

CITY COUNCIL

AGENDA

Monday, January 23, 2017 – Council Chambers, City Hall

Call to Order: 2:30 PM
Recess: 5:00 PM to 6:00 PM

I. MINUTES

I.1. Confirmation of the Minutes of the Monday, January 9, 2017 Council Meeting.

(Agenda Pages 1 – 23)

2. POINTS OF INTEREST

3. REPORTS

3.1. Public Advisory Committees - Outstanding Items for Phase 2 Implementation Plan
Terms of Reference - Environmental Master Plan

(Agenda Pages 24 – 24)

3.1.a. Motion to Lift from the Table

3.1.b. Motion to Table

3.2. Disposition of Two Municipal Reserve Parcels in Riverlands

(Agenda Pages 25 – 28)

3.3. Municipal Government Act (MGA) - Continuing the Conversation

(Agenda Pages 29 – 89)

4. BYLAWS

- 4.1. Bylaw 3357/A-2017 - Land Use Bylaw Amendments
Omnibus Amendments (Agenda Pages 90 – 104)
 - 4.1.a. Motion to Lift from the Table
 - 4.1.b. Consideration of First Reading of the Bylaw

- 4.2. Dynamic Sign Site Exceptions (Agenda Pages 105 – 139)
 - 4.2.a. Motion to Table Bylaw 3357/E-2017
 - 4.2.b. Motion to Table Bylaw 3357/F-2017
 - 4.2.c. Motion to Table Bylaw 3357/G-2017
 - 4.2.d. Motion to Table Bylaw 3357/H-2017

- 4.3. Business Revitalization Zone Business Taxation Bylaw Amendment 3196A-2017
(Agenda Pages 140 – 155)
 - 4.3.a. Consideration of First Reading of the Bylaw

- 4.4. Annual Supplementary Assessment Bylaw (Agenda Pages 156 – 158)
 - 4.4.a. Consideration of First Reading of the Bylaw

- 4.5. Electric Utility Bylaw Amendment 3273/A-2017 (Agenda Pages 159 – 184)
 - 4.5.a. Consideration of First Reading of the Bylaw
 - 4.5.b. Consideration of Second Reading of the Bylaw
 - 4.5.c. Motion for Permission to go to Third Reading of the Bylaw
 - 4.5.d. Consideration of Third Reading of the Bylaw

5. NOTICES OF MOTION

5.1. Notice of Motion Submitted by Councillor Lawrence Lee re: Secondary Suites
(Agenda Pages 185 – 209)

5.1.a. Motion to Lift from the Table

6. ADJOURNMENT



UNAPPROVED - M I N U T E S

**of the Red Deer City Council Regular Meeting
held on, Monday, January 9, 2017
commenced at 2:31 P.M.**

PRESENT: Mayor Tara Veer
Councillor Buck Buchanan
Councillor Tanya Handley
Councillor Ken Johnston
Councillor Lawrence Lee
Councillor Lynne Mulder
Councillor Frank Wong
Councillor Dianne Wyntjes

City Manager, Craig Curtis
Director of Communications & Strategic Planning, Julia Harvie-Shemko
Director of Community Services, Sarah Cockerill
Director of Corporate Transformation, Lisa Perkins
Director of Corporate Services, Paul Goranson
Director of Planning Services, Tara Lodewyk
Director of Human Resources, Kristy Svoboda
Acting Director of Development Services, Jim Jorgensen
City Clerk, Frieda McDougall
Deputy City Clerk, Samantha Rodwell
Corporate Meeting Support, Carlee Mulder
Recreation Superintendent, Barb McKee
Community Facilitator, Ryan Veldkamp
Land & Economic Development Officer, David Ghoris
Development Officer, Beth McLachlan
Senior Planner, Orlando Toews
Senior Planner, Christi Fidek
Chief Financial Officer, Dean Krejci

ABSENT: Councillor Paul Harris



I. IN CAMERA

I.1. Motion to In Camera - Human Resources (FOIP 24(1)(a))

Moved by Councillor Lynne Mulder, seconded by Councillor Buck Buchanan

Resolved that Council of The City of Red Deer agrees to enter into an In Camera meeting of Council on Monday, January 9, 2017 at 2:31 p.m. and hereby agrees to exclude the following:

- All members of the media; and
- All members of the public

to discuss a Human Resource Matter as protected under the Freedom of Information & Protection of Privacy Act, Section 24(1)(a).

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

I.2. Motion to Revert to Open Meeting

Moved by Councillor Buck Buchanan, seconded by Councillor Dianne Wyntjes

Resolved that Council of The City of Red Deer hereby agrees to enter into an Open meeting of Council on Monday, January 9, 2017 at 2:36 p.m.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED



2. MINUTES

2.1. Confirmation of the Minutes of the November 22 and November 23, 2016 Capital Budget Meeting

Moved by Councillor Lawrence Lee, seconded by Councillor Dianne Wyntjes

Resolved that Council of The City of Red Deer hereby approves the Minutes of the November 22 and November 23, 2016 Capital Budget Meeting with the following amendments:

- pg. 33 by deleting the word "item" and replacing it with the word "time" at the bottom of the page.
- pgs. 111 - 116 correction of spelling of Councillor Tanya Handley

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

2.2. Confirmation of the Minutes of the Monday, December 5, 2016 Regular Council Meeting

Moved by Councillor Lawrence Lee, seconded by Councillor Lynne Mulder

Resolved that Council of The City of Red Deer hereby approves the Minutes of the December 5, 2016 Regular Council Meeting as transcribed.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED



3. REPORTS

3.1. 2016/2017 Citizen Representative Appointments to Committees

Moved by Councillor Tanya Handley, seconded by Councillor Dianne Wyntjes

Resolved that Council of The City of Red Deer having considered the report from Legislative Services, dated December 12, 2016 hereby appoints the following to serve on the River Bend Golf and Recreation Society for the term to expire as follows:

Don Young Citizen Representation (to October 2017 to fill an unexpired term)

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

3.2. Parkland Ski Grant Application

Moved by Councillor Ken Johnston, seconded by Councillor Lynne Mulder

Resolved that Council of The City of Red Deer having considered the report from Recreation, Parks & Culture, dated December 30, 2016 hereby approves a change in scope for the River Bend Golf and Recreation Area's Trail Development project, subject to Parkland Ski Club securing the additional funds required.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED



3.3. Downtown Business Association - 2017 Budget

Amanda Gould, Executive Director of Downtown Business Association spoke to this item.

Moved by Councillor Lynne Mulder, seconded by Councillor Dianne Wyntjes

Resolved that Council of The City of Red Deer having considered the report from the Greater Downtown Operations Group, dated January 9, 2017 hereby agrees to phase the \$2,787 increase in Cost Recovery over 2017 and 2018 as follows:

1. \$9,945 + \$1,440 = \$11,385 for 2017
2. \$11,385 + \$1,440 + 2018 Annual Cost Recovery Increase for 2018.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Ken Johnston, seconded by Councillor Lynne Mulder

Resolved that Council of The City of Red Deer having considered the report from the Greater Downtown Operations Group, dated January 9, 2017 hereby agrees to calculate Cost Recovery annually to reflect inflation and changes in DBA expectations for City support.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Lawrence Lee, seconded by Councillor Buck Buchanan

Resolved that Council of The City of Red Deer having considered the report from the Greater Downtown Operations Group, dated January 9, 2017 hereby agrees to absorb



the full \$17,847 of the 2016 under collection of BRZ taxes for the 2017 BRZ Tax year.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Lynne Mulder, seconded by Councillor Ken Johnston

Resolved that Council of The City of Red Deer having considered the report from the Greater Downtown Operations Group, dated January 9, 2017 hereby agrees to calculate and collect from the BRZ any over or under collection of BRZ taxes for 2018 and beyond.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Lynne Mulder, seconded by Councillor Ken Johnston

Resolved that Council of The City of Red Deer having considered the report from Legislative Services Department, dated January 9, 2017 re: Supplementary Information for the 2017 Downtown Business Association Budget hereby approves the Downtown Business Association's 2017 Budget.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED



3.4. Downtown Business Association - Economic Development Context

Council accepted this report as information.

3.5. Development Permit Approval for Jackpot Casino Sign

Moved by Councillor Buck Buchanan, seconded by Councillor Dianne Wyntjes

Resolved that Council of the City of Red Deer having considered the report from Inspections and Licensing, dated December 21, 2016 hereby refuses the application submitted by Landale Signs (the “Applicant”) for a Development Permit for a new 0.6 m x 1.5 m illuminated Free Standing Sign, with a height of 2.7 m, and a width of 1.5 m, on the lands zoned RIA [Exceptions (k) & (e)(viii)] Low Impact Commercial District, to be located at 4637 & 4643-50 Street (Lots 41-43, Block A, Plan K8), for the following reasons:

- I. The proposed Free Standing sign has deviated substantially from the original design and is not keeping within the intent of the Low Impact Commercial District, as it is oversized, is not integrated into the landscaped area and is not compatible with the surrounding neighbourhood.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Lynne Mulder, seconded by Councillor Ken Johnston

Resolved that Council of the City of Red Deer having considered the report from Inspections and Licensing, dated December 21, 2016 hereby approves the application submitted by Landale Signs (the “Applicant”) for a Development Permit for ten new decorative banners, as shown on the plans dated December 5, 2016 and stamped as "Approved", copies of which form part of this approval (collectively referred to as the "Approved Plans"), on the lands zoned RIA [Exceptions (k) & (e)(viii)] Low Impact



Commercial District, to be located at 4637 & 4643-50 Street (Lots 41-43, Block A, Plan K8), subject to the conditions listed below:

1. A Development Permit shall not be deemed completed based on this approval until all conditions except those of a continuing nature, have been fulfilled to the satisfaction of the Development Officer.
2. All development must conform to the conditions of this Development Permit and the Approved Plans and any revisions thereto, as required, pursuant to this Approval. Any further revisions to the Approved Plans must be approved by the Development Authority.
3. The Applicant shall repair or reinstate, or pay for the repair or reinstatement, to original condition, any public property, street furniture, curbing, boulevard landscaping and tree planting or any other property owned by The City which is damaged, destroyed or otherwise harmed by development or construction on the site. Repairs shall be done to the satisfaction of The City of Red Deer. In the event that The City undertakes the repairs the Applicant shall pay the costs incurred by The City within 30 days of being invoiced for such costs.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

Council recessed at 5:02 p.m. and reconvened at 6:01 p.m.

4. PUBLIC HEARING

- 4.1. **Proposed Amendment of the Vanier Woods Neighbourhood Area Structure Plan Bylaw 3217/E-2016**
Proposed Amendment of the Land Use Bylaw 3357/HH-2016

Prior to consideration of this item, Councillor Buchanan declared a conflict of interest as his



daughter lives in the area. Councillor Buchanan left Chambers at 6:02 p.m.

Mayor Tara Veer declared open the Public Hearing for the Vanier Woods Neighbourhood Area Structure Plan Bylaw amendment 3217/E-2016 and Land Use Bylaw amendment 3357/HH-2016. Mr. Dustin Henfrey, Mr. Francois Piche, Mr. Darryl Copeland, owner of C2C Site Development Inc., and Ms. Christy Lawrence were in attendance to speak to the bylaws. As no one else was present to speak to the bylaws, Mayor Tara Veer declared the Public Hearing closed.

Moved by Councillor Lynne Mulder, seconded by Councillor Frank Wong

SECOND READING: That Bylaw 3217/E-2016 (an amendment to the Vanier Woods Neighbourhood Area Structure Plan to identify 2506-19 Street (Lot 1, Block 2, Plan 932 1800) as a commercial use) be read a second time.

IN FAVOUR: Mayor Tara Veer, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wytjes

ABSENT: Councillor Buck Buchanan

MOTION CARRIED

Moved by Councillor Lynne Mulder, seconded by Councillor Frank Wong

THIRD READING: That Bylaw 3217/E-2016 be read a third time.

IN FAVOUR: Mayor Tara Veer, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wytjes

ABSENT: Councillor Buck Buchanan

MOTION CARRIED



Moved by Councillor Ken Johnston, seconded by Councillor Dianne Wyntjes

SECOND READING: That Bylaw 3357/HH-2016, (an amendment to the Land Use Bylaw to provide for commercial development with a site exception and site exemption on a triangle shaped ± 1.17 hectare (± 2.89 acres) parcel at 2506-19 Street (Lot 1, Block 2, Plan 932 I800) be read a second time.

Prior to voting on Second Reading of Bylaw 3357/HH-2016, the subsequent motions to amend were introduced:

Moved by Councillor Tanya Handley, seconded by Councillor Ken Johnston

Resolved that Council of The City of Red Deer hereby agrees to amend Bylaw 3357/HH-2016 by adding the following:

- 8.22(1)(dd)(iii)(20) Existing mature trees along the northwest property line are preserved.

IN FAVOUR: Mayor Tara Veer, Councillor Tanya Handley

OPPOSED: Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

ABSENT: Councillor Buck Buchanan

MOTION TO AMEND DEFEATED

Moved by Councillor Lawrence Lee, seconded by Councillor Tanya Handley

Resolved that Council of The City of Red Deer hereby agrees to amend Bylaw 3357/HH-2016 by adding the following:

- 8.22(1)(dd)(iii)(20) the majority of the tree buffer along the northwest boundary be retained.

IN FAVOUR: Mayor Tara Veer, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder,



Councillor Frank Wong, Councillor Dianne Wyntjes

ABSENT: Councillor Buck Buchanan

MOTION TO AMEND CARRIED

Moved by Councillor Dianne Wyntjes, seconded by Councillor Lynne Mulder

Resolved that Council of The City of Red Deer hereby agrees to amend Bylaw 3357/HH-2016 by adding the following:

- 8.22(1)(dd)(iii)(21) The location of fuel sales and accessory car wash are located adjacent to the arterial and collector roadways away from the single family residential to the west.

IN FAVOUR: Mayor Tara Veer, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

ABSENT: Councillor Buck Buchanan

MOTION TO AMEND CARRIED

Moved by Councillor Tanya Handley, seconded by Councillor Ken Johnston

Resolved that Council of The City of Red Deer hereby agrees to amend Bylaw 3357/HH-2016 by adding the following:

- 8.22(2)(e)(xvii) Merchandise sales of liquor.

IN FAVOUR: Councillor Tanya Handley

OPPOSED: Mayor Tara Veer, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

ABSENT: Councillor Buck Buchanan

MOTION TO AMEND DEFEATED



Moved by Councillor Tanya Handley, seconded by Councillor Dianne Wyntjes

Resolved that Council of The City of Red Deer hereby agrees to amend Bylaw 3357/HH-2016 by adding the following:

- 8.22(1)(dd)(iii)(22) The location of merchandise sales of liquor are located adjacent to the arterial and collector roadways away from the single family residential to the west.

IN FAVOUR: Mayor Tara Veer, Councillor Tanya Handley

OPPOSED: Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

ABSENT: Councillor Buck Buchanan

MOTION TO AMEND DEFEATED

Consideration of Second Reading of Bylaw 3357/HH-2016, as amended, was then on the floor.

IN FAVOUR: Mayor Tara Veer, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

ABSENT: Councillor Buck Buchanan

MOTION CARRIED

Moved by Councillor Ken Johnston, seconded by Councillor Dianne Wyntjes

THIRD READING: That Bylaw 3357/HH-2016 be read a third time.

IN FAVOUR: Mayor Tara Veer, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes



ABSENT: Councillor Buck Buchanan

MOTION CARRIED

Councillor Buck Buchanan returned to Council Chambers at 7:41 p.m.

