Z-2009. Land Use Bylaw 3357/Z-2009 proposes additional use provisions and development regulations that are necessary as part of expanding the allowance of Secondary Suites into established and mature residential neighbourhoods.

Elaine Vincent  
Legislative and Administrative Services Manager

c: Development Services Director  
Corporate Services Director  
Community Services Director  
Engineering Services Manager  
Financial Services Manager  
Assessment and Taxation Manager

Inspections & Licensing Manager  
Inspections & Licensing Supervisor  
Land & Economic Development Manager  
Leigh-Ann Butler, Graphics Supervisor  
Property Assessment Technician  
City Assessor  
LAS File



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**To: Elaine Vincent, Manager of Legislative and Administrative Services**

**From: Haley Horvath, Planner**

**Date: November 4, 2009**

**Re: Land Use Bylaw Amendment No. 3357/HH-2009– Husky Oil Limited  
R3 Residential (Multiple Family) District to C1 Commercial (City Centre) District  
4505 49<sup>th</sup> Avenue, Lot 40, Block 23, Plan 082 5950**

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### **Background**

An application was made to Parkland Community Planning Services to amend the current Land Use Bylaw to redesignate the Easterly 22.9 m (75 ft) of 4505 49<sup>th</sup> Avenue from R3 (Multiple Family) District to C1 Commercial (City Centre) District. The applicant has applied to rezone the Easterly 75 feet of this site from its current zoning of R3 to C1 to match the zoning that is in place for the rest of the lot. The site is currently occupied by a service station and parking lot owned by Husky Oil Limited which has been operating in that location since the 1970s. Currently, this 75 ft portion of the lot is used for parking.

Husky Oil Limited is looking to redevelop this site with a new gas station, carwash, and expanded convenience store. Husky has indicated that the new station will not contain auto service bays and the U-Haul rental will no longer operate on the site. Currently this station operates from 7:00 am to 11:00 pm. Husky has indicated that these hours may change in the future but the new station will not operate 24 hours/day.

The properties directly adjacent to this site contain a mixture of commercial and residential uses. The properties directly north and south of the site contain multiple family buildings, the property directly to the west contains Eventide Funeral Chapel, and the properties directly north and west along 49<sup>th</sup> Avenue contain Ultra Dry Cleaners, Mooney Insurance, and Classic Tattoo.

### **Circulation**

Notices outlining the proposed amendment along with comment sheets were sent to surrounding landowners within a 100 m radius. A total of 8 comment sheets were returned to PCPS. Two of these sheets were in support of the application while the remaining six expressed concerns over noise, increased traffic, property values, and the unsightly condition of the property. Below is a summary of these concerns as well as a response/action for resolution:

**Legislative and Administrative Services Manager****Land Use Bylaw Amendment 3357/HH-2009****Page 2 of 4**

<b>ISSUE/CONCERN</b>	<b>NUMBER OF COMMENTS RECEIVED</b>	<b>ADMINISTRATION RESPONSE</b>
<b>TRAFFIC</b> There will be an increase in traffic in the neighbourhood.	5	When the site is redeveloped the convenience store will be expanded and car wash bays will be installed. This may result in an increased number of customers visiting the station. The application was circulated to the City's Engineering Department and no traffic changes were suggested.
<b>NOISE</b> Concern is that the larger store will increase noise levels for those living nearby.	4	There may be some additional noise created if an increased number of customers visit the station once it is redeveloped. Husky is hoping for an increase in patronage but cannot predict how many additional customers might visit. Husky has prepared noise studies for similar stations which can be provided to administration.
<b>PROPERTY VALUE</b> Concern is that the development will decrease value of adjacent properties.	1	Parkland Community Planning Services cannot comment on the potential impact on property values as they are determined by market conditions that are difficult to predict.
<b>UNSIGHTLY PROPERTY</b> Adjacent landowners feel the property is unsightly and are concerned that it will continue to look this way even if the site is redeveloped.	3	Husky is redeveloping this site in an attempt to make it more visually pleasing. Once redeveloped, the site will no longer accommodate U-Haul rentals. The new station will not have mechanic service bays, therefore disabled vehicles will no longer be stored on site. Husky has also indicated that they are prepared to incorporate a high standard of landscaping and architectural treatments for this site considering its location and visibility in the heart of downtown.
<b>24 HOUR OPERATION OF CONVENIENCE STORE</b> Concern is that the convenience store will operate 24 hours/day and associated noise and activity will disturb residents living close by.	1	Husky has indicated that this station will not operate 24 hours. The current hours of operation are from 7:00 am to 11:00 pm. These hours of operation may change in the future but Husky has indicated that they will not expand to 24 hours/day.

The applicant, Husky Oil Limited, did offer to hold a question and answer session for those individuals who expressed concerns through the referral. The majority of the concerns received were from residents of the Sierra Grand Condominium. PCPS contacted the condo manager to organize an information meeting for those individuals who expressed concerns.

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The condo manager explained that after speaking with a Husky representative, the concerns of residents and the board had been satisfied. He did not feel it was necessary to hold an information meeting.

The application was also circulated to City departments and no concerns were received.

**Planning Analysis**

The proposed Land Use Bylaw Amendment complies with the Municipal Development Plan (MDP) and Greater Downtown Action Plan (GDAP).

Municipal Development Plan

***"Infill Development** - The City should support infill residential and commercial development on vacant or underutilized parcels of land in established areas, particularly along major transit routes" Section 5.18 City of Red Deer Municipal Development Plan.*

***"Infill and Intensification Opportunities** - The City shall continue to promote opportunities for infill and intensification within the Greater Downtown in order to facilitate a mixed use and compact urban form; utilize existing infrastructure efficiently and increase the range of services and amenities available to workers, residents and visitors in the Greater Downtown area" Section 11.4 City of Red Deer Municipal Development Plan.*

The Generalized Land Use Concept in the MDP shows this site as commercial with mixed use and intensification opportunities.

Greater Downtown Action Plan

The subject sites fall just within boundary of the Greater Downtown Action Plan. The GDAP identifies three priority districts called Historic Downtown, Riverlands, and Railyards. The remainder of the downtown, including the subject site, is envisioned as evolving slowly while retaining its current character and configuration. The plan does not set out any specific direction for this site.

If approved, the proposed amendment will eliminate the split zoning that is currently on the site and create consistent C1 zoning on the entire lot. The redevelopment of this site is also an example of reinvestment in the downtown which is positive for both the downtown and the city as a whole.

While PCPS recognizes that the proposed development will have an impact on the adjacent residential uses, there are measures that can be taken to manage these impacts at the time of development. The applicant has expressed that they are willing to work with PCPS and the adjacent residents to address any concerns that may arise. Husky Oil Limited appears committed to ensuring that the proposed development is an attractive addition to Red Deer's downtown. For these reasons, Parkland Community Planning Services is in support of the application.

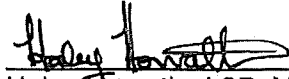
**Legislative and Administrative Services Manager**  
**Land Use Bylaw Amendment 3357/HH-2009**  
**Page 4 of 4**

---

**Recommendation**

It is the recommendation from Parkland Community Planning Services that Council of the City of Red Deer proceed with first reading of Land Use Bylaw Amendment No. 3357/HH-2009.

Respectfully Submitted,



Haley Horvath, ACP, MCIP  
Planner



Nancy Hackett, ACP, MCIP  
City Planning Manager

Attachments:

Bylaw No. 3357/HH-2009

Proposed Amendment to Land Use Bylaw Map



*Comments:*

We support the recommendation of Administration as it would align with the vision for continued development in the downtown core. A Public Hearings will be held on Monday, December 14, 2009 at 6:00 p.m. in Council Chambers during Council's regular meeting.

"Morris Flewwelling"  
Mayor

"Craig Curtis"  
City Manager

**FILE COPY**



**Council Decision – November 16, 2009**

**DATE:** November 17, 2009

**TO:** Haley Horvath, Parkland Community Planning Services  
Tony Lindhout, Parkland Community Planning Services  
Nancy Hackett, Parkland Community Planning Services

**FROM:** Elaine Vincent, Legislative & Administrative Services Manager

**SUBJECT:** Land Use Bylaw Amendment No. 3357/HH-2009 – Husky Oil Limited  
R3 Residential (Multiple Family) District to C1 Commercial (City Centre) District  
4505-49<sup>th</sup> Avenue, Lot 40, Block 23, Plan 082 5950

---

*Reference Report:*

Parkland Community Planning Services, dated November 4, 2009

*Bylaw Readings:*

At the Monday, November 16 2009 Council Meeting, Land Use Bylaw Amendment 3357/HH-2009 received first reading.

*Report Back to Council:* Yes – December 14, 2009

*Comments/Actions:*

A Public Hearing will be held for Land Use Bylaw Amendment 3357/HH-2009 on Monday, December 14, 2009 at 6:00 p.m. in Council Chambers during Council's regular meeting. Our office will now proceed with advertising Land Use Bylaw Amendment 3357/HH-2009. Land Use Bylaw 3357/HH-2009 is an amendment to the current Land Use Bylaw to redesignate the Easterly 22.9m (75ft) of 4505-49<sup>th</sup> Avenue from R3 Residential (Multiple Family) District to C1 Commercial (City Centre) District.

A handwritten signature in blue ink, appearing to read 'Elaine Vincent'.

Elaine Vincent  
Legislative and Administrative Services Manager

c:	Development Services Director	Inspections & Licensing Manager
	Corporate Services Director	Inspections & Licensing Supervisor
	Engineering Services Manager	Land & Economic Development Manager
	Financial Services Manager	Leigh-Ann Butler, Graphics Supervisor
	Assessment and Taxation Manager	Property Assessment Technician
	City Assessor	LAS File

**FILE COPY**

November 18, 2009

**SCOTT CADMAN & ASSOCIATES LTD  
12 2821 BOTTERILL CR  
RED DEER  
AB T4R 2E5**

Dear Sir/Madam:


**Re: Land Use Bylaw Amendment 3357/HH-2009 – Husky Oil Limited  
R3 Residential (Multiple Family) District to C1 Commercial (City Centre)  
District. 4505-49<sup>th</sup> Avenue**

Red Deer City Council proposes to pass Land Use Bylaw Amendment 3357/HH-2009. This land use bylaw amendment will allow for the redesignation of the Easterly 22.9m (75ft) of 4505-49<sup>th</sup> Avenue from R3 Residential (Multiple Family) District to C1 Commercial (City Centre) District. The redesignation will result in consistent zoning for the subject property. Please see the enclosed map which shows the location of the affected lots.

As a property owner in the area of proposed change you have an opportunity to ask questions about the intended use and to let Council know your views. The proposed Bylaw may be inspected at Legislative & Administrative Services, 2nd Floor City Hall. For more details contact the city planners at Parkland Community Planning Services at 403.343.3394.

City Council will hear from any person claiming to be affected by the proposed bylaw at a Public Hearing on Monday, December 14, 2009 at 6 p.m. in Council Chambers, 2<sup>nd</sup> floor City Hall. If you would like a letter or petition included on the Council agenda it must be submitted to our office by Tuesday, December 8, 2009. You may also submit your letter or petition at the Public Hearing, 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 and any submission will be public information. If you have any questions regarding the use of this information, please contact Legislative & Administrative Services at 403.342.8132.

Yours truly,



Elaine Vincent  
Legislative & Administrative Services Manager

**Bylaw Item No. 1****BYLAW NO. 3357/X-2009**

Being a Bylaw to amend Bylaw No. 3357/2006 The Land Use Bylaw, of the City of Red Deer.

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

Bylaw No. 3357/2006 is hereby amended as follows:

1. Section 4.7 (8) (i) is deleted in its entirety and replaced with the following new Section 4.7 (8) (i):
  - “(i) Pursuant to the License Bylaw, the revocation of a home occupation license by the License Inspector is appealable to the Red Deer Appeal & Review Board, in accordance with the relevant procedures as outlined in the Committees Bylaw.”

**Transitional**

2. This bylaw comes into force on October 19, 2009.

READ A FIRST TIME IN OPEN COUNCIL this 19<sup>th</sup> day of October 2009

READ A SECOND TIME IN OPEN COUNCIL this day of 2009

READ A THIRD TIME IN OPEN COUNCIL this day of 2009

AND SIGNED BY THE MAYOR AND CLERK this day of 2009

---

MAYOR

---

CITY CLERK

**Bylaw Item No. 2****BYLAW 3357/L-2009**

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 The definition of Escarpment Area in Section 1.3 is deleted and replaced with the following new definition:

**“Escarpment Area** means a Site, any part of which lies within the areas identified on the Land Use Constraint Maps in Schedule A and includes any site which contains or is adjacent to an escarpment or slope which in the reasonable opinion of the Development Officer could be affected by soil instability.”

- 2 Section 2.2 (4) is deleted and replaced with the following new subsection (4):

(4) Notwithstanding anything in this bylaw, no development, redevelopment, clearing or grading, excavating or adding fill is permitted in an escarpment area as identified on the Land Use Constraint Maps in Schedule A without a development permit.

- 3 Section 2.4 (6) is deleted and replaced with the following new subsection (6):

”(6) Notwithstanding the foregoing, in the case of a proposed development, redevelopment, clearing or grading, excavating or adding fill within an Escarpment Area, as identified on the Land Use Bylaw Constraint Maps in Schedule A, the applicant shall provide as part of the development permit application:

- (a) the proposed development plan showing slope setback distances; and
- (b) representative cross-sections of the slope in the Escarpment Area both before and after development and final grading. The height and existing angle of the slope shall be verified by accurate historical survey data or site specific survey information completed by a qualified surveyor.
- (c) if required by the City Engineering Services Department, a geotechnical assessment or investigation prepared by a qualified geotechnical engineer.
- (d) if required by the City Engineering Services Department, a landscaping plan.

4 New Section 3.24 is added as follows:

“3.24 Escarpment Areas– Indemnity Agreement

Whether expressly stated or not, it is deemed to be a condition of every development within an Escarpment Area in respect of which a geotechnical assessment or investigation is required, that the land owner shall enter into an Indemnity Agreement with the City in a form satisfactory to the City Solicitor.

5 In Section 2, Figure 1 - Escarpment Area is deleted.

6 The Land Use Constraint Maps attached in Schedule A show which Escarpment Areas are removed and added. The following Land Use Constraint Maps will be replaced to match the revised Escarpment Areas set out in Land Use Constraint Map 5/2009, a copy of which is attached: H16, I14, I15, I16, J14, J15, J16, K11, K12, K14, K15, K16, K17, L10, L11, L12, L13, L14, L15, L16, L17, M9, M10, M11, M12, M13, M14, M15, M16, M17, M18, M19, M20, M21, N9, N10, N11, N12, N13, N14, N15, N16, N17, N18, N19, N20, N21, N22, O7, O8, O15, O16, O17, O18, O19, O21, P7, P8, P16, P18, P19, P20, P21, Q20, Q21, and Q22.

READ A FIRST TIME IN OPEN COUNCIL this 19<sup>th</sup> day of October 2009.

READ A SECOND TIME IN OPEN COUNCIL this day of 2009.

READ A THIRD TIME IN OPEN COUNCIL this day of 2009.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2009.

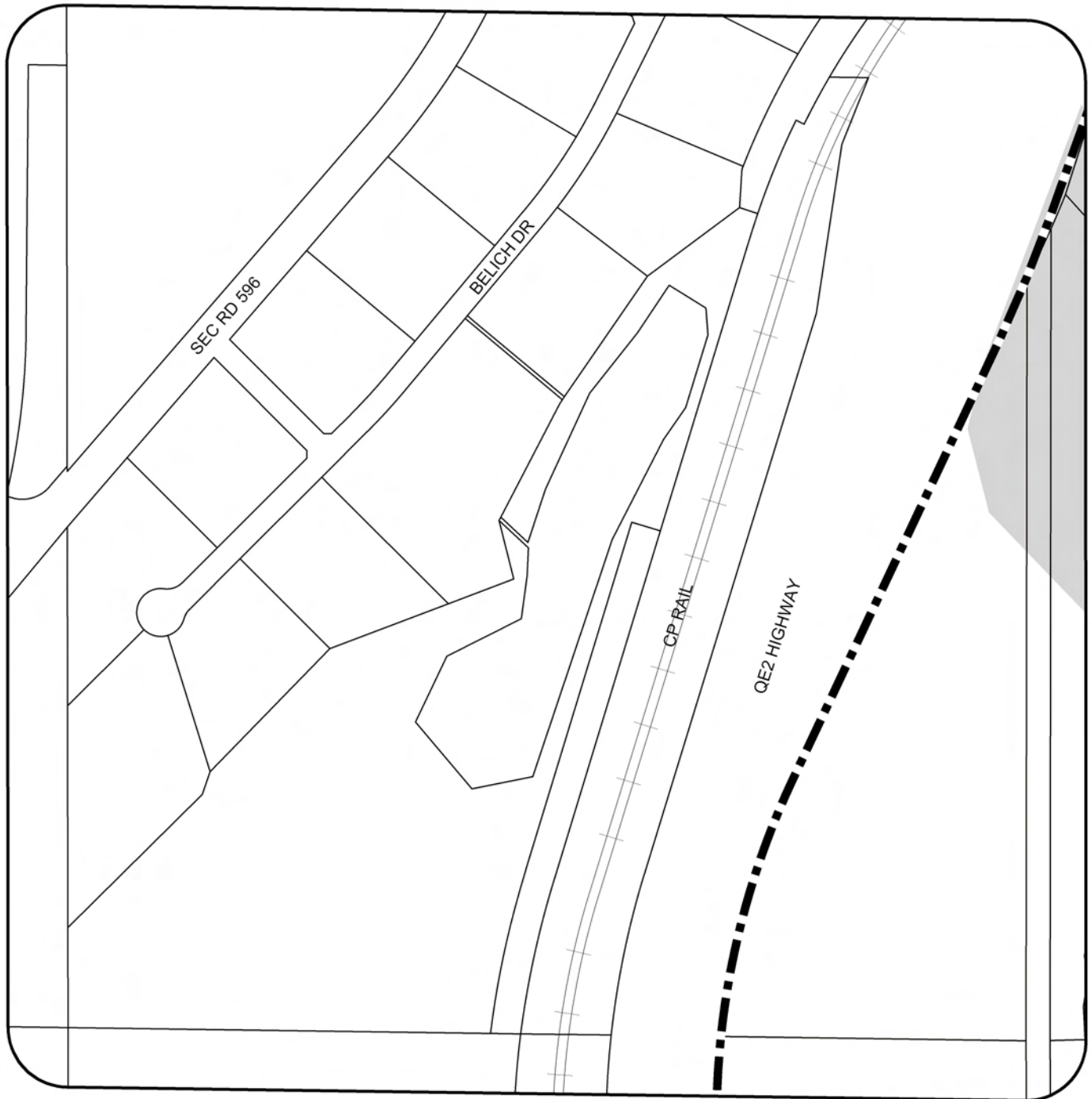
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MAYOR

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CITY CLERK

# Land Use Bylaw Amendment L/2009, Map 5 (H16)/2009



North

Scale 1:5,000

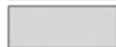
© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area



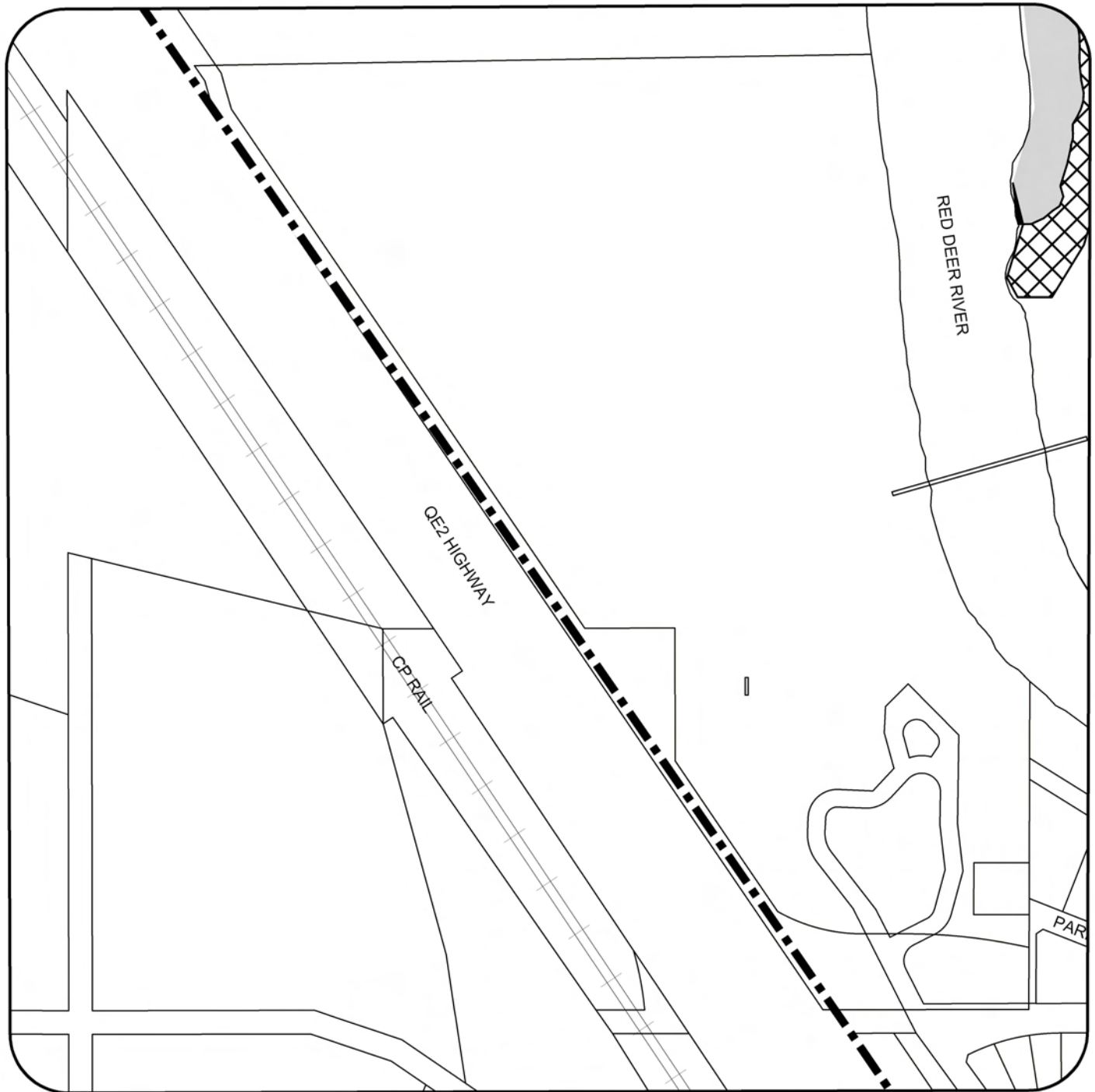
Escarpment Area (*unchanged*)



City Boundary



# Land Use Bylaw Amendment L/2009, Map 5 (114)/2009



North

Scale 1:5,000

© The City of Red Deer



Additions to Escarpment Area

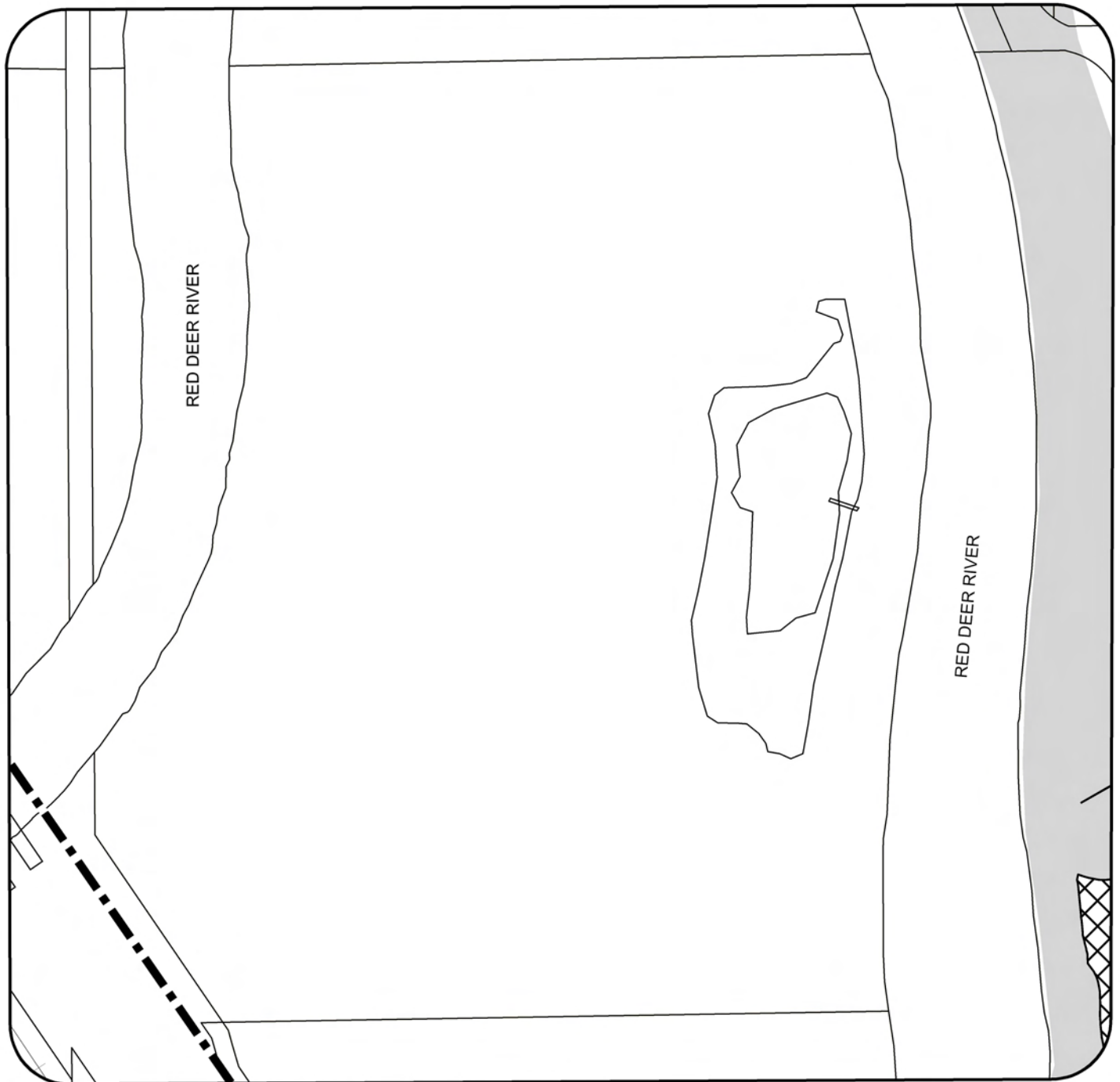
Removal from Escarpment Area

Escarpment Area (unchanged)

City Boundary



# Land Use Bylaw Amendment L/2009, Map 5 (115)/2009



North

Scale 1:5,000

© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area

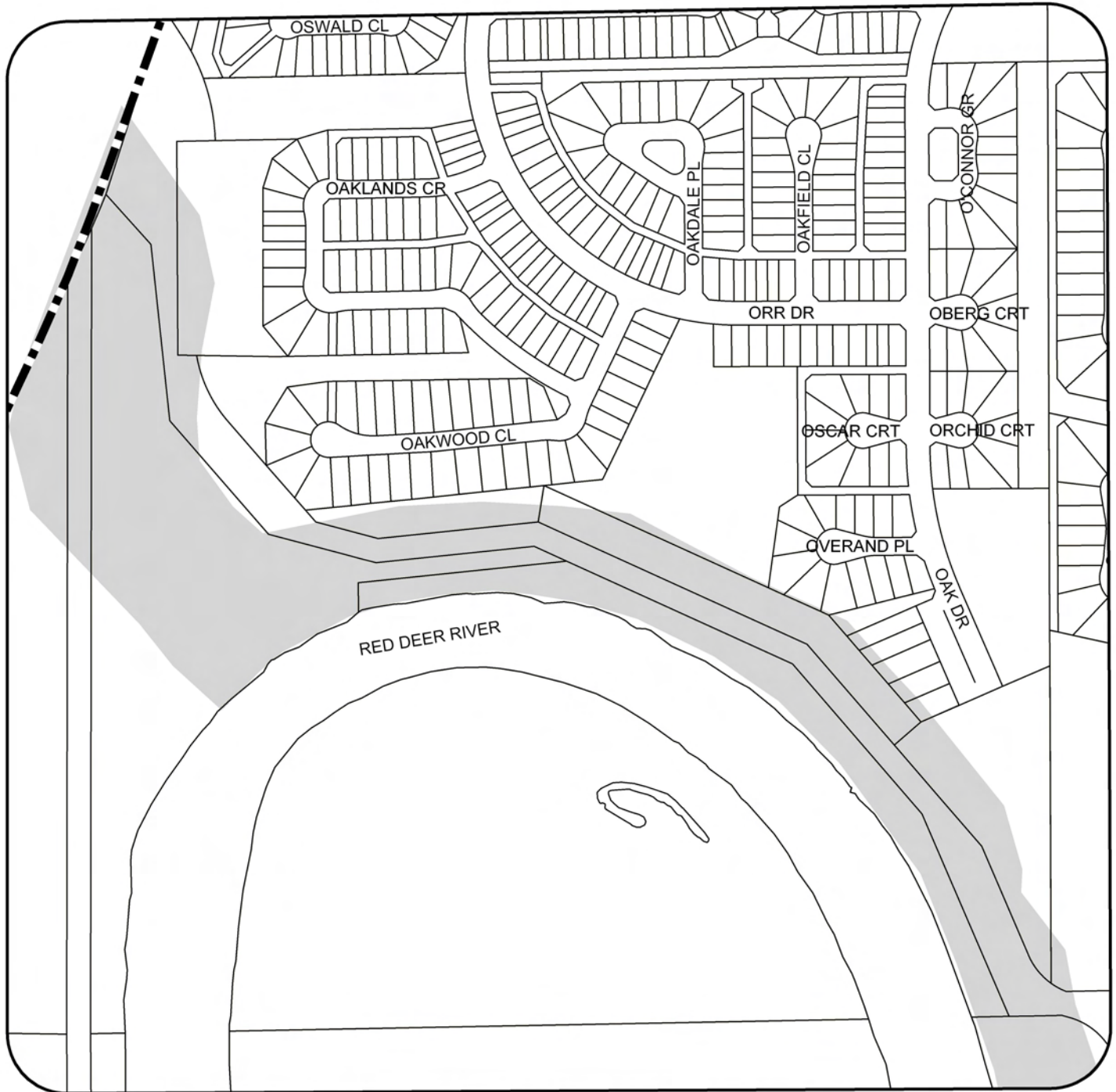


Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (116)/2009



North

Scale 1:5,000

© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area

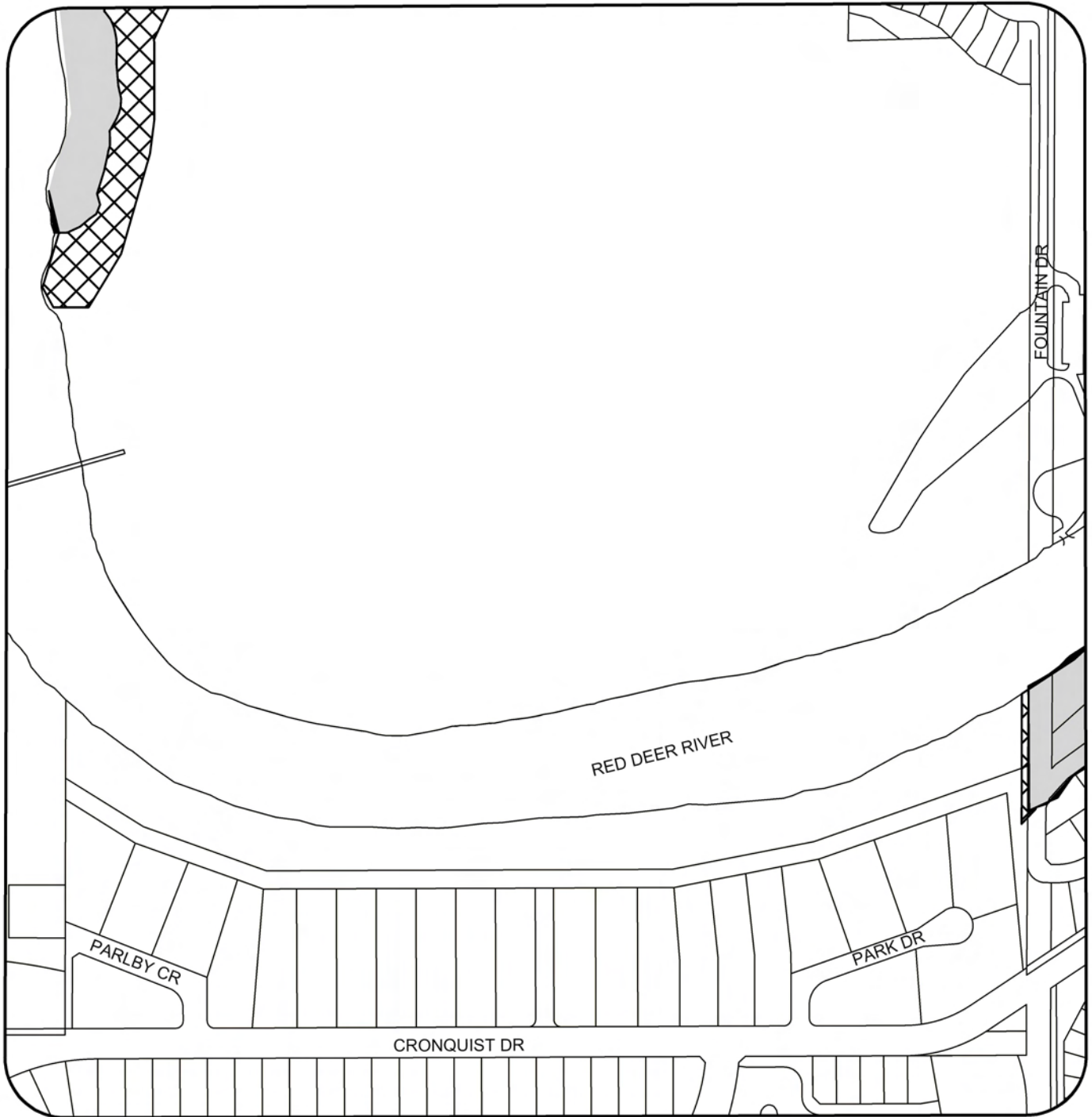


Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (J14)/2009



North

Scale 1:5,000

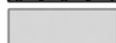
© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area

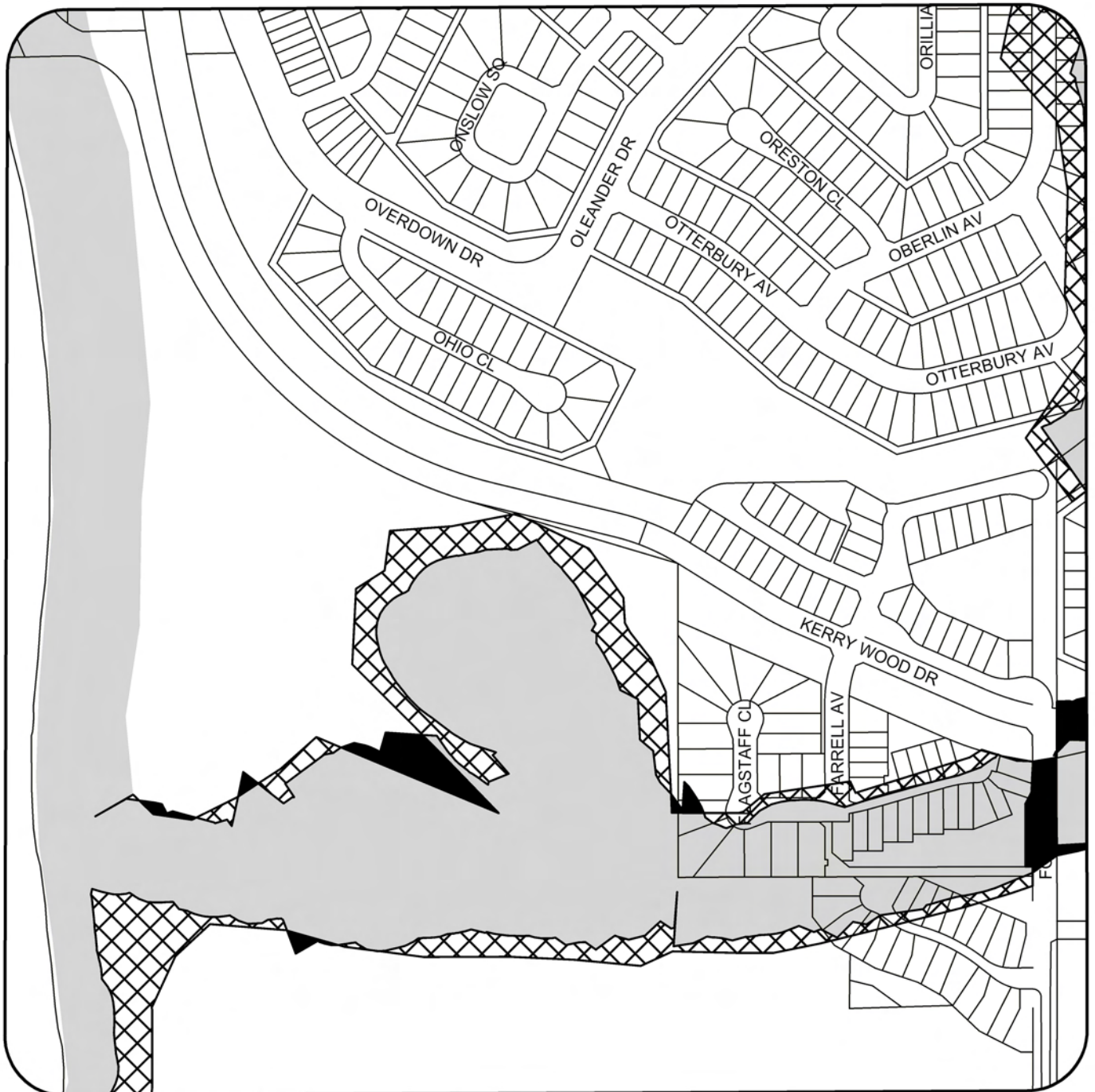


Escarpment Area (*unchanged*)



City Boundary

# *Land Use Bylaw Amendment L/2009, Map 5 (J15)/2009*



North

Scale 1:5,000

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Additions to Escarpment Area



Removal from Escarpment Area



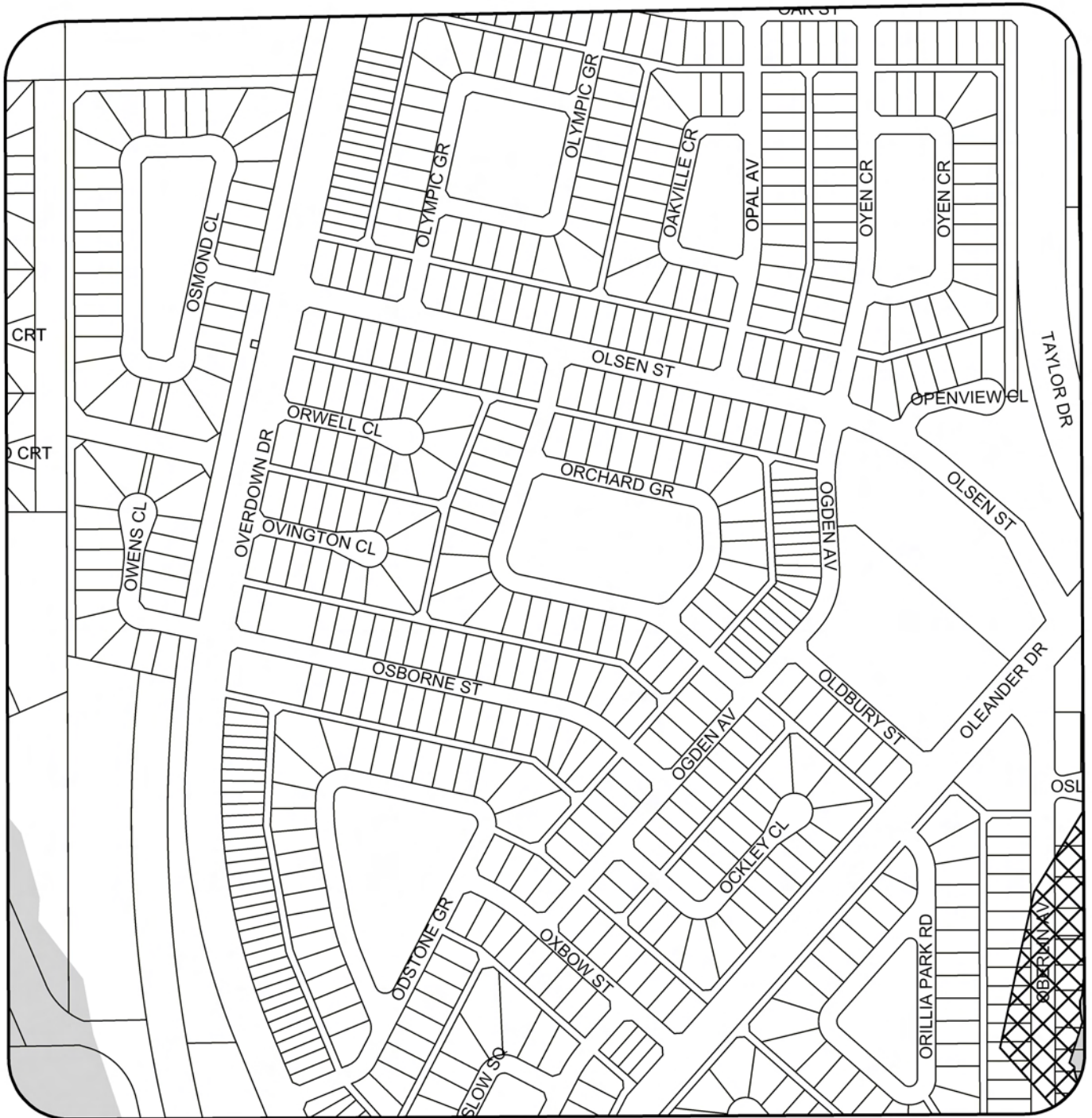
Escarpment Area (*unchanged*)



City Boundary



# Land Use Bylaw Amendment L/2009, Map 5 (J16)/2009



North

Scale 1:5,000

© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area

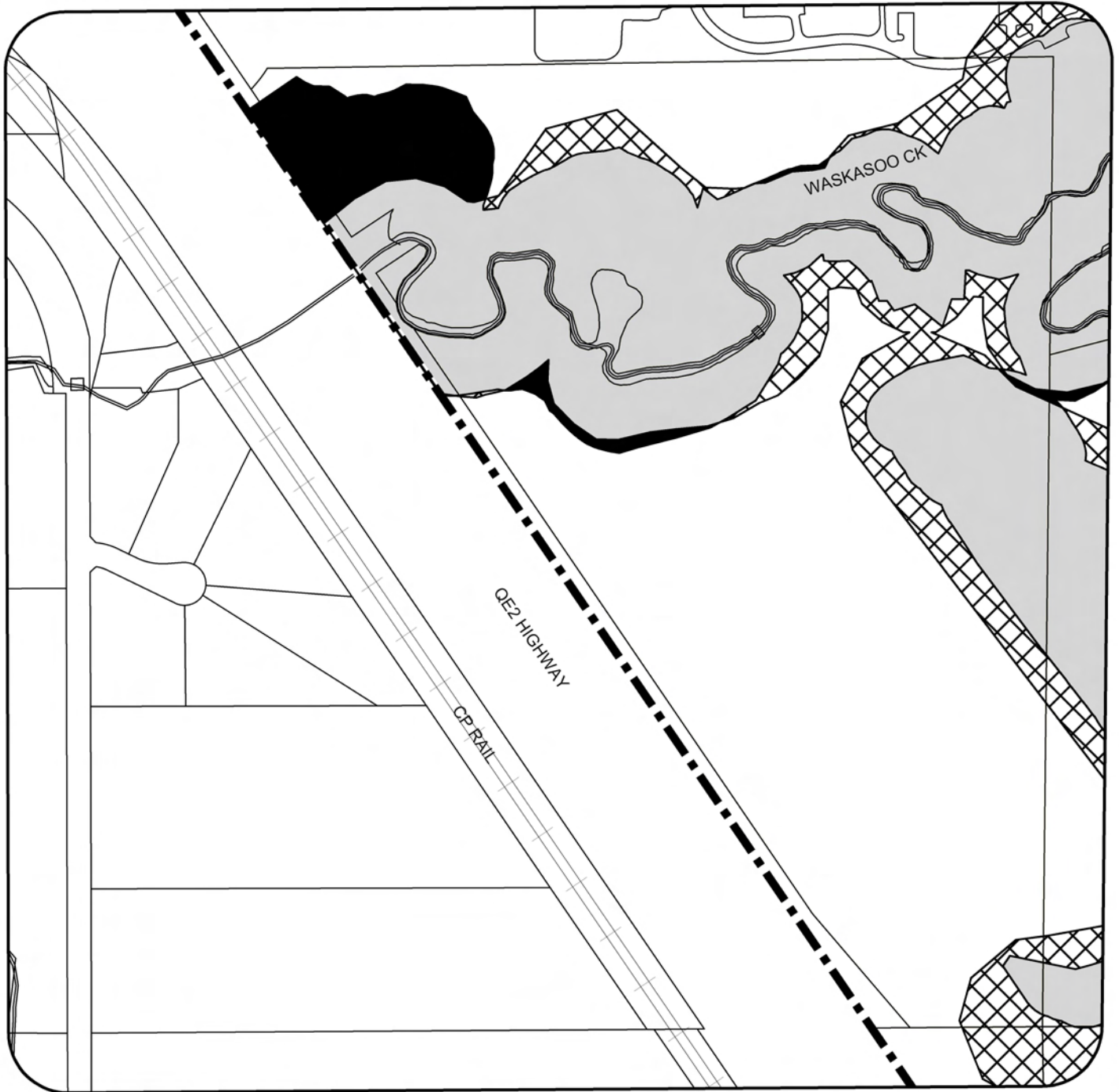


Escarpment Area (unchanged)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (K11)/2009



North

Scale 1:5,000

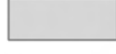
© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area

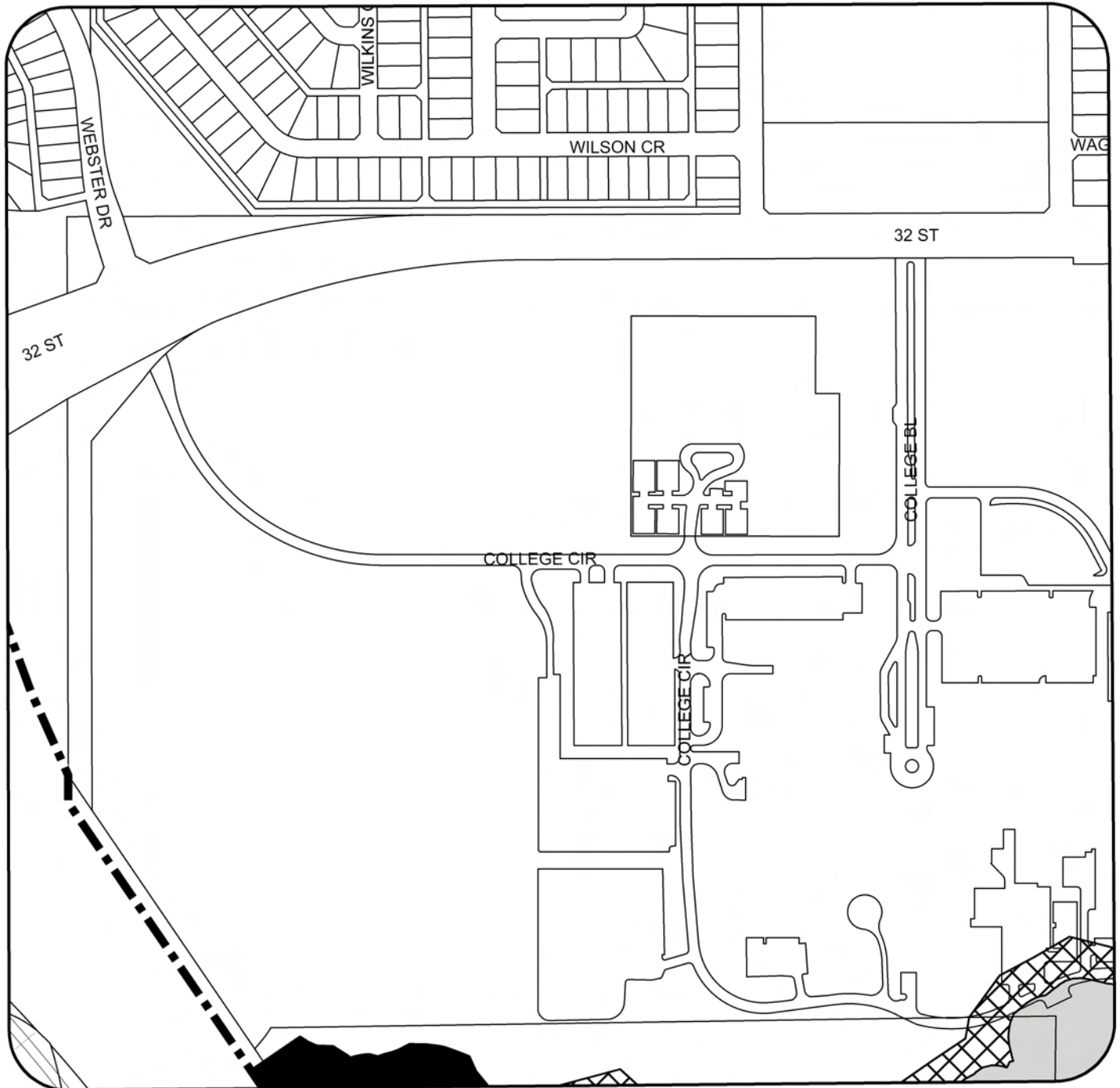


Escarpment Area (*unchanged*)



City Boundary

# *Land Use Bylaw Amendment L/2009, Map 5 (K12)/2009*



North

Scale 1:5,000

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Additions to Escarpment Area



Removal from Escarpment Area



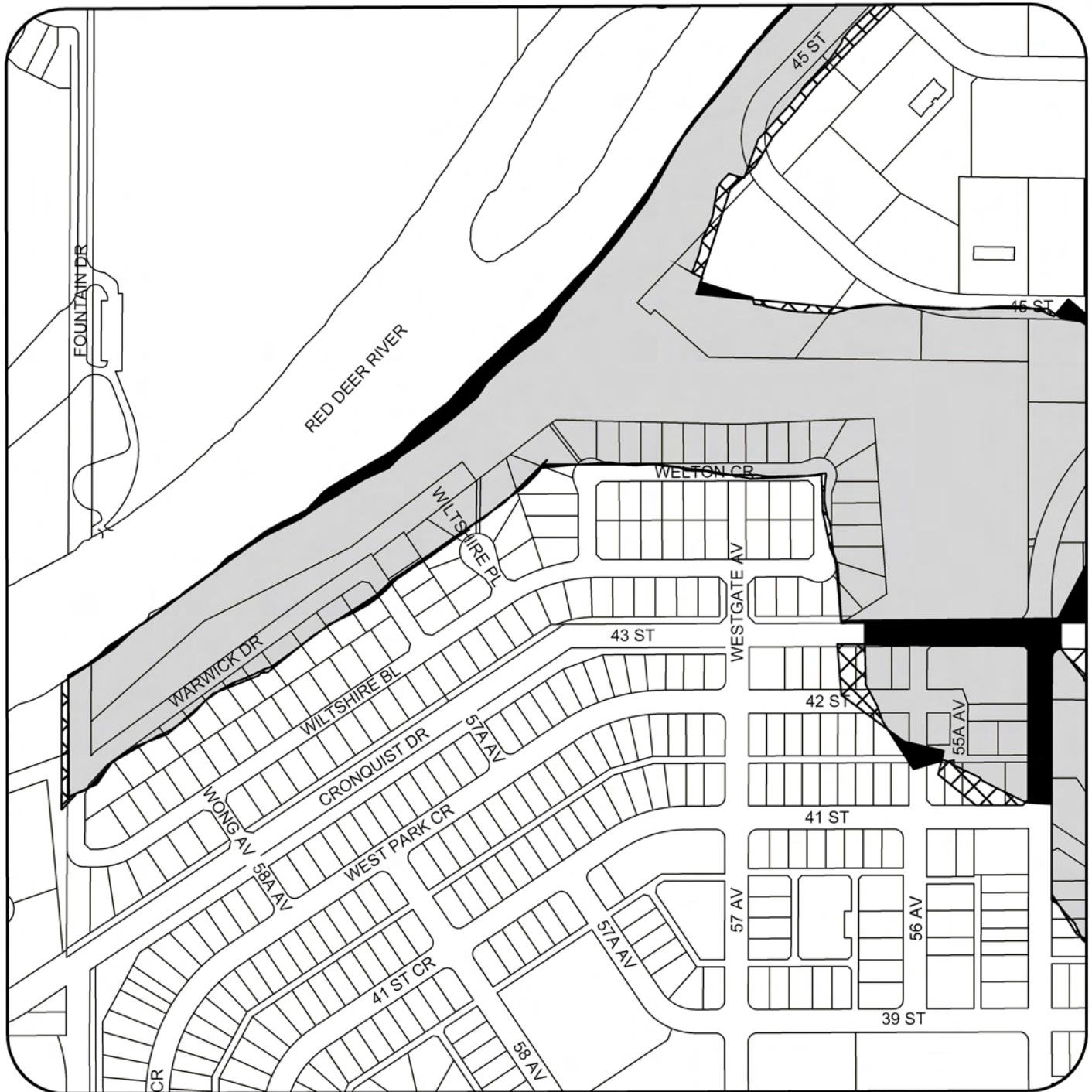
Escarpment Area (*unchanged*)



City Boundary



# Land Use Bylaw Amendment L/2009, Map 5 (K14)/2009



North

Scale 1:5,000

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Additions to Escarpment Area



Removal from Escarpment Area



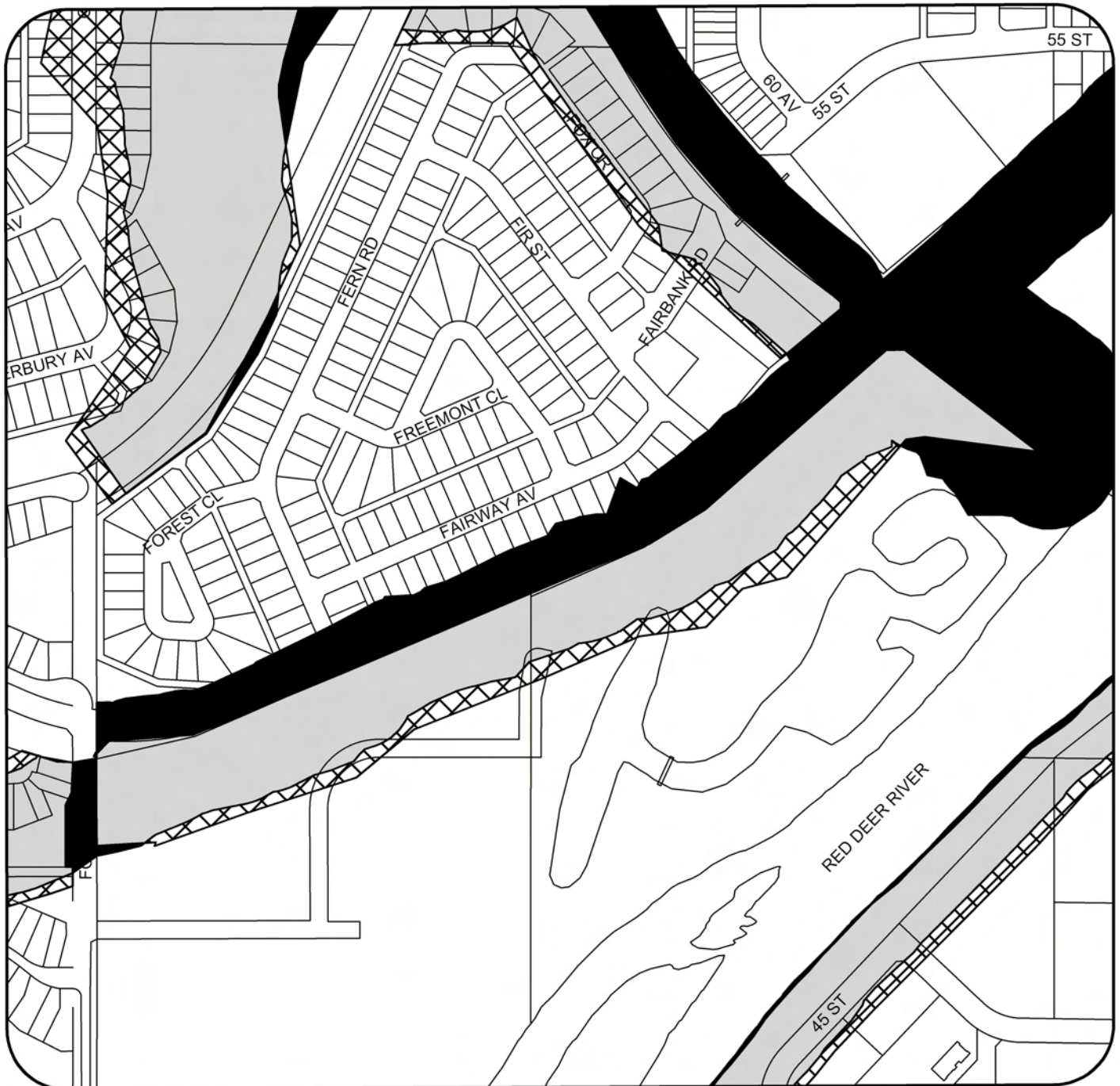
Escarpment Area (unchanged)



City Boundary



# Land Use Bylaw Amendment L/2009, Map 5 (K15)/2009



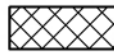
North

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Additions to Escarpment Area



Removal from Escarpment Area



Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (K16)/2009



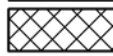
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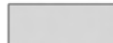
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Additions to Escarpment Area



Removal from Escarpment Area

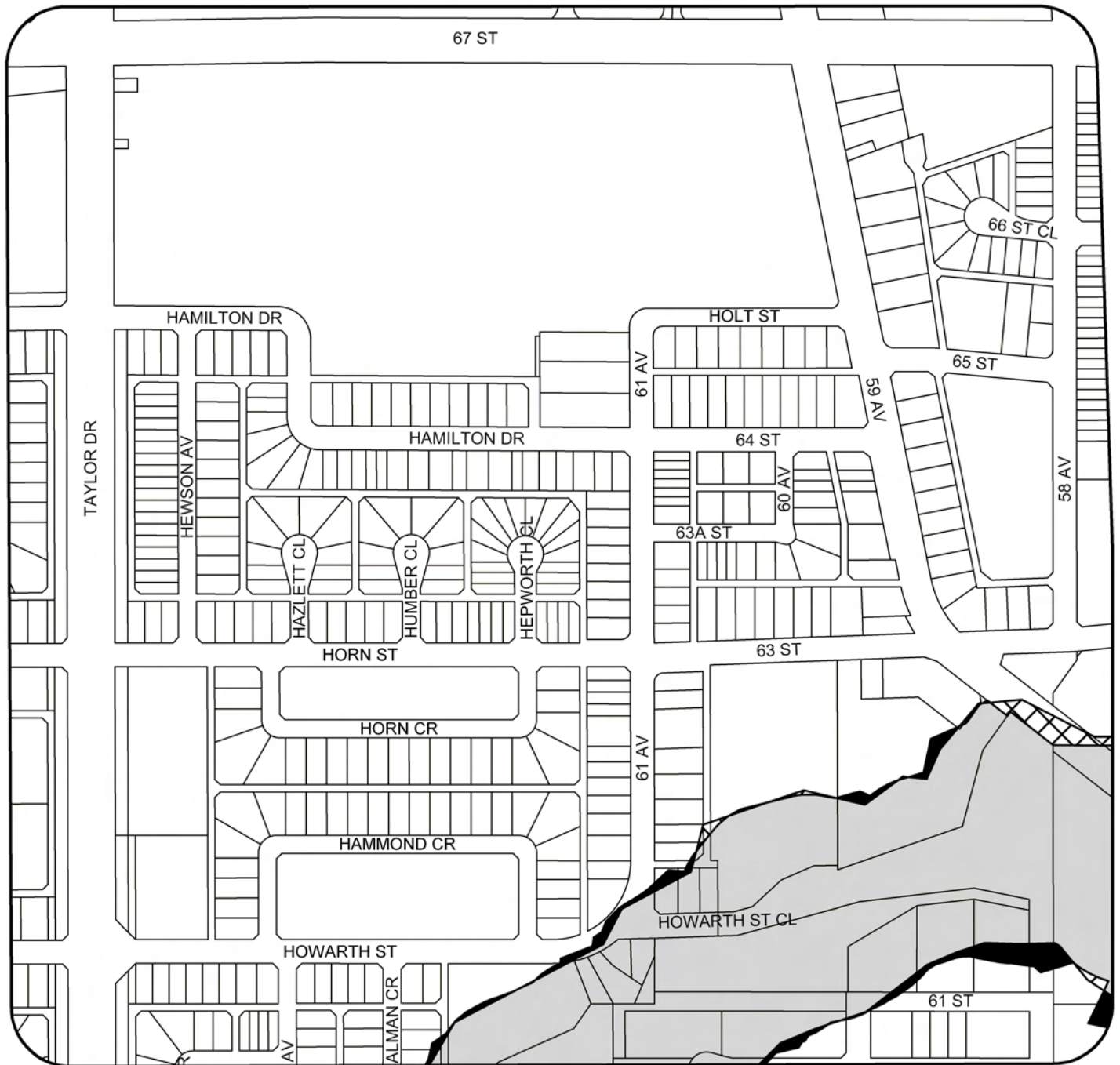


Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (K17)/2009



North

Scale 1:5,000

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Additions to Escarpment Area