5. BYLAWS

5.1. Bylaw 3357/A-2017 - Land Use Bylaw Amendments Omnibus Amendments

Prior to consideration of First Reading the following tabling motion was introduced;

Moved by Councillor Ken Johnston, seconded by Councillor Lynne Mulder

Resolved that Council of The City of Red Deer hereby agrees to table consideration of Bylaw 3357/A-2017 to the January 23, 2017 Regular meeting of Red Deer City Council.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION TO TABLE CARRIED

5.2. Supplementary Report: 2017 Municipal General Election Bylaw 3579/2016

Moved by Councillor Lawrence Lee, seconded by Councillor Buck Buchanan

Resolved that Council of The City of Red Deer hereby agrees to lift from the table consideration of Election Bylaw 3579/2016.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor



Dianne Wyntjes

MOTION TO LIFT FROM THE TABLE CARRIED

Moved by Councillor Lawrence Lee, seconded by Councillor Ken Johnston

SECOND READING: That Bylaw 3579/2016 (a bylaw to provide for municipal and school trustee elections in the city of Red Deer) be read a second time.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Lawrence Lee, seconded by Councillor Ken Johnston

THIRD READING: That Bylaw 3579/2016 be read a third time.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

5.3. 2016 Capital Budget Borrowing Bylaws

3580/2016 - Taylor Drive Intersection Improvements from 19 Street to 28 Street

Moved by Councillor Frank Wong, seconded by Councillor Tanya Handley

SECOND READING: That Bylaw 3580/2016 (a borrowing bylaw in the amount of \$3,057,000 for Taylor Drive Intersection Improvements) be read



a second time.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Frank Wong, seconded by Councillor Tanya Handley

THIRD READING: That Bylaw 3580/2016 be read a third time.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

3581/2016 - 2017 Recreation Projects

Moved by Councillor Lynne Mulder, seconded by Councillor Frank Wong

SECOND READING: That Bylaw 3581/2016 (a borrowing bylaw in the amount of \$5,859,000 for 2017 Recreation Projects) be read a second time.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Lynne Mulder, seconded by Councillor Frank Wong



THIRD READING: That Bylaw 3581/2016 be read a third time.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

3582/2016 - Storm Offsite Projects

Moved by Councillor Ken Johnston, seconded by Councillor Dianne Wyntjes

SECOND READING: That Bylaw 3582/2016 (a borrowing bylaw in the amount of \$7,516,000 for Storm Offsite Projects) be read a second time.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Ken Johnston, seconded by Councillor Dianne Wyntjes

THIRD READING: That Bylaw 3582/2016 be read a third time.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED



3583/2016 - Roads Offsite Projects

Moved by Councillor Dianne Wyntjes, seconded by Councillor Ken Johnston

SECOND READING: That Bylaw 3583/2016 (a borrowing bylaw in the amount of \$6,430,000 for Roads Offsite Projects) be read a second time.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Dianne Wyntjes, seconded by Councillor Ken Johnston

THIRD READING: That Bylaw 3583/2016 be read a third time.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

5.4. 2016 Capital Budget Borrowing Bylaw Amendments

3557/A-2016 - 67 Street Corridor

Moved by Councillor Buck Buchanan, seconded by Councillor Lawrence Lee

SECOND READING: That Bylaw 3557/A-2016 (Borrowing Bylaw to amend Borrowing Bylaw 3557/2015 by increasing the borrowing authority by \$1,214,000 to a total of \$8,869,000 for 67 St Corridor Improvement project) be read a second time.



IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Buck Buchanan, seconded by Councillor Lawrence Lee

THIRD READING: That Bylaw 3557/A-2016 be read a third time.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

3561/A-2016 - Central Park Water Trunk

Moved by Councillor Lawrence Lee, seconded by Councillor Buck Buchanan

SECOND READING: That Bylaw 3561/A-2016 (Borrowing Bylaw to amend Borrowing Bylaw 3561/2015 by increasing the borrowing authority by \$153,000 to a total of \$1,375,000 for Central Park Servicing (Water) project) be read a second time.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

Moved by Councillor Lawrence Lee, seconded by Councillor Buck Buchanan



THIRD READING: That Bylaw 3561/A-2016 be read a third time.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

6. ADDITIONAL AGENDA

6.1. Great Chief Park Improvements

Moved by Councillor Buck Buchanan, seconded by Councillor Ken Johnston

Resolved that Council of The City of Red Deer having considered the report from the Community Services Division, dated January 6, 2017 re: Great Chief Park Improvements hereby accepts the report as a confirmation that the improvement plans for Great Chief Park have addressed the parking and environmental concerns raised in 2012.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

7. NOTICES OF MOTION

7.1. Notice of Motion Submitted by Councillor Wyntjes Re: Hybrid Policing Model

Moved by Councillor Dianne Wyntjes, seconded by Councillor Ken Johnston



Whereas The City of Red Deer reviewed policing services of the RCMP and other policing models in the 2010-2013 Council term, that examined advantages and disadvantages, service levels and effectiveness of various policing models in municipal environments; and

Whereas the study and report, theoretical models and budgets for Red Deer at the time of the review indicated start-up costs of a police department estimated to between \$4.6 and \$7.5 million (2011 dollars) and annual operating costs to The City of approximately \$4 million (2009 dollars) for policing costs and that at the time the report compared 158 new municipal employee positions, plus equipment and systems, to 128 RCMP positions; and

Whereas the study and report provided information about local direction through an appointed Police Commission for governance and accountability and the recognition of Council oversight, and permanence of policing staff; and

Whereas the study and report did not consider, in detail, a joint hybrid model; and

Whereas The City of Red Deer Council in 2011 determined to renew the contract with the RCMP and not create a Municipal Policing agency; and

Whereas through consultation with the RCMP and The City of Red Deer, the current Annual Policing Plan provides Council the opportunity to identify policing objectives and priorities for the upcoming fiscal year to be addressed by the Red Deer RCMP; and

Whereas community safety, security and crime prevention continues to be a high priority and focus of The City of Red Deer and Council's strategic priorities and direction to provide a safe community; and

Whereas Statistics Canada's Crime Severity Index is a weighted measure of all police-reported crime and reveals a sharp geographical divide with the worst cities for crime in Western Canada, as per 2014-2015 data and Red Deer's Crime Severity is high compared to other Alberta and Canadian cities; and



Whereas the downtown core and other criminal activities across the city such as property crime and persons crime require ongoing and increased policing attention and response, and a Red Deer Municipal Police service would provide ongoing community insight and wisdom; and

Whereas a Red Deer Municipal Police force would allow for Red Deer citizens and others to look to a career in local policing; and

Whereas there are currently operational models that exist with the RCMP such as ALERT - Alberta Law Enforcement Response Teams and the CFSEU - Combined Forces Special Enforcement Unit, and new conversations can explore and evaluate a new hybrid municipal policing service in Red Deer; and

Whereas it's valued and recognized the RCMP detachment and Police provide professional and necessary services with regional connectivity and opportunities for specialized support, including traffic enforcement, organized crime and other Criminal Code crime; and

Whereas the Federal-Municipal cost sharing agreement with the RCMP provides a financial advantage for the cost delivery of policing; and

Whereas in accordance with the Royal Canadian Mounted Police Act and the Police Act of Alberta, The City of Red Deer is required to serve notice by March of each year for any changes to the Municipal Police Service agreement which can take up to two years to transition; and

Whereas, the cost of establishing a Municipal Police service for the City of Red Deer will continue to increase and will become more financially difficult with each passing year, and may soon be out of reach for our city;

Therefore be it Resolved that Red Deer City Council directs The City Manager to research and undertake a plan and alternatives, in accordance with the Alberta Police Act, for a hybrid policing model for the City that includes Provincial/Federal police services provided by the RCMP together with a stand-alone Municipal Police service; and



Be it Further Resolved that a Terms of Reference for this Plan, as well as estimated budget and timelines, be brought forward for consideration by Red Deer City Council by no later than March 6, 2017.

Prior to voting on the Notice of Motion, the following motion to table was introduced;

Moved by Councillor Lawrence Lee

Resolved that Council of The City of Red Deer hereby agrees to table consideration of the Notice of Motion submitted by Councillor Wyntjes up to March 6, 2017 to allow Administration time to review and provide more information to City Council.

Prior to seeking a seconder to the motion, Councillor Lawrence Lee withdrew the motion.

The original Motion was then back on the floor.

IN FAVOUR: Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Dianne Wyntjes

OPPOSED: Mayor Tara Veer, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong

MOTION DEFEATED

Moved by Councillor Lynne Mulder, seconded by Councillor Lawrence Lee

Resolved that Council of The City of Red Deer hereby refers the following items to a Workshop of Council within 2 months:

1. Discussion with respect to updating and determining local policing priorities prior to the approval of the 2017 Approved Policing Plan (APP) in March; and
2. Exploration of options for improving service levels on Priority 3 and 4 calls for service to police; and
3. Use of the dialogue toolkit to determine ways of engaging the public regarding crime and public safety concerns and opportunities; and
4. Discussion of alternative policing models for enforcement delivery; with a subsequent report back to Council on potential timeframes on these items.



IN FAVOUR: Mayor Tara Veer, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

OPPOSED: Councillor Buck Buchanan

MOTION CARRIED

8. ADJOURNMENT

Moved by Councillor Tanya Handley, seconded by Councillor Buck Buchanan

Resolved that Council of The City of Red Deer hereby agrees to adjourn the Monday, January 9, 2017 Regular Council Meeting of Red Deer City Council at 9:29 p.m.

IN FAVOUR: Mayor Tara Veer, Councillor Buck Buchanan, Councillor Tanya Handley, Councillor Ken Johnston, Councillor Lawrence Lee, Councillor Lynne Mulder, Councillor Frank Wong, Councillor Dianne Wyntjes

MOTION CARRIED

MAYOR

CITY CLERK



January 11, 2017

Public Advisory Committees – Outstanding Items from Phase 2 Implementation Plan

Terms of Reference – Environmental Master Plan Request to Table

Legislative Services

Report Summary & Recommendation:

Summary:

Following is the resolution passed at the October 24, 2017 Regular Meeting of City Council:

Resolved that Council of The City of Red Deer having considered the report from the Dialogue Steering Committee, dated October 10, 2016 hereby agrees to table the Terms of Reference for a Citizen Advisory Group related to the Environmental Master Plan for up to 13 weeks to allow Administration more time to prepare the public participation plan, ensuring clear expectations for the citizen advisory group through the terms of reference and resolution development process.

Recommendation:

That Council consider tabling this item for an additional 2 weeks to the February 6, 2017 Council meeting to allow Administration more time to prepare the report.

City Manager Comments:

I support the recommendation of Administration.

Craig Curtis
City Manager

Proposed Resolution:

Resolved that Council of The City of Red Deer hereby agrees to lift from the table consideration of Public Advisory Committees – Outstanding Items from Phase 2 Implementation Plan Terms of Reference – Environmental Master Plan.

Resolved that Council of The City of Red Deer, having considered the report from Legislative Services, dated January 11, 2017 re: Public Advisory Committees – Outstanding Items from Phase 2 Implementation Plan Terms of Reference – Environmental Master Plan, hereby agrees to table consideration of this item to the February 6, 2017 Council meeting to allow Administration more time to prepare the report.



January 9, 2017

Disposition of Two Municipal Reserve Parcels in Riverlands

Planning Department

Report Summary & Recommendation:

Planning has received an application from the Land & Economic Development department for the disposition of two municipal reserve (MR) parcels to begin the Riverlands Area Redevelopment Plan implementation process by enabling the two parcels to be consolidated with other City-owned parcels setting the stage for future subdivision and development. The subject lands have already been redesignated from *Direct Control District (No. 21)* and *P1 – Parks and Recreation District P1* to *Riverlands Taylor Drive District (RL-TD)* and *Riverlands Primarily Residential District (RL-PR)*.

If disposed of the City's municipal reserve fund will be compensated at fair market value. The municipal reserve fund can only be used to purchase other lands to be used as municipal reserve.

These parcels are not included in the total reserve calculations presented as part of the ARP update; total green space is 22.5 percent (11.41 hectares) of the plan area.

Planning staff recommends Council schedule a public hearing as per the requirements of s674 of the Act and following the public hearing pass a resolution supporting the disposition of municipal reserve.

City Manager Comments:

I support the recommendation of Administration. If Council passes the resolution as set out below a Public Hearing would then be advertised for two consecutive weeks to be held on Tuesday, February 21, 2017 at 6:00 p.m. during Council's regular meeting.

Craig Curtis
City Manager

Proposed Resolution

Resolved that Council of The City of Red Deer having considered the report from the Planning Department, dated January 9, 2017 re: Riverlands Implementation, hereby agrees that the following resolution be considered at the Council Meeting of Tuesday, February 21, 2017:

“Resolved that Council of The City of Red Deer having considered the report from the Planning Department, dated January 9, 2017, re: Riverlands Disposition of Municipal Reserve, hereby agrees to the Disposal of Municipal Reserve Lands described as:



“Lot R, Plan 1034KS and Lot 10MR, Block 7, Plan 942 3530”

Report Details

Background:

The two parcels, as shown on the attached Figures 1 and 2, total approximately 0.6761 hectares (1.6705 ac). On December 5, 2016 Council passed Bylaw 3574/2016 to adopt the Riverlands Area Redevelopment Plan along with Bylaw 3357/Q-2016 to redesignate much of the land in the Riverlands ARP area to a number of new land use districts within the Land Use Bylaw. Bylaw 3357/Q-2016 redesignated the two subject MR parcels from *Direct Control District (No. 21)* and *P1 – Parks and Recreation District P1* to *Riverlands Taylor Drive District (RL-TD)* and *Riverlands Primarily Residential District (RL-PR)*.

On December 5, 2016 administration provided Council with figures for the municipal reserves to be provided in the Riverlands area. These two parcels were not included in the total due to their anticipated future land use. The total green space, as per the ARP, continues at 22.5 percent (11.41 ha) of the plan area.

The proposed MR disposal is a Riverlands ARP implementation step to further subdivision and development.

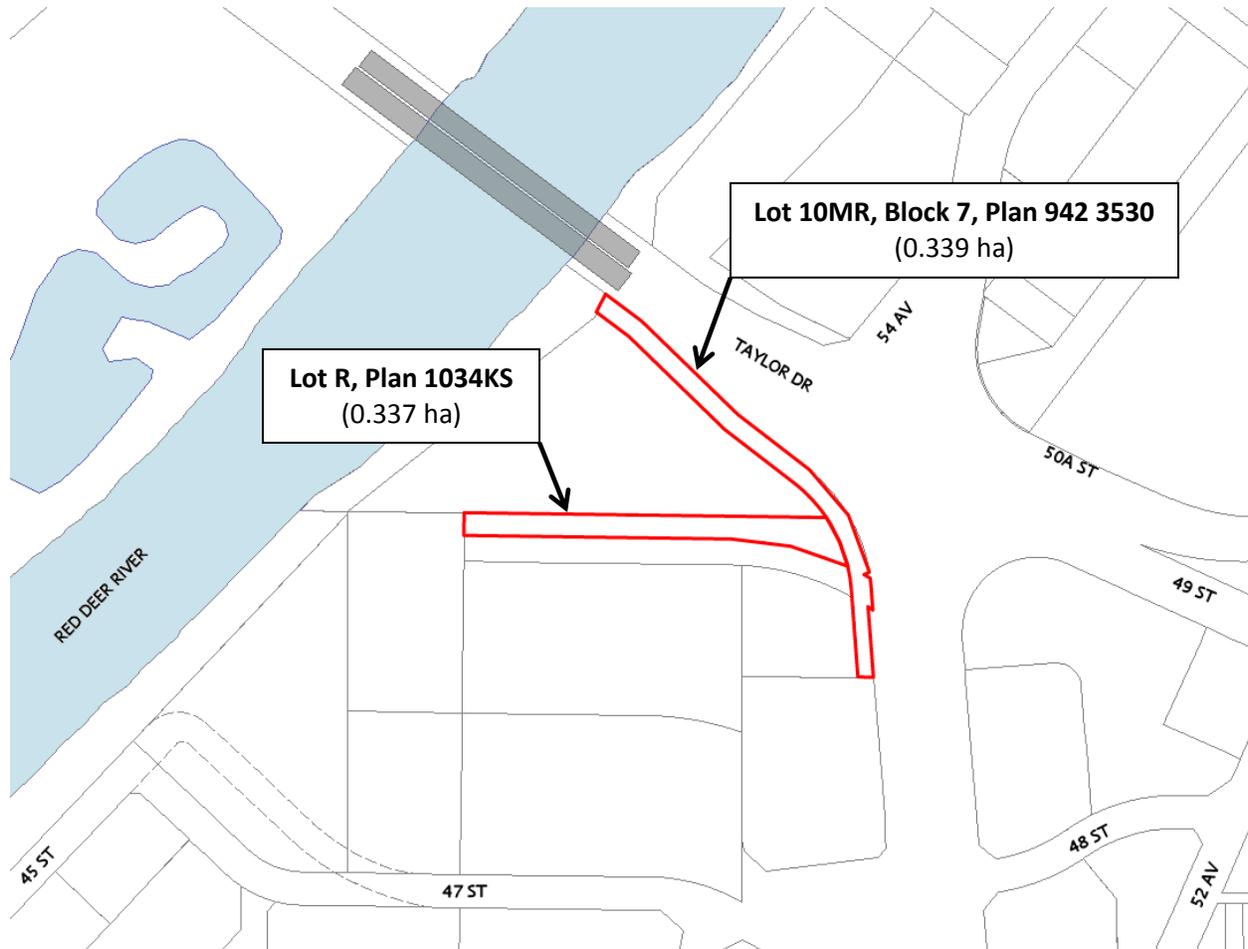
Analysis:

Disposition of the two MR parcels will facilitate moving forward with the next step(s) in the implementation of the recently adopted Riverlands Area Redevelopment Plan. This includes consolidation of the two subject parcels with all other city-owned parcels to make a large block of land that will be ready for future subdivision, sale and development.