Removal from Escarpment Area



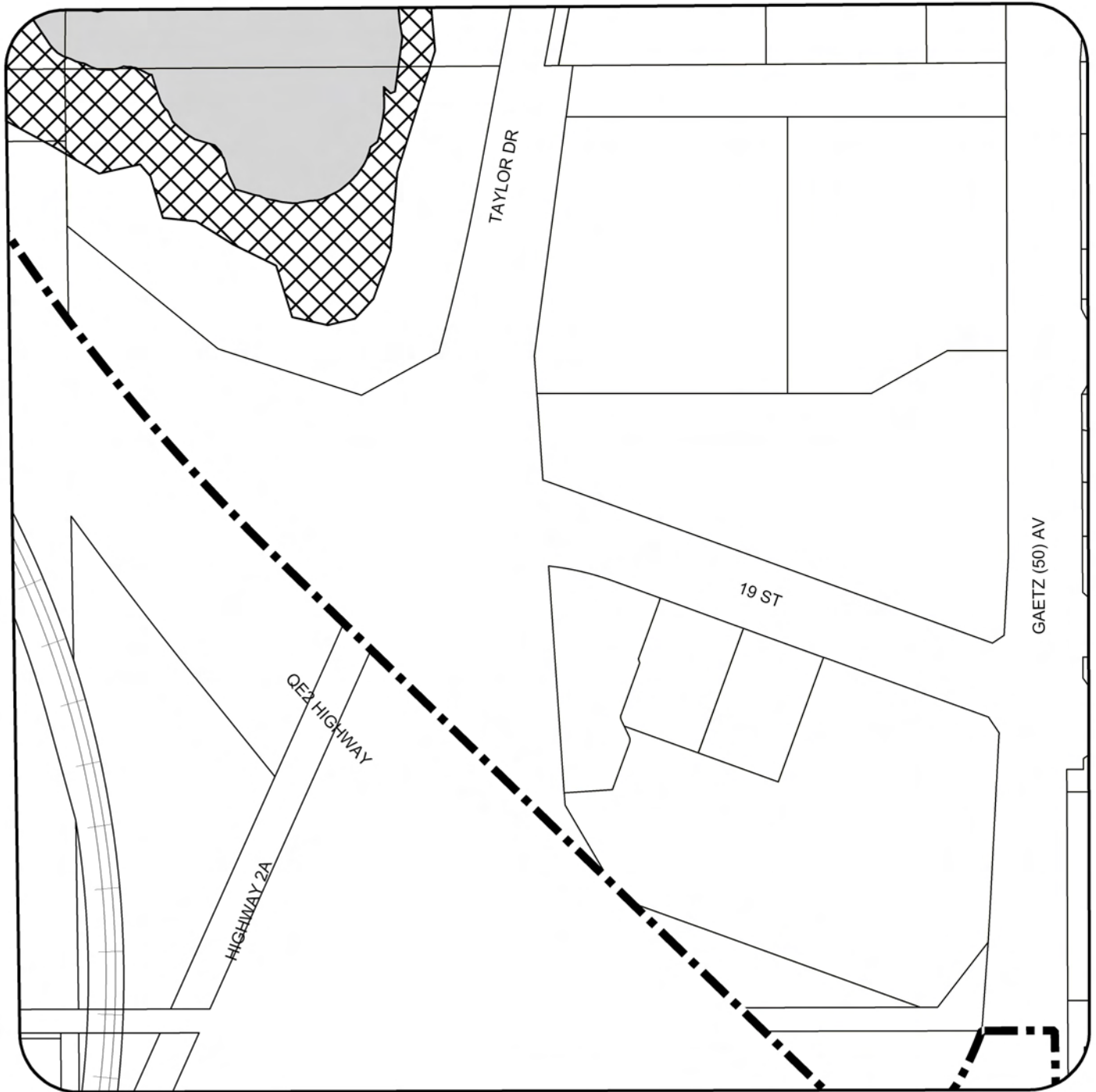
Escarpment Area (*unchanged*)



City Boundary



# Land Use Bylaw Amendment L/2009, Map 5 (L10)/2009



North

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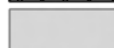
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Additions to Escarpment Area



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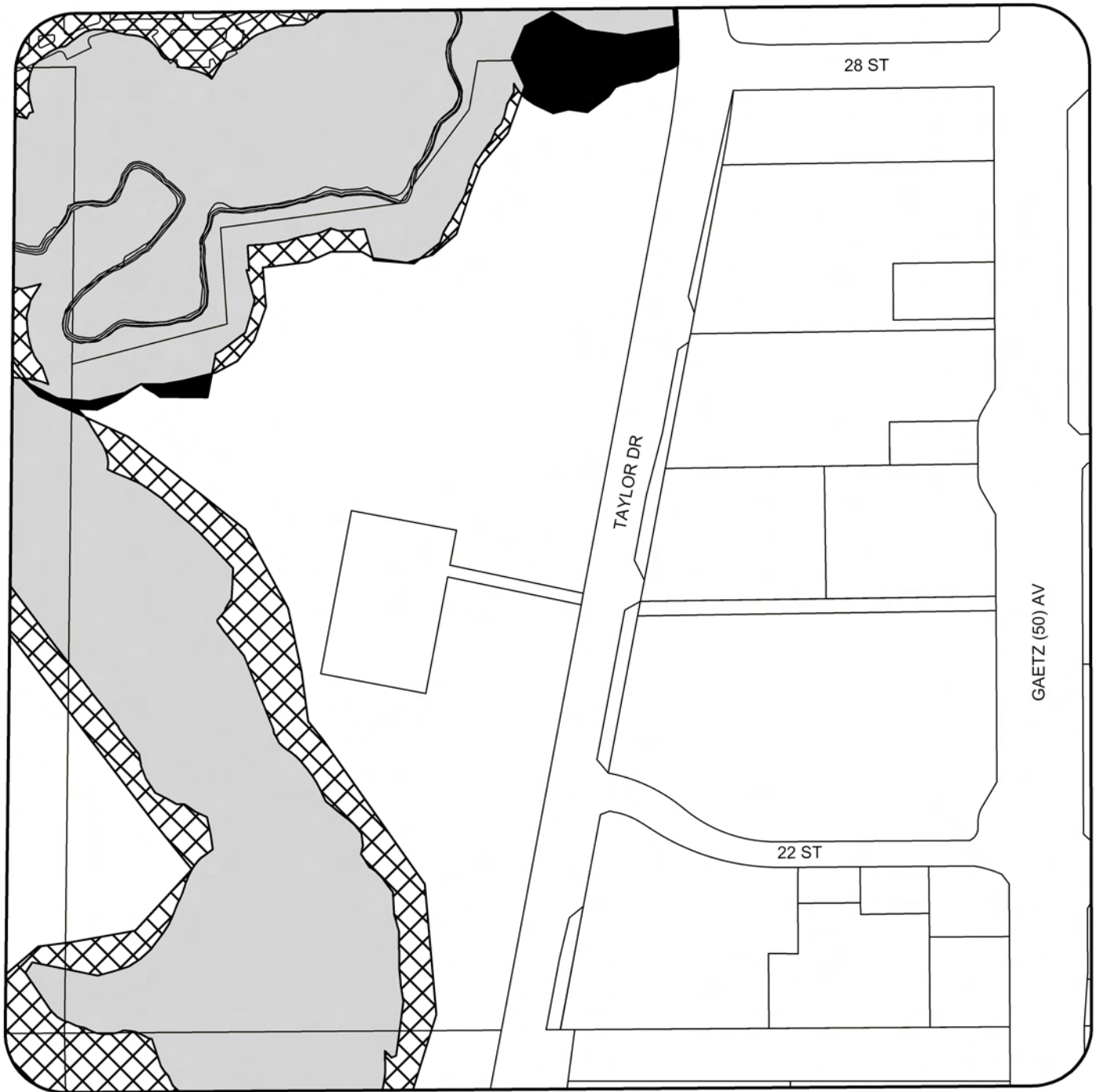


Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (L11)/2009



North

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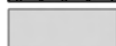
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Additions to Escarpment Area



Removal from Escarpment Area

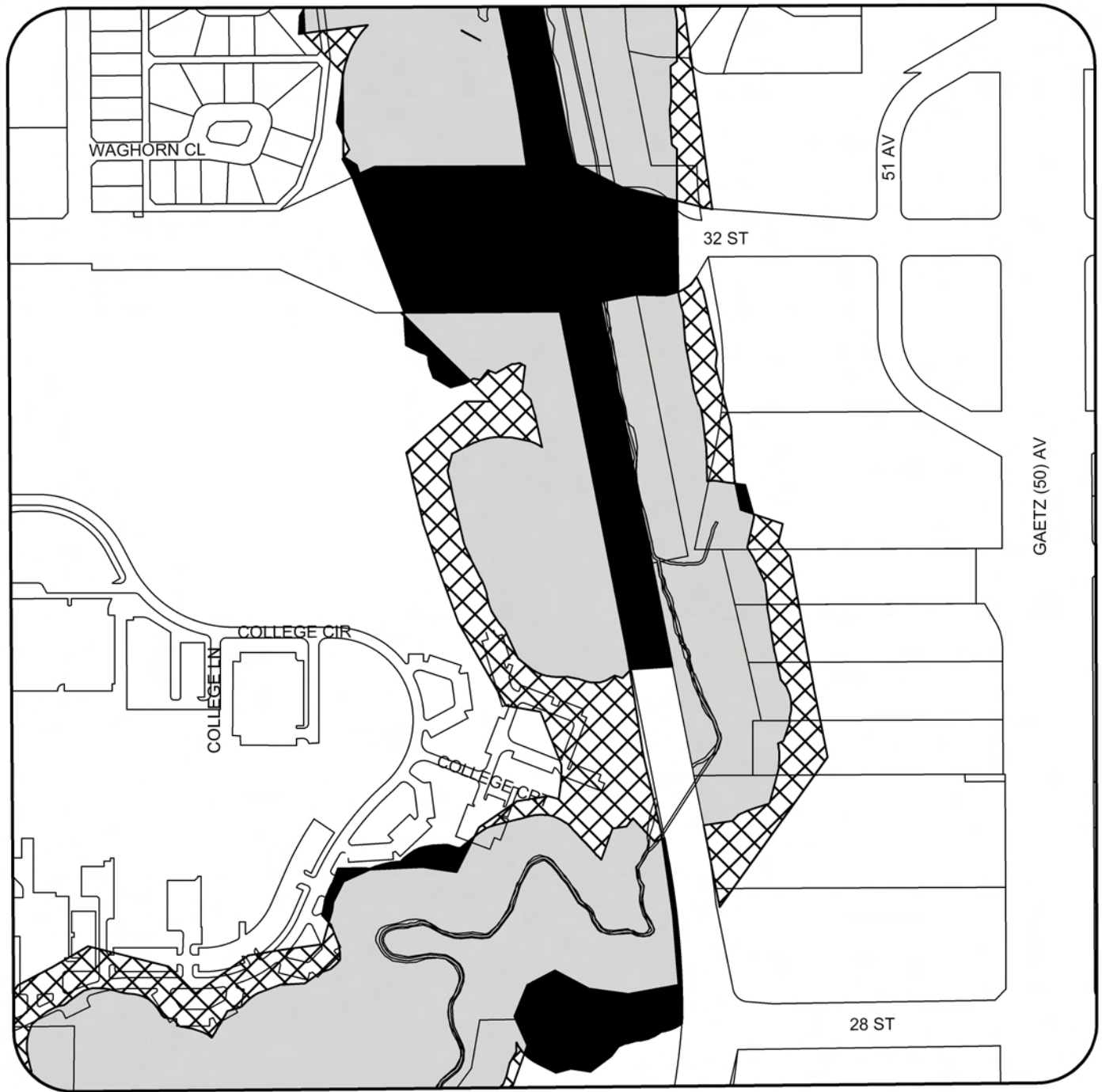


Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (L12)/2009



North

Scale 1:5,000

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Additions to Escarpment Area



Removal from Escarpment Area

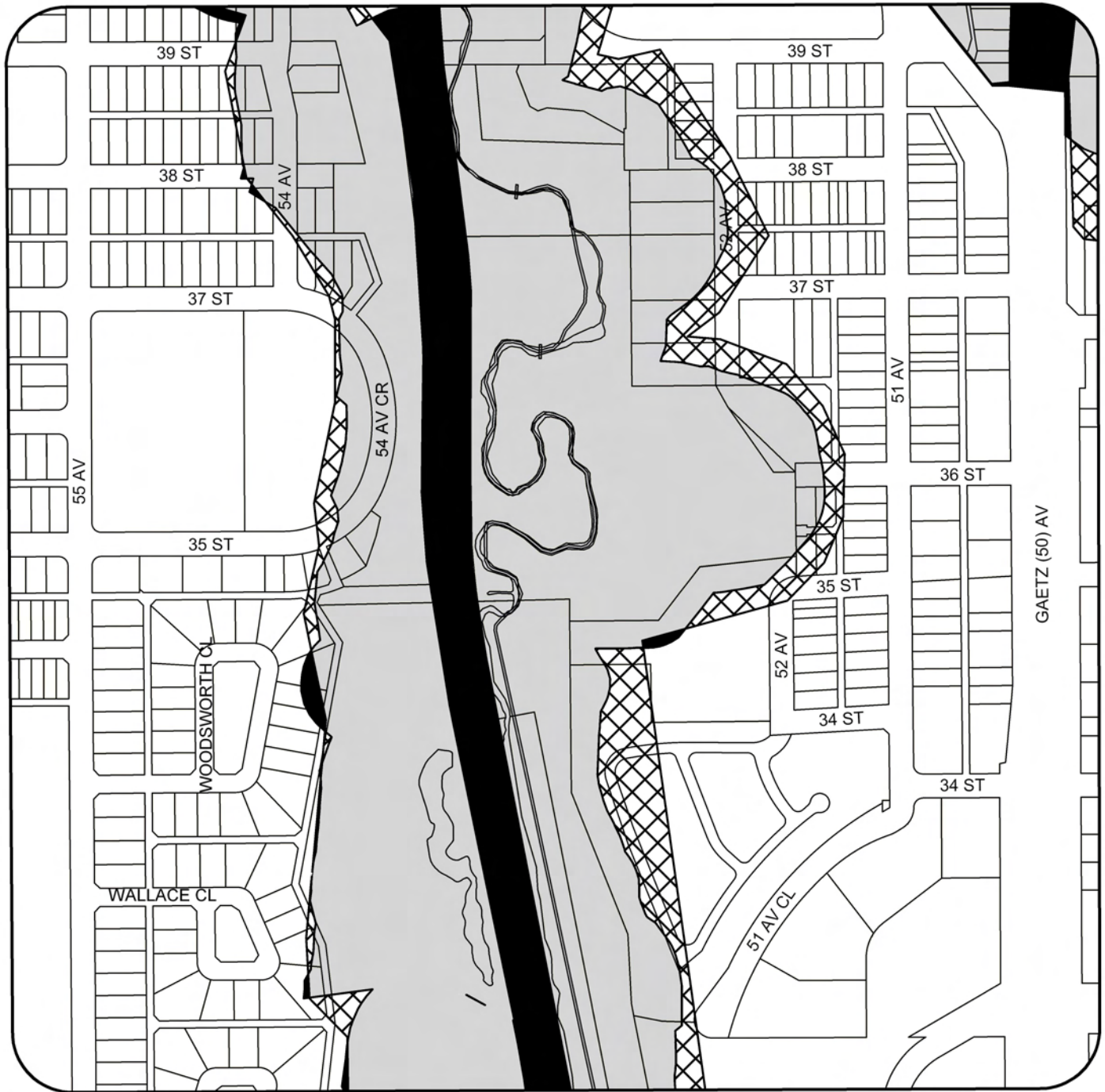


Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (L13)/2009



North

Scale 1:5,000

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Additions to Escarpment Area



Removal from Escarpment Area



Escarpment Area (unchanged)



City Boundary



# *Land Use Bylaw Amendment L/2009, Map 5 (L14)/2009*



North

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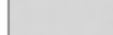
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Additions to Escarpment Area



Removal from Escarpment Area



Escarpment Area (unchanged)



City Boundary



# *Land Use Bylaw Amendment L/2009, Map 5 (L15)/2009*



North

Scale 1:5,000

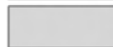
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Additions to Escarpment Area



Removal from Escarpment Area



Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (L16)/2009



North

Scale 1:5,000

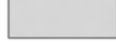
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Additions to Escarpment Area



Removal from Escarpment Area



Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (L17)/2009



North

Scale 1:5,000

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Additions to Escarpment Area



Removal from Escarpment Area



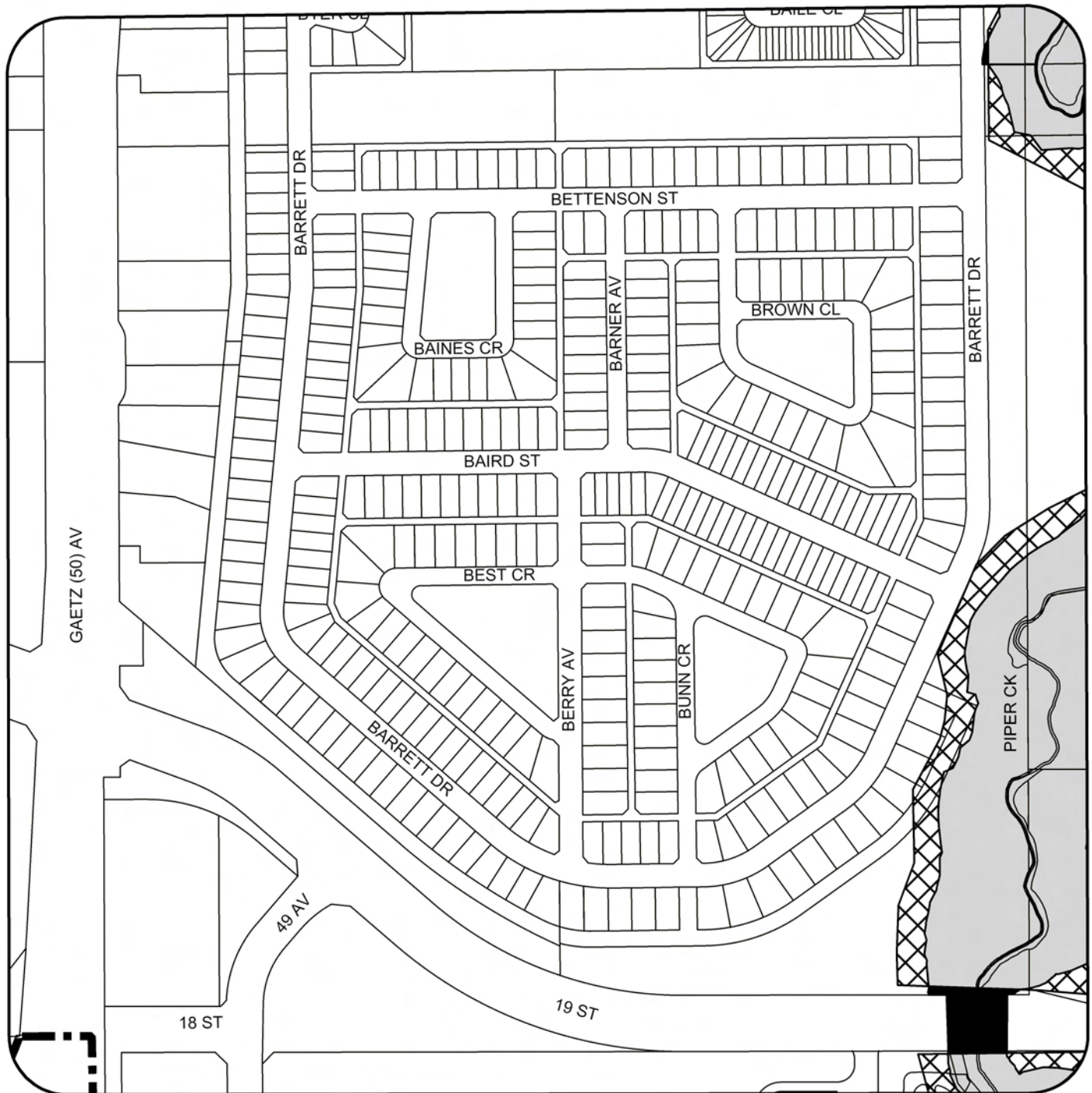
Escarpment Area (unchanged)



City Boundary



# Land Use Bylaw Amendment L/2009, Map 5 (M10)/2009



North

Scale 1:5,000

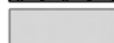
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Additions to Escarpment Area



Removal from Escarpment Area

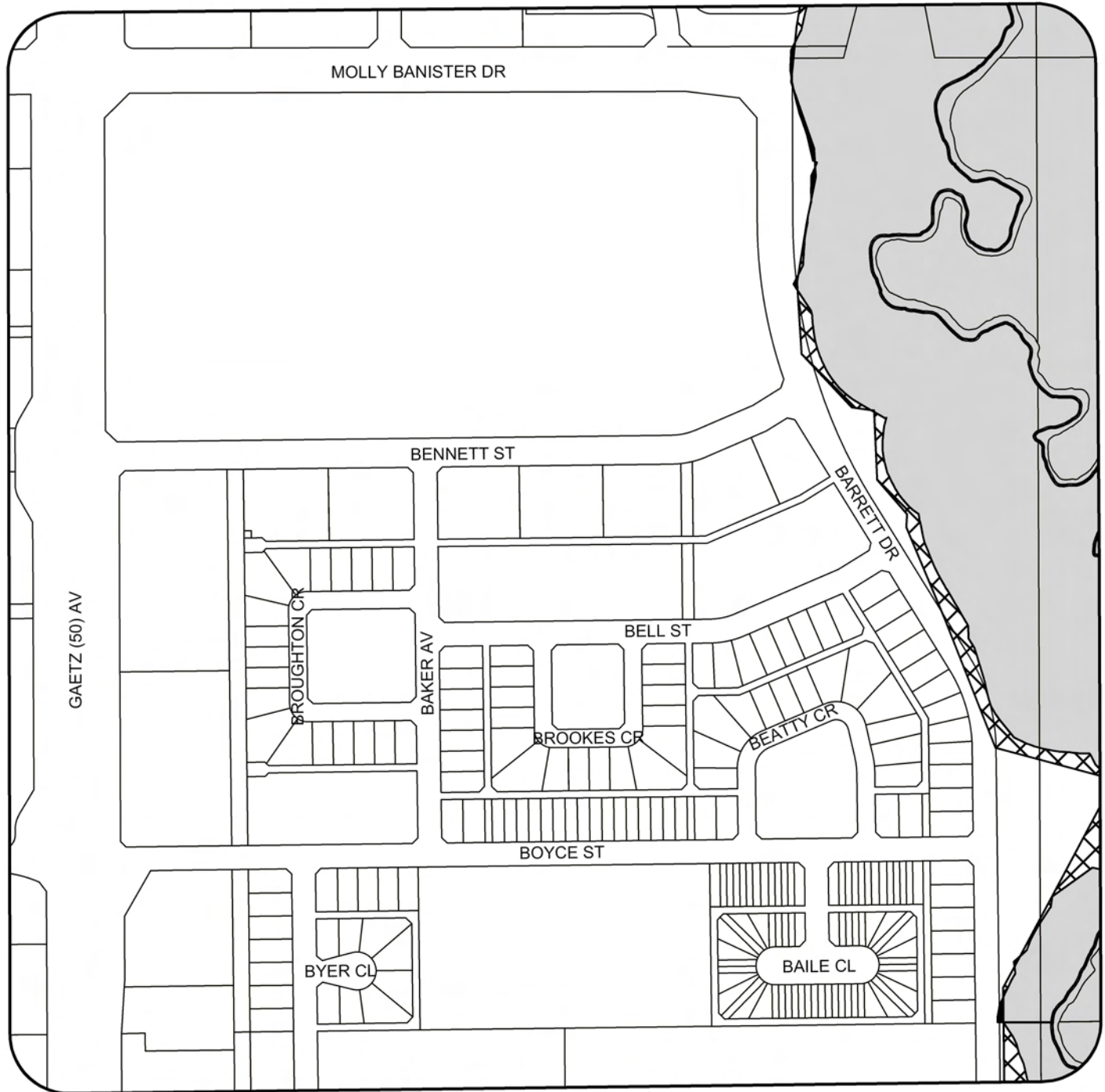


Escarpment Area (unchanged)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (M11)/2009



North

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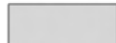
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Additions to Escarpment Area



Removal from Escarpment Area

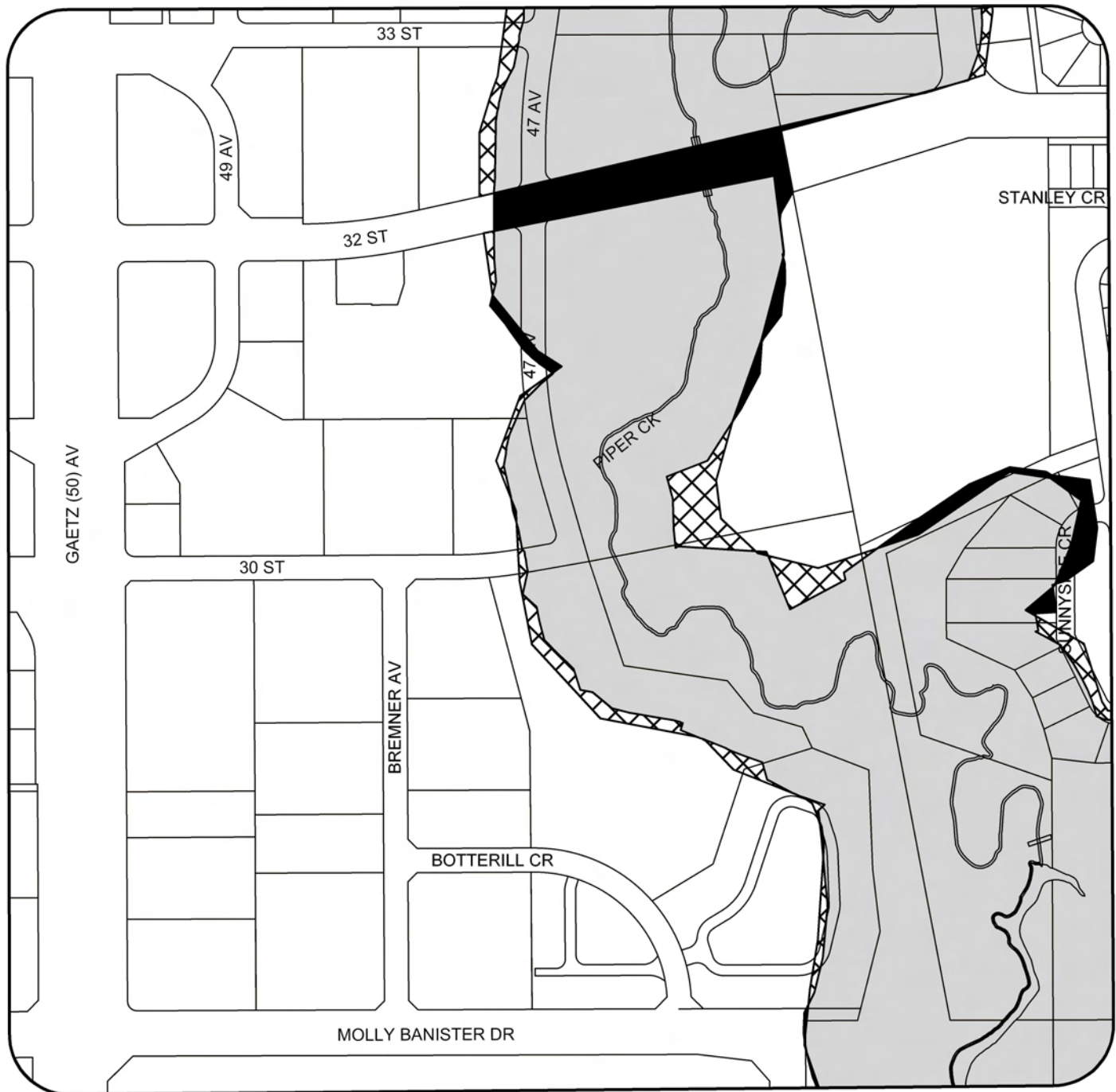


Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (M12)/2009



North

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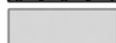
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Additions to Escarpment Area



Removal from Escarpment Area



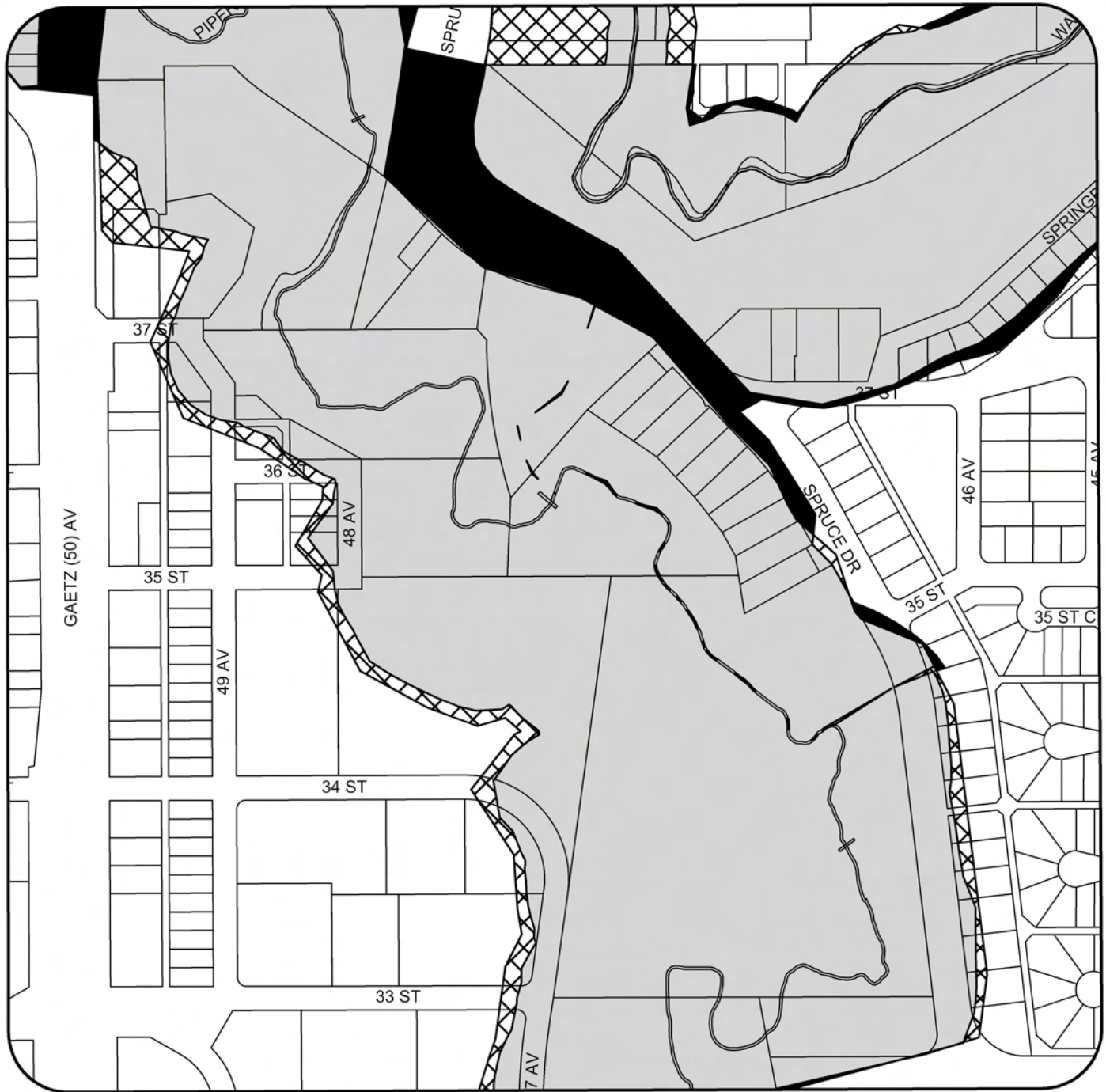
Escarpment Area (*unchanged*)



City Boundary



# *Land Use Bylaw Amendment L/2009, Map 5 (M13)/2009*



North

Scale 1:5,000

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Additions to Escarpment Area



Removal from Escarpment Area



Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (M14)/2009



North

Scale 1:5,000

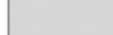
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Additions to Escarpment Area



Removal from Escarpment Area

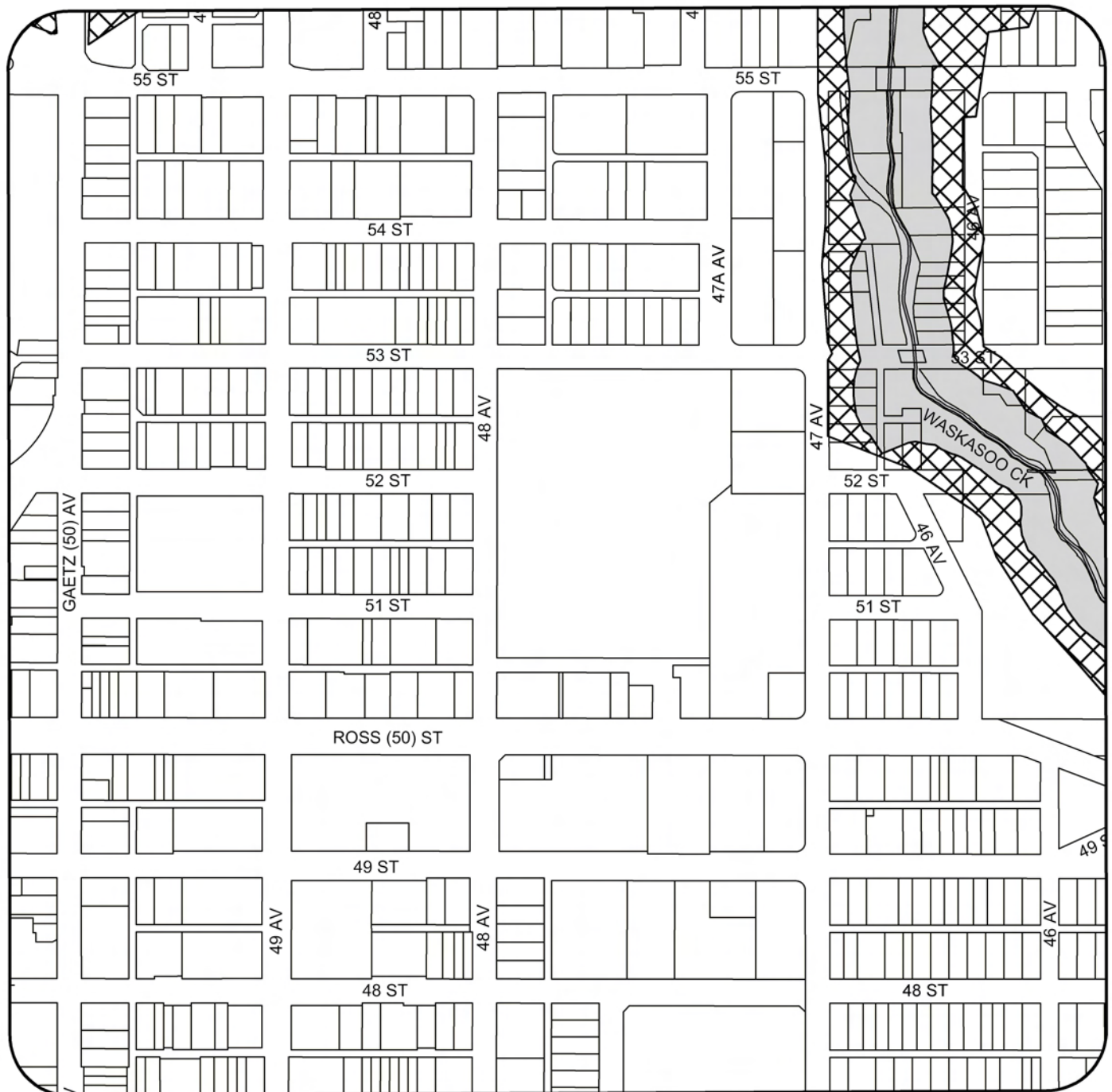


Escarpment Area (unchanged)



City Boundary





Scale 1:5,000

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### Additions to Escarpment Area

### Removal from Escarpment Area

Escarpment Area (*unchanged*)

City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (M16)/2009



North

Scale 1:5,000

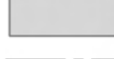
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Additions to Escarpment Area



Removal from Escarpment Area



Escarpment Area (unchanged)



City Boundary

# *Land Use Bylaw Amendment L/2009, Map 5 (M17)/2009*



North

Scale 1:5,000

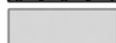
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Additions to Escarpment Area



Removal from Escarpment Area



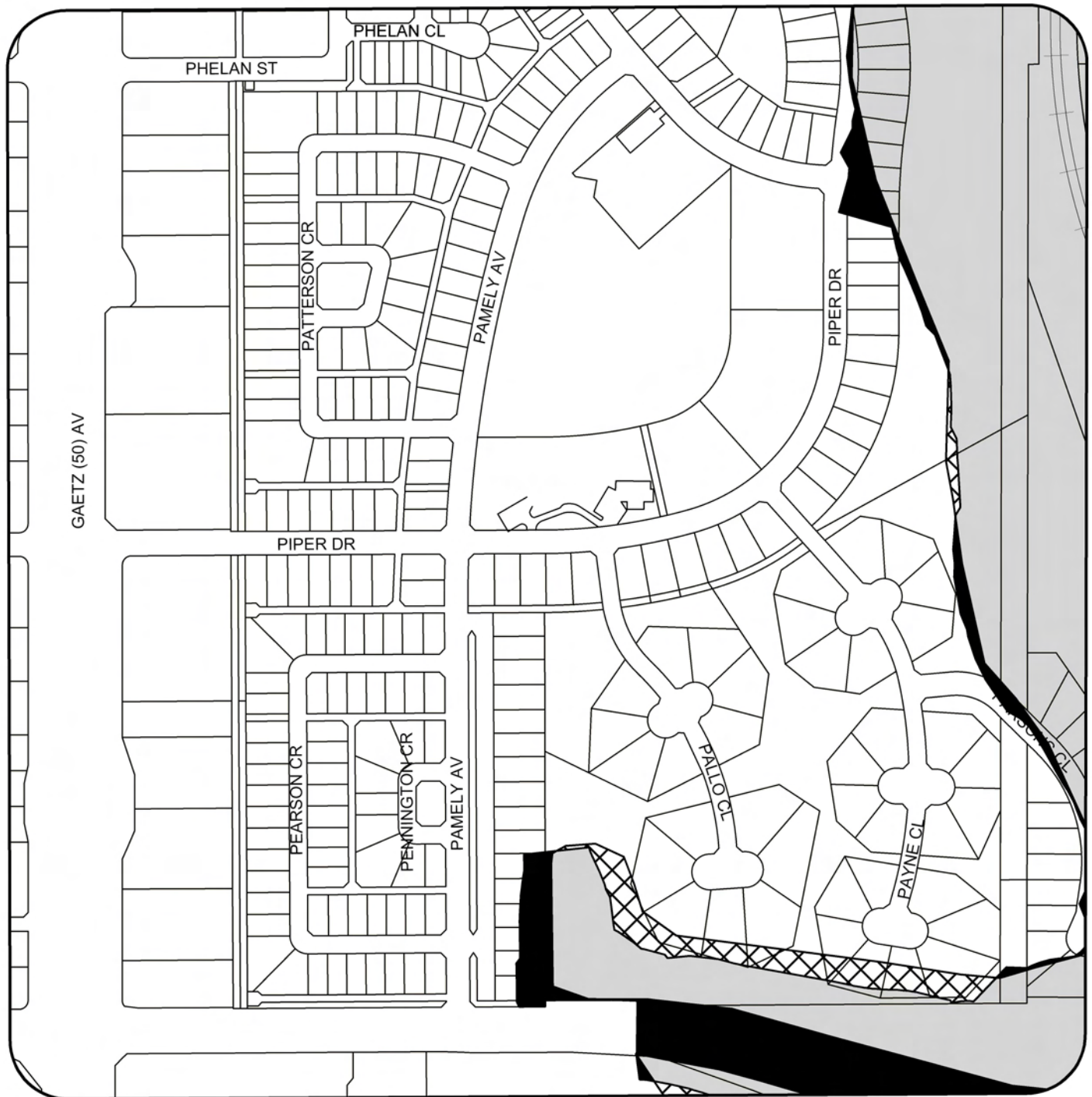
Escarpment Area (*unchanged*)



City Boundary



# Land Use Bylaw Amendment L/2009, Map 5 (M18)/2009



North

Scale 1:5,000

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Additions to Escarpment Area



Removal from Escarpment Area



Escarpment Area (*unchanged*)



City Boundary

# *Land Use Bylaw Amendment L/2009, Map 5 (M19)/2009*



North

Scale 1:5,000

© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area

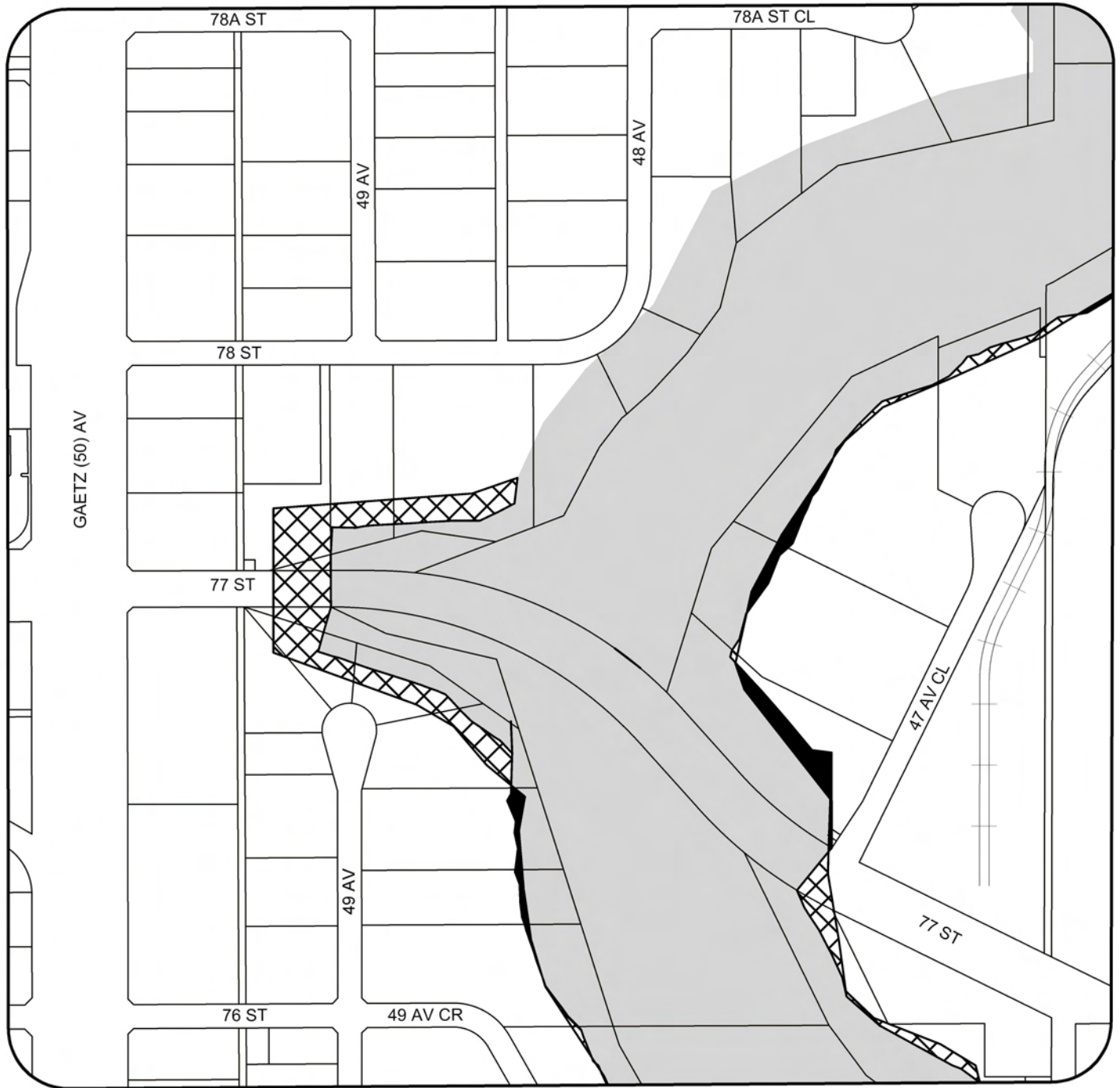


Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (M20)/2009



North

Scale 1:5,000

© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area

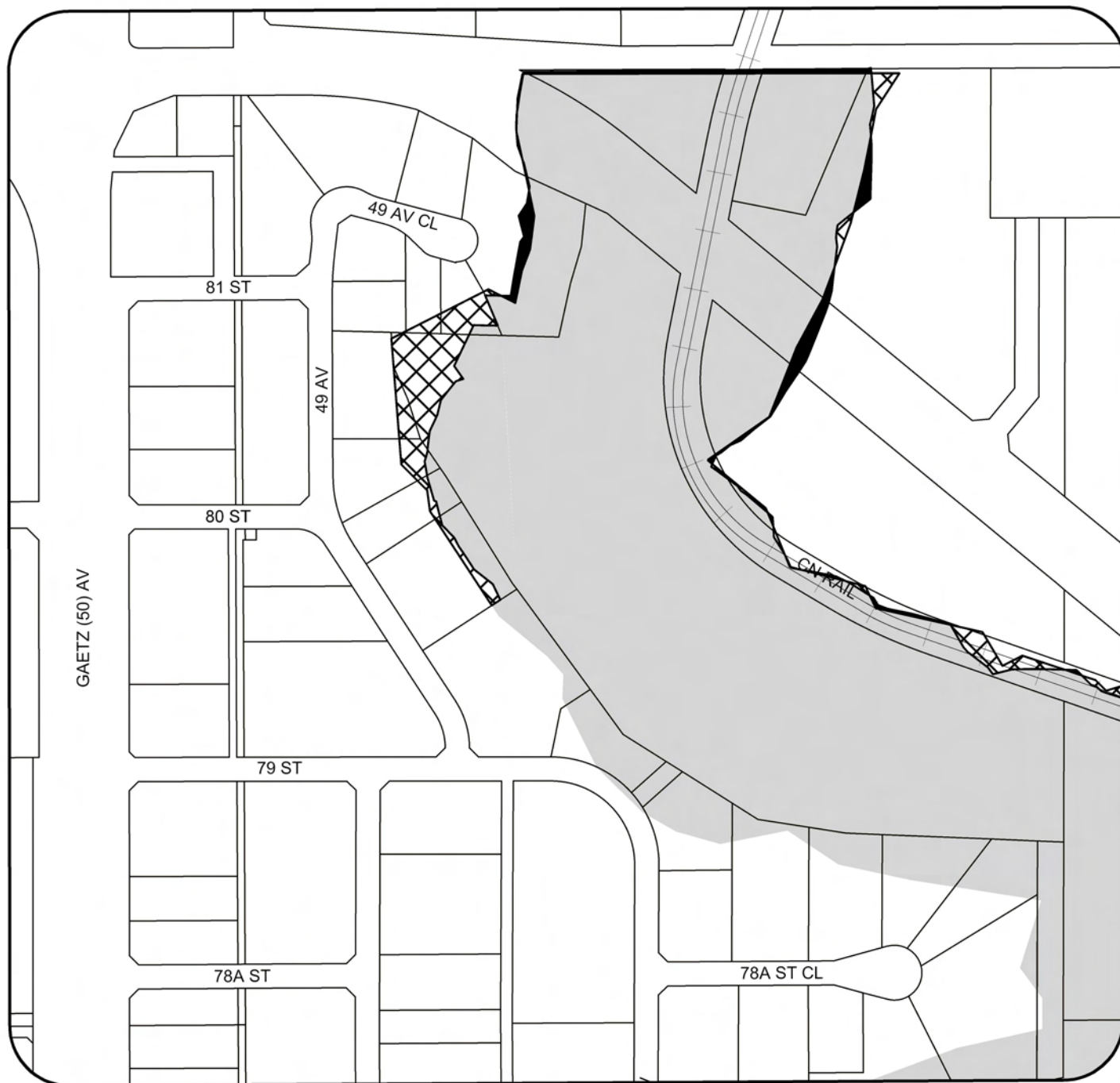


Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (M21)/2009



North

Scale 1:5,000

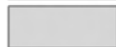
© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area



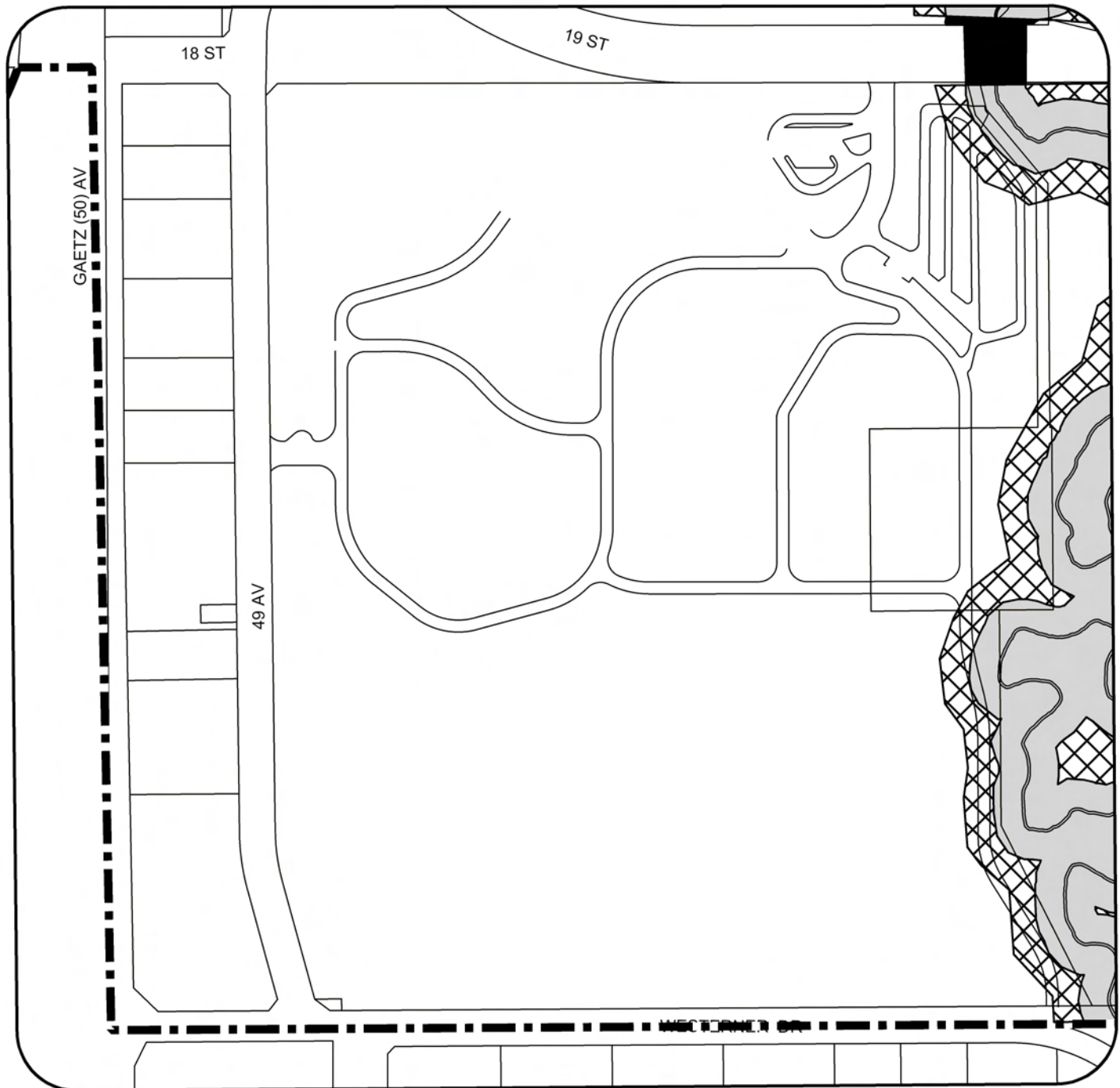
Escarpment Area (*unchanged*)



City Boundary



# Land Use Bylaw Amendment L/2009, Map 5 (M19)/2009



North

Scale 1:5,000

© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area



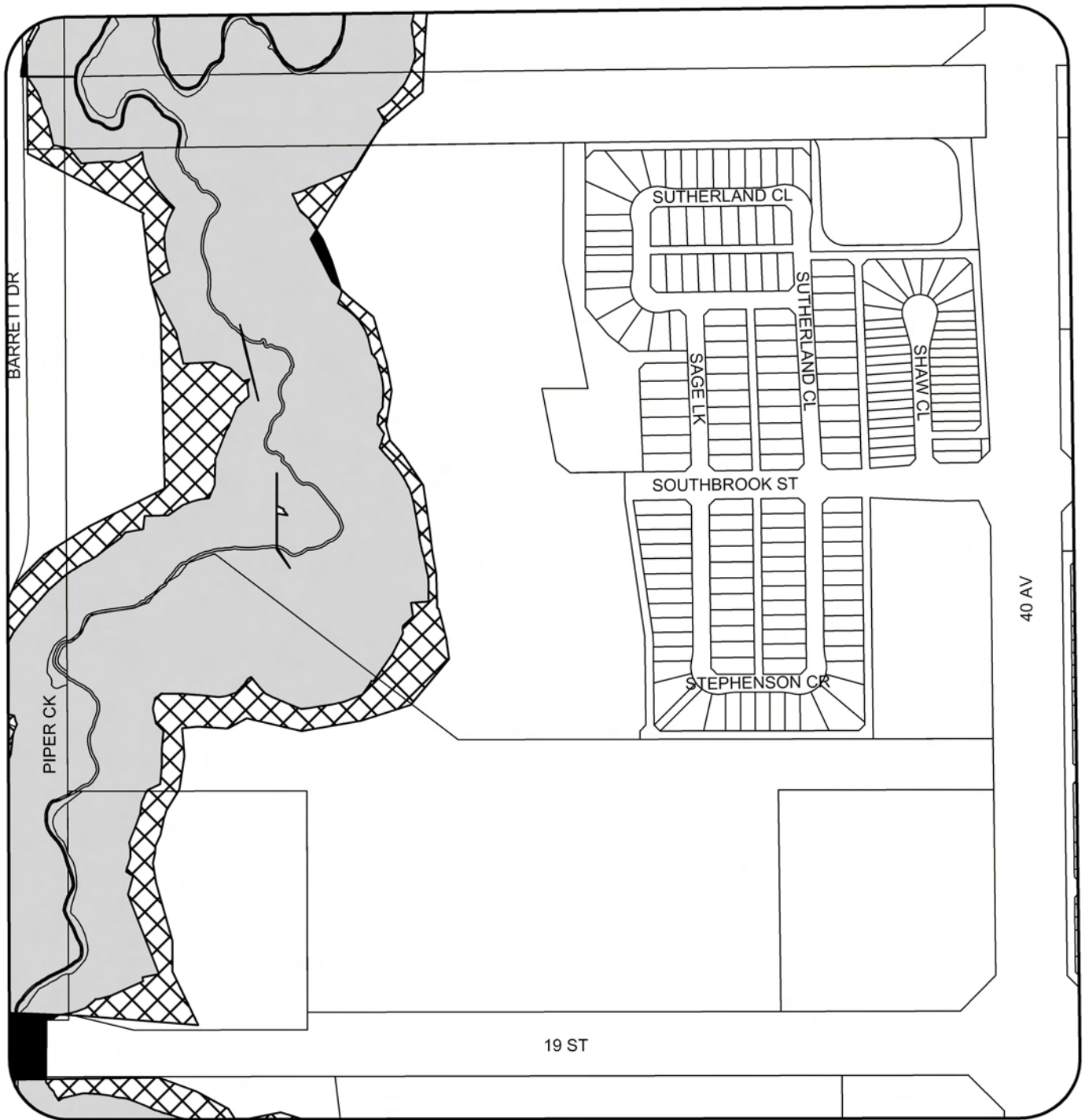
Escarpment Area (*unchanged*)



City Boundary



# Land Use Bylaw Amendment L/2009, Map 5 (N10)/2009



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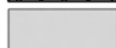
© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area

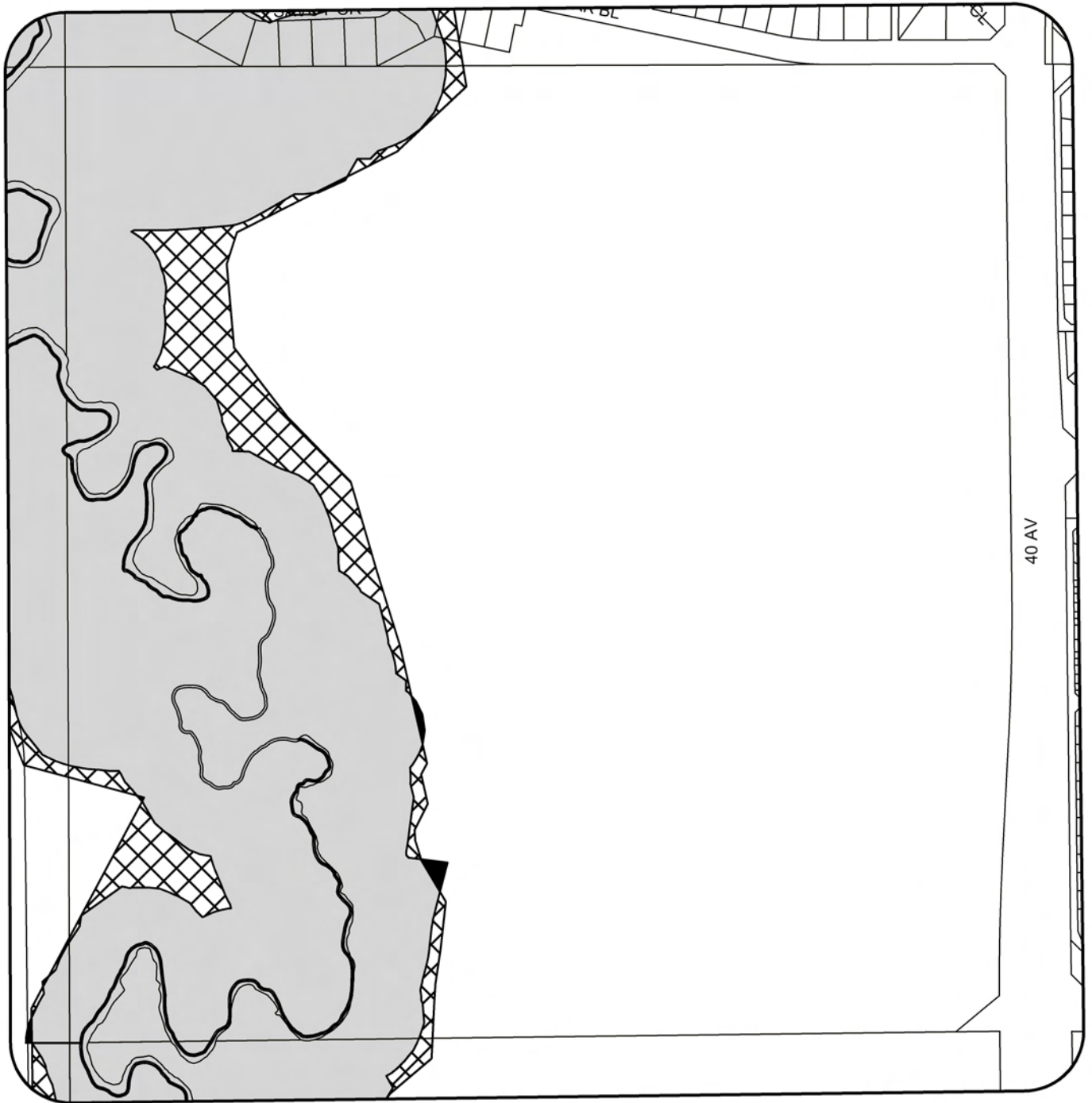


Escarpment Area (unchanged)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (N11)/2009



North

Scale 1:5,000

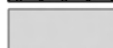
© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area