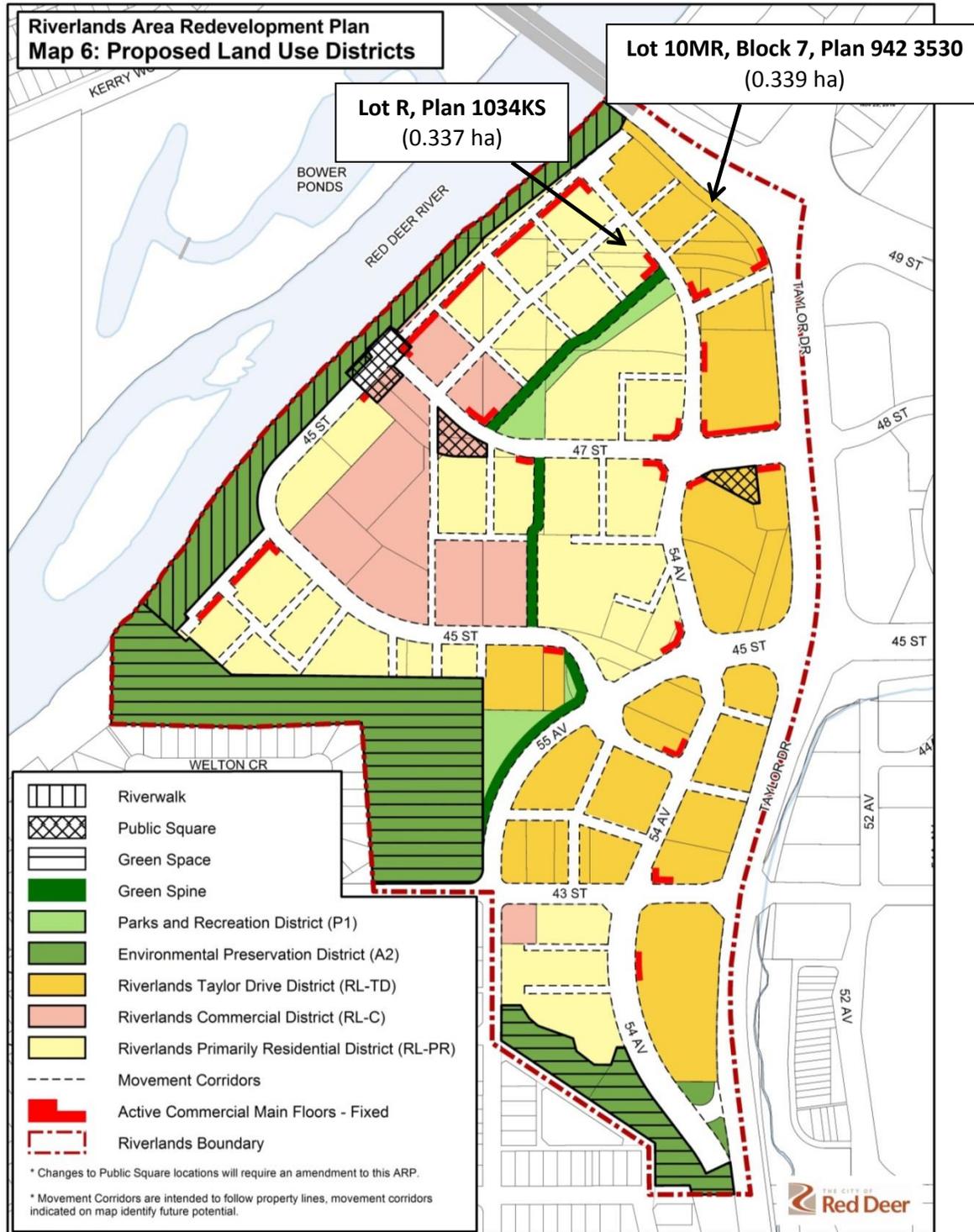
If the two MR parcels are disposed of the City's municipal reserve fund will be compensated at fair market value.

Planning staff recommends that Council schedule a public hearing as per the requirements of s674 of the Act and following the public hearing pass a resolution supporting the disposition of municipal reserve.

**Figure 1:
Location of Two Municipal Reserve Parcels Proposed for Disposition
within the Riverlands Area**



**Figure 2:
Location of Two Municipal Reserve Parcels Identified for Disposition
Within the Riverlands Area Redevelopment Plan**





January 9, 2017

Municipal Government Act (MGA) – Continuing the Conversation

Office of the City Manager / Legislative Services Department

Report Summary & Recommendation:

On December 6, 2016, Bill 21, the second set of amendments of the Municipal Government Act (MGA) passed third reading. These amendments have been categorized into three broad policy questions:

- How are Municipalities Empowered to Govern?
- How do Municipalities Work Together and Plan for Growth?
- How are Municipalities Funded?

In response to thoughtful feedback, questions, and written submissions on other modernizations that could potentially be made beyond the items contemplated in those amendments adopted, the Government has issued a discussion paper “Continuing the Conversation” to invite further feedback on emerging topics and how the Act could be amended to address them.

The following is a review of the MGA Review Discussion Paper “Continuing the Conversation” (attached) and the online questionnaire (also attached) from the perspective of its alignment with Council’s policy as adopted in 2014, and the formal response submitted to Municipal Affairs and the Alberta Urban Municipalities Association (AUMA) in July 2016. It highlights areas of concern that need to be communicated to the Government prior to the adoption of further amendments and the related regulations.

City Manager Comments:

I support the advocacy position.

Craig Curtis
City Manager

Proposed Resolution

Resolved that Council of The City of Red Deer, having considered the report from the Office of the City Manager dated January 9, 2017 “Municipal Government Act (MGA) Discussion Paper Continuing the Conversation”, hereby endorses the report as presented as The City’s formal response to the MGA amendments, and directs that it be submitted to Municipal Affairs and the Alberta Urban Municipalities Association (AUMA) and provides the basis for any advocacy efforts to be undertaken in responding to these amendments and regulations.



Report Details

Background:

The Government of Alberta has been working on amendments to the Municipal Government Act since 2013. In the spring of 2015 the Government announced the first round of changes to the MGA as part of Bill 20. These amendments included areas that were agreed to by the Government, AUMA, AAMDC, and other stakeholders. Regulations on these changes are still being developed.

On May 31, 2016 the Government announced the second round of amendments in Bill 21. This bundle was meant to include amendments and changes in policy direction that were not unanimously supported by those same groups. According to the Minister of Municipal Affairs, the purpose of the second round of MGA changes (Bill 21) was to:

1. Enhance partnerships between provinces and municipalities.
2. Strengthen accountability mechanisms.
3. Increase intermunicipal collaboration.

The City of Red Deer's response was adopted by Council on July 18, 2016 and submitted to the Minister of Municipal Affairs and AUMA. A copy of this report is attached. Bill 21 named the *Modernized Municipal Government Act (MMGA)* subsequently received third reading on December 6, 2016.

Based on the feedback to Bill 21, The Government of Alberta introduced a new discussion guide. The guide introduces some items that are new to the discussion; such as parental leave, adds clarity to some of the previously introduced items; such as the new definition of conservation reserve, or follows-up on some promised items; such as high school sites.

The Charters for Calgary and Edmonton are still being developed and we have received no further information at this time. We anticipate that the Charters will provide Calgary and Edmonton with distinct tools/rights from other cities, and Administration plans to work with Council in the New Year to develop a position on this matter that addresses the best interest of Red Deer.

As Alberta's third largest city, The City of Red Deer has advocated for its own form of a Charter. Locally, The City of Red Deer and many of the medium sized regional cities such as Lethbridge and Grande Prairie, face the same social, economic and environmental challenges as the larger centres and being left out of the Charter process puts Red Deer at a competitive disadvantage. With our position on the QEII corridor between the two metropolitan areas, we may also find ourselves at a disadvantage or legislatively isolated depending on what the Charters include. We will continue to monitor these Charters with the expectation that the creation of them serves as the foundation for a similar conversation for Red Deer.



The Government indicates that much of the detail being requested by municipalities pertaining to Bill 21 will be found in regulations which we will not see until the spring of 2017. They have committed to providing us with two months to provide comments on the regulations once they are released, and it is expected that there may be over 100 regulations to review. The ongoing regulatory review process creates uncertainty in that The City may not appreciate the full impact of the proposed changes until the regulations are developed. Smaller municipalities may favour many and detailed regulations, while larger cities such as Red Deer may wish to have more flexibility in the approach to complying with the legislation. This will be another matter to consider and is related to the Charters which will likely provide greater flexibility to Calgary and Edmonton.

Discussion & Analysis:

On March 11, 2014 Council of The City of Red Deer passed a policy document that has guided The City's response to the Government's changes. The City has been very active in the MGA review process through submissions to Government, working with AUMA, participating in the review with professional associations such as the Provincial Assessors Association and regular meetings with our MLAs and other Government Ministers.

The following is a summary of how the proposed legislation aligns with Council's policy position (shown within the shaded text areas) and The City's perspective on the Further Topics for Discussion on the MGA. It highlights areas of concern that need to be communicated to the Government and part of additional strategies as required.

As part of the comments, Administration has also outlined any key aspects of Bill 21, or the new Modernized Municipal Government Act, that was passed in December 2016.

Consistent with our advocacy approach throughout the MGA review, we recommend that Council adopt this report as further clarification of The City of Red Deer's position. Our advocacy strategy should continue to be outcomes or policy based, which will give The City the opportunity to be responsive and nimble to additional changes or opportunities as they present themselves.

- I. **Shared responsibility:** Provincial and local governments have responsibilities to create a strong Alberta. The Act should be clear about authority and responsibility for each order of government, how they work together and when the roles are distinct. Achieving the right balance between municipal autonomy and provincial oversight must be reached to ensure municipalities are vibrant and able to embrace new opportunities and challenges.

In the discussion guide, there is a proposal to allow for a municipal government to charge an offsite levy for provincial transportation infrastructure. It would be inconsistent with the principle of shared responsibility as outlined above. Provincial infrastructure should be funded through provincial budgets.



2. **Flexibility:** Municipalities are unique and have different needs, different opportunities and different capacities. The MGA should be flexible by defining outcomes, and not the means of achieving them.

The discussion guide has a balance of items that are 'may' and 'must'. For example parental leave would be an option given to municipalities, but Joint Use Committees would become mandatory.

3. **Enabling:** Municipalities are local orders of government and are accountable to their constituents. It is important for the review to continue with natural person powers which give a municipality the freedom of restraint within the law.

There were no new items in this area that were inconsistent with this policy option. The MMGA through Bill 20 and 21 continued to enshrine the notion of natural person powers.

4. **Governance:** Municipalities are a responsible and responsive order of government. They need to be transparent and accountable in the manner in which they conduct their affairs, thereby inspiring confidence in their electorate. Municipalities are accountable to their electorate and are responsible to provide direction to the administration of their organization.

In the new *Modernized Municipal Government Act (MMGA)* the Government of Alberta introduced an increased scope for the Provincial Ombudsman to include municipalities. Similar to Calgary and Edmonton, The City of Red Deer did not support this change. In Council's response to Bill 21, The City of Red Deer requested:

- That any expansion to the role of the Provincial Ombudsman serve as a complimentary, not competitive or duplicate, role for municipalities with their own appeal and review processes.
- Further clarity on the role of the Ombudsman related to Council's governance and fiduciary responsibility to ensure administrative fairness of their organization.
- Additional costs for this provincial service not be charged to municipalities.

The enhanced scope of the Ombudsman was adopted as part of the MMGA and The City will continue to work with the Government and AUMA to influence the regulation development on the complimentary practice and additional costs.

Based on municipal feedback, the discussion guide introduces an option for Councils to consider parental leave for members of Council. The way the amendment is proposed allows Councils to determine what works best for their Council – it is a 'may' and not a 'must'.



5. **Resources:** Municipalities need flexible tools to be financially sustainable, including the ability to access predictable revenue streams (revenue authorities). They must have access to revenue streams that enable them to fulfill their responsibilities.

In Council's response to Bill 21, The City of Red Deer proposed the removal of the 30% cap to the expanded offsite levies definition. As a result of our and many other municipal advocacy efforts this threshold was removed from the MMGA.

In the discussion guide, the Province is proposing intermunicipal offsite levies between jurisdictions to facilitate more coordinated regional approaches. This provides another financial tool for municipalities in funding infrastructure and services.

6. **Sustainability:** In planning and service delivery it is important that the areas of economy, social, culture and environment be considered to ensure the best quality of life for current and future citizens.

The Government of Alberta is considering adding the responsibility for environmental stewardship in the preamble as a responsibility of municipalities. Consistent with The City of Red Deer's policy, Administration will recommend that this be supported only if the other equally important pillars of sustainability are included in the preamble section. The pillars of sustainability work together to create healthy communities.

7. **Collaborative:** With clear, focused mandates and responsibilities for each type of municipality, collaborative relationships between rural and urban, large and small, and local and provincial governing bodies will be enabled. Where it is reasonable, a regional approach to service delivery should be encouraged recognizing that citizens may live and work in neighbouring municipalities.

The discussion guide continues The Government's objective to encourage collaboration and in this guide the focus is on the relationship with Indigenous communities. As noted in the detailed comments to the attached guide, supporting collaboration with our Indigenous communities is consistent with The City's endorsement of the Truth and Reconciliation Commission of Canada's recommendations, and our work to develop protocols with the Urban Aboriginal Voices Society (UAVS).

8. **Fairness:** Historically, funding mechanisms and planning considerations have led to a competitive disadvantage between urban and rural when it comes to development. Equity and fairness lead to better planning outcomes and more intermunicipal cooperation.

There is nothing particular in the discussion guide that supports or detracts from the idea of fairness. However, it is important to note that the Intermunicipal Collaboration Framework (ICF) regulations are still under development.



In Conclusion

The proposed changes presented in the discussion guide maintain the progressive aspects of this legislation primarily due to its grounding in natural person powers. Maintaining this foundation is critical in ensuring municipalities continue to be strong partners in the continued prosperity of the province.

Because of comments from municipalities like Red Deer, we did see changes to Bill 21 when it was amended to remove items such as the 30% cap on the expanded definition for offsite levies. Administration recommends that The City of Red Deer continue to advocate, based on the principle based approach, for an MGA and regulations that ensure the sustainability and prosperity of Red Deer.

Many of the impacts of the proposed changes will not be known or well understood until the regulations are released in the spring of 2017, or when the Big City Charters are released in the fall of 2017. The City should request it be directly consulted on the development of the regulations as they can have a significant administrative impact depending on how they are written.

The following sections outlines Administration's proposed response to the Government's new discussion guide, developed based on Council's policy on the MGA. For additional context, attached to this report is the proposed response from AUMA to the guide, Council's response to Bill 21 as well as copies of The Guide and Questionnaire. As the Government is still making changes, we propose that that this report and the appendices be sent to the Government of Alberta as our response to the MMGA, and that as changes are contemplated, different advocacy strategies be developed in response.



City of Red Deer's Perspective on Continuing the Conversation: Further Topics for Discussion

The following is a summary of key issues in the discussion guide and follows the format and language provided by The Government of Alberta. The proposed responses for The City of Red Deer are based on Council's MGA policy and Bill 21:

Collaboration with Indigenous Communities

The City of Red Deer and the Urban Aboriginal Voices Society are collaborating in the development of a protocol that will define our future ongoing relationship. We encourage the development of similar protocol agreements for other municipalities that meet their local contexts and relationships.

The Government of Alberta is linking the required collaboration to the development of Intermunicipal Collaboration Frameworks (ICFs) and neighbouring Indigenous communities that have boundaries with the municipality. As such, Administration does not believe this proposed change affects The City of Red Deer as our ICFs and boundaries do not include any Indigenous neighbours.

Recommendation:

- The City of Red Deer support this change as it supports the collaborative principle of Council's AUMA policy.

Orientation Training for Municipal Councillors

As part of its Council orientation, The City of Red Deer has incorporated respectful workplace and other training, and has added professional development sessions on diversity and aboriginal cultural awareness. Adding this to orientation training for municipal Councillors would be a natural progression.

Recommendation:

- The City of Red Deer support this change.

Statutory Plan Preparation

Administration supports AUMA's position that the regulation must define 'indigenous community' in this section. As it stands, it may not be clear if this applies to treaties, urban aboriginal groups, or organizations. Without this clarity there may be expectations not met. Council's, in the development of statutory plans, should as best practice consult with the community.

Recommendation:



- The City of Red Deer support this change but requests further clarity with respect to the Provincial definitions of Indigenous community.

Enforcement of Ministerial Orders

General Minister Powers

This would provide for the Minister to enforce decisions – it is a general principle that if you are able to make a law you should be able to enforce it.

Recommendation:

- The City of Red Deer support this change.

Judicial Review

Typically when a “stay” is applied for within a process, that order or decision being appealed is held until a decision is rendered. In this case, it is proposed that the Ministerial Order being appealed remain in effect which is contrary to the convention that an individual is innocent until proven guilty.

Recommendation:

- The City of Red Deer not support this change and request that Ministerial Orders be “stayed” until the outcome of a review is determined.

Parental Leave for Municipal Councillors

Parental Leave Policy

This would enable a Council to create a Bylaw if it wishes to allow for parental leave.

Recommendation:

- The City of Red Deer support this change as it consistent with the principle of ‘enabling’ as outlined in the City of Red Deer MGA policy.

Reasons for Disqualification related to Parental Leave

A Bylaw as noted above would respond to this issue and would ensure that an absence for parental leave would not result in disqualification as a result of absence.

Recommendation:

- The City of Red Deer support this change as it consistent with the principle of ‘enabling’ as outlined in the City of Red Deer MGA policy.

Environmental Stewardship

Environmental sustainability is a long held community value for Red Deerians. In 2011, The City of Red Deer adopted its Environmental Master Plan which outlines its commitment to



the environment and sets out goals and targets. The City of Red Deer would support other municipalities in adopting community specific environmental plans.

As strong as our commitment is to the environment, The City of Red Deer has adopted an integrated approach to sustainability planning that includes all of the pillars and has adopted master plans and frameworks that establish a vision and work plans in each area. Elevating environmental stewardship and not the others would be inconsistent with this approach which is a leading practice.

Additionally, environmental stewardship is a shared responsibility between three orders of government and specifically stating it as a purpose of municipal government fails to recognize these shared responsibilities.

Recommendation:

- The City of Red Deer does not support this change as it does not include our responsibility to be stewards in the areas of the economy, social, and cultural sustainability pillars.

Notification of Amalgamations and Annexations

Amalgamations: Initiation by a Municipal Authority

A best practice is to notify/inform all local authorities impacted by an amalgamation. Their service or catchment boundaries (such as in the case of school boards) may increase and they would need to plan for services. However, we would recommend that the regulations clarify what/who is considered a local authority.

Recommendation:

- The City of Red Deer supports this change.

Initiation of Annexation

The City of Red Deer is supportive of informing impacted local authorities, but feels further clarity should be provided as to which local authorities are required to be informed.

Recommendation:

- The City of Red Deer supports this change with the request that which local authorities are required to be informed be defined.

Municipal Collaboration with School Boards

The proposed change would provide flexibility to use a 'benefiting area contribution' to support land dedication and development of parameters with respect to assembly of parks and school sites. It is similar to how we are now able to receive cash in lieu of Municipal Reserve (MR) from a developer. The difference is that the scope of what we can use this money for has been expanded to include servicing of the area school site if the land was identified in a contributing area.



As an example, when The City prepares a Neighbourhood Area Structure Plan (NASP) it identifies the percentage of MR it wants to dedicate. If it is under the 10%, which is rare, then we could receive cash in lieu from that developer and purchase MR elsewhere in the city.

With this amendment, we assume that The City would identify a high school site and the contributing area through the Major Area Structure Plan (MASP). As a NASP is being developed, The City could identify 9% for Municipal Reserve (MR) and ask the developer to pay cash in lieu for the remaining 1% which, if this amendment is made, could be used to fund land purchase and servicing of the high school site.

While this proposed change provides more flexibility for municipalities, it does not recognize that the 10% limit is still an inadequate amount of land necessary for the provision of high school sites in particular. High schools are typically built in new areas, and the area of contribution would build out slowly after the fact meaning that municipalities will upfront the land and servicing costs for the high school. There is concern that this will result in small allocation of park space in neighbourhoods surrounding a school site as MR has been reallocated to the school site.

Recommendation:

- The City of Red Deer supports this change to allow for additional flexibility; however it still does not address the City of Red Deer's concern that the current 10% allocation does not recognize the size of high school sites. The City would also request clarity on how cash in lieu will be determined and the timing of the payments to developers for the extra land dedication. Further advocacy is required.

Joint Use Agreements

The City of Red Deer supports Joint Use Agreements as a best practice however, it is unclear as to why this should become a mandatory requirement. How to exercise collaborative/cooperative relationships should be a matter of local autonomy and reflective of local relationships.

Recommendation:

- The City of Red Deer not support this change as it removes the flexibility of municipalities to develop solutions that work for their municipality.

Offsite Levies

Provincial Transportation Systems

Currently, municipalities are unable to allow for levies related to provincial infrastructure upgrades and the Government of Alberta is considering changing this provision. Provincial



Transportation Systems are the responsibility of The Province and The Province should not be transferring the financial responsibility onto municipalities.

Recommendation:

- The City of Red Deer not support this change.

Intermunicipal Offsite Levies

This proposed change will provide municipalities with another financial tool in support of regional collaboration and the development of ICFs. Through this change municipalities may charge an offsite levy in their municipality for regional infrastructure in another, likely neighbouring municipality where there is demonstrated regional benefit. The appeal process would need to be clarified through regulations.

Recommendation:

- The City of Red Deer support change that supports the principles of flexibility, fairness, and collaboration.

Validating Existing Offsite Levy Bylaws

The City of Red Deer is supportive of this administrative clarification that validates any off-site levy fee or charge made by law or agreement before November 1, 2016 to be valid.

Recommendation:

- The City of Red Deer support this change.

Education

This change would exempt School Boards from paying offsite levies on non-reserve lands that are developed for School Board purposes. "School Board Purpose" is too broad of a classification because this may include a broad array of land uses, many of which should be levy-able. Education is a responsibility of The Province and The Province should not be transferring their financial responsibility onto the municipal tax base.

Recommendation:

The City of Red Deer not support this change.

Conservation Reserve

Transfer of Conservation Reserve

Conservation Reserves were adopted under Bill 21 and are proposed to protect environmentally significant lands; such as wildlife corridors, significant tree stands, and other significant environmental features. These provisions will require the municipality receiving annexed land to pay compensation to the other municipality for any conservation reserve lands within the annexed area in the amount that the municipality originally paid for the land, and that designations would remain on the land until it is changed through any required



process. The changes proposed in this guide are supported by Administration as improvements to the legislation and consistent with Council's earlier comments. In particular, The City had raised concerns about the inability to change the designation in the future and this condition will be removed which increases flexibility of the municipality.

Recommendation:

- The City of Red Deer support this change.

Identification of Conservation Reserve

These provisions allow for conservation reserves and related policies to be included in an MDP, and allows the inclusion in Area Structure Plans to be an option to municipalities.

Recommendation:

- The City of Red Deer support this change.

Exempting Conservation Reserve Lands from Paying Municipal Property Taxes

This provides consistency to other lands that are exempt from paying municipal property taxes such as Municipal Reserve.

Recommendation:

- The City of Red Deer support this change.

Disposal of Conservation Reserve

This change recognizes circumstance where a specific conservation reserve is no longer environmentally sensitive and provides a mechanism for its disposal.

Recommendation:

- The City of Red Deer support this change.

Compliance with the Linked Tax Rate Ratio

The Linked Tax Rate Ratio compliance will reduce the potential for inconsistent tax rate ratios across the Province. However, consideration must be given to limit the impact on residential assessment and taxes when implementing a timeline to bring an affected municipality in line with the 5:1 ratio.

In 2016, the ratio of Non-residential to Residential was 2.17 and as such, is not a concern within the City of Red Deer.

Recommendation:

- The City of Red Deer support this change which is consistent with our earlier feedback to the Government of Alberta.

Levy on Intensive Agricultural



At present, The City of Red Deer has limited properties which could be defined as intensive Agricultural Operations (e.g. greenhouses, medical marijuana facility); however, the ability to levy these types of properties will give The City greater stability in funding sources if the next annexation brings more such properties into the city.

Recommendation:

- The City of Red Deer support this change.

Access to DIP Assessment Information

Municipalities, as a different order of government from the province, should be considered equal and not excluded from privileged information as they are already held to account by privacy rules. Without this information, the ability of the municipality to ensure all properties within the municipality are assessed and taxed fairly and equitably is impaired.

Recommendation:

- The City of Red Deer support this change.

Providing the Information to Municipalities

Information provided to the province under sections 294 and 295 could be provided to the municipality upon request subject to confidentiality requirements.

Recommendation:

- The City of Red Deer support this change.

Notice of Assessment Date

The proposed changes should be administered at an operational level to ensure administrative flexibility and efficiency is maintained.

Recommendation:

- The City of Red Deer support this change.

Corrections to Assessments Under Complaint

The proposed changes still allow for the flexibility to revise an assessment even after it has been filed but establishes a more detailed process as to what all parties involved are required to do. If there is agreement between both parties then the detailed process is not required.

Recommendation:

- The City of Red Deer support this change.

Taxation of Provincial Agencies

Properties owned, leased and held by provincial agencies should be taxable and not exempt



from taxation. Alberta Health Services, housing management bodies established under the *Alberta Housing Act*, schools, colleges and universities would be exempt. This would assure that the municipality sustains a reliable tax base.

Recommendation:

- The City of Red Deer support this change on the basis of fairness and equity with all other entities within the municipality although it does not address Council's current position on grants in lieu related to housing management bodies; further advocacy on that matter is recommended.

Changes to Assessments under Complaint

This is the same issue as above (change and correction terms used interchangeably). The proposed changes still allow for the flexibility to revise an assessment even after it has been filed but establishes a more detailed process as to what all parties involved are required to do. If there is agreement between both parties then the detailed process is not required.

Recommendation:

- The City of Red Deer support this change.

General Technical Amendments – Governance

Other Requirements for a Petition

Best practices in verifying a petition include the practice of having witness affidavits. This is a best practice used by The City of Red Deer.

Recommendation:

- The City of Red Deer support this change.

Contents of an Operating Budget

In support of the Intermunicipal Collaboration Framework (ICF), municipalities would be required to include estimates on the expenditures and transfers that would be required to meet its commitments under the framework that outlines services with its neighbours. Administration supports this change that improves planning and transparency but would like it to include capital budgets as an ICF can also include infrastructure.

Recommendation:

- The City of Red Deer support this change and ask for it to include capital budgets as well.

Advertisement Bylaw

Relying on alternate forms of advertising, such as posting ads on a website, is a viable option for some jurisdictions that are not served by local newspapers.

**Recommendation:**

- The City of Red Deer support this change.

FOIPP and Closed Council Meetings

The Privacy Commissioner has identified that the reference to the exemption from FOIPP should be replaced by specific provisions in the MGA. At minimum, all applicable provisions included in FOIPP should be included in this change.

Recommendation:

- The City of Red Deer support this change.

Form of Nomination

Requiring that all candidates acknowledge the requirement to read and comply with the municipality's code of conduct seems misplaced on the nomination form and as it relates to 'candidates.' Candidates are not elected officials until they are elected.

This should be a requirement of those candidates that are successful and could be included in the Oath of Office.

Recommendation:

- The City of Red Deer not support this change.

Revision Authorized

This would allow Administration to correct minor errors to bylaws without having to go through the entire bylaw process again. Council would, by resolution, authorize the CAO to make the minor errors. The City of Red Deer Organizational Bylaw already delegates this authority to the City Manager so this change reflects our current practice.

Recommendation:

- The City of Red Deer support this change which provides greater flexibility.

Requirements Relating to Substituted Bylaws

Similar to the 'revision authorized', this would allow municipalities to fix minor errors in Bylaws. The City of Red Deer Organizational Bylaw already delegates this authority to the City Manager so this change reflects our current practice.

Recommendation:

- The City of Red Deer support this change.



General Technical Amendments – Planning and Development

Environmental Reserve

This will bring the MGA in line with Alberta’s wetland policy which is important for clarity and consistency to the expanded definition of “wetlands.”

Recommendation:

- The City of Red Deer support this change.

Statutory Plans

This is an added requirement to refer structure plans with a provincial highway component to Alberta Transportation. What “referral” means is unclear, but communicating with affected parties is a good practice which the City of Red Deer supports.

Recommendation:

- The City of Red Deer support this change.

Subdivision and Development Appeals

This is an administrative amendment to ensure consistency in appeal periods.

Recommendation:

- The City of Red Deer support this change.

General Technical Amendments – Assessment and Taxation

New Extension of Linear Property Regulation

This regulation treats electric power generation plants that have the ability to sell power as linear property. It proposes a solution for a temporary regulation so that it can be extended and revised in within other regulation review.

Recommendation:

- The City of Red Deer support this change.

New Electric Energy Exemption Regulation Elevation



This regulation enables the making of a Ministerial Order to exempt components used for or in the generation of electricity of 'electric power systems' from paying education property taxes. It proposes a solution for a temporary regulation by elevating it into legislation.

Recommendation:

- The City of Red Deer support this change.

Right to Enter on and Inspect a Property

This ensures assessors have the necessary information for which to do their job.

Recommendation:

- The City of Red Deer support this change.

Assessment Information

This amendment is intended to provide a better balance between the access to information rights of property owners and assessors. It would mean that while a complaint is active, both parties are only obliged to share information as part of the complaint process.

Recommendation:

- The City of Red Deer support this change.

Subclasses

This amendment would allow municipalities to avoid expenses related to applying non-residential sub-classes in the event a Council wishes to tax all sub-classes at the same rate.

Recommendation:

- The City of Red Deer support this change.

Liability Code

This was previously a code required by provincial auditors that is no longer required for the audit program.

Recommendation:

- The City of Red Deer support this change.

Receipts

Property owners receive confirmation of the payment made whether in person or via their bank. This amendment would require issuance of receipts be issued for all taxes paid unless property owners explicitly state they do not wish to receive one. This requirement creates an unnecessary and potentially significant administrative cost.



Recommendation:

- The City of Red Deer not support this change and advocates that receipts be required only on request by property owners.

Additional Item not Included in Proposed Changes

Tax Recovery Related to Manufactured Homes and Linear Property

No provisions have been introduced to allow for collection of taxes unrelated to land. This continues to represent a policy void that should be resolved in the MMGA.

Recommendation:

- The City of Red Deer support this change and advocate for provisions to allow for collection of taxes unrelated to land.

Continuing the Conversation

November 2016

FURTHER TOPICS FOR
DISCUSSION ON THE
MUNICIPAL
GOVERNMENT ACT

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CONTINUING THE CONVERSATION: FURTHER TOPICS FOR DISCUSSION ON THE MGA*November 2016***INTRODUCTION**

The *Municipal Government Act (MGA)* is the guide to how municipalities operate, and is one of the most significant and far-reaching statutes in Alberta. The *MGA* affects every Albertan, the private sector, and every ministry in the Government of Alberta in one form or another.

On May 31, 2016, the Government of Alberta introduced Bill 21, the *Modernized Municipal Government Act (MMGA)*, to the Legislative Assembly. Following introduction, Municipal Affairs went on the road to talk to Albertans and gather their thoughts on the proposed changes to the *MGA*. In total, 2402 people attended the 21 public sessions held across Alberta, 2376 questionnaires were submitted to the ministry, and 122 letters commenting on the draft legislation were sent to Municipal Affairs. The feedback we received over the summer informed the changes to the *MMGA* being introduced during the fall 2016 session of the Legislature.

The discussions throughout the summer gathered their own momentum and led to thoughtful feedback, questions, and written submissions on other modernizations that could potentially be made beyond the items contemplated in the *MMGA*. This paper is an opportunity to continue the conversation with Albertans about building an even stronger framework for our municipalities, and to raise some technical or clarifying changes that may be necessary to improve the act's effectiveness.

On the following pages you will find:

- discussion and description of emerging topics and how the act could be amended to address them; and
- a listing of proposed general technical amendments.

This discussion guide will be available for Albertans' feedback until January 31, 2017. Comments may be submitted through an online questionnaire on the *MGA* review website (<http://mgareview.alberta.ca>).

Feedback on this discussion paper will be used to inform potential amendments to the *MGA* for Spring 2017.

CONTINUING THE CONVERSATION: FURTHER TOPICS FOR DISCUSSION ON THE MGA

November 2016

TOPICS FOR DISCUSSION—HOW ARE MUNICIPALITIES EMPOWERED TO GOVERN?**COLLABORATION WITH INDIGENOUS COMMUNITIES****BACKGROUND:**

The *MMGA* proposed the concept of intermunicipal collaboration frameworks (ICFs). These frameworks are intended to ensure ongoing collaboration between municipalities, including coordinated land use planning, regional service delivery and cost sharing. In addition, the *MMGA* also proposed the requirement for municipalities to offer orientation training for municipal councillors.

The *MGA* does not apply to First Nations lands (federal legislation applies), and the planning and development components of the *MGA* do not apply to Metis Settlements; however, Indigenous groups intersect with municipalities through regular interactions for a variety of reasons, such as utility service delivery.

CONTEXT OF TOPIC:

The Province is committed to implementing the principles of the United Nations Declaration on the Rights of Indigenous Peoples, and, as such, it is important to encourage the province's municipalities to continue to take meaningful and reasonable steps to understand and engage with neighbouring Indigenous communities and citizens in a respectful and culturally appropriate manner, particularly with respect to land use planning and service delivery. Taking these steps also responds to First Nation and Metis concerns with respect to the degree of Indigenous involvement in the municipal land use planning process

POTENTIAL AMENDMENTS FOR DISCUSSION:

Topic	Current Status	Proposed Changes
Agreements with Indigenous Communities	The <i>MGA</i> is currently silent on the relationship between municipalities and Indigenous communities.	Add a provision to the proposals in the <i>MMGA</i> to clarify that a municipality may invite Indigenous communities to participate in an ICF or any sub-agreement that is part of an ICF.
Orientation Training for Municipal Councillors	The <i>MMGA</i> (s. 201.1(2)) indicates what topics would have to be included in the proposed mandatory offering of orientation training for councillors, such as, the role of municipalities, roles and responsibilities of council and councillors, public participation, etc.	Add Indigenous Awareness Training to the list of topics councillors would be offered as part of their orientation training.
Statutory Plan Preparation	The <i>MGA</i> (s.636) deals with notifications with respect to statutory plans and the provision of opportunities for providing representations and suggestions regarding those plans during the development of the plans. The <i>MGA</i> currently exempts Metis Settlements from the Planning and Development portion of the Act (Part 17).	Require municipalities to implement policies with respect to how they will keep neighbouring Indigenous communities informed during the development of statutory plans and require municipalities to inform Indigenous communities that share a common boundary with two-week's notice of a public hearing for statutory plans including notice information (i.e. statement of purpose, date, time, and address of the meeting).