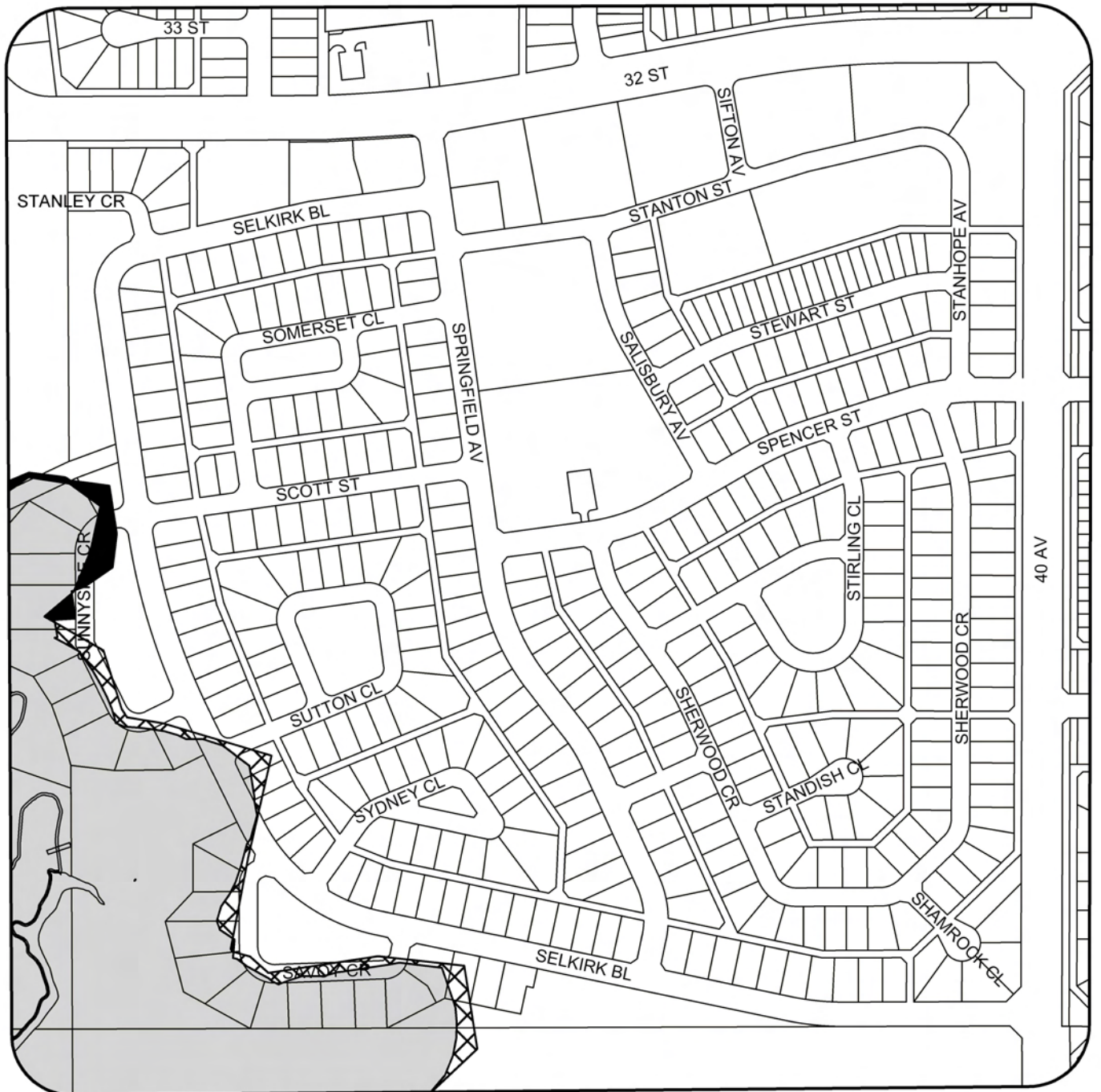


Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (N12)/2009



North

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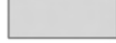
© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area



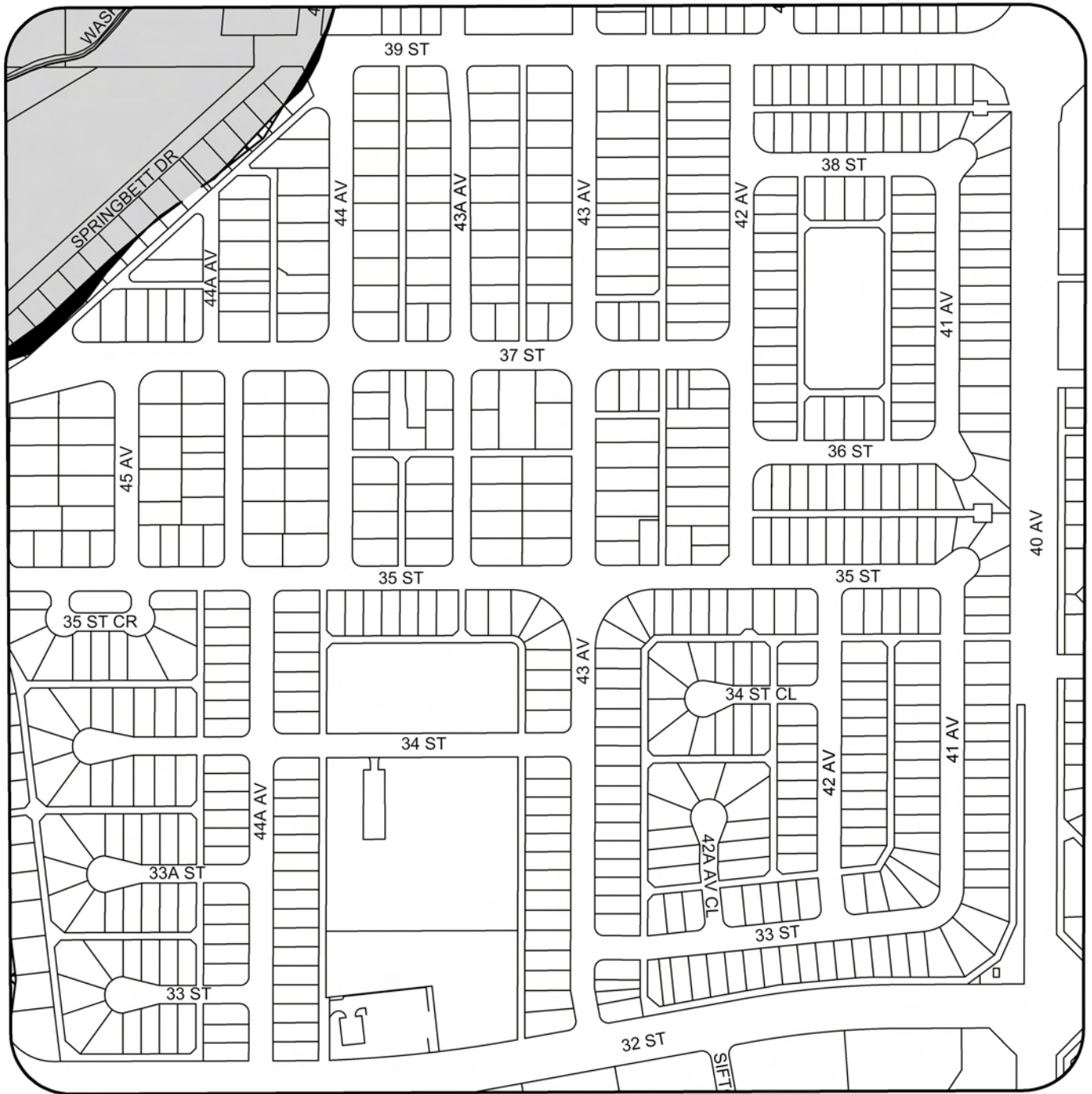
Escarpment Area (unchanged)



City Boundary



# Land Use Bylaw Amendment L/2009, Map 5 (N13)/2009



North

Scale 1:5,000

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Additions to Escarpment Area



Removal from Escarpment Area

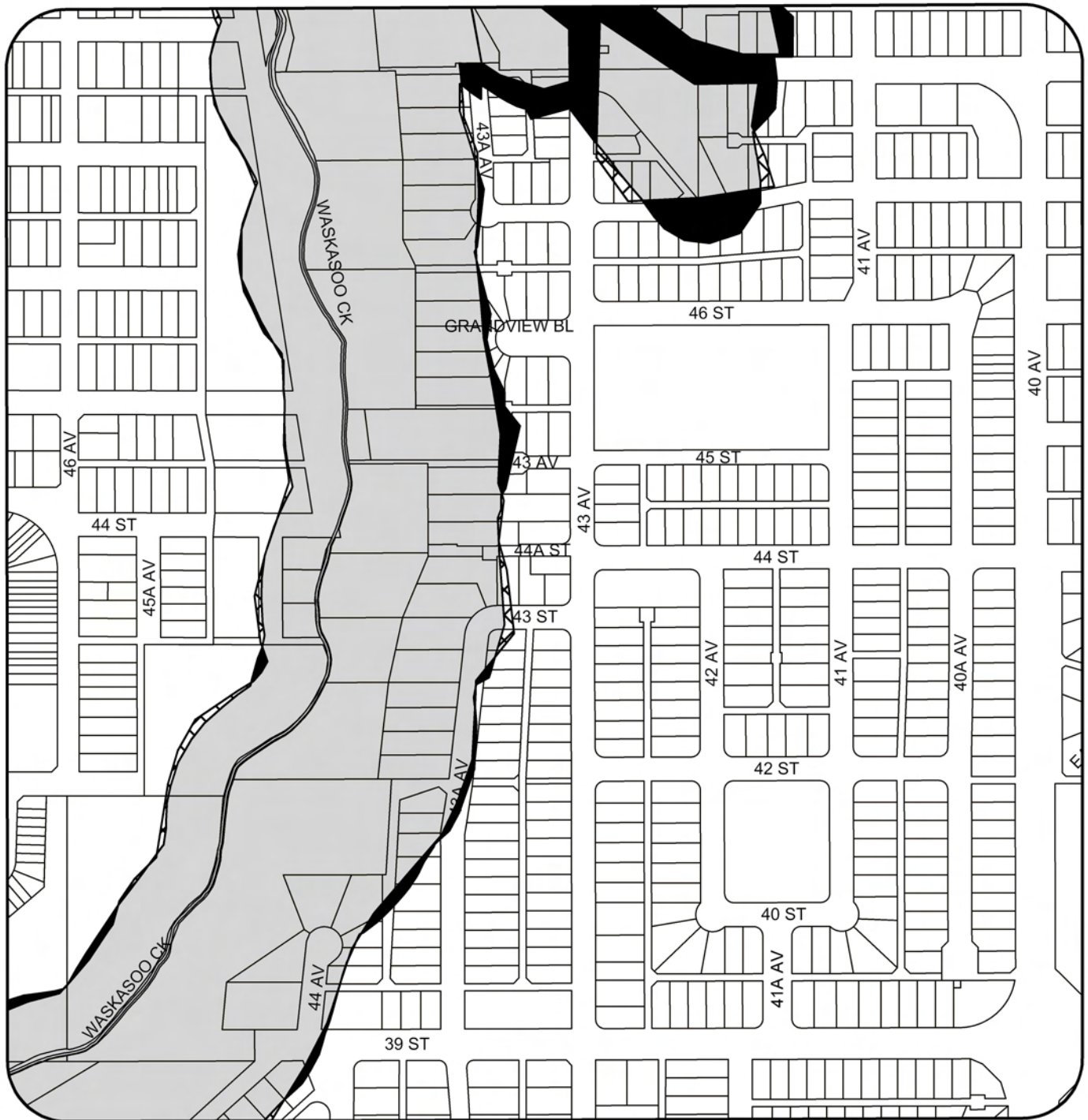


Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (N14)/2009



North

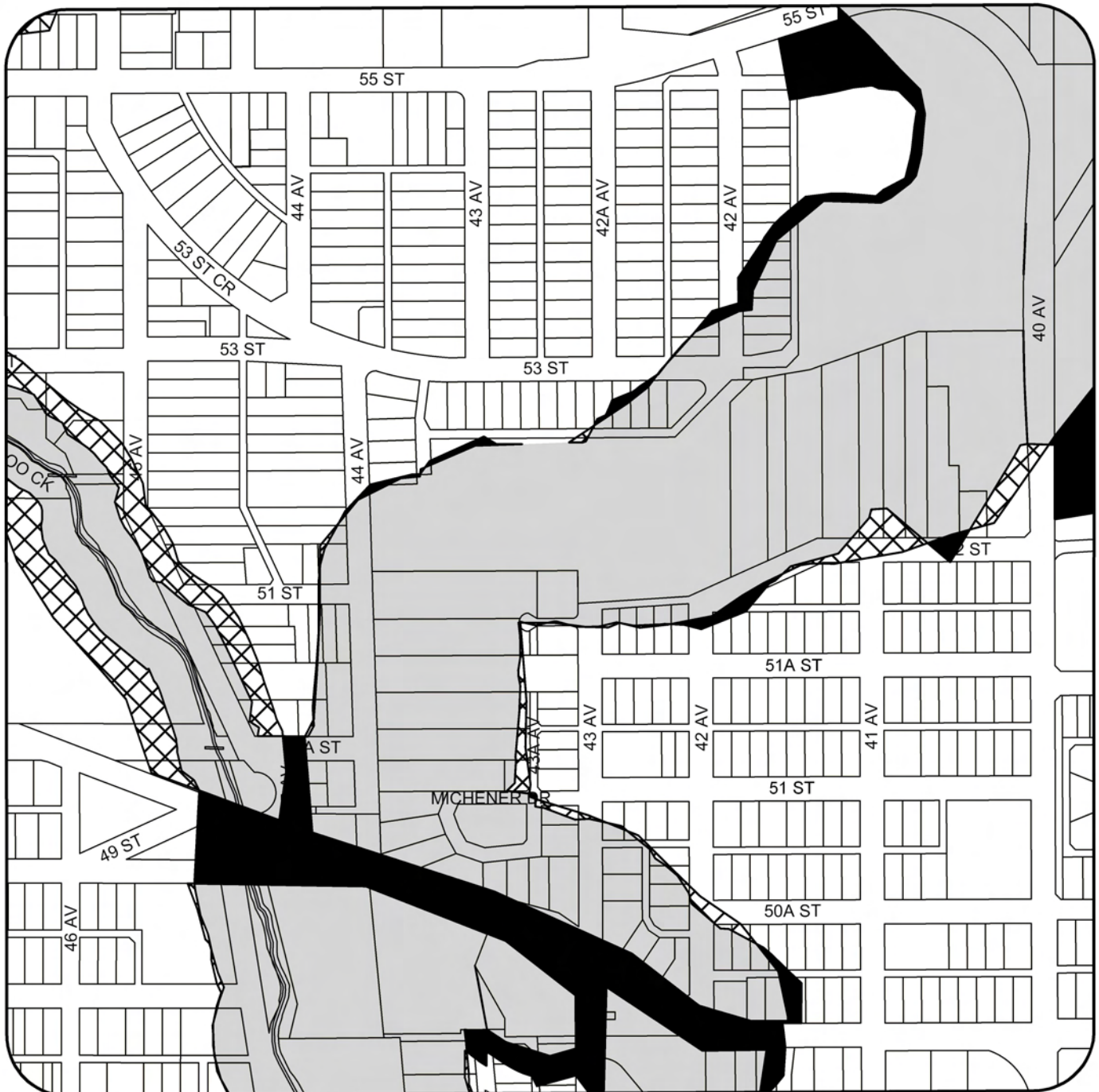
Scale 1:5,000

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Additions to Escarpment Area  
Removal from Escarpment Area  
Escarpment Area (*unchanged*)  
City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (N15)/2009



North

Scale 1:5,000

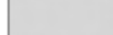
© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area



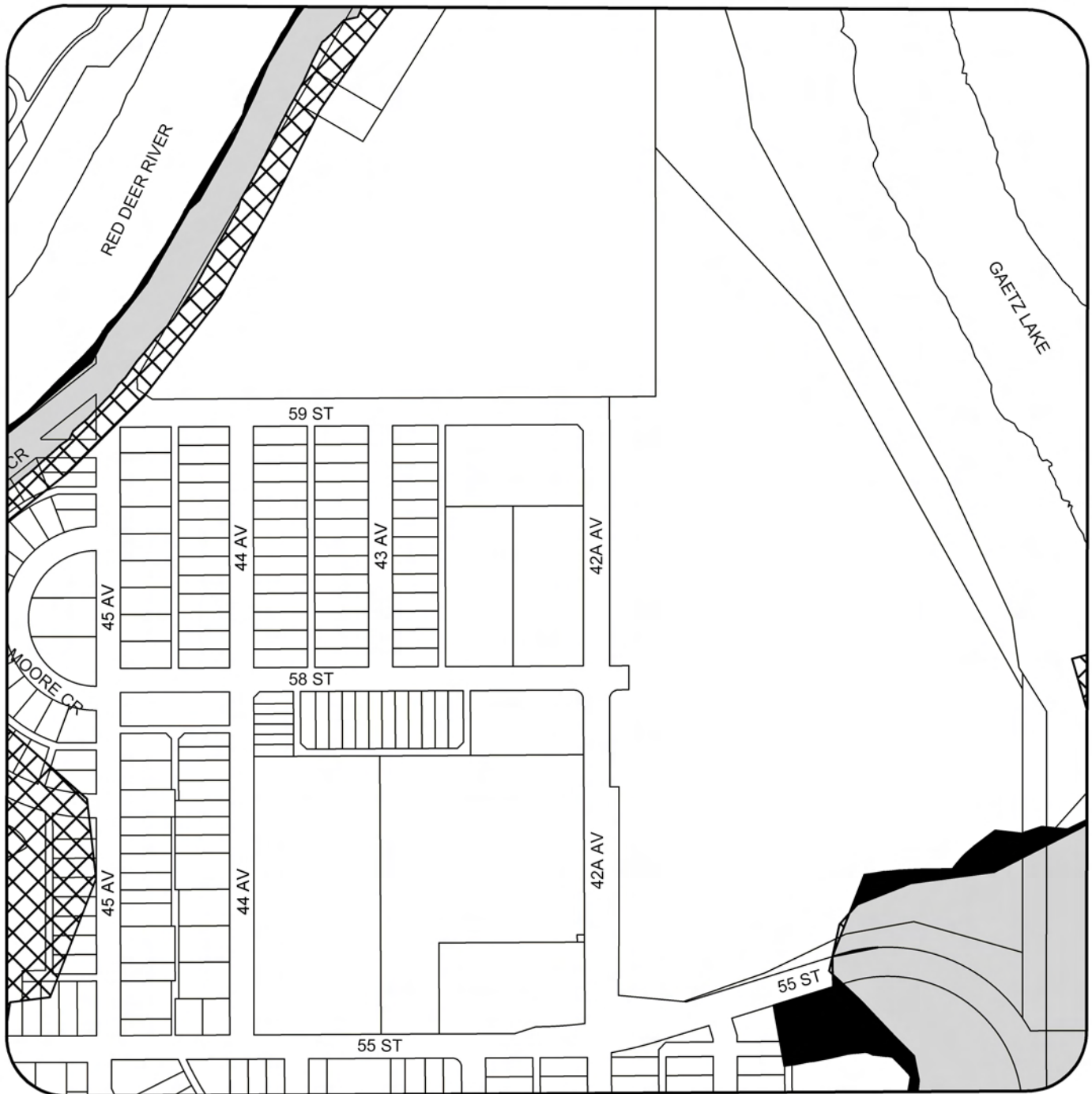
Escarpment Area (*unchanged*)



City Boundary



# Land Use Bylaw Amendment L/2009, Map 5 (N16)/2009



North

Scale 1:5,000

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Additions to Escarpment Area



Removal from Escarpment Area

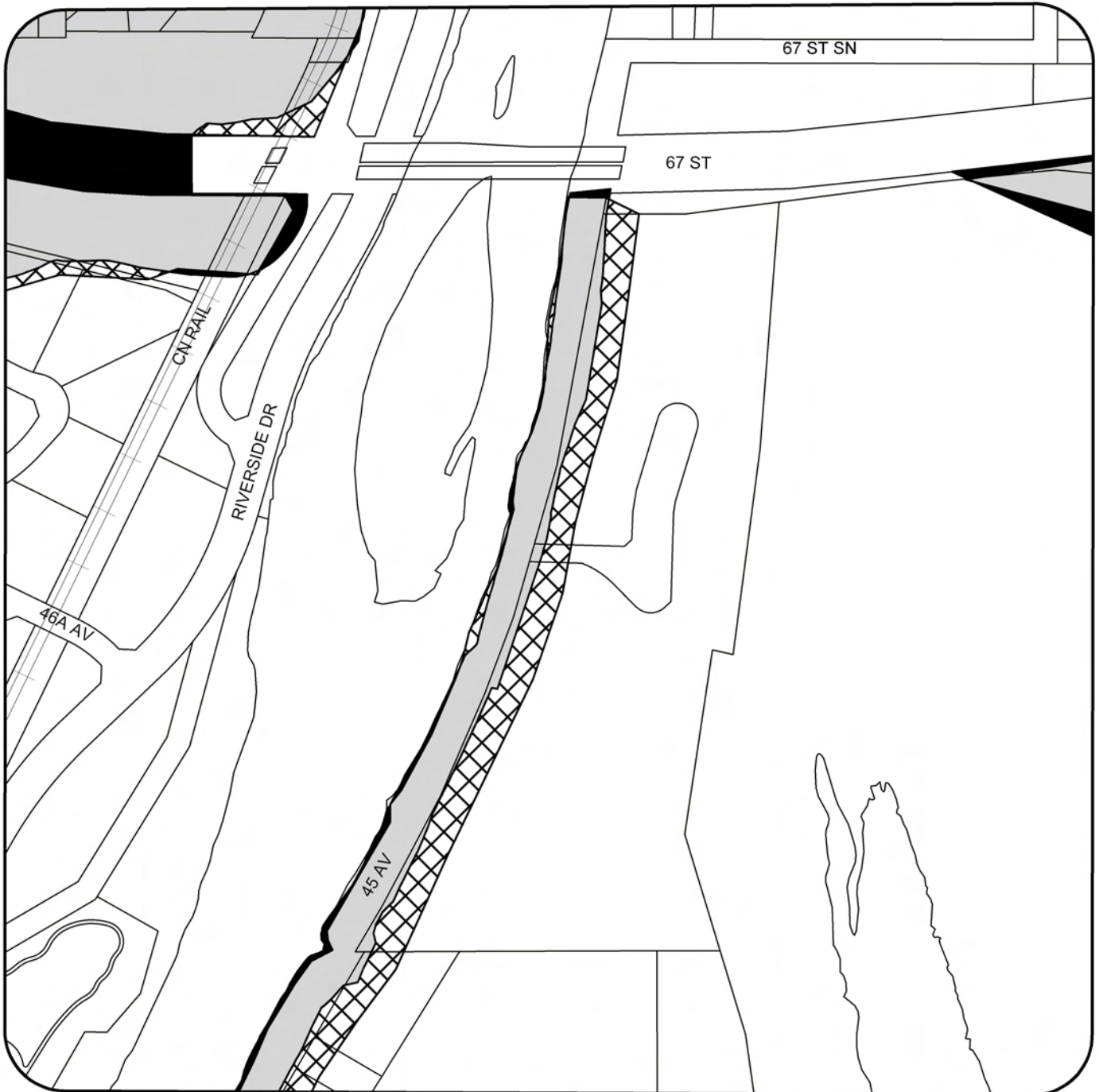


Escarpment Area (*unchanged*)



City Boundary

# *Land Use Bylaw Amendment L/2009, Map 5 (N17)/2009*



North

Scale 1:5,000

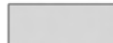
© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area



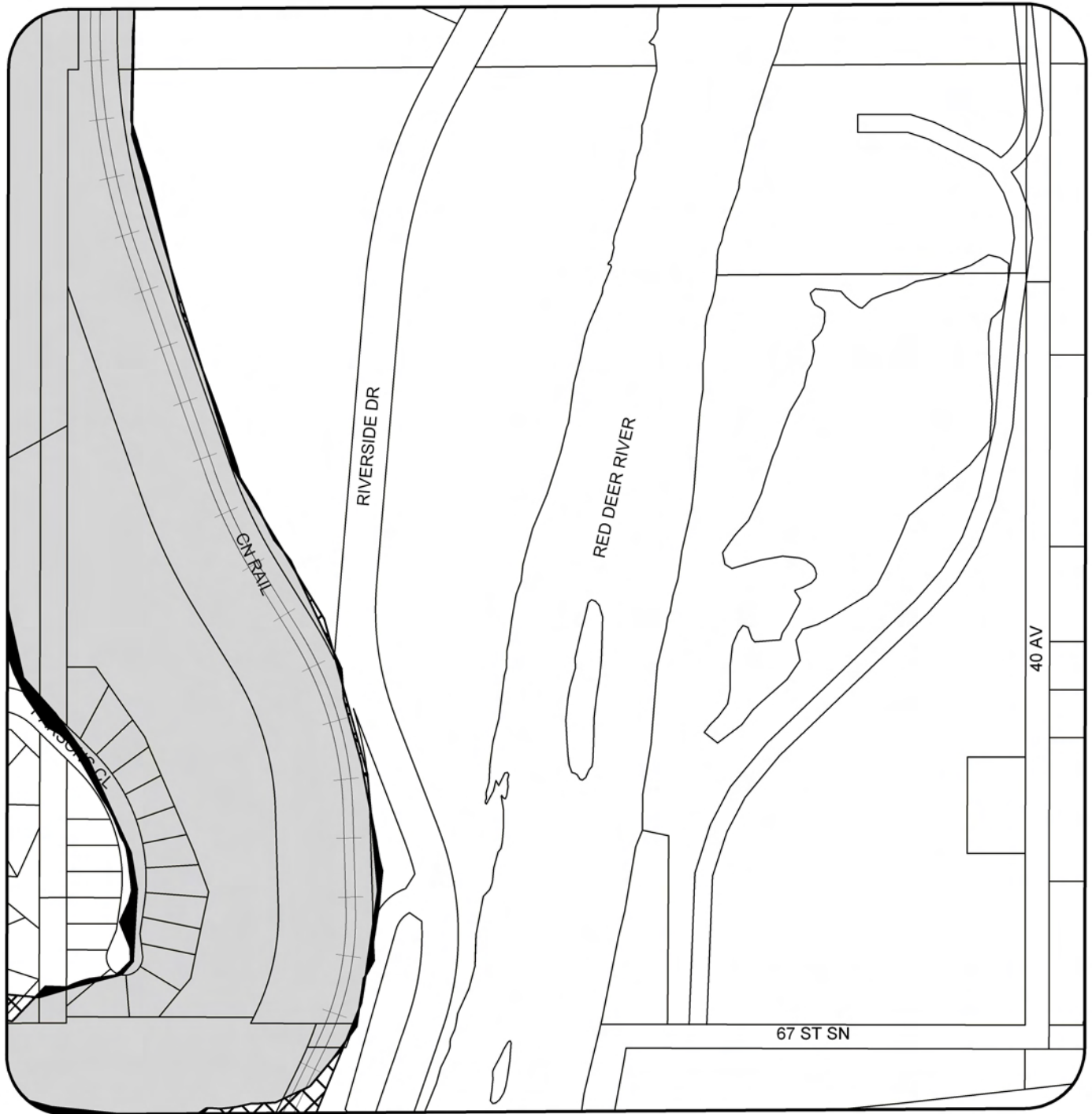
Escarpment Area (*unchanged*)



City Boundary



# Land Use Bylaw Amendment L/2009, Map 5 (N18)/2009



North

Scale 1:5,000

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Additions to Escarpment Area



Removal from Escarpment Area



Escarpment Area (*unchanged*)



City Boundary

# *Land Use Bylaw Amendment L/2009, Map 5 (N19)/2009*



North

Scale 1:5,000

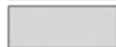
© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area

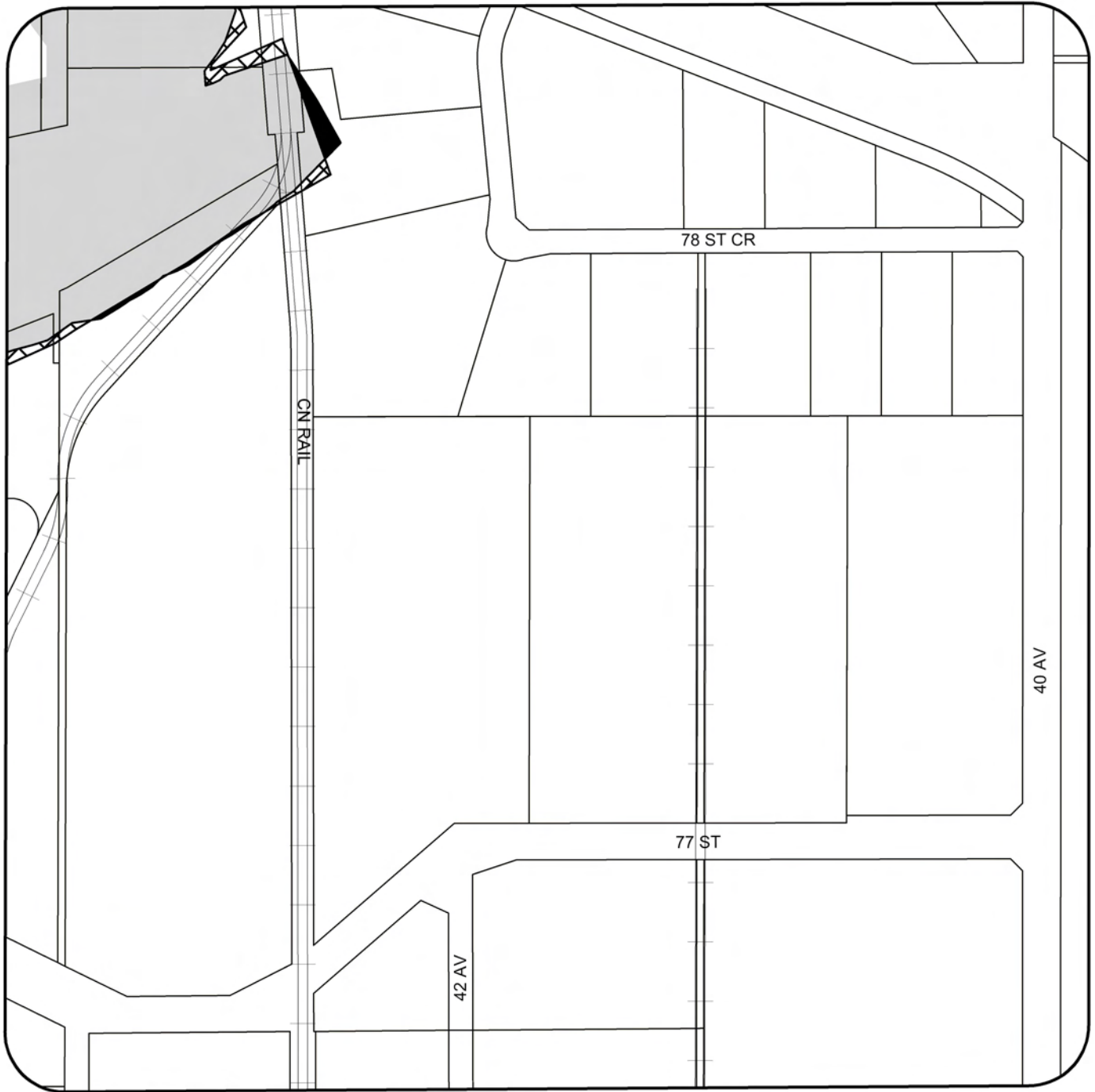


Escarpment Area (*unchanged*)



City Boundary

# *Land Use Bylaw Amendment L/2009, Map 5 (N20)/2009*



North

Scale 1:5,000

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Additions to Escarpment Area