CONTINUING THE CONVERSATION: FURTHER TOPICS FOR DISCUSSION ON THE MGA
November 2016

ENFORCEMENT OF MINISTERIAL ORDERS

BACKGROUND:

Currently, the Minister of Municipal Affairs may issue directives to ensure accountable and responsive local government under very specific circumstances. Directives may currently only be issued flowing from an inspection of a municipality where the inspection finds that the municipality has been governed or managed in an irregular, improvident or improper manner. In rare and extreme cases, where Directives resulting from a municipal inspection are not carried out to the Minister’s satisfaction, the Minister may take actions such as removing councillors or Chief Administrative Officers (CAOs).

CONTEXT OF TOPIC:

Currently, the *MGA* does not give the courts direction on how to consider Ministerial orders and directives. This has created challenges in enforcing Ministerial orders and directives intended to address local governance concerns. Throughout the *MGA* Review process, Albertans and many municipal officials have expressed that it is important for there to be processes in place that hold councils accountable for their actions and promote a high standard of local governance.

Proposed changes would not allow the Minister to act arbitrarily, but would ensure proper authority exists to address significant concerns, and to provide more tools to ensure municipal compliance with Ministerial Orders.

POTENTIAL AMENDMENTS FOR DISCUSSION:

Topic	Current Status	Proposed Changes
General Minister Powers	Currently the Minister lacks adequate authority to enforce Ministerial orders that implement: <ul style="list-style-type: none"> • decisions of an official administrator; or • decisions that settle intermunicipal disagreements. 	Allow the Minister the same authority currently available with respect to the inspection process for situations where, in the Minister’s opinion, a municipality has not complied with direction provided by an Official Administrator or by the Minister in respect of an intermunicipal disagreement. With this authority, the Minister could: <ul style="list-style-type: none"> • suspend the authority of a council to make resolutions or bylaws in respect of any matter specified in the order; • exercise resolution or bylaw-making authority in respect of all or any of the matters for which resolution or bylaw-making authority is suspended under the above measure; • remove a suspension of resolution or bylaw-making authority, with or without conditions; and, • withhold money otherwise payable by the Government to the municipality pending compliance with an order of the Minister.
Judicial Review	Individuals have the constitutional right to apply for judicial review of Ministerial decisions.	Require 10-day notice be given to the Minister prior to applying for injunctive relief against a decision of the Minister. The Ministerial Order would remain in effect during an appeal of the Minister’s decision.

CONTINUING THE CONVERSATION: FURTHER TOPICS FOR DISCUSSION ON THE MGA

November 2016

PARENTAL LEAVE FOR MUNICIPAL COUNCILLORS**BACKGROUND:**

Currently, municipal councils can pass a resolution excusing a councillor from council meetings for a period exceeding 8 consecutive weeks, but there is no specific reference to parental leave in the *MGA*.

CONTEXT OF TOPIC:

Throughout the summer of 2016, various stakeholders expressed an interest in opening the discussion around parental leave for municipal councillors by specifically allowing municipalities to create policies on parental leave. Under the approach being explored, if a municipality chose not to allow for parental leave, the existing leave provisions in the *MGA* (up to 8 weeks) would still apply. The contents of a parental leave policy would be established by each municipality based on the needs of that municipality; however, if the policy allowed for extended parental leave, it would also be required to address how the constituents in that councillor's ward would be represented during the councillor's leave.

Providing for this kind of change would give municipalities the opportunity to take steps to make political life more family-friendly and accessible for women seeking office.

POTENTIAL AMENDMENTS FOR DISCUSSION:

Topic	Current Status	Proposed Changes
Parental Leave Policy	The <i>MGA</i> is silent on this matter.	Enable councils, by bylaw, to create a policy respecting parental leave. The contents of the policy will be determined by each municipality in accordance with the needs of that municipality. If the municipality allows for parental leave, it must also then address how the constituents will be represented during the councillor's absence.
Reasons for Disqualification of Councillors	The <i>MGA</i> (s.174) sets out the disqualification provisions for municipal councillors, such as being ineligible for nomination, being absent from regular council meetings for 8 consecutive weeks, the councillor becoming an employee of the municipality, etc.	Specifically state that a councillor is not disqualified by being absent from regular council meetings under subsection (1)(d) if the absence meets the criteria set out in a parental leave policy bylaw.

CONTINUING THE CONVERSATION: FURTHER TOPICS FOR DISCUSSION ON THE MGA

November 2016

ENVIRONMENTAL STEWARDSHIP

BACKGROUND:

Traditionally, municipal purposes have been defined as providing good governance; providing services, facilities and other things necessary or desirable for the municipality; and developing and maintaining safe and viable communities.

CONTEXT OF TOPIC:

During the summer 2016 discussions, some stakeholders expressed concern that municipalities lack explicit authority to incorporate environmental stewardship considerations in their operational and land-use decision making processes.

Explicitly including environmental stewardship as a municipal purpose would give municipalities authority to cite environmental consideration in a range of operational and growth decisions. It would also allow municipalities to fully embrace a leadership role in environmental stewardship and more actively participate in moving toward the goals in Alberta’s Climate Leadership Plan.

Municipalities would not be permitted to take responsibility for areas covered under provincial legislation, such as the *Water Act* or the *Environmental Protection and Enhancement Act*, nor would they be authorized to take land for environmental stewardship considerations without compensation. The reserve land provisions in Part 17 of the *MGA*, including the proposed new conservation reserve provisions, would continue to apply.

POTENTIAL AMENDMENTS FOR DISCUSSION:

Topic	Current Status	Proposed Changes
<p>Environmental Stewardship as a Municipal Purpose</p>	<p>The <i>MGA</i> identifies the following municipal purposes:</p> <ul style="list-style-type: none"> • to provide good government; • to provide services, and • to develop and maintain safe and viable communities. <p>The <i>MMGA</i> proposes also including the following as a municipal purpose:</p> <ul style="list-style-type: none"> • to work collaboratively with neighbouring municipalities to plan, deliver and fund intermunicipal services. 	<p>Include consideration of the stewardship of the environment as a municipal purpose.</p>

CONTINUING THE CONVERSATION: FURTHER TOPICS FOR DISCUSSION ON THE MGA

November 2016

NOTIFICATION OF AMALGAMATIONS AND ANNEXATIONS

BACKGROUND:

Some local authorities, such as school boards, have expressed concern that they are not always notified of proposed annexations or amalgamations, which can affect the jurisdiction in which students go to school.

CONTEXT OF TOPIC:

Currently, by definition, a “local authority” includes municipalities, regional health authorities, regional services commissions, and school boards. Any change would ensure that all local authorities in the area are notified of a proposed annexation or amalgamation.

The *MMGA* has removed the Deputy Minister of Municipal Affairs as the Administrator of the Municipal Government Board, and replaced that position with a Chair of the Board. As a result, whereas the previous notification provision would result in the Ministry being notified via the Deputy Minister, this will no longer be the case. A separate provision is needed to maintain the notification to the Ministry.

POTENTIAL AMENDMENTS FOR DISCUSSION:

Topic	Current Status	Proposed Changes
Amalgamations: Initiation by a Municipal Authority	The <i>MGA</i> (s.103 (1)) indicates who a municipal authority must notify when initiating an amalgamation.	Require that a municipality initiating an amalgamation must notify all local authorities that operate or provide services in the affected municipalities, and include proposals for consultation with local authorities in the requirement for notice.
Initiation of Annexation	The <i>MGA</i> (s.116) indicates who a municipal authority must notify of a proposed annexation.	Require that a municipality initiating an annexation must notify the Minister of Municipal Affairs and all local authorities that operate or provide services in one or both of the affected municipalities be notified.

CONTINUING THE CONVERSATION: FURTHER TOPICS FOR DISCUSSION ON THE MGA*November 2016***TOPICS FOR DISCUSSION—HOW DO MUNICIPALITIES WORK TOGETHER AND PLAN FOR GROWTH?****MUNICIPAL COLLABORATION WITH SCHOOL BOARDS****BACKGROUND:**

As part of the subdivision application approval process, a municipality may require a portion of the land in a subdivision to be dedicated for a public benefit such as a park or school. Such lands are called reserve land. A municipality may require up to 10 per cent of the lands from a subdivision area to be dedicated as municipal reserve (MR), school reserve (SR), or municipal and school reserve (MSR) lands.

Joint Use Agreements (JUAs) between schools and municipalities have been in existence since the late 1950s, and outline how MR, MSR and SR lands will be allocated between the municipality and each school board within its boundary. In the absence of a JUA, the needs of municipality and the school board(s) are determined at subdivision. Many municipalities within the province have developed JUAs with local school boards to provide clarity on the use, development, and disposal of school facilities and land.

CONTEXT OF TOPIC:

During the *MGA Review's* 2016 summer engagements, municipalities and school boards expressed frustration with the reserve land assembly process. Both advocated for a new approach when acquiring land for sites that exceed the amount of reserve land available through the subdivision process. In addition, many municipalities and school boards advocated for legislative amendments to mandate the establishment of Joint Use Agreements as a normal course of business.

Benefiting Area Contribution

The assembly of land for larger parks and school sites can be difficult under the current reserve land process. A solution that has been discussed over the course of the *MGA Review* is allowing reserve land contributions through a benefiting area contribution structure. This structure could be used to support land dedication and development of parks and school sites, and would allow the impact on developers in the area to be distributed more evenly.

This structure would give municipalities the ability to define a geographical area in a developing area that will benefit from larger assembly of land sites, such as the catchment area for children attending a high school. This benefiting area will typically have more than one developer involved in developing the land. Once the benefiting area is defined, municipalities would identify which developers' subdivision will contain the reserve land site. The municipality would then be enabled to collect up to half of the other developers' maximum 10% contribution in funds rather than in lands, and the resulting funds could be used to compensate the developer where the site is located (for the additional land required for the site above and beyond the normal 10% dedication).

The benefiting area contribution structure would be different from the existing money-in-place of MR, SR and MSR structure as it would include the costs required for the assembly and servicing of the reserve sites, thereby promoting an equitable distribution of costs required to assemble and service the sites.

CONTINUING THE CONVERSATION: FURTHER TOPICS FOR DISCUSSION ON THE MGA

November 2016

Joint Use Agreements

The MGA provides the flexibility for municipalities to enter into JUAs with school boards, but they are not mandatory. Stakeholders expressed during the summer engagement that there is a need for a more efficient and effective use and development of school facilities and sites to better address the goals of integrated planning, more livable communities, and more efficient and cost effective funding.

Making JUAs mandatory would support collaboration between school boards and municipalities, and ensure municipal reserves are used efficiently and effectively. This change would lead to coordinated decision-making in the use, development, and disposal of school facilities and sites.

POTENTIAL AMENDMENT FOR DISCUSSION:

Topic	Current	Proposed Changes
Benefitting Area Contribution	The MGA authorizes the taking of reserve land by a subdivision authority (e.g. provision of land, provision of money in lieu of land, etc.), as well as restrictions on that authority (e.g. percentage of lands taken and percentage of money required to be paid). The MMGA proposes maintaining that same structure for Conservation Reserve.	Provide municipalities with increased flexibility to use a 'benefiting area contribution structure' that would support land dedication and development parameters with respect to assembly of parks and school sites.
Mandatory Joint Use Agreements	The MGA (s.670) enables Joint Use Agreements as a voluntary agreement to address the allocation of municipal and school reserves.	Require municipalities to enter into JUAs with school boards within their municipal boundaries and to collaborate with respect to addressing the effective and efficient use of municipal and school reserve lots. The contents of a JUA would include: <ul style="list-style-type: none"> • the process for acquiring and disposing of land and associated servicing standards for the schools; • a process for enabling and developing long term and integrated planning for school sites/facilities; • a process for determining access agreements for facilities and playing fields, including matters related to any maintenance, liabilities and fees; • a dispute resolution mechanism agreed to by both the municipality and the school boards; • a process for determining ancillary reserve use to complement or enhance the primary school uses for reserve land outlined in the MGA and that have a public benefit; • a time frame and mechanism for regular review of the joint use agreement. Consequential amendments may be required to the <i>School Act</i> and the <i>Education Act</i> .

CONTINUING THE CONVERSATION: FURTHER TOPICS FOR DISCUSSION ON THE MGA*November 2016***OFF-SITE LEVIES****BACKGROUND:**

Municipalities can collect off-site levies from new developments within their boundaries to pay for servicing upgrades related to water, sanitary sewage, storm sewer drainage, and municipal roads. Through the *MMGA*, it is proposed to expand this levy to include fire halls, police stations, libraries, and community recreation facilities.

CONTEXT OF AMENDMENTS:

During the summer, stakeholders brought forward additional issues related to off-site levies.

Provincial Transportation Systems

A levy system could be implemented to fund provincial highway improvements that service a new development upon its completion (for example, highway overpasses and interchanges); this would support the creation of more comprehensively planned communities. Approval by the Minister of Transportation would be required to ensure the levy costs align with Alberta Transportation's projected costs for the construction of the infrastructure. Alberta Transportation would also have an opportunity to review and comment on any proposed new development and its impacts on Provincial highway infrastructure when statutory plans are created.

Inter-municipal Off-site Levies

Stakeholders indicated that, in some instances, off-site infrastructure or the benefit of additional off-site infrastructure may extend into developments in another municipality. It was proposed that municipalities should have the ability to levy for off-site infrastructure across municipal borders. This is consistent with the strong intermunicipal collaboration focus of the *MMGA*, enabling intermunicipal off-site levies would be an additional tool to increase regional collaboration.

In this model, when new or expanded off-site infrastructure is located in one municipality, but the benefitting area extends to one or more other municipalities, off-site levies could be charged to developments in either municipality benefiting from the infrastructure.

Validating Existing Off-site Levy Bylaws

Some municipalities have existing bylaws and agreements in place, and the proposed new off-site levy provisions may create legal challenges for some of these off-site levy bylaws or agreements. Validating existing off-site levy bylaws and agreements would ensure off-site levy bylaws and development agreements created before a specific date would remain valid until such time as the agreement expires or the bylaw is amended.

CONTINUING THE CONVERSATION: FURTHER TOPICS FOR DISCUSSION ON THE MGA

November 2016

Education

In some situations, off-site levies may be applied to school developments. School Boards have requested that they be exempted from the application of off-site levies for school site projects given that new schools provide a public benefit within communities. It is proposed that school boards be exempt from paying off-site levies on developments related to school board purposes.

POTENTIAL AMENDMENT DISCUSSION:

Topics	Current Status	Proposed Changes
Provincial Transportation Systems	The <i>MGA</i> (s.648) authorizes councils, by bylaw, to impose levies on land that is to be developed or sub-divided and sets out parameters for the imposition and collection of levies. The legislation does not currently allow for levies related to provincial infrastructure upgrades.	Enable off-site levies, by bylaw, to be charged for provincial transportation projects that serve the new or expanded developments. Require approval of the Minister of Transportation before this type of levy can be collected. Consequential amendment to the <i>Public Highways Development Act</i> may be required to authorize the Minister of Transportation to approve municipal off-site levy bylaws pertaining to provincial highway off-site levies.
Intermunicipal Off-Site Levies	The legislation does not currently allow for intermunicipal off-site levies.	Enable municipalities to collaborate with one another on the sharing of intermunicipal off-site levies, including the expanded uses (libraries, police stations, fire halls, community recreation facilities).
Validating Existing Off-Site Levy Bylaws	This item is not currently addressed in the legislation.	Specifically, state that any off-site levy fee or charge made by bylaw or agreement before November 1, 2016 is deemed to be valid.
Education	This item is not currently addressed in the legislation.	Exempt school boards from paying off-site levies on non-reserve lands that are developed for school board purposes.

CONTINUING THE CONVERSATION: FURTHER TOPICS FOR DISCUSSION ON THE MGA

November 2016

CONSERVATION RESERVE

BACKGROUND:

As part of the subdivision application approval process, a municipality may require a portion of the land to be dedicated for a public benefit such as a park or school. Such lands are called reserve land. The MGA requires municipalities to follow a public process when removing the reserve designation from most municipal, community services, and school reserve lands. Lands designated as environmental reserve cannot have the reserve designation removed, but the use of this land can be altered through a council bylaw process.

Under the MMGA a new type of reserve land designation, conservation reserve, was proposed. Under this model conservation reserve would be collected during the subdivision application process and used to protect environmentally significant areas. The conservation reserve land assembly process would ensure owners of land taken as conservation reserve are appropriately compensated. Should land be dedicated as conservation reserve, the dedication could not be removed.

CONTEXT OF TOPIC:

During the summer, stakeholders indicated that further clarity is required with respect to how conservation reserves should be identified, transferred between municipalities, and protected.

Stakeholders are seeking clarity and predictability within the land designation process and in order for municipalities and landowners to make more informed land-use planning decisions. Stakeholders were also interested in whether the conservation reserve land designation could be removed on lands that have lost their conservation significance (e.g. flood, fire).

The specific changes proposed include:

POTENTIAL AMENDMENTS FOR DISCUSSION:

Topic	Current Status	Proposed Changes
Transfer of conservation reserve	The MGA (s.127) identifies what an order to annex lands may require.	Require the municipality receiving the annexed land to pay compensation to the other municipality for any conservation reserve lands within the annexed area in the amount that the municipality originally paid for the land.

CONTINUING THE CONVERSATION: FURTHER TOPICS FOR DISCUSSION ON THE MGA

November 2016

Topic	Current Status	Proposed Changes
Transfer of conservation reserve	<p>The <i>MGA</i> ensures that during formations, annexations, amalgamations, and dissolutions ownership of any land, or portion of land, designated as a public utility lot, environmental reserve, municipal and school reserve, transfers to the new municipal authority (s.135(1)(c), (2) and (2.1)).</p> <p>The <i>MGA</i> also indicates that if reserve lands are sold or money instead of land is received by the old municipality after notification of annexation or amalgamation, the proceeds of the sale or money received must be paid to the new municipal authority by the old municipal authority.</p>	Specifically state that the proposed new Conservation Reserve designation is treated the same as these other categories of land and that the designation would remain on that land until such time as it is changed through any required processes.
Identification of conservation reserve	The <i>MGA</i> outlines what a Municipal Development Plan must and may contain (s.632(3))	Clarify that in addition to other types of reserve land that must be included in an MDP, a municipality may include policies addressing the proposed new conservation reserve designation, including types and locations of environmentally significant areas and the environmental purpose of conservation.
Identification of conservation reserve	The <i>MGA</i> indicates that an Area Structure Plan may contain any other matters a council considers necessary (s.633(2)(b)).	Specifically state that municipalities may develop policies addressing reserve lands within their area structure plans. This would include identifying types and locations of environmentally significant areas and the environmental value of conservation.
Exempting conservation reserve lands from paying municipal property taxes.	The <i>MGA</i> exempts environmental reserves, municipal reserves, school reserves, municipal and school reserves and other undeveloped property reserved for public utilities from paying municipal property taxes (s.361.c).	Exempt land designated as conservation reserve under the proposed new provisions from paying municipal property taxes.
Disposal of conservation reserve	The proposals in the <i>MMGA</i> do not address removal of the conservation reserve designation or sale of conservation reserve lands.	<p>Allow municipalities to dispose of land designated as the proposed new conservation reserve when a substantive change outside of municipal control occurs to the feature being conserved, while ensuring the public process used to dispose of municipal reserve and school reserves is followed with the disposal of conservation reserve lands</p> <p>Specifically state that any proceeds from the disposal of conservation reserve would have to be used for conservation purposes.</p>

CONTINUING THE CONVERSATION: FURTHER TOPICS FOR DISCUSSION ON THE MGA
November 2016

TOPICS FOR DISCUSSION—HOW ARE MUNICIPALITIES FUNDED?

COMPLIANCE WITH THE LINKED TAX RATE RATIO

BACKGROUND:

Municipalities currently have the ability to distribute property taxes between non-residential and residential property owners however they wish. In some municipalities, this has led to non-residential tax rates increasing much faster than residential tax rates. In some cases, non-residential property tax rates are more than 10 times higher than the residential property tax rates. The *MMGA* proposed a maximum ratio of 5:1 between the highest non-residential property tax rate and the lowest residential property tax rate. Under this proposal, municipalities that had higher tax rate ratios would be able to maintain their ratio from year to year, but would not be permitted to increase it.

CONTEXT OF TOPIC:

Feedback from stakeholders over the summer indicated that further consultation was required to determine whether municipalities currently outside of the proposed 5:1 ratio should be required to come into compliance with the maximum ratio within an established timeframe rather than have their ratios maintained at current levels.

POTENTIAL AMENDMENTS FOR DISCUSSION:

Topic	Current Status	Proposed Changes
Compliance Timeframe	No required compliance date has been proposed for municipalities outside of the proposed ratio.	<p>Add a provision requiring municipalities to comply with the proposed maximum tax rate ratio.</p> <p>Allow the Minister to set a schedule with progressively lower maximum tax ratios that municipalities exceeding the 5:1 ratio would have to meet in the intervening years. The Minister would have authority to set timeframes by which municipalities or groupings of municipalities would have to reach the 5:1 ratio, based upon how much their local ratio diverges from the legislated 5:1 ratio. Municipalities would always set their own tax rates, but within the ratios set out in the regulation.</p> <p>Add a provision giving the Minister authority to exempt a municipality from any aspect of the proposed compliance schedule if and when they consider it appropriate.</p>

CONTINUING THE CONVERSATION: FURTHER TOPICS FOR DISCUSSION ON THE MGA

November 2016

TAXATION OF INTENSIVE AGRICULTURAL OPERATIONS

BACKGROUND:

Intensive agricultural operations are large-scale farming operations that take place on a relatively small land area, often with extensive use of farm buildings and improvements such as structures, fencing, and lighting. Farm buildings and improvements are currently exempt from property taxation in rural municipalities and, due to changes proposed through the *MMGA*, may soon be exempt from property taxation in all municipalities. The result could be that intensive agricultural operations, which have large investments in farm buildings and improvements, may pay about the same amount of property tax as non-intensive farms of similar land area.

CONTEXT OF TOPIC:

Intensive agricultural operations generally move large volumes of animals or agricultural products which can cause significant wear and tear on municipal infrastructure such as roads and bridges. This can result in high maintenance costs for municipalities. Throughout the *MGA* Review there has been consistent conversation about how to ensure that these operations contribute funds to their municipalities commensurate with their impact on municipal infrastructure and services.

Should such a change be included in the *MGA*, discussion with stakeholders would be required to get input and perspective on regulatory requirements.

POTENTIAL AMENDMENTS FOR DISCUSSION:

Topic	Current Status	Proposed Changes
<p>Levy on Intensive Agriculture</p>	<p>There are no specific provisions for intensive agriculture operations</p>	<p>Explicitly authorize municipalities to pass a bylaw imposing a levy on intensive agricultural operations.</p> <p>Also authorize the creation of regulations respecting the intensive agricultural operations levy including:</p> <ul style="list-style-type: none"> • the definition of intensive agricultural operations; • the calculation of the levy; • the purposes for which funds collected through the levy may be used; and, • any other matter necessary or advisable to carry out the intent and purpose of the levy.

CONTINUING THE CONVERSATION: FURTHER TOPICS FOR DISCUSSION ON THE MGA

November 2016

ACCESS TO ASSESSMENT INFORMATION**BACKGROUND:**

The *MMGA* proposed consolidating several industrial property types (major plants; facilities regulated by the Alberta Energy Regulator, Alberta Utilities Commission and National Energy Board; railway properties; and linear property) under a new classification of Designated Industrial Property (DIP) which will all be assessed centrally by the Province.

CONTEXT OF TOPIC:

Property owners and municipalities both have a stake in ensuring that assessments prepared for these properties are accurate, which is why both parties would have the ability to file complaints about assessments prepared by the province. Property owners would have a legislated right to request information sufficient to show how the assessor prepared their assessment, but as the proposed legislation is currently drafted, municipalities would not have a similar right.

Some of the information that would be used to prepare DIP assessments is considered confidential by industrial property owners. This information may be necessary for a municipality to understand how the assessment was prepared, but it should not be shared or used for purposes outside of this process.

Any amendments to the proposals in the *MMGA* would provide municipalities with the right to access the information used to prepare an assessment of DIP property within their jurisdiction in order to understand how the assessment was prepared, but would also protect confidential information about the industrial property in question.

POTENTIAL AMENDMENTS FOR DISCUSSION:

Topic	Current Status	Proposed Changes
Access to DIP Assessment Information	The <i>MMGA</i> as written would not allow municipalities access to information regarding how a DIP assessment was prepared.	<p>Include provisions in the proposed new legislation to allow a municipality to request information regarding assessments of designated industrial property in their jurisdiction. The provincial assessor would have to comply with this request except while there is an active complaint from the municipality on the property.</p> <p>Under this proposal, municipalities requesting information on provincially prepared assessments could be required to sign a standardized confidentiality agreement to ensure that information provided by property owners is only used to determine if the property is assessable, if the assessment is prepared correctly, if a complaint is warranted; and to prepare a case.</p>
Providing the Information to Municipalities	The <i>MGA</i> is silent on this matter.	Specifically state that information provided to the province by property owners under sections 294 and 295 could be provided to municipalities upon request, subject to confidentiality requirements.

CONTINUING THE CONVERSATION: FURTHER TOPICS FOR DISCUSSION ON THE MGA

November 2016

ASSESSMENT NOTICES

BACKGROUND:

It is not sufficiently clear when assessment complaint periods begin and end due to ambiguity regarding when documents are understood to be sent and received.

CONTEXT OF TOPIC:

Stakeholders expressed that it is important to remove ambiguity about the complaint period for assessment notices.

POTENTIAL AMENDMENTS FOR DISCUSSION:

Topic	Current Status	Proposed Changes
<p>Notice of Assessment Date</p>	<p>Assessment notices must include the deadline for filing a complaint about the assessment, which must be 60 days from the date the assessment notice is sent.</p>	<p>Requires municipalities and, in the case of the proposed <i>MMGA</i> provisions, the provincial assessor to set a “notice of assessment date” which would be required to be between January 1 and July 1. The notice of assessment date would be included on assessment notices, and assessment notices would be sent prior to the notice of assessment date.</p> <p>Enable municipalities and the proposed provincial assessor to establish additional notice of assessment dates for amended and supplementary assessment notices, which could occur at any time throughout the year.</p> <p>The deadline for filing a complaint about an assessment would be 60 days from the notice of assessment date.</p>

CONTINUING THE CONVERSATION: FURTHER TOPICS FOR DISCUSSION ON THE MGA

November 2016

CLARITY REGARDING TAX EXEMPTIONS

BACKGROUND:

Any Crown interest in property is exempt from taxation under the *MGA*. This includes Provincial agencies as defined under the *Financial Administration Act*.

CONTEXT OF TOPIC:

While any Crown interest is exempt from taxation, the government recognizes that it is fair and appropriate to compensate municipalities for the services the municipality provides to these properties (such as water, sewer, and fire protection).

The provincial government has the discretion to pay municipalities a grant up to the amount the municipality would collect in property taxes if a Crown property were not exempt from taxation. In other cases, where the government leases property, the lease agreement often means that the property owner pays property taxes on behalf of the government. Given the wide range of leasing and accommodations arrangements by provincial government entities, greater clarity is being sought by stakeholders regarding the responsibility of Crown agencies to pay property taxes.

The definition of “Provincial agencies” in the *Financial Administration Act* specifically excludes Alberta Health Services and housing management bodies established under the *Alberta Housing Act*. The *Municipal Government Act* (section 362) also specifically exempts schools, colleges and universities from property taxes. Any proposed amendment would not affect the tax status of Alberta Health Services properties, social housing, schools or universities.

POTENTIAL AMENDMENT FOR DISCUSSION:

Topic	Current	Proposed Changes
Taxation of Provincial Agencies	Under the MGA, any property interest held by a Provincial agency is exempt from taxation.	Specifically state that properties owned, leased and held by provincial agencies (as defined in the <i>Financial Administration Act</i>) are taxable for the purposes of property taxation. This would not include Alberta Health Services, housing management bodies established under the <i>Alberta Housing Act</i> , schools, colleges and universities.

CONTINUING THE CONVERSATION: FURTHER TOPICS FOR DISCUSSION ON THE MGA

November 2016

CORRECTIONS TO ASSESSMENTS UNDER COMPLAINT

BACKGROUND:

The *MGA* (as amended by the *MMGA*) would allow an assessor to revise an assessment, even if the assessment is under complaint; however, the current framework for assessment complaints does not include a suitable process for the assessor to revise assessments that are under complaint.

CONTEXT OF TOPIC:

Until recently, assessors' authority to revise assessments was limited to correcting minor technical errors. A recent ruling from the Supreme Court of Canada has re-interpreted the *MGA* to expand assessors' authority to revise assessments, including the ability to increase assessments. The combination of expanding the type of revisions that an assessor can make and allowing assessors to revise assessments that are under complaint has implications for the assessment complaint framework.

The proposed amendments are intended to provide a suitable process whereby the assessor can revise assessments during the complaint process, but fully maintain the property owner's rights to review their assessment and file a complaint.

POTENTIAL AMENDMENT FOR DISCUSSION:

Topic	Current Status	Proposed Changes
<p>Changes to Assessments under complaint</p>	<p>Under the <i>MGA</i> as amended by the <i>MMGA</i>, assessors would be permitted to revise an assessment even after a complaint has been filed on the assessment.</p>	<p>Establish the following process for revising an assessment that is under complaint:</p> <ul style="list-style-type: none"> • Require an amended assessment notice, along with written reasons for the changes to the assessment, to be sent to <ul style="list-style-type: none"> ○ the assessed person; ○ the municipality (if the property is Designated Industrial Property); ○ the complainant (if it is not the assessed person); and ○ the assessment review board or Municipal Government Board (depending on the property type). • Require the assessment review board or Municipal Government Board to cancel the complaint, notify the property owner of the cancellation, and refund the complaint fee. <p>An amended assessment notice is not required if an assessment is revised as a result of a complaint being withdrawn by agreement between the complainant and the assessor, except in the case of the proposed new Designated Industrial Property class.</p>

CONTINUING THE CONVERSATION: FURTHER TOPICS FOR DISCUSSION ON THE MGA

November 2016

Topic	Current Status	Proposed Changes
		<p>An assessed person or a municipality would be able to file a complaint about the amended assessment notice within 60 days of the assessment notice date.</p> <p>Do not permit an assessor to revise an assessment after an assessment review board or the Municipal Government Board has rendered a decision on a complaint regarding the assessment.</p>

CONTINUING THE CONVERSATION: FURTHER TOPICS FOR DISCUSSION ON THE MGA

November 2016

GENERAL TECHNICAL AMENDMENTS

GENERAL TECHNICAL AMENDMENTS—GOVERNANCE

Current	Proposed	Rationale
<p>Other Requirements for a Petition s.224 (MGA) This section indicates that a witness to a petition signature must take an affidavit indicating the signatory to a petition is eligible to sign.</p>	<p>Clarify that the inclusion of witness affidavits is required upon submission of a petition.</p>	<p>The absence of affidavits makes it difficult to determine the validity of signatures, and therefore the overall sufficiency of a petition. The inclusion of an explicit provision requiring affidavit submission will assist in either compelling their submission or finding the petition to be insufficient.</p>
<p>Contents of an Operating Budget s.243(1) This indicates that a municipal operating budget must include the estimated amount of specific expenditures and transfers.</p>	<p>Add a requirement to include the estimated amount of expenditures and transfers needed to meet the municipality's obligations for services funded under a proposed Intermunicipal Collaboration Framework (ICF) or a revenue sharing agreement.</p>	<p>This amendment would ensure that funding obligations under proposed ICFs would be addressed, and will also continue the provisions in a soon-to-expire regulation governing the sharing of revenue from Improvement District 349 in the Bonnyville-Cold Lake region (ID 349 Revenue Sharing Regulation).</p>
<p>Advertisement Bylaw s.606(2)(c) (MGAA, 2015) This section authorizes a municipality to advertise only on its website and without the requirement of a bylaw.</p>	<p>Repeal subsection (2)(c), repeal the reference to it in s.606.1(4) and repeal the additional notice requirement in s.606(6)(e) that relates only to notification given on a website under subsection (2)(c).</p>	<p>Some stakeholders raised concerns with the potential lack of transparency that could result. 606(2)(d) and 606.1 allow for the same form of notification while including additional transparency and accountability measures if a council wants to use such alternative notification methods. In practice, this means that a municipality could still use their website as a means of satisfying public notification requirements, but only if a bylaw had been passed, following a public hearing, to enable this approach.</p>

CONTINUING THE CONVERSATION: FURTHER TOPICS FOR DISCUSSION ON THE MGA

November 2016

Current	Proposed	Rationale
<p>FOIP and Closed Council meetings s.197 Indicates when a meeting may be closed with reference to the <i>Freedom of Information and Protection of Privacy Act</i> (FOIPP).</p>	<p>Remove the direct reference to the FOIPP provisions. This matter will be addressed by directly referencing the allowable exceptions within a proposed regulation.</p>	<p>The Privacy Commissioner has identified that the reference to the exceptions from FOIPP should be replaced by specific provisions in the MGA or associated regulations. This change would allow the description of the exceptions to be clearer by framing them in the context of meetings. The exceptions will be incorporated into the proposed Closed Council Meetings Regulation.</p>
<p>Form of Nomination The Local Authorities Elections Act (LAEA) (s.27(1)) includes the requirement that each candidate must provide a written acceptance, which includes the statements that the candidate is eligible to be elected and will accept the office if elected.</p>	<p>Add a new provision to the LAEA to require candidates to acknowledge the requirement to read and comply with the municipality's code of conduct if elected.</p>	<p>This is consistent with the intent of requiring all municipalities to have a code of conduct in the 2015 MGAA.</p>
<p>Revision Authorized s.63 (MGA) This section allows council, by bylaw, to authorize administration to revise a bylaw in accordance with a list of permitted revisions.</p>	<p>Add a requirement to allow council, by resolution, to authorize the Chief Administrative Officer of a municipality to revise a bylaw in accordance with a list of permitted revisions.</p>	<p>Stakeholders have expressed a need to clarify the process for correcting minor errors to bylaws.</p>
<p>Requirements Relating to Substituted Bylaws s.65 (MGA) This section sets out deeming requirements for passing revised bylaws.</p>	<p>Clarify that this section operates despite the provisions in s.191, which deals with the power to amend or repeal a bylaw.</p>	<p>Stakeholders have expressed a need to clarify the process for correcting minor errors to bylaws.</p>