Removal from Escarpment Area

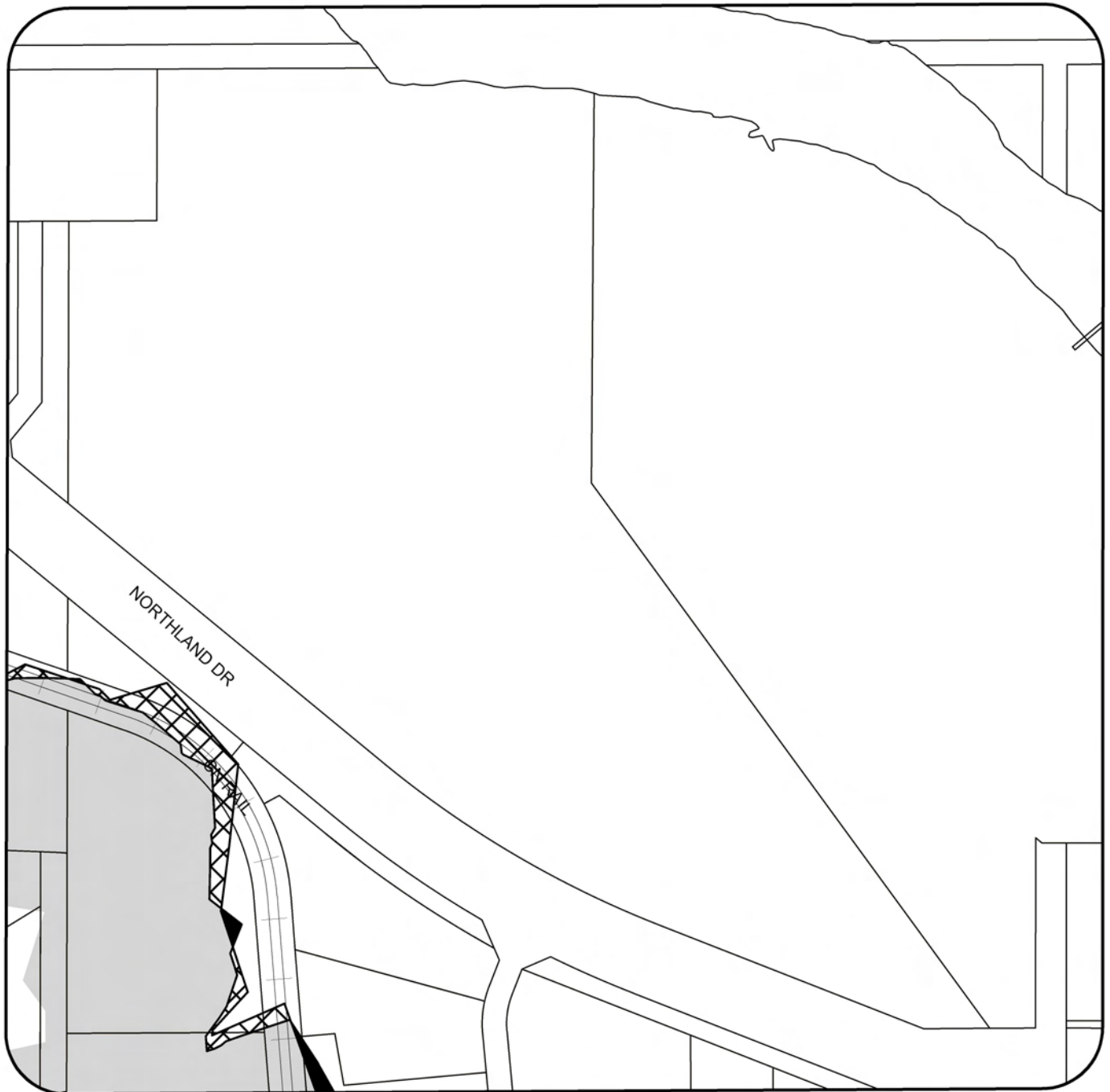


Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (N21)/2009



North

Scale 1:5,000

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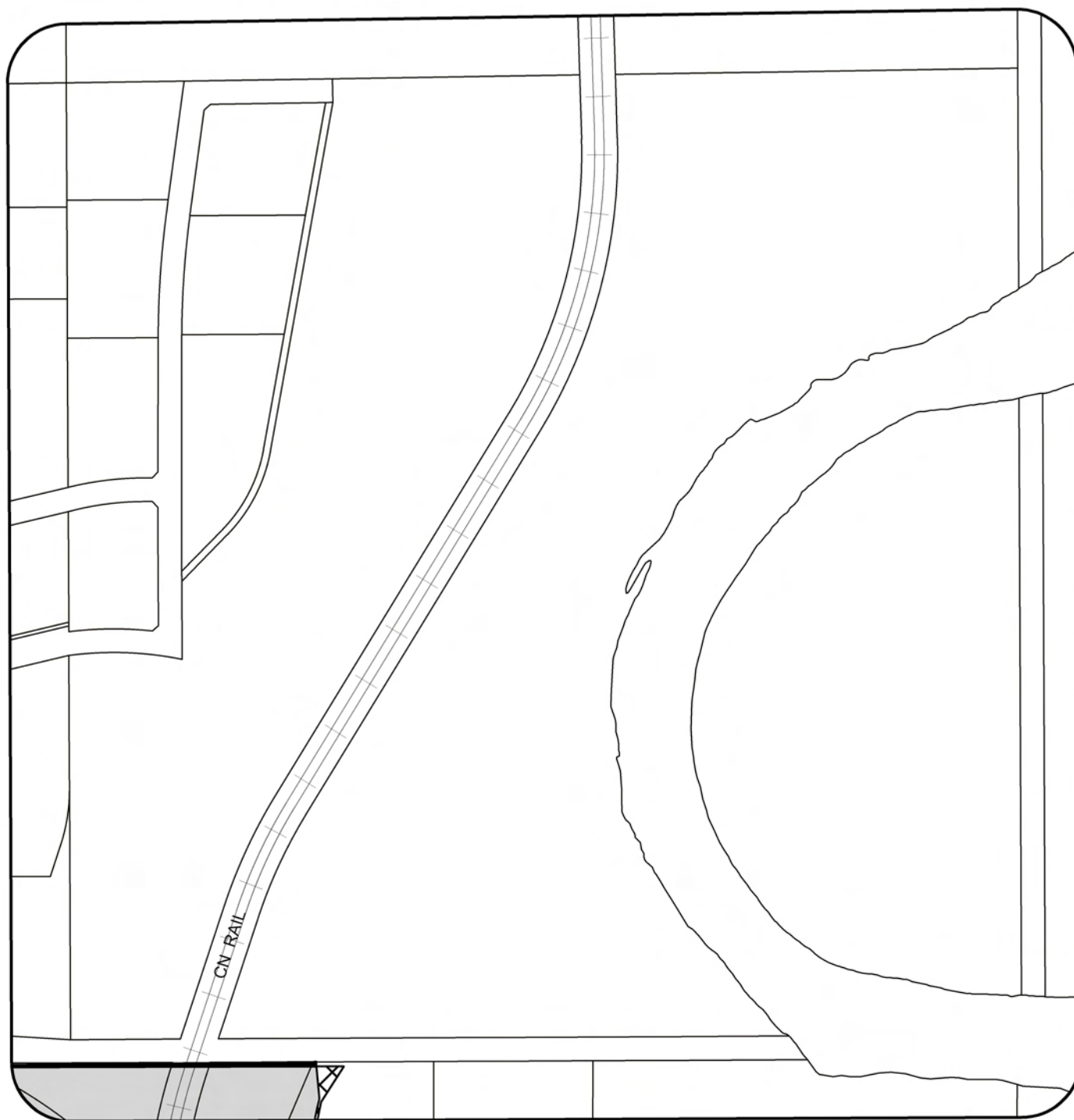
Additions to Escarpment Area

Removal from Escarpment Area

Escarpment Area (*unchanged*)

City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (N22)/2009



North

Scale 1:5,000

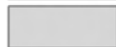
© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area

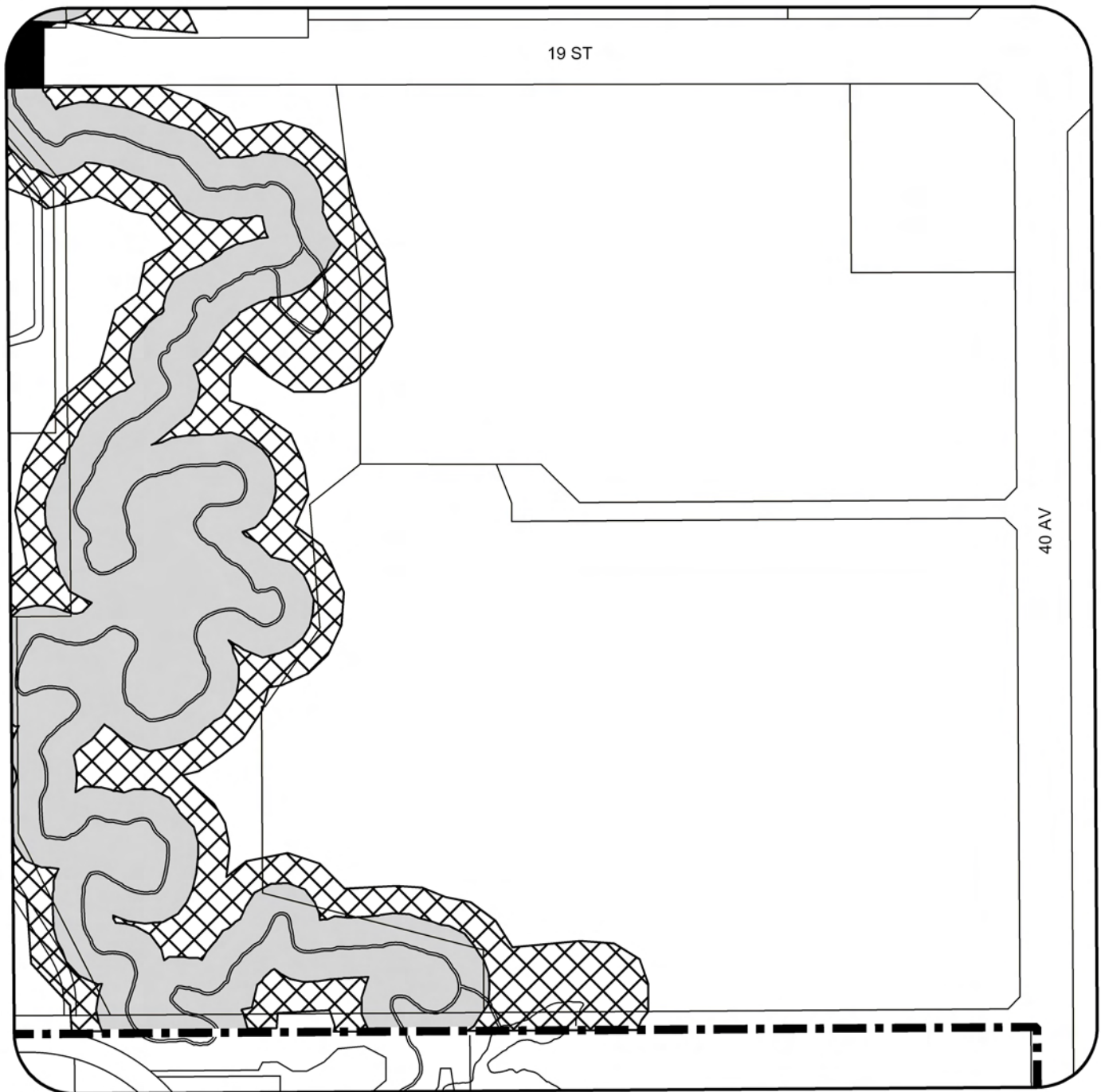


Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (N9)/2009



North

Scale 1:5,000

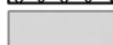
© The City of Red Deer



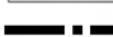
Additions to Escarpment Area



Removal from Escarpment Area



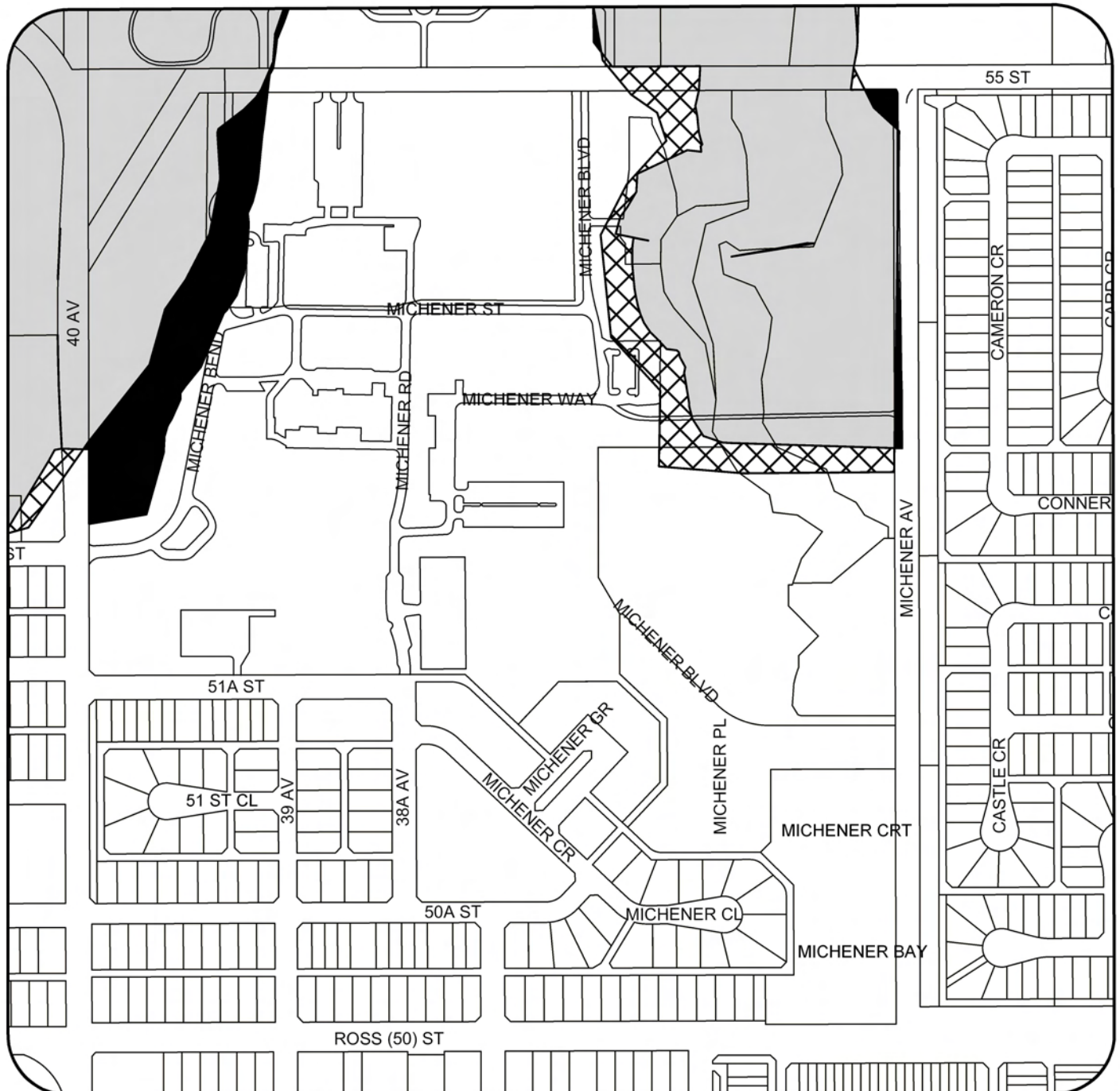
Escarpment Area (*unchanged*)



City Boundary



# Land Use Bylaw Amendment L/2009, Map 5 (O15)/2009



North

Scale 1:5,000

© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area

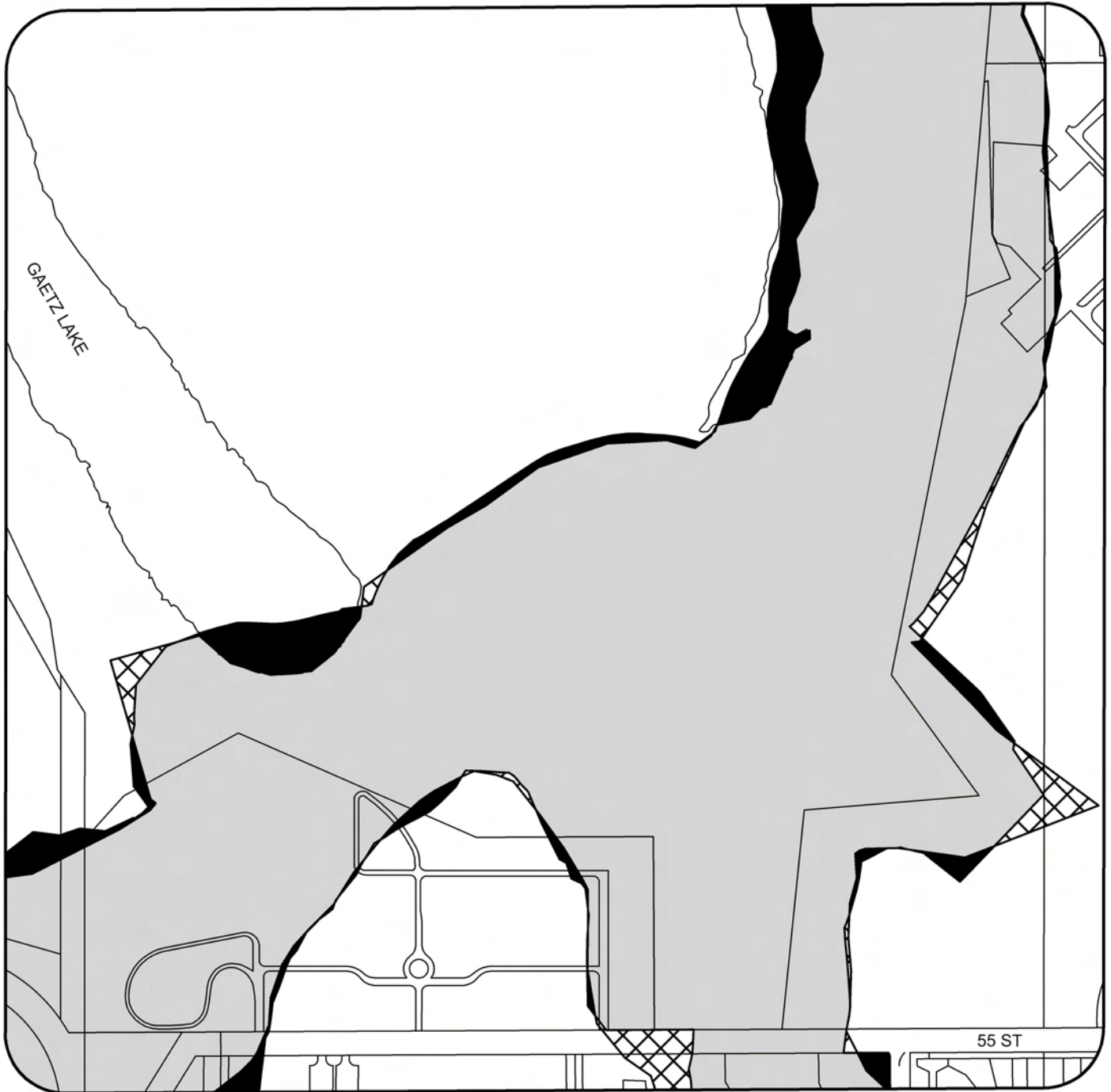


Escarpment Area (*unchanged*)



City Boundary

# *Land Use Bylaw Amendment L/2009, Map 5 (O16)/2009*



North

Scale 1:5,000

© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area

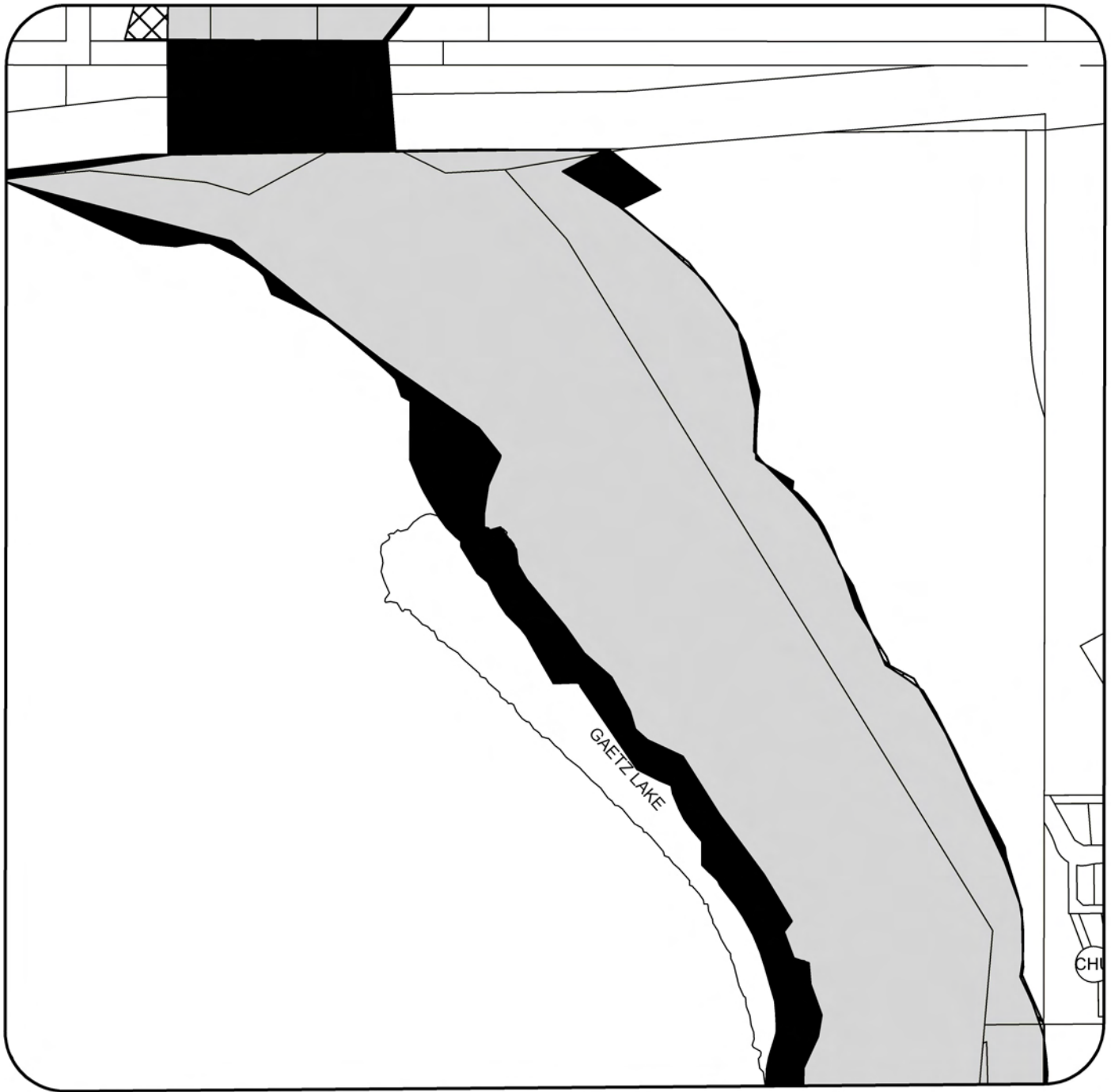


Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (O17)/2009



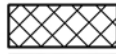
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Scale 1:5,000

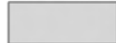
© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area

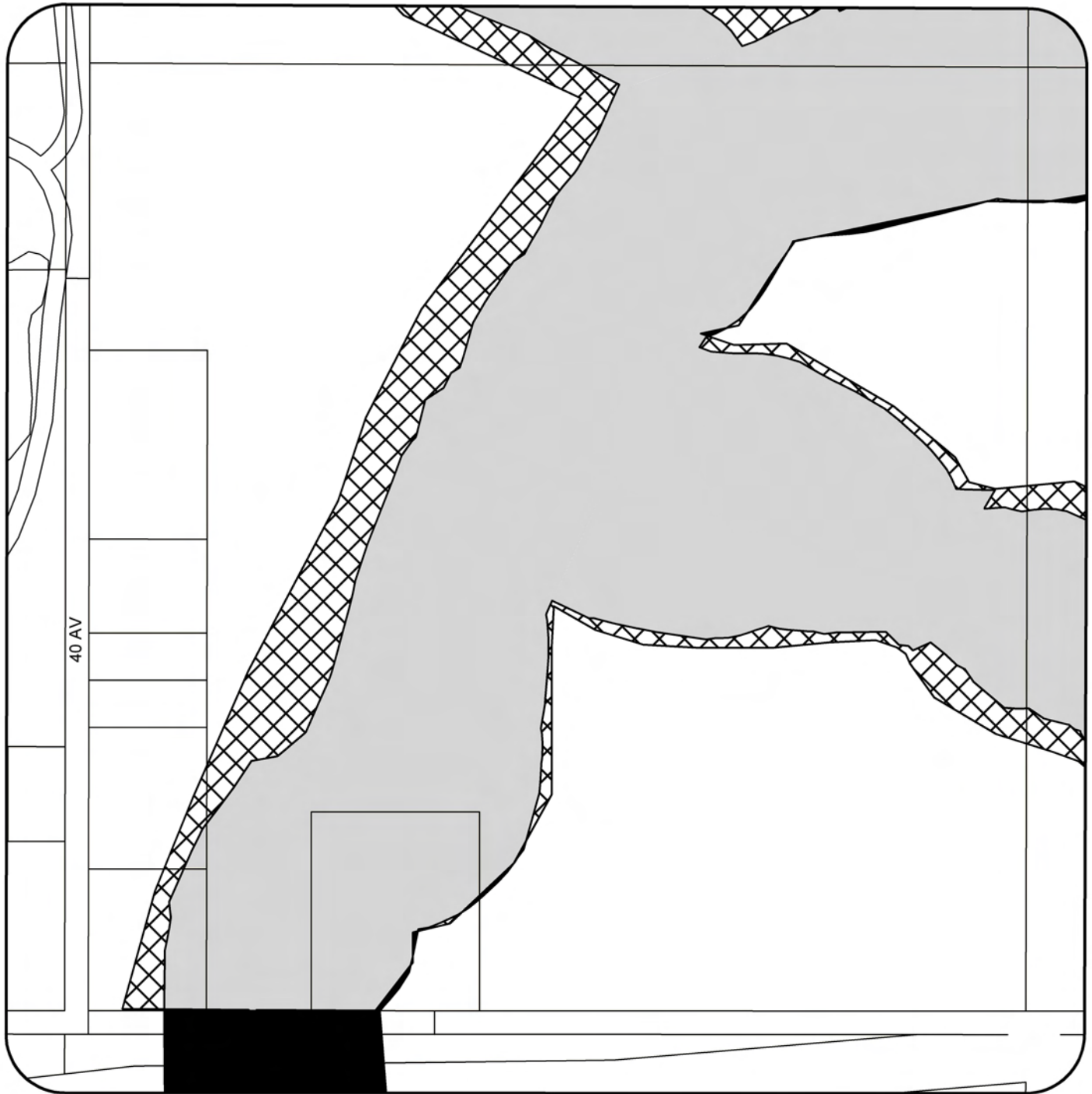


Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (O18)/2009



North

Scale 1:5,000

© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area

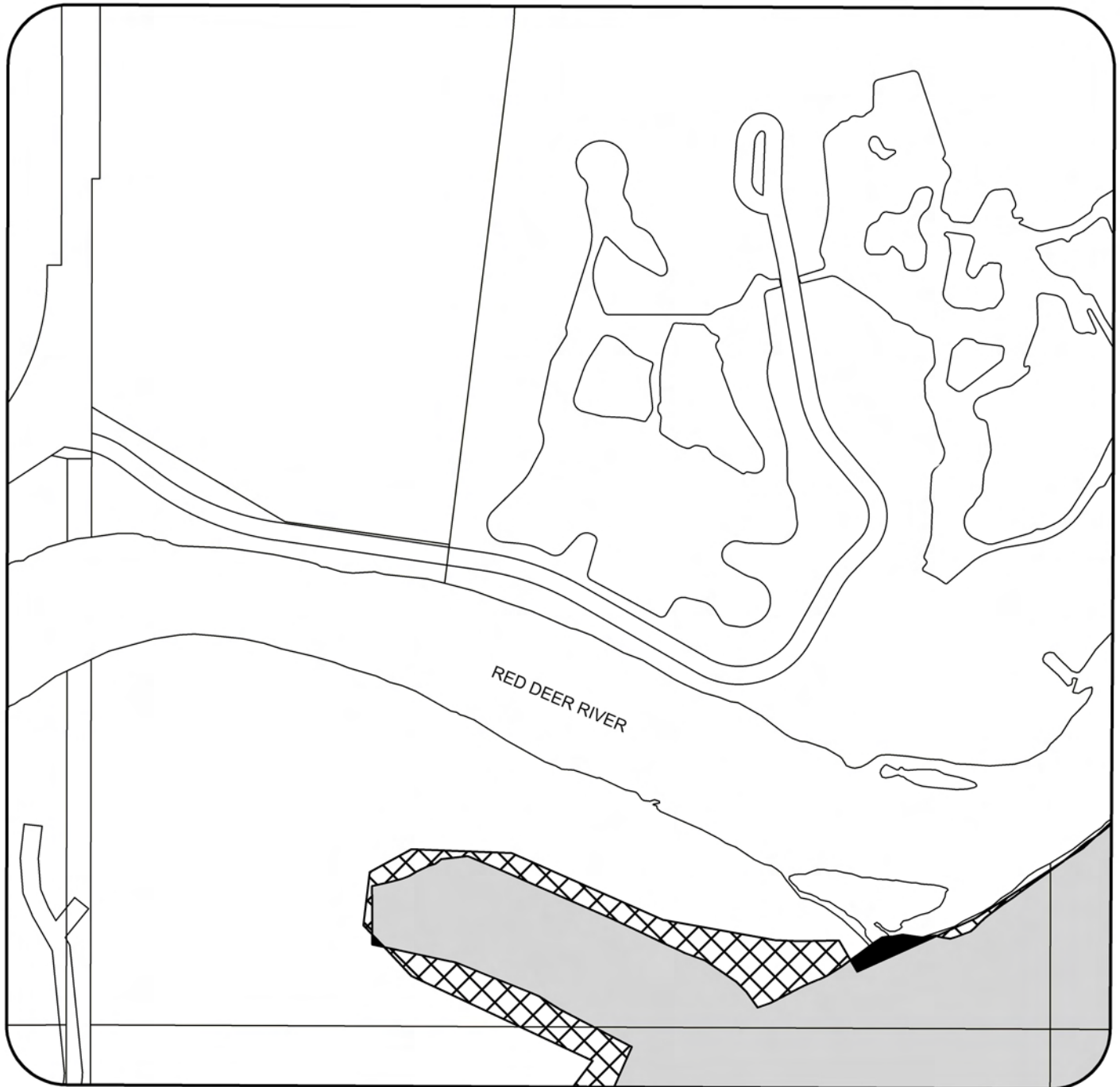


Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (O19)/2009



North

Scale 1:5,000

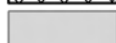
© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area



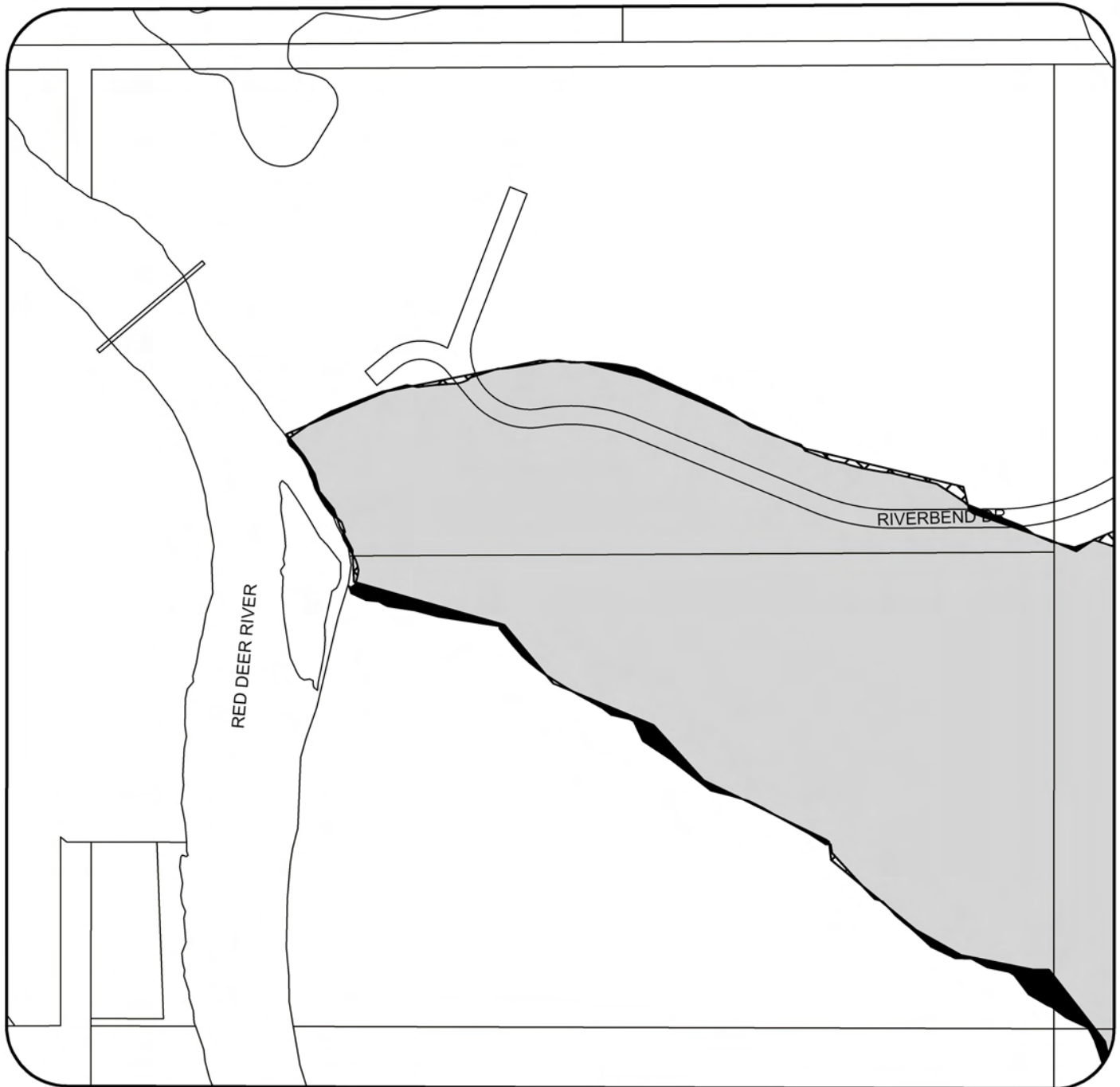
Escarpment Area (*unchanged*)



City Boundary



# Land Use Bylaw Amendment L/2009, Map 5 (O21)/2009



North

Scale 1:5,000

© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area



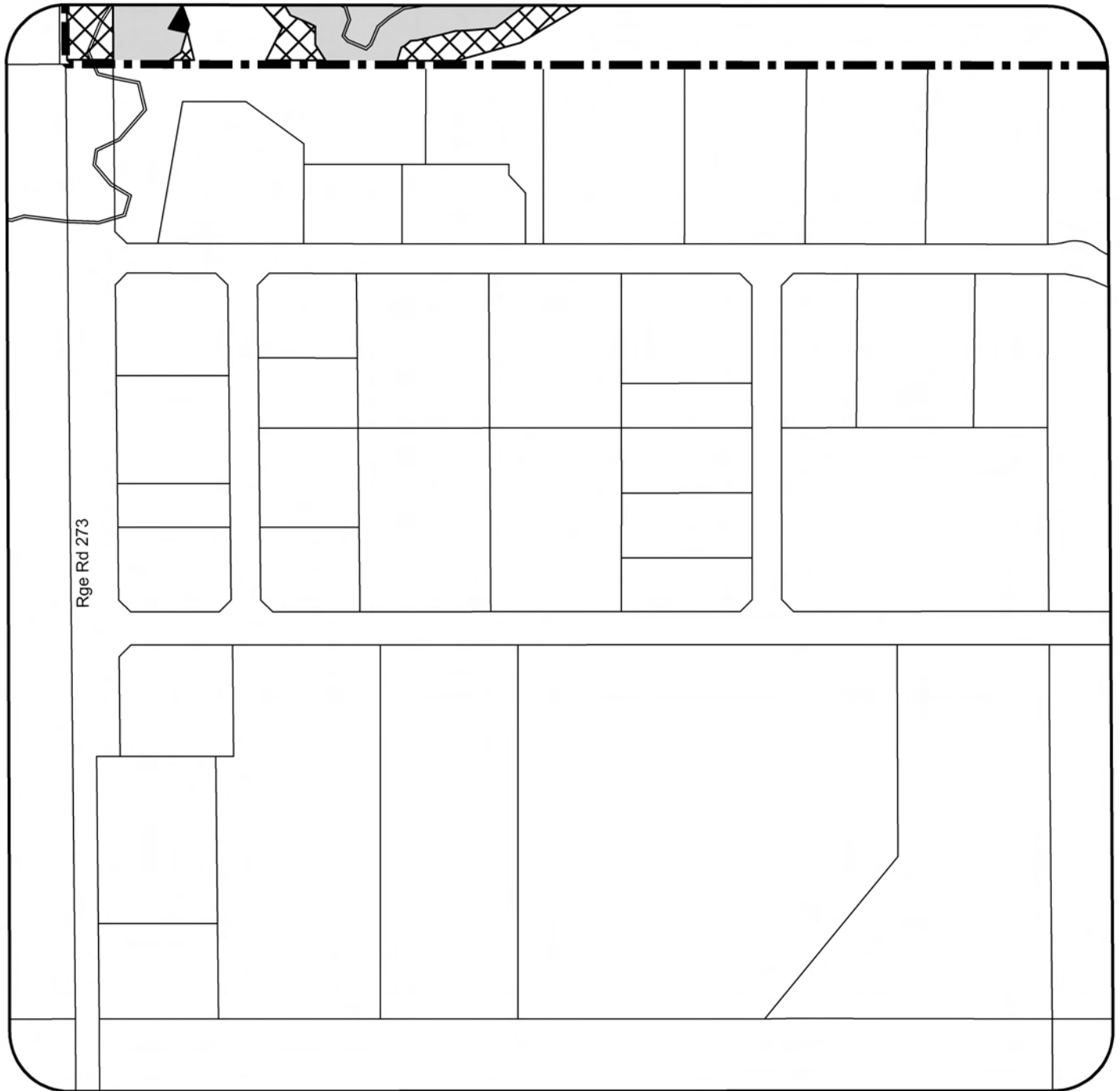
Escarpment Area (*unchanged*)



City Boundary



# Land Use Bylaw Amendment L/2009, Map 5 (07)/2009



North

Scale 1:5,000

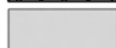
© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area

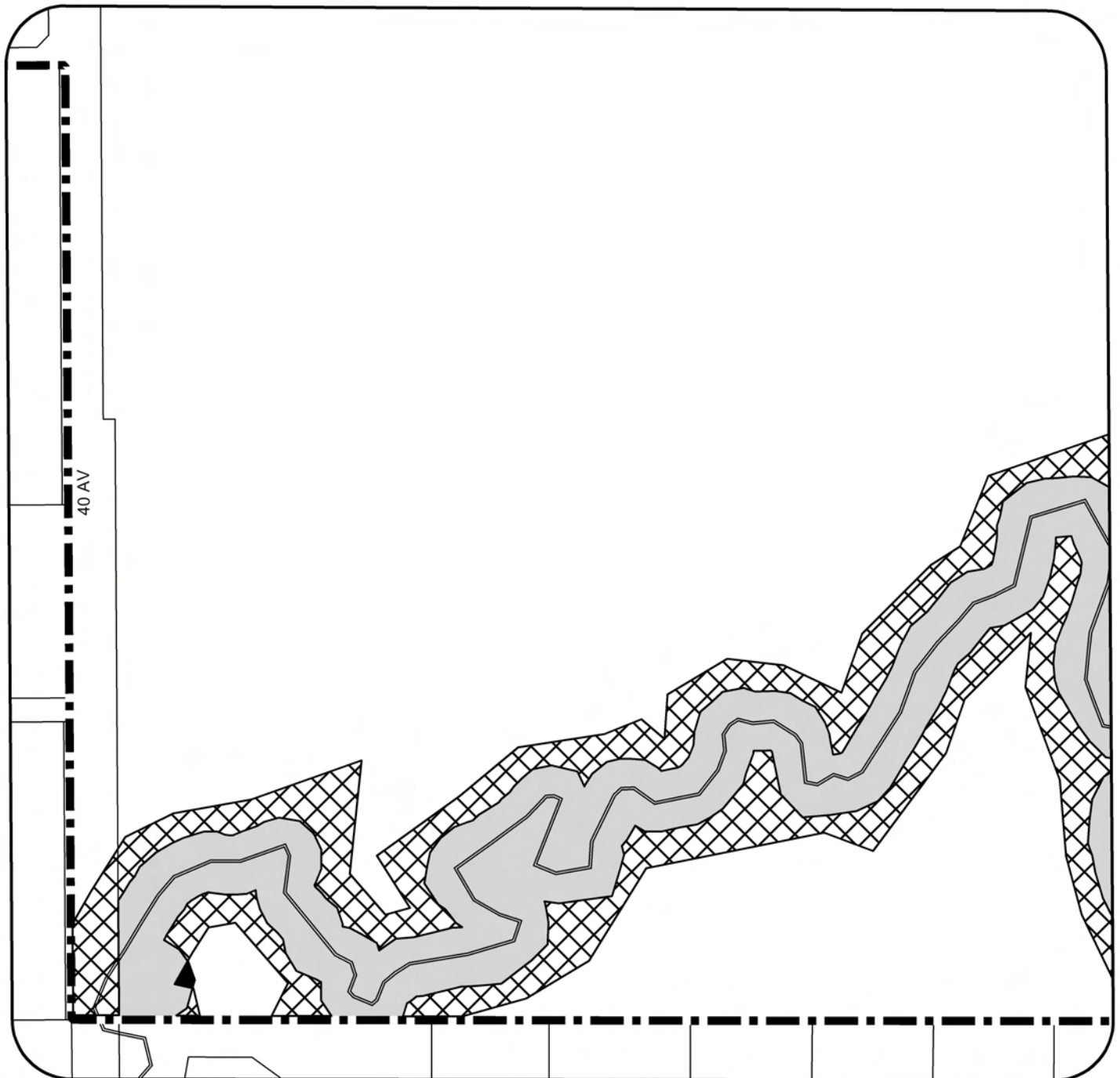


Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (08)/2009



North

Scale 1:5,000

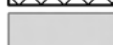
© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area

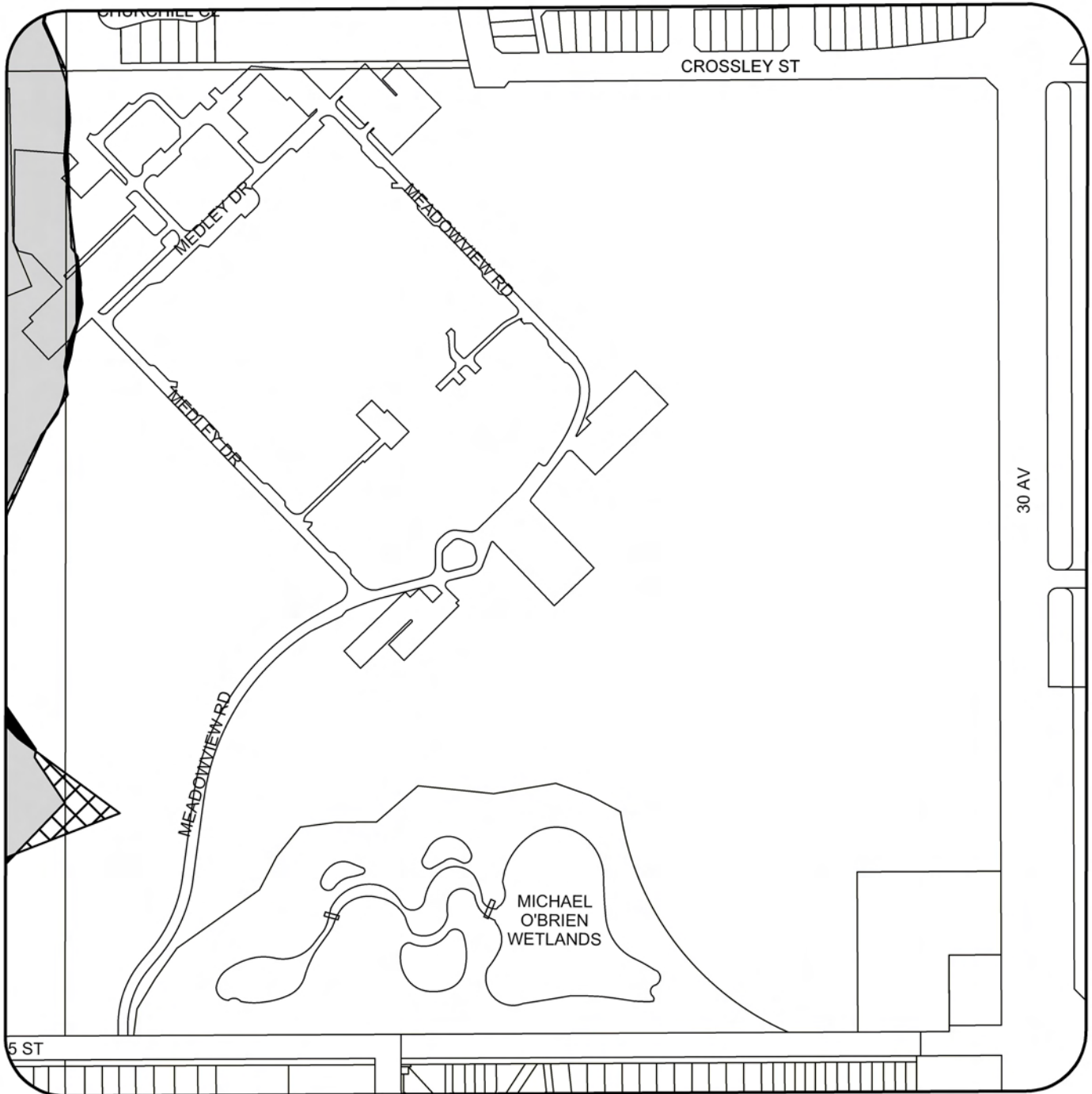


Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (P16)/2009



North

Scale 1:5,000

© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area

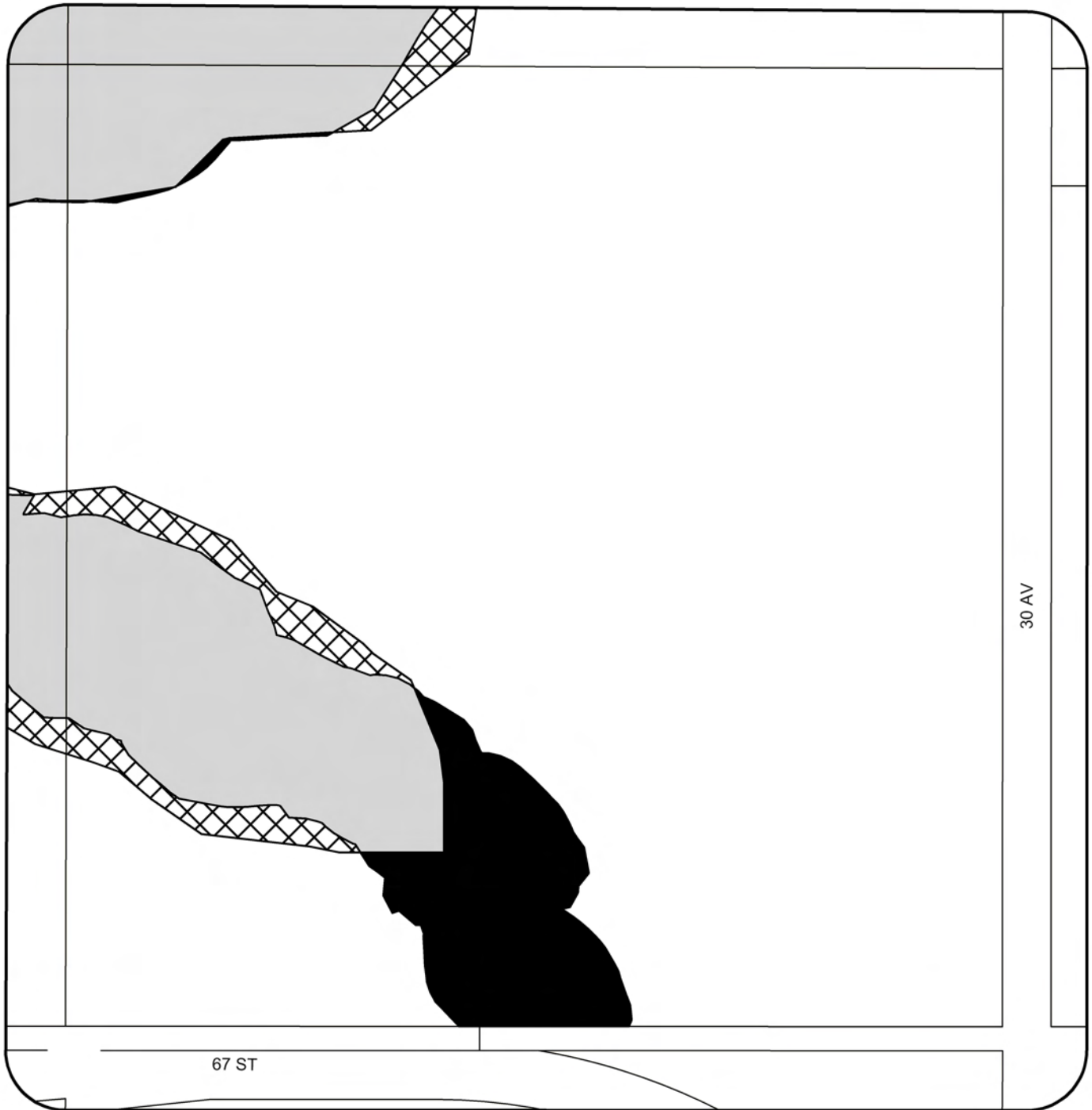


Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (P18)/2009



North

Scale 1:5,000

© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area

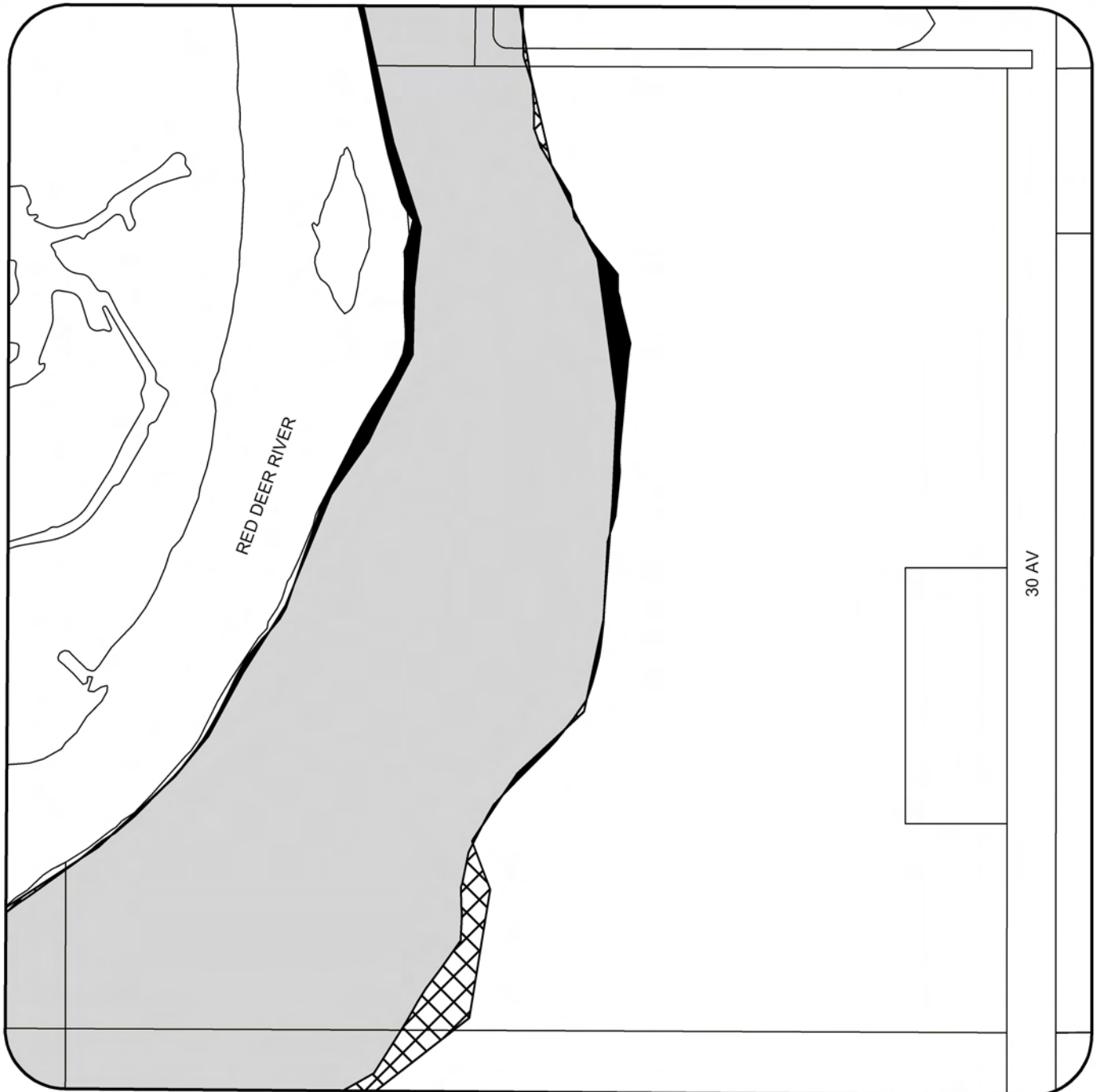


Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (P19)/2009



North

Scale 1:5,000

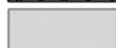
© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area

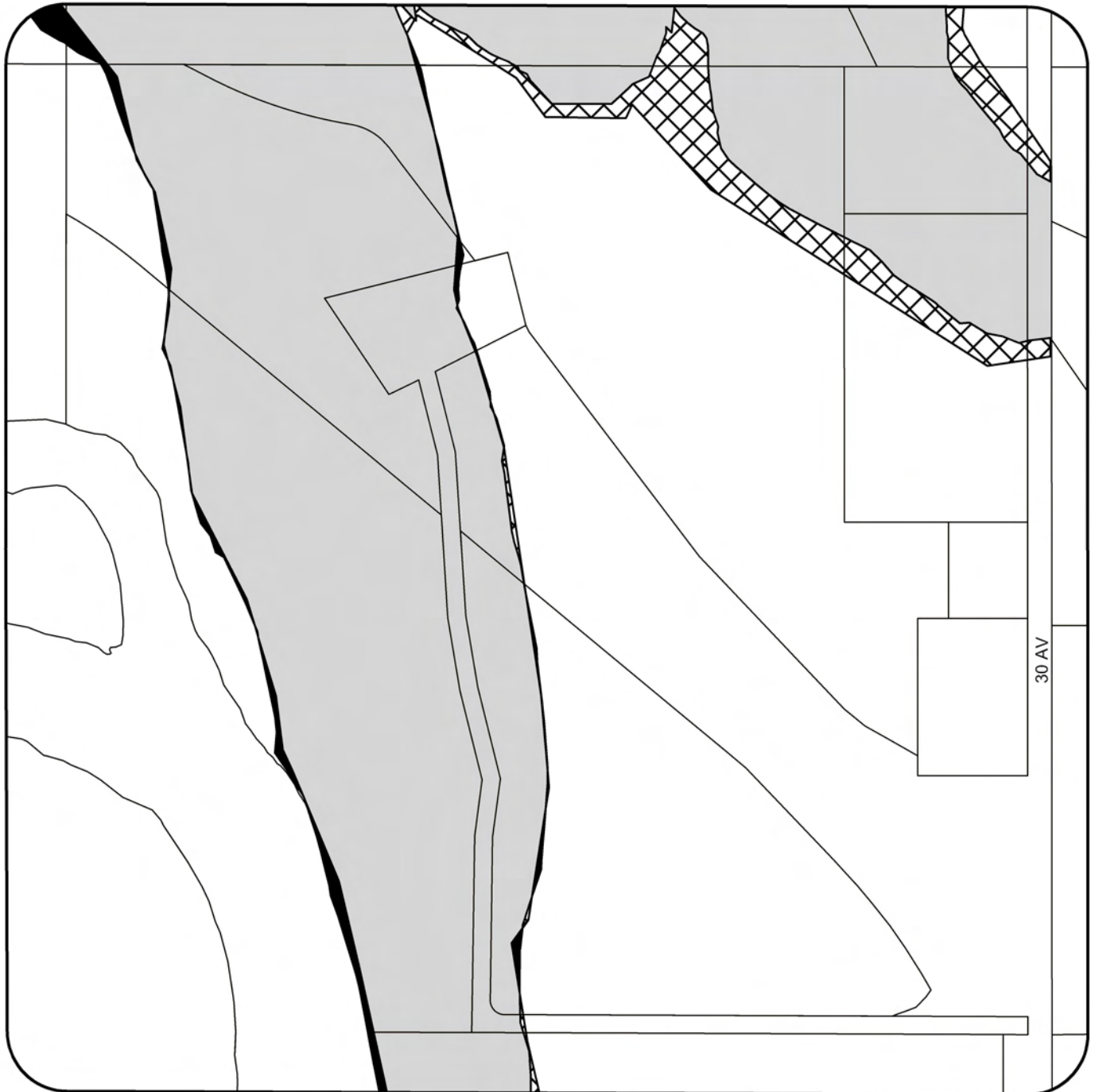


Escarpment Area (*unchanged*)



City Boundary

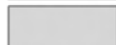
# Land Use Bylaw Amendment L/2009, Map 5 (P20)/2009



North

Scale 1:5,000

© The City of Red Deer



Additions to Escarpment Area

Removal from Escarpment Area

Escarpment Area (*unchanged*)

City Boundary



# Land Use Bylaw Amendment L/2009, Map 5 (P21)/2009



North

Scale 1:5,000

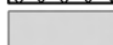
© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area