CONTINUING THE CONVERSATION: FURTHER TOPICS FOR DISCUSSION ON THE MGA

November 2016

GENERAL TECHNICAL AMENDMENTS—PLANNING AND DEVELOPMENT

Current	Proposed	Rationale
<p>Environmental Reserve s.664(1)(a) This section identifies the types of land that can be dedicated as Environmental Reserve during subdivision application processes.</p>	<p>Change the reference from swamp to wetland.</p>	<p>Changing swamp to wetland will modernize the language in the MGA and harmonize the legislation with the wetland policy that was developed by Environment and Parks.</p>
<p>Statutory Plans s.636.1 The MGA addresses notifications with respect to statutory plans and the provision of opportunities for suggestions or representations regarding those plans.</p>	<p>Add a requirement that area structure plans with a provincial highway component will need to be referred to Alberta Transportation.</p>	<p>Alberta Transportation has indicated that this will assist with their long-range planning.</p>
<p>Subdivision and Development Appeals s. 686(1.1) This section indicates the date of notification of an order, decision or development permit is deemed to be 7 days from the date mailed.</p>	<p>Ensure that the appeal period is the same for posted, advertised or mailed notices.</p>	<p>Development permit decisions can be posted, advertised or mailed, depending on a municipalities land use bylaw. Maintaining this provision, as is, would mean that mailed notices would have 21 days to file an appeal, but that published or advertised notices would only have 14 days. An amendment to adjust this section to make the appeal period the same for posted, advertised and mailed and published notices was not possible through house amendment.</p>

CONTINUING THE CONVERSATION: FURTHER TOPICS FOR DISCUSSION ON THE MGA
November 2016

GENERAL TECHNICAL AMENDMENTS—ASSESSMENT AND TAXATION

Current	Proposed	Rationale
<p>New Extension of Linear Property Regulation</p>	<p>Exclude the Extension of Linear Property Regulation from s.603.1(3) and have it become repealed either upon the coming into force of a new regulation or on December 31, 2020</p>	<p>This regulation treats electric power generation plants that have the ability to sell power as linear property for assessment and taxation purposes.</p> <p>The Extension of Linear Property Regulation is a section 603 made regulation that expires June 30, 2017. There is a need to have the regulation remain until the matter is dealt with in the Matters Relating to Assessment & Taxation Regulation (MRAT)</p>
<p>New Electric Energy Exemption Regulation Elevation</p>	<p>Elevate the policy of this s.603 regulation directly into the MGA, thereby enabling the Minister by Order to exempt certain components of properties from education property tax, where those components are used for or in the generation of electricity.</p>	<p>The regulation enables the making of a Ministerial Order to exempt components used for or in the generation of electricity of 'electric power systems' from paying education property taxes.</p> <p>The Electric Energy Exemption Regulation first came into effect January 1, 2001 to provide for the consistent property assessment of all types electric power generating systems, to provide for a tax incentive that would attract industry investment, and to mitigate any adverse financial impacts for certain municipalities in a deregulated market environment for electric power generation.</p> <p>This regulation expires on June 30, 2017 and cannot be renewed under s.603 which provides time-limited regulation-making authority. The <i>Municipal Government Amendment Act (2015)</i> saw the elevation of other s.603 regulations in the Act; for others, new regulation-making authority was created.</p>

CONTINUING THE CONVERSATION: FURTHER TOPICS FOR DISCUSSION ON THE MGA

November 2016

Current	Proposed	Rationale
<p>Right to enter on and inspect a property s. 294 Assessors have the right to enter and inspect property for the purpose of preparing an assessment or determining if a property is to be assessed (section 294 of the MGA). Assessors also have the right to compel people to provide any information necessary for the assessor to carry out their duties under the MGA.</p>	<p>Clarify the legislation so that the purposes for which assessors are permitted to inspect properties are aligned with the right of assessors to request information to carry out their duties under Parts 9-12 of the MGA.</p>	<p>Information should only be used for the purpose for which it was collected. Aligning the purposes for which an assessor may request information and perform an inspection would mean that all information in the assessors' possession can be used for the same purpose (i.e. to carry out their duties and responsibilities under the MGA).</p>
<p>Assessment information An assessed person may ask the municipality or, under the MMGA proposals, the provincial assessor for sufficient information to determine how the assessor prepared the assessment of that person's property. The municipality or proposed provincial assessor must comply unless the property owner has filed a complaint about their assessment and the issue has not been resolved. Under the MMGA proposals, assessors could compel property owners to provide records during an inspection or respond to a request for information at any time, regardless of whether an assessment on the property is under complaint.</p>	<p>Clarify that assessors may not compel a property owner to provide records during an inspection or respond to a request for information relative to the current assessment year if the property owner has filed a complaint about their assessment. The assessor may still request information or compel the property owner to provide records relative to the upcoming assessment year.</p>	<p>This amendment would create a better balance between the access to information rights of property owners and assessors. It would mean that while a complaint is active, both parties are only obliged to share information as part of the complaint process.</p>
<p>Subclasses Under the MMGA proposals, councils would be permitted to set different tax rates for sub-classes of non-residential property (as defined in the regulations). Assessors would be required to apply the sub-classes defined in the regulation to assessments even if council wishes to tax all sub-classes at the same rate.</p>	<p>Clarify that assessors would only be required to apply non-residential sub-classes in the assessment process if council chooses to tax the sub-classes differently.</p>	<p>Applying non-residential sub-classes to property assessments would require additional work and investment in information technology infrastructure for most municipalities. This amendment would allow municipalities to avoid these expenses if they choose not to use non-residential sub-classes.</p>

CONTINUING THE CONVERSATION: FURTHER TOPICS FOR DISCUSSION ON THE MGA

November 2016

Current	Proposed	Rationale
<p>Liability Code Assessments rolls and notices are required to include a "liability code", which is assigned by the assessor (section 303(f.1)).</p>	<p>Remove the requirement to include a liability code on assessment rolls and notices.</p>	<p>This code was required because provincial auditors made use of it when auditing municipal assessments – it is not meaningful for property owners or municipalities. It is no longer required for the audit program.</p>
<p>Receipts Municipalities are required to provide a receipt when taxes are paid (section 342).</p>	<p>Clarify that municipalities will be required to provide a receipt when taxes are paid, unless otherwise advised by the property owner.</p>	<p>Costs associated with issuing receipts (usually by mail) may be unnecessary if property owners do not wish to receive a receipt.</p>



MGA Review - Continuing the Conversation

We want to hear your feedback on the ideas we've outlined in the [MGA Review Discussion Paper](#).

Over the summer of 2016 you, our partners and experts on the needs of your local communities, brought forward ideas that build upon the changes already proposed to the *MGA*. We've developed those ideas through the Discussion Paper to see what they could look like in Alberta.

We invite you to use this questionnaire to provide insights on how to best implement these ideas to ensure the maximum benefit to Albertans and their municipalities. Your feedback will be used to inform potential amendments to the *MGA* in Spring 2017.

Please [click here](#) for information on how this survey works.

The last question on each page will direct you to the issues you care about most and a response is required. You may respond to some, all, or none of the other questions in this questionnaire.

1. Which stakeholder group do you most identify with?

- Public
- Municipal Elected Official (i.e. Councillor, Alderman, Mayor, Reeve)
- Municipal Administration
- Business/Private Sector
- Non-Profit Sector
- Other (please specify)

2. Which Municipality do you live in?

3. Where would you like to start?

- How Municipalities are Governed
- How Municipalities Work Together and Plan for Growth
- How Municipalities are Funded

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MGA Review - Continuing the Conversation

How Municipalities are Governed

We invite you to use this questionnaire to provide insights on how to best implement ideas raised in the [MGA Review discussion paper](#) to ensure the maximum benefit to Albertans and their municipalities. Your feedback will be used to inform potential amendments to the MGA in Spring 2017.

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The last question on this page will direct you to the issues you care about most and a response is required. You may respond to some, all, or none of the other questions on this page.

1. Collaboration with Indigenous Communities - Agreements with Indigenous Communities

Do you agree or disagree with the inclusion of a provision that allows municipalities to collaborate with indigenous communities as part of [Intermunicipal Collaboration Frameworks](#)?

For more detailed information on this change, please [click here](#).

Agree Neutral Disagree

Please provide comments or considerations about this proposal. Are there any conditions in your local context that would prevent your municipality from doing this?

2. Collaboration with Indigenous Communities - Orientation Training for Municipal Councillors

Do you agree or disagree with the addition of Indigenous Awareness Training to the list of topics that will be offered to all municipal councillors as part of their orientation training?

For more detailed information on this change, please [click here](#).

Agree Neutral Disagree

What resources or other supports would assist your municipality in meeting this requirement? If your municipality is already offering training in Indigenous Awareness, please describe it for us.

3. Collaboration with Indigenous Communities – Statutory Plan Preparation

Do you agree or disagree with the proposal to require municipalities to implement policies with respect to how they keep neighboring indigenous communities informed during the development of statutory plans?

For more detailed information on this change, please [click here](#).

Agree Neutral Disagree

Do you foresee any challenges in implementing these policies? Does your municipality already do this, and, if so, how?

4. Enforcement of Ministerial Orders – General Minister Powers

Do you agree or disagree with the proposal to grant the Minister authority to enforce directives in respect to an intermunicipal agreement and the direction of an Official Administrator?

For more detailed information on this change, please [click here](#).

Agree Neutral Disagree

Are the 4 proposed expanded authorities sufficient? Are there other expanded authorities that are appropriate to your local context that you think should be included?

5. Enforcement of Ministerial Orders - Judicial Review

Do you agree or disagree with the proposal to require 10-day notice be given to the Minister prior to applying for judicial review of Ministerial decisions?

For more detailed information on this change, please [click here](#).

- Agree Neutral Disagree

Do you have other considerations or comments on the time frame?

6. Parental Leave for Municipal Councillors

Do you agree or disagree with including a provision in the *MGA* enabling municipalities to create a bylaw allowing for parental leave for municipal councillors?

For more detailed information on this change, please [click here](#).

- Agree Neutral Disagree

What do you see as the impact of such a bylaw on your municipality?

7. Parental Leave for Municipal Councillors

Do you agree or disagree with the approach that a councillor would not be disqualified if they were absent from regular council meetings if they met the criteria in the municipality's parental leave bylaw?

For more detailed information on this change, please [click here](#).

Agree Neutral Disagree

Are there additional considerations for addressing this reasonably?

8. Environmental Stewardship

Do you agree or disagree with the proposal to include environmental stewardship as a municipal purpose in the *MGA*?

For more detailed information on this change, please [click here](#).

Agree Neutral Disagree

What do you see the impact of such a policy being on your municipality?

9. Notification of Amalgamations and Annexations

Do you agree or disagree with the proposal to clarify the *MGA's* notification requirement process to ensure all local authorities that operate or provide services in affected municipalities be notified of a proposed annexation or amalgamation?

For more detailed information on this change, please [click here](#).

Agree Neutral Disagree

Thinking about the proposed requirement for notification for both annexation and amalgamation, are there specific considerations that need to be addressed?

10. General Technical Amendments - How Municipalities are Governed

Please provide comments on the proposed technical amendments related to How Municipalities are Governed.

For more detailed information on these changes, please [click here](#).

11. Where would you like to go next?

- How Municipalities Work Together and Plan for Growth
- How Municipalities are Funded
- Submit Responses and Close the Survey

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MGA Review - Continuing the Conversation

How Municipalities Work Together and Plan for Growth

We invite you to use this questionnaire to provide insights on how to best implement ideas raised in the [MGA Review discussion paper](#) to ensure the maximum benefit to Albertans and their municipalities. Your feedback will be used to inform potential amendments to the MGA in Spring 2017.

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The last question on this page will direct you to the issues you care about most and a response is required. You may respond to some, all, or none of the other questions on this page.

1. MUNICIPAL COLLABORATION WITH SCHOOL BOARDS: Benefiting Area Contribution

Do you agree or disagree with the proposal to allow municipalities the flexibility to use a [benefiting area contribution structure](#) to support land dedication and development parameters with respect to the assembly of park and school sites?

For more detailed information on this change, please [click here](#).

Agree
 Neutral
 Disagree

Thinking about this proposed change, what would the impacts be in your municipality?

2. MUNICIPAL COLLABORATION WITH SCHOOL BOARDS: Joint Use Agreements

Do you agree or disagree with the proposal to require municipalities enter into Joint Use Agreements with school boards in their municipal boundaries?

For more detailed information on this change, please [click here](#).

Agree Neutral Disagree

Does your municipality currently have Joint Use Agreements with school boards? If so, have these been effective or not effective?

3. OFF-SITE LEVIES: Provincial Transportation Systems

Do you agree or disagree with the proposal to expand legislation to enable off site levies to be charged for provincial transportation projects that serve new or expanded developments?

For more detailed information on this change, please [click here](#).

Agree Neutral Disagree

Thinking about this proposed change, what would the impacts be in your municipality?

4. OFF-SITE LEVIES: Intermunicipal Off-site Levies

Do you agree or disagree with the proposal to enable municipalities to collaborate with one another on the sharing of intermunicipal off-site levies?

For more detailed information on this change, please [click here](#).

Agree Neutral Disagree

Thinking about this proposed change, what would the impacts be in your municipality?

5. OFF-SITE LEVIES: Validating Existing Off-Site Levy Bylaws

Do you agree or disagree with the proposal to validate off site levy bylaws, fees and agreements made before November 1, 2016 until such time as they are amended or expire?

For more detailed information on this change, please [click here](#).

Agree Neutral Disagree

Thinking about this proposed change, what would the impacts be in your municipality?

6. OFF-SITE LEVIES: Education

Do you agree or disagree with the proposal to exempt school boards from paying off-site levies on any land that is developed for school board purposes?

For more detailed information on this change, please [click here](#).

Agree Neutral Disagree

Thinking about this proposed change, what would the impacts be in your municipality?

7. CONSERVATION RESERVE: Clarification of Processes

Do you agree or disagree that the proposals outlined for Conservation Reserves provide sufficient clarity and predictability?

For more detailed information on this change, please [click here](#).

- Agree
- Neutral
- Disagree

Are there any other areas of clarity required? If so, what are they?

8. CONSERVATION RESERVE: Disposal

Do you agree or disagree with the proposal to allow municipalities to dispose of conservation reserve land when a substantive change to that feature being conserved has occurred outside of municipal control (i.e. fire, flood, etc.)?

For more detailed information on this change, please [click here](#).

- Agree
- Neutral
- Disagree

Thinking about this proposed change, what would the impacts be in your municipality?

9. General Technical Amendments: How Municipalities Work Together and Plan for Growth

Please provide comments on the proposed technical amendments related to How Municipalities Work Together and Plan for Growth?

For more detailed information on these changes, please [click here](#).



10. Where would you like to go next?

- How Municipalities are Governed
- How Municipalities are Funded
- Submit Responses and Close the Survey

[Previous Page](#)

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MGA Review - Continuing the Conversation

How Municipalities are Funded

We invite you to use this questionnaire to provide insights on how to best implement ideas raised in the [MGA Review discussion paper](#) to ensure the maximum benefit to Albertans and their municipalities. Your feedback will be used to inform potential amendments to the *MGA* in Spring 2017.

Please [click here](#) for information on how this survey works.

The last question on this page will direct you to the issues you care about most and a response is required. You may respond to some, all, or none of the other questions on this page.

1. LINKED TAX RATE RATIO: Compliance Time Frames

Do you agree or disagree with the proposal to require municipalities currently outside the legislated 5:1 tax rate ratio to come into compliance with the maximum ratio within a specific time-frame?

For more detailed information on this change, please [click here](#).

Agree Neutral Disagree

What would be an appropriate time frame for compliance?

2. LINKED TAX RATE RATIO: Compliance Time Frames

Do you agree or disagree with the proposal to allow the Minister the authority to exempt a municipality from the compliance schedule ?

For more detailed information on this change, please [click here](#).

Agree Neutral Disagree

Under what conditions should the Minister consider an exemption?

3. INTENSIVE AGRICULTURAL OPERATIONS: Levy

Do you agree or disagree with the proposal to introduce a levy on intensive agricultural operations that would reflect the operations' impact on municipal infrastructure and services?