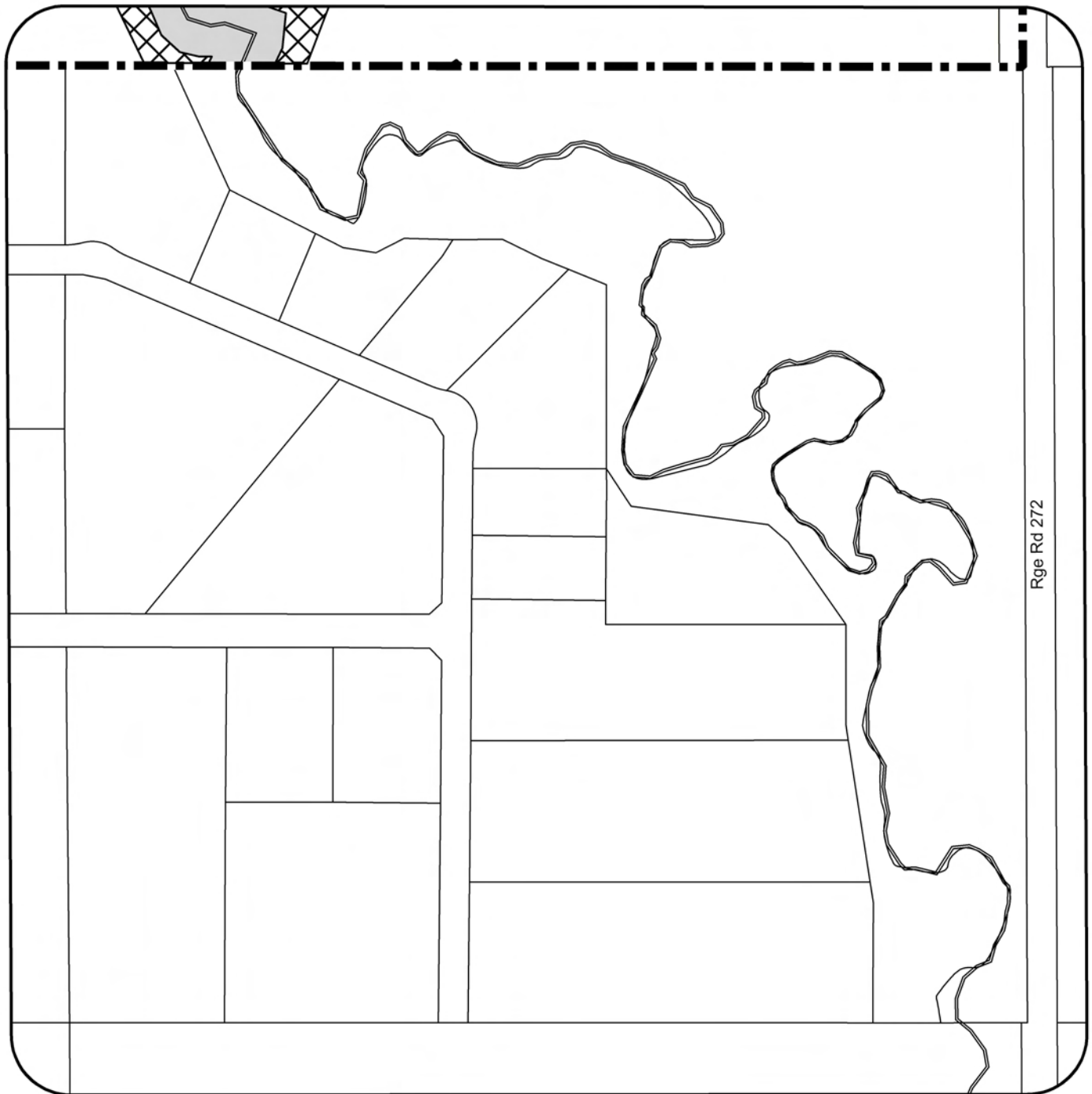


Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (P7)/2009



North

Scale 1:5,000

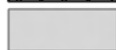
© The City of Red Deer



Additions to Escarpment Area



Removal from Escarpment Area

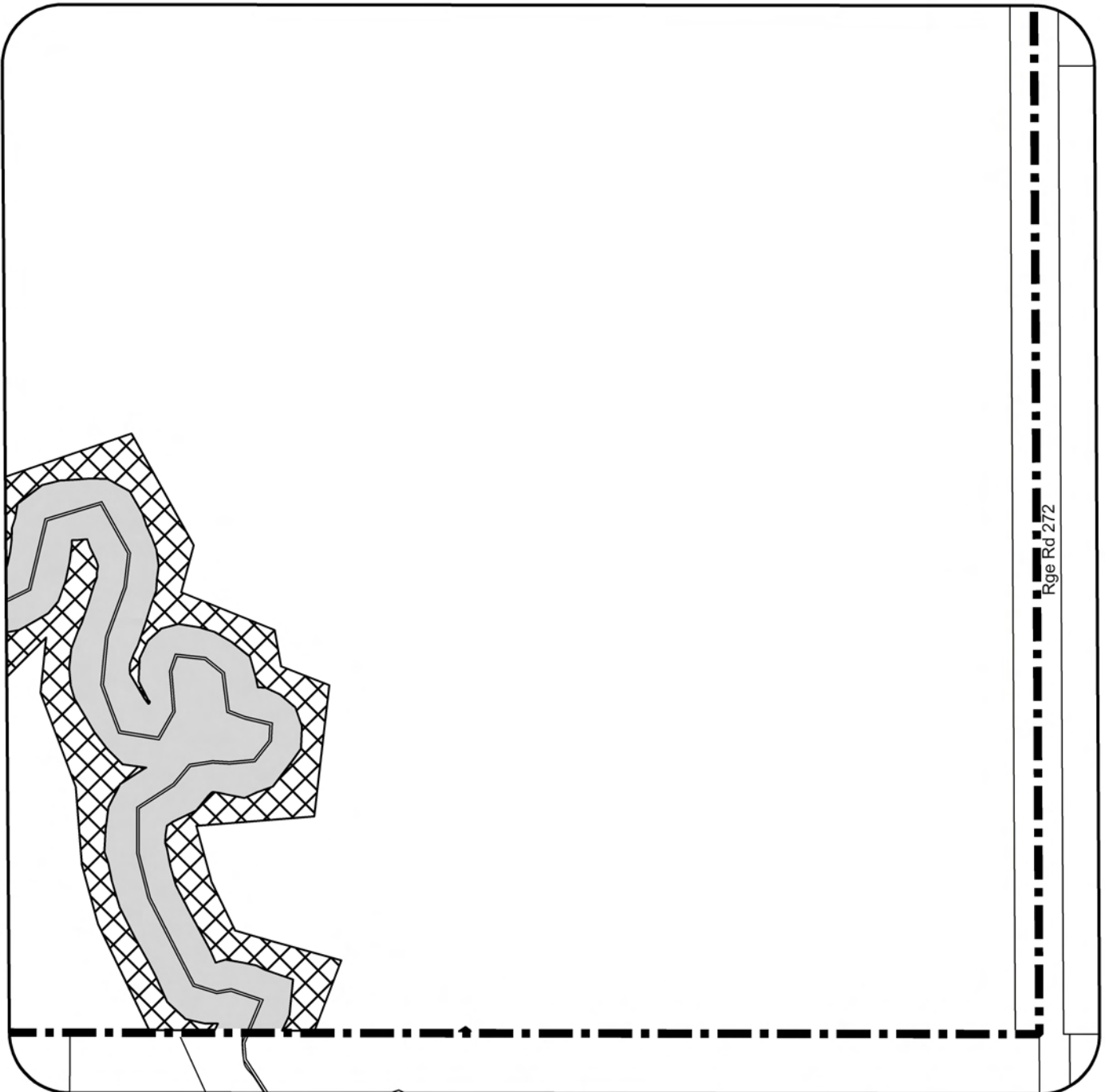


Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (P8)/2009



North

Scale 1:5,000

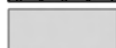
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Additions to Escarpment Area



Removal from Escarpment Area

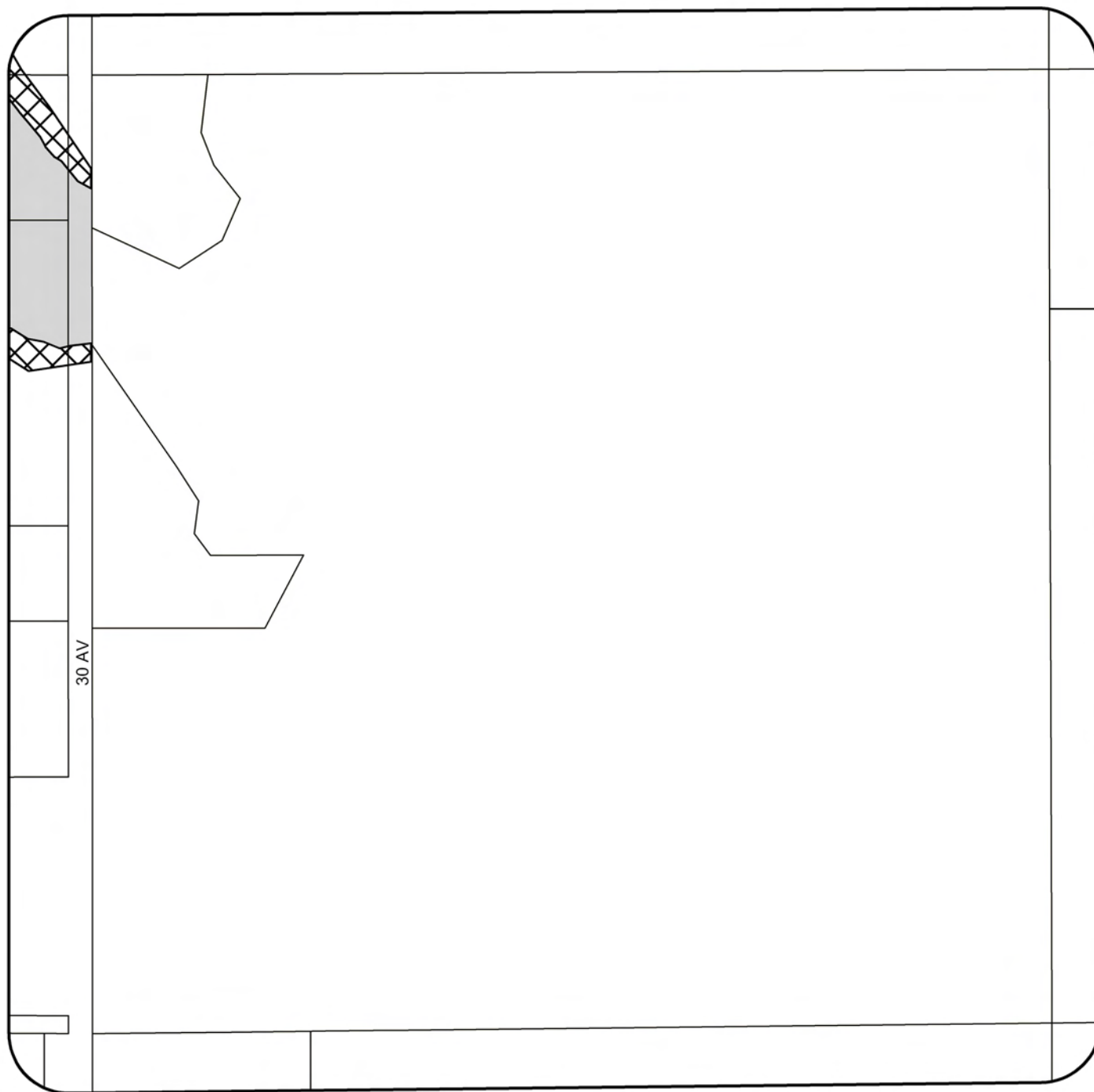


Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (Q20)/2009



North

Scale 1:5,000

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Additions to Escarpment Area



Removal from Escarpment Area

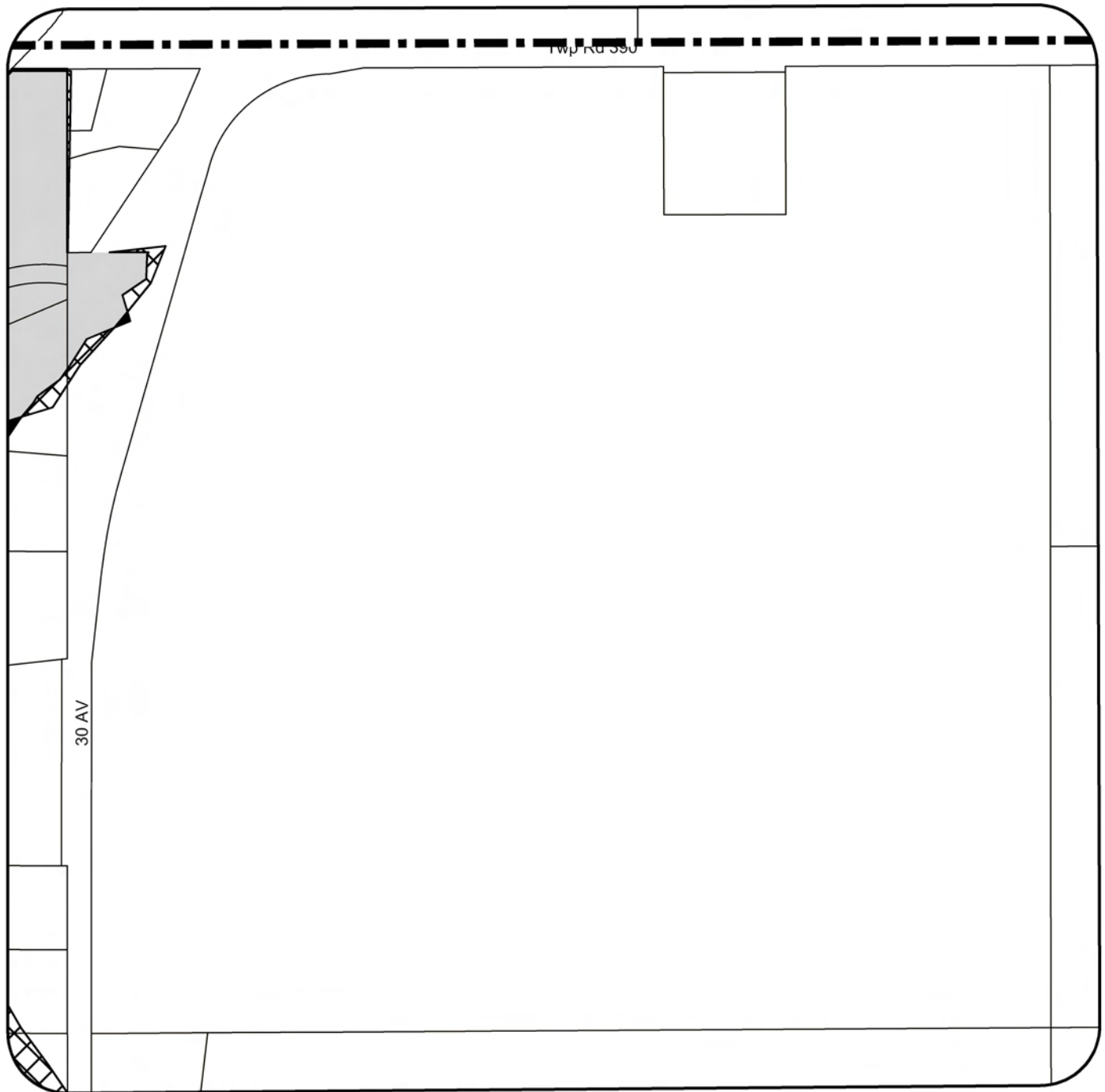


Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (Q21)/2009



North

Scale 1:5,000

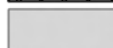
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Additions to Escarpment Area



Removal from Escarpment Area

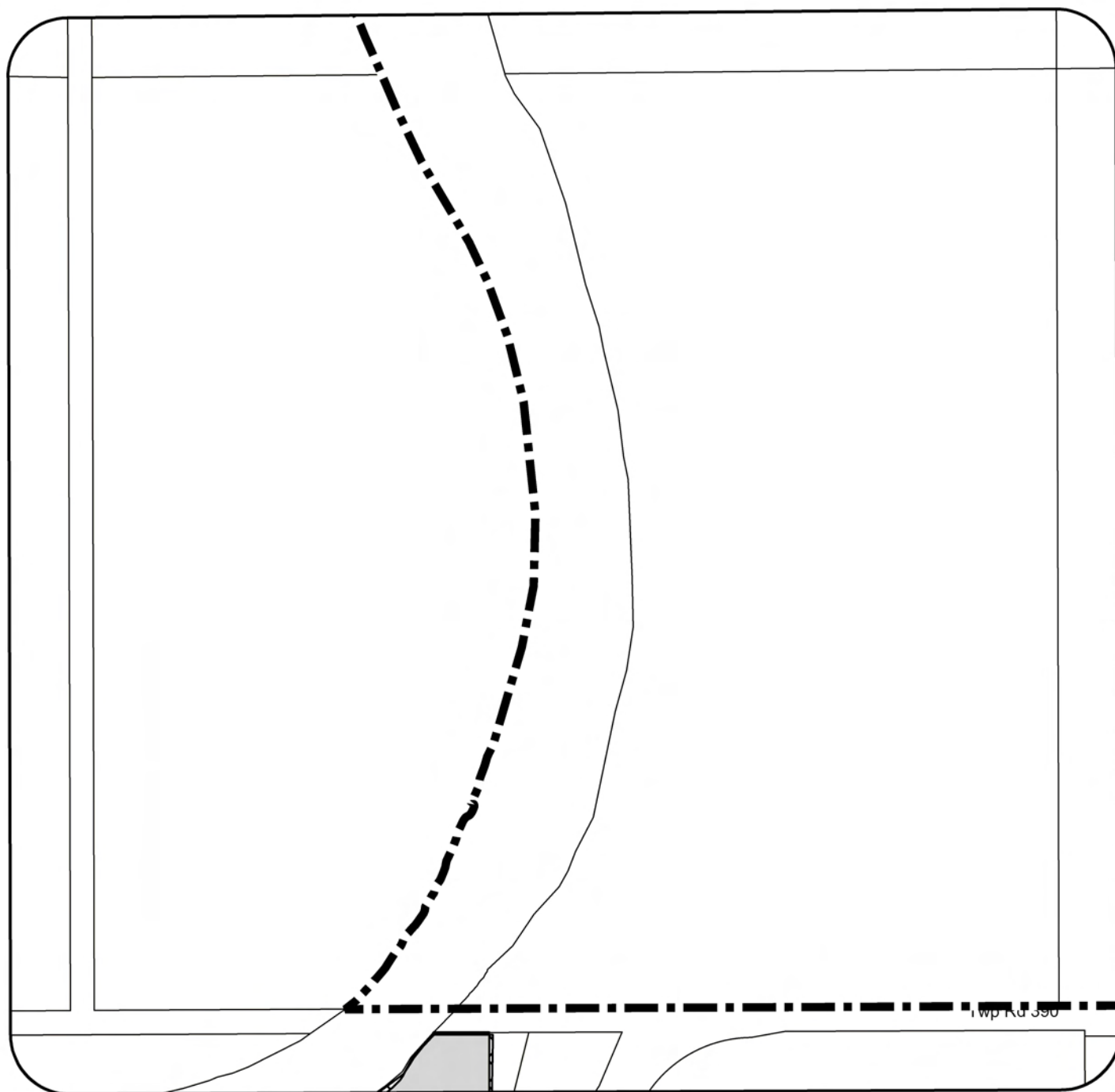


Escarpment Area (*unchanged*)



City Boundary

# Land Use Bylaw Amendment L/2009, Map 5 (Q22)/2009



North

Scale 1:5,000

© The City of Red Deer



Additions to Escarpment Area

Removal from Escarpment Area

Escarpment Area (*unchanged*)

City Boundary



## Bylaw Item No. 3

**BYLAW NO. 3357/Z-2009**

Being a Bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of The City of Red Deer.

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

**Definitions**

- 1 Section 1.3 is amended by deleting the existing definitions of **Dwelling Unit** and **Secondary Suite** and replacement of them with the following new definitions:

**"Dwelling Unit** means a self contained building or a portion of a building usually containing cooking, eating, living, sleeping and sanitary facilities and used as a permanent residence by a household.

**Secondary Suite** means a self-contained Dwelling Unit that is located within a primary Dwelling Unit, where both Dwelling Units are registered under the same land title."

**Districts**

- 2 R1 Residential District (permitted uses) subsection 4.1 (1)(a)(vi) is deleted and replaced with the following new subsection:

"(vi) Secondary Suite, subject to section 4.7(9)"

- 3 R1 Residential District (discretionary uses) Subsection 4.1 (1)(b) is amended by adding the following new subsection:

"(x) Secondary Suite, subject to section 4.7(9)"

- 4 R1A Residential District (permitted uses) subsection 4.2 (1)(a) is amended by adding the following new subsection:

"(vii) Secondary Suite in a detached Dwelling Unit, subject to section 4.7(9)"

- 5 R1A Residential District (discretionary uses) subsection 4.2 (1)(b) is amended by adding the following new subsections:

"(ix) Secondary Suite in a detached Dwelling Unit, subject to section 4.7(9)

(x) Secondary Suite in existence in a semi-detached Dwelling Unit on January 1, 2009, subject to section 4.7(9)"

- 6 R1N Residential District (discretionary uses) subsection 4.3 (1)(b) is amended by adding the following new subsection:

"(vi) Secondary Suite in existence on January 1, 2009, subject to section 4.7(9)"

- 7 R2 Residential District (permitted uses) subsection 4.4 (1)(a) is amended by adding the following new subsection:

"(vii) Secondary Suite in a detached Dwelling Unit, subject to subsections 4.7 (9)"

- 8 R2 Residential District (discretionary uses) subsection 4.4(1)(b) is amended by adding the following new subsection:

## Bylaw No. 3357/Z-2009

## Page 2

“(xvi) Secondary Suite in a detached Dwelling Unit, subject to section 4.7(9)”

- 9 R3 Residential District (discretionary uses) subsection 4.5 (1)(b) is amended by adding the following new subsection:

“(xii) Secondary Suite in a detached Dwelling Unit, subject to section 4.7(9)”

- 10 C1 Commercial District (discretionary uses) subsection 5.1(1)(b) is amended by adding the following new subsection:

“(xxi) Secondary Suite in a detached Dwelling Unit, subject to section 4.7(9)”

### **Secondary Suite Regulations**

- 11 Residential District Regulations subsection 4.7 (9) is deleted in its entirety and replaced with the following new subsection:

### **“(9) Secondary Suite Use Provisions and Development Regulations**

#### **General Purpose**

- (9.1) These regulations provide opportunity for landowners to create more choices in the range of housing options, in a manner which is compatible with other residential uses and which ensures that a primary Dwelling Unit with a Secondary Suite retains the curb appearance, the level of activity and the principal function of a residential dwelling.

#### **Use Provisions**

- (9.2) Where Secondary Suite is shown as a permitted use in the R1, R1A and R2 Residential Districts, it is permitted only:
- (a) on a lot identified for a Secondary suite in a Neighbourhood Area Structure Plan adopted before January 1, 2010; or
  - (b) on a lot located within a Neighbourhood Area Structure Plan adopted after January 1, 2010, provided that the lot has a lane, that the primary Dwelling Unit is not developed with a zero lot line and that the lot meets one of the following requirements:
    - (i) it is a corner lot; or
    - (ii) the lot is on a street containing residential development on only one side of the street; or
    - (iii) any portion of the front boundary of the lot is located directly across the street from a parcel in a (PS) Public Service District or from a Municipal Reserve parcel either of which is not less than 10.0 m wide; or
    - (iv) a side boundary of the lot abuts a Municipal Reserve parcel which is not less than 10.0 m wide; or

## Bylaw No. 3357/Z-2009

## Page 3

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- (v) a side or rear boundary of the lot abuts, or is within 10.0 m of the boundary of a parcel in a Commercial or Industrial District; or
    - (vi) a side boundary of the lot abuts a parcel in a R2 or R3 Residential District.
  - (9.3) A Secondary Suite is a discretionary use in any R1, R1A, R2, R3 Residential and C1 Commercial District, except where it is a permitted use under section 9.2.
  - (9.4) A Secondary Suite which exists as of January 1, 2009 in any residential district and which has not previously received development approval under this Bylaw or its predecessors, is considered a discretionary use provided that:
    - (a) the Secondary Suite complies with the Safety Codes Act; and
    - (b) the owner applies for a development permit in respect of the Secondary Suite prior to January 1, 2012.
  - (9.5) Whether it is listed as a permitted or discretionary use, a Secondary Suite may not be developed in an R1, R1A, R2 or R3 Residential District if such development would increase the number of Secondary Suites in a neighbourhood beyond 20% of the total number of detached Dwelling Units in that neighbourhood. For the purpose of this section, the boundaries of a neighbourhood shall be those shown in the City's Redgis system on the City's Web page.
  - (9.6) Prior to consideration of an application for development of a discretionary use Secondary Suite, the Development Officer shall notify all landowners located within 100 m of the boundary of the site on which the proposed Secondary Suite is to be located.
  - (9.7) Notwithstanding that a Secondary Suite may be listed as a permitted or discretionary use in a district, such use is a conditional use which is only allowed if the Secondary Suite meets the following requirements, which shall not be relaxed or varied by the Development Authority:
    - (a) Except as allowed by section 9.4, a Secondary Suite may only be developed in a detached Dwelling Unit.
    - (b) Not more than one Secondary Suite is allowed in a detached Dwelling Unit.
    - (c) A Secondary Suite is not allowed in an Accessory Building.
    - (d) A Secondary Suite and a Home Occupation (other than a permitted "office" use) are not allowed in the same detached Dwelling Unit.

**Discretion of MPC**

- (9.8) Subject to section 9.7, the Municipal Planning Commission may approve as a discretionary use an application for a Secondary Suite in a detached Dwelling Unit in any district provided that the proposed suite would not unduly interfere with the amenities of the neighbourhood, or materially interfere with or affect the use, enjoyment or value of neighbouring sites and that all landowners located within 100 m of the boundary of the site on which the proposed Secondary Suite is to be located have been notified.

**Development Regulations**

- (9.9) The following regulations apply to all permitted and discretionary Secondary Suites, unless varied by the Municipal Planning Commission:

- (a) A Secondary Suite must have its own exterior building entrance, which shall not be located on a front building elevation facing a public street. Notwithstanding this, a single entry door providing access to an enclosed, shared landing area from which both the primary Dwelling Unit and the Secondary Suite take access, may be located on a front building elevation facing a public street.
- (b) The floor area of a Secondary Suite shall not exceed the total floor area used by the primary Dwelling Unit.
- (c) In addition to meeting the parking requirements for the primary Dwelling Unit as set out in section 3.1 and 3.2 of this Bylaw, a property which contains a Secondary Suite must also meet the following parking requirements:
  - (1) A property containing a Secondary Suite with two or fewer bedrooms shall provide one off-street parking pad; a Secondary Suite with more than two bedrooms shall provide two off-street parking pads; all parking pads to be developed to a minimum gravel standard.
  - (2) Parking pads for the Secondary Suite shall be available for the exclusive and unrestricted use of the occupant(s) of the Secondary Suite.
  - (3) Parking pads for a Secondary Suite must be located in one of the following locations:
    - (A) in an attached or detached garage,
    - (B) in the rear yard; or
    - (C) in the side yard to the rear of the front yard setback.
  - (4) Locating Secondary Suite parking pads in tandem with the parking pads required of the primary Dwelling Unit is not allowed. However, if multiple parking pads are required for the Secondary Suite, these can be arranged in a tandem parking configuration.

## Bylaw No. 3357/Z-2009

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- (5) On lots where the parking pad for a Secondary Suite in the location described in subsection (3) cannot reasonably be provided, the Development Authority may allow the parking pad(s) to be located within the front yard setback provided that a minimum of 25% of the front yard setback remains landscaped, that the parking pads for the Secondary Suite are not in tandem with the parking pads for the primary Dwelling Unit and that the parking pad is developed to the satisfaction of the Development Authority."

**Offences**

12 New Section 9.2 (10) is added as follows:

- "(10) (a) If any Secondary Suite is occupied after January 1, 2012 without a valid occupancy permit, the owner of the building in which the Secondary Suite is located is guilty of an offence.
- (b) Where a violation ticket, summons or stop order has been issued for a breach of subsection (a) above, and the Secondary Suite continues to be occupied 30 days after the date that the violation ticket, summons or order has been issued, the owner of the building is guilty of a continuing offence and shall be liable upon conviction to a penalty of \$100 for each day after the 30 day period that the Secondary Suite continues to be occupied. This continuing offence penalty shall be in addition to any penalty imposed as a result of a conviction for a breach of Section 9.2 (10)(a)."

13 Schedule "C" Specified Penalties for Offences under the Land Use Bylaw is amended by adding the following:

<u>Description of Offence</u>	<u>First Offence</u>	<u>Second Offence</u>	<u>Third or Continuing Subsequent Offences</u>
"Section 4.7 (9)			
Secondary Suite does not comply with conditions of permit	\$500.00	\$1,000.00	\$5,000.00
Secondary Suite does not comply with the regulations of this Bylaw	\$500.00	\$1,000.00	\$5,000.00
Section 9.2(10)(a)			
Secondary Suite occupied without valid permit	\$500.00	\$1,000.00	\$5,000.00"

READ A FIRST TIME IN OPEN COUNCIL this                      day of                      2009.  
READ A SECOND TIME IN OPEN COUNCIL this                      day of                      2009.  
READ A THIRD TIME IN OPEN COUNCIL this                      day of                      2009.  
AND SIGNED BY THE MAYOR AND CITY CLERK this                      day of                      2009.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK



**Bylaw Item No. 4**

**BYLAW NO. 3357/HH-2009**

Being a bylaw to amend Bylaw No. 3357/2006, the Land Use Bylaw of the City of Red Deer.

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

1. That "Land Use District Map M14" contained within "Schedule A" of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 22/2009 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL THIS                      day of                      2009.

READ A SECOND TIME IN OPEN COUNCIL THIS                      day of                      2009.

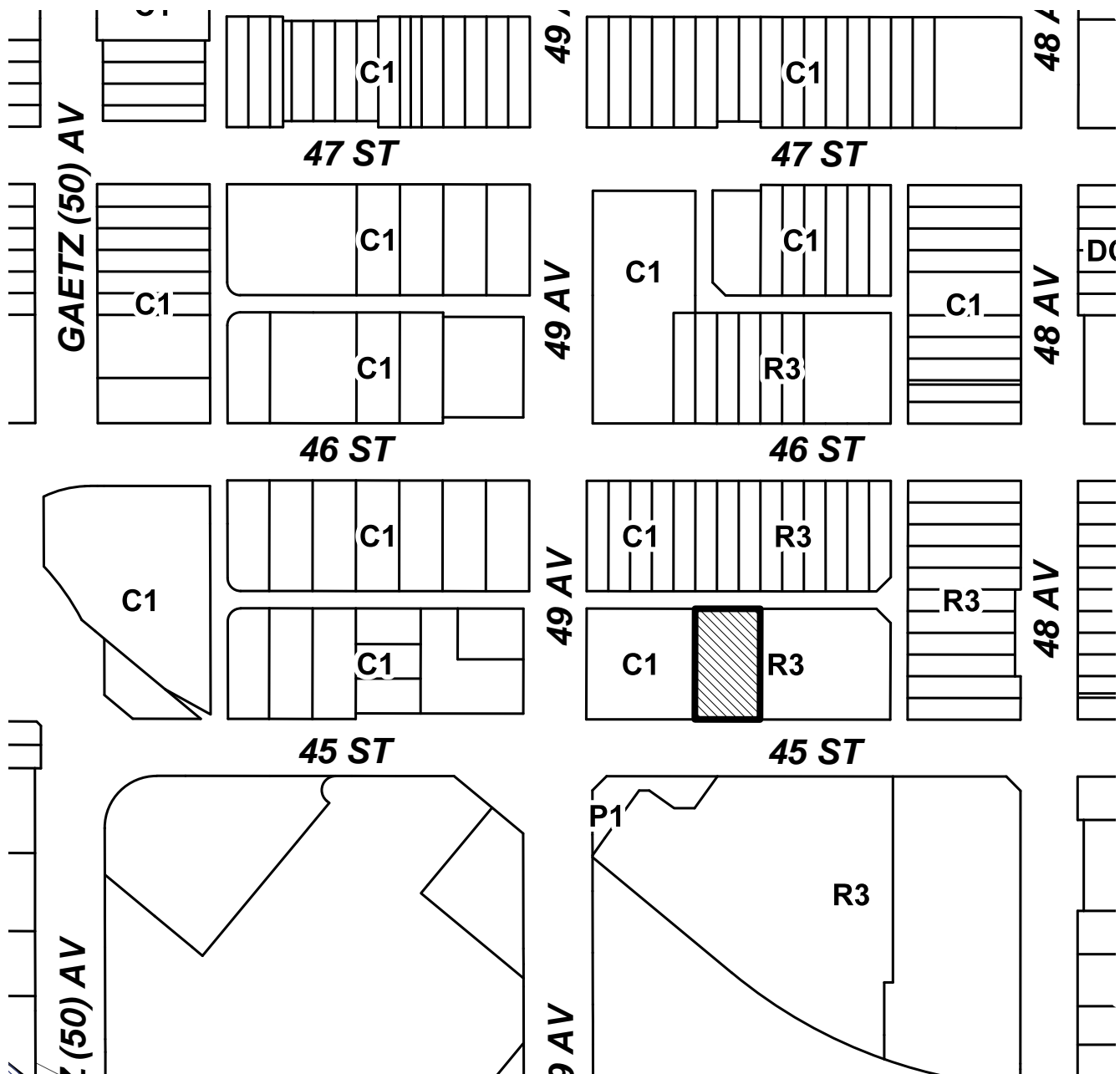
READ A THIRD TIME IN OPEN COUNCIL THIS                      day of                      2009.

AND SIGNED BY THE MAYOR AND CITY CLERK this                      day of                      2009.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

# *Proposed Amendment to Land Use Bylaw 3357/2006*



*Change District from:*



**R3 to C1**



North  
Not to Scale



Affected Districts:

*R3 - Residential (Multiple Family) District*

*C1 - Commerical (City Centre) District*

**Proposed Amendment**

Map: 22/2009

Bylaw: 3357/HH-2009