For more detailed information on this change, please [click here](#).

Agree Neutral Disagree

Thinking about this proposed change, what would the impacts be in your municipality?

4. ACCESS TO ASSESSMENT INFORMATION: Providing Information to Municipalities

Do you agree or disagree with the proposed changes to the access to assessment information provisions?

For more detailed information on this change, please [click here](#).

Agree Neutral Disagree

Is there anything missing from this proposed assessment sharing process?

5. ASSESSMENT NOTICES: Notice of Assessment Date

Do you agree or disagree with the proposed changes to the assessment notices provisions?

For more detailed information on this change, please [click here](#).

Agree Neutral Disagree

Is there anything missing from this proposed assessment notice process?

6. TAX EXEMPTIONS: Provincial Agencies

Do you agree or disagree with the proposal for properties owned, leased and held by provincial agencies to be subject to property taxation?

For more detailed information on this change, please [click here](#).

Agree Neutral Disagree

Thinking about this proposed change, what would the impacts be in your municipality?

7. CORRECTIONS TO ASSESSMENTS

Do you agree or disagree with the proposed changes allowing corrections to assessments under complaints?

For more detailed information on this change, please [click here](#).

Agree Neutral Disagree

Do the proposals address concerns around corrections to assessments under complaints?

8. GENERAL TECHNICAL AMENDMENTS: How Municipalities are Funded

Please provide comments on the proposed technical amendments related to How Municipalities are Funded?

For more detailed information on these changes, please [click here](#).

9. Where would you like to go next?

- How Municipalities are Governed
- How Municipalities Work Together and Plan for Growth
- Submit Responses and Close the Survey

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January 12, 2017

Land Use Bylaw Amendment 3357/A-2017 Omnibus Amendments

Legislative Services

Report Summary & Recommendation:

Summary:

The attached report is being brought forward from the Monday, January 9, 2017 City Council meeting.

Recommendation:

That Council lift from the table Bylaw 3357/A-2017, an amendment to the Land Use Bylaw to improve the clarity and application of the Land Use Bylaw.

That Council consider giving first reading to Bylaw 3357/A-2017. If first reading of Bylaw 3357/A-2017 is given, a Public Hearing would then be advertised for two consecutive weeks to be held on Tuesday, February 21, 2017 at 6:00 p.m. during Council's regular meeting.

Report Details

Background:

At the Monday, January 9, 2017 Council Meeting, Council tabled Bylaw 3357/A-2017 to the Monday, January 23, 2017 Regular Council Meeting.



Originally Submitted to the
January 9, 2017 Council
Meeting.

December 19, 2016

Bylaw 3357/A-2017 – Land Use Bylaw Amendments Omnibus Amendments

PLANNING DEPARTMENT

Report Summary & Recommendation:

City Administration has initiated this Land Use Bylaw (LUB) amendment to:

- addition of definitions for greater clarity;
- adding a use missing from some districts;
- exempting permitted home occupations from Development Permit requirements;
- clarifying need to reapply to amend an approved development permit;
- defining and creating Recreation Sponsorship Signage Regulations and allowing Recreation Sponsorship signage in two Districts;
- removing a restriction on the location of dwelling units in Public Service Residential District (PSR); and
- removing a requirement for sign permit issuance.

The Planning Department supports the amendments proposed under Bylaw 3357/A-2017:

- The amendments do not conflict with any existing City planning documents (e.g. Municipal Development Plan, other statutory plans or planning tool documents); and
- The changes will provide City staff and the public with clearer interpretation and implementation of contemplated uses in various land use districts.

Planning staff recommend that Council give first reading to Bylaw 3357/A-2017.

City Manager Comments:

I support the recommendation of Administration. If first reading of Bylaw 3357/A-2017 is given, a Public Hearing would then be advertised for two consecutive weeks to be held on Monday, February 6, 2017 at 6:00 p.m. during Council's regular meeting.

Craig Curtis
City Manager

Proposed Resolution

That Council consider First Reading of Bylaw 3357/A-2017 at this time.



Report Details

Background:

The amendments proposed under Bylaw 3357/A-2017 are the accumulation of a number of minor bylaw changes that have been requested by City Administration in order to improve the clarity and application of the LUB.

Discussion:

The table below summarizes the amendments proposed under Bylaw 3357/A-2017.

Bylaw #	Proposed Amendment	Rationale
1.	Section 1.3 Definitions. Include “Secured Facility” as a definition.	The new definition provides clarity and certainty for the use within Institutional and as a portion of an Assisted Living Facility. The definition ensures use is compatibility with building codes.
2.	Section 1.3 Definitions. Include “Secured Facility” as a component of an “Institutional Service Facility”.	Recognition that a secured facility may be a component of an Institutional Service Facility.
3.	Section 1.3 Definitions. Include “Secured Facility” as a component of an “Assisted Living Facility”.	Recognition that a secured facility may be a component of an Assisted Living Facility.
4.	Section 7.4 PS Public Service (Institutional or Government) District. Include “Accessory Building” as a discretionary use subject to Section 3.5 Accessory Building Regulations.	The PS District currently does not list accessory buildings as a use. Accessory buildings are an acceptable use under the PS District, as it will clarify where the use is to be listed and make compliant with the Building Code.
5.	Section 6.3 IIA/BSR (Light Industrial and Business Service - Residential) District. Include “Accessory Building” as a discretionary use Section 3.5 Accessory Building Regulations	The IIA/BSR District currently does not list accessory buildings as a use. Accessory buildings are an acceptable use under the IIA/BSR District, as it will clarify where the use is to be listed and make compliant with the Building Code.
6.	Section 2.13 Limit on Frequency of Development Permit Applications. Removal of section allowing Development Authority, with agreement from Applicant, to reconsider or modify approved elevations or conditions of an approved development	To ensure reviews of amendments to Development Permits are completed by the appropriate authority, applications shall be subject to a new application and review process to ensure adequate consultation and not conflict with the intent of the Appeal Period.



Bylaw #	Proposed Amendment	Rationale
	permit	
7.	Section 1.2(2) Application of the Land Use Bylaw Permitted use Home Occupations will not be required to go through the Development Permit Process.	Most permitted use home occupations are typically offices with no modifications required to the building or site. A Business License will be required.
8.	Section 3.3 Sign Regulations. New definition for "Recreation Sponsorship Sign(s)"	The definition will provide clarity and regulations for existing and proposed Recreation Sponsorship Signs which are placed on sports field fencing and accessory structures identifying sport sponsors.
9.	Section 3.4 Sign Regulation by Type. New section for "Recreation Sponsorship Signage Regulations".	Regulations for placement of recreation sponsorship signage.
10.	Section 7.3 PI Parks and Recreation District. Adding Recreation Sponsorship Sign(s) as a permitted use to PI.	Adding Recreation Sponsorship Sign(s) as a permitted use to regulate current practice.
11.	Section 7.4 PS Public Service (Institutional or Government) District. Adding Recreation Sponsorship Sign(s) as a permitted use to PS.	Adding Recreation Sponsorship Sign(s) as a permitted use to regulate current practice.
12.	Section 7.12 Public Service Residential. Removal of reference to dwelling units being above the ground floor.	Improves flexibility in design allowing dwelling unit location not to be restricted in the building to a specific location. This District applies only to the Red Deer Native Friendship Society development.
13.	Section 3.3(3) Sign Permit and Requirements. Removal of requirement for Development Officer to issue sign permit if it complies with LUB.	Provides ability to negotiate sign design appropriate to the proposed context.

Bylaw 3357/A-2017 was circulated to City departments for review and comment; additional amendments were included to the proposed bylaw as a result of this internal dialogue. external stakeholders were consulted in relation to: Secured Facility, Accessory Buildings, Recreation Sponsorship sign(s) and Public Service Residential.



The proposed amendment will be presented to the Municipal Planning Commission prior to the Public Hearing. Their recommendation will be provided in the subsequent Council presentation.

Analysis:

The Planning Department recommends proceeding with first reading of the amendments proposed under Bylaw 3357/A-2017:

- The proposed amendments do not conflict with any existing City planning documents (e.g. Municipal Development Plan, other statutory plans or planning tool documents); and
- The changes will provide City staff and the public with clearer interpretation and implementation of uses in various land use districts.

BYLAW NO. 3357/A-2017

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. Section **1.3 Definitions** is amended by inserting the following new definition after the definition of Secondary Suite:

Secured Facility means a facility providing residential accommodation in addition to continuous on-site professional care and supervision to persons whose cognitive or behavioural health needs require increased levels of service and a structure with enhanced safety and security controls such as entrances and exits under the exclusive control of the staff and secured rooms/ buildings, fences, and secured windows and doors.

2. Section **1.3 Definitions** is amended by deleting the definition of **Institutional Service Facility** and replacing with the following:

Institutional Service Facility means:

- (a) a facility providing cultural, educational or community services to the public such as libraries, museums, archives, auditoriums, concert halls, colleges, schools, places of worship or assembly;
- (b) a Secured Facility; and
- (c) a facility providing government services or services provided on behalf of government services including hospitals, fire stations, police stations, court houses and detention and correction centres.

3. Section **1.3 Definitions** is amended by deleting the definition of **Assisted Living Facility** and replacing with the following:

Assisted Living Facility means a building, or a portion of a building operated for the purpose of providing live in accommodation for six or more persons with chronic or declining conditions requiring professional care or supervision or ongoing medical care, nursing or homemaking services or for persons generally requiring specialized care but may include a Secured Facility as an accessory component of an Assisted Living Facility. An Assisted Living Facility does not include a Temporary Care Facility.

4. Section **7.4 PS Public Service (Institutional or Government) District** is amended by adding the following new discretionary use to **Uses Table 1(b)**:
 - (xvii) Accessory Building, subject to Section 3.5 Accessory Building Regulations.
5. Section **6.3 I1A/BSR (Light Industrial and Business Service - Residential) District** is amended by adding the following new discretionary use to **Uses Table 1(b)**:
 - (vi) Accessory Building, subject to Section 3.5 Accessory Building Regulations.
6. Section **2.13 Limit on Frequency of Development Permit Applications** is amended by deleting Section 2.13(2).
7. Section **1.2 (2) Application of the Land Use Bylaw** is amended by inserting the following new subsection after subsection (q):
 - (r) Where a home occupation that does not generate any client or vehicular traffic is a permitted use, it will be exempt from the Development Permit process provided that such use shall be in accordance with the regulations contained in section 4.7 (8) Home Occupations.
8. Section **3.3 Sign Regulations** is amended by inserting the following new definition after the definition of Real Estate Sign:

Recreation Sponsorship Sign(s) means outdoor signage, placed only on sports field fencing and accessory buildings, advertising the sport sponsor(s) business, may identify the event and/or team being sponsored and does not permit any dynamic sign component or third party advertising.
9. Section **3.4 Sign Regulation by Type** is amended by inserting the following after (14) Dynamic Sign Regulations:

(15) Recreation Sponsorship Signage Regulations

 - (a) Recreation Sponsorship Signage may be placed on sports field fencing around sports fields. Recreation Sponsorship Signage is also permitted on accessory buildings or structures such as, but not limited to, dugouts, bleachers, media towers and storage sheds;

- (b) To ensure that the proposed signage does not have adverse impacts in relation to the overall amenity of the site, all signage must be produced/manufactured by a sign company;
 - (c) All signage placed on field fencing must be non-illuminated and the total signage shall not cover more than 50% of the linear circumference of the fence, must not cover gates or access points and must not extend past the side edges of the fence or above or below the fence and any proposed sign shall not exceed a maximum of 1.2 m by 1.8 m per sign;
 - (d) All signage shall be securely fastened to the fence and it is the Applicant's responsibility to ensure the fence is structurally sound enough to support the proposed signage in all weather and anticipated use conditions;
 - (e) All signage placed on accessory buildings or structures must be non-illuminated and the total signage shall not cover more than 10% of the building face or side to which it is attached, must not extend past the edges of the building or structure and any proposed individual sign shall not exceed a maximum of 1.2 m by 1.8 m;
 - (f) Signage in the form of stickers (adhesive attachment) is not permitted; and
 - (g) The sign(s) shall be designed and placed so that structural support elements appear as an integral part of the overall sign design ensuring that no guide wires, no angle iron bracing or similar support structure elements are visible from a public street or other public right-of-way.
10. Section **7.3 P1 Parks and Recreation District** is amended by adding the following new permitted use to **Uses Table 1(a)**:
- 2. Recreation Sponsorship Sign(s) subject to Section 3.4 (15)
11. Section **7.4 PS Public Service (Institutional or Government) District** is amended by adding the following new permitted use to **Uses Table 1(a)**:
- (iv) Recreation Sponsorship Sign(s) subject to Section 3.4 (15)
12. Section **7.12 Public Service Residential** is amended by deleting subsection 1 (a)(i)(3) and replacing with the following:
- (1) Dwelling units within the building containing the Cultural Centre.

13. Section **3.3(3) Sign Permit and Requirements** is amended by deleting subsection 3.3 (3) (c).

READ A FIRST TIME IN OPEN COUNCIL this day of 2017.

READ A SECOND TIME IN OPEN COUNCIL this day of 2017.

READ A THIRD TIME IN OPEN COUNCIL this day of 2017.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2017.

MAYOR

CITY CLERK

Attachment 1:
Listing of Existing Sections and Proposed Amendments
thereto
(for illustration purposes only)

The table on the following pages identifies the amendment number, the existing section to be amended if applicable, and the proposed amendment. Strikeout has been used to identify the removal of wording and Bolding used to identify additions.

LAND USE BYLAW AMENDMENT NO. 3357/A-2017

Attachment A

Listing of Existing Sections and proposed Amendments thereto

(For illustrative purposes only)

Number	Existing Sections to be amended	Proposed Amendments
1.	<p><u>Section 1.3 Definitions</u></p> <p>N/A</p>	<p><u>Add new definition:</u></p> <p>Secured Facility means a facility providing residential accommodation in addition to continuous on-site professional care and supervision to persons whose cognitive or behavioural health needs require increased levels of service and a structure with enhanced safety and security controls such as entrances and exits under the exclusive control of the staff and secured rooms/ buildings, fences, and secured windows and doors.</p>
2.	<p><u>Section 1.3 Definitions</u></p> <p>Institutional Service Facility means a facility:</p> <p>(a) providing cultural, educational or community services to the public such as libraries, museums, archives, auditoriums, concert halls, colleges, schools, places of worship or assembly and,</p> <p>(b) providing government services including hospitals, fire stations, police stations, court houses, detention and correction centres.</p>	<p><u>Amend to include a Secured Facility:</u></p> <p>Institutional Service Facility means a facility:</p> <p>(a) a facility providing cultural, educational or community services to the public such as libraries, museums, archives, auditoriums, concert halls, colleges, schools, places of worship or assembly;</p> <p>(b) a Secured Facility; and</p> <p>(c) a facility providing government services or services provided on behalf of government services including hospitals, fire stations, police stations, court houses and detention and correction centres.</p>

3.	<p><u>Section 1.3 Definitions</u></p> <p>Assisted Living Facility means a building, or a portion of a building operated for the purpose of providing live in accommodation for six or more persons with chronic or declining conditions requiring professional care or supervision or ongoing medical care, nursing or homemaking services or for persons generally requiring specialized care but does not include a Temporary Care Facility.</p>	<p><u>Amend to include a Secured Facility:</u></p> <p>Assisted Living Facility means a building, or a portion of a building operated for the purpose of providing live in accommodation for six or more persons with chronic or declining conditions requiring professional care or supervision or ongoing medical care, nursing or homemaking services or for persons generally requiring specialized care but may include a Secured Facility as an accessory component of an Assisted Living Facility. An Assisted Living Facility does not include a Temporary Care Facility.</p>
4.	<p><u>Section 7.4 PS Public Service (Institutional or Government) District</u></p> <p>N/A</p>	<p><u>Amend to include the new discretionary use to Uses Table 1(b):</u></p> <p>(xvii) Accessory Building, subject to Section 3.5 Accessory Building Regulations.</p>
5.	<p><u>Section 6.3 I1A/BSR (Light Industrial and Business Service - Residential) District</u></p> <p>N/A</p>	<p><u>Amend to include the new discretionary use to Uses Table 1(b):</u></p> <p>(vi) Accessory Building, subject to Section 3.5 Accessory Building Regulations.</p>
6.	<p><u>Section 2.13 Limit on Frequency of Development Permit Applications</u></p> <p>(2) Where there are reasonable grounds to do so, the Development Authority may, in its sole discretion and with the concurrence of an applicant, do any of the following:</p> <p>(a) reconsider an approved site elevation, or</p> <p>(b) reconsider, review, modify or clarify the terms of the conditions attached to an</p>	<p><u>Amend by deletion.</u></p> <p>(2) Where there are reasonable grounds to do so, the Development Authority may, in its sole discretion and with the concurrence of an applicant, do any of the following:</p> <p>(a) reconsider an approved site elevation, or</p> <p>(b) reconsider, review, modify or clarify the terms of the conditions attached to an approved development permit.</p>

	approved development permit.	
7.	<p><u>Section 1.2 (2) Application of the Land Use Bylaw</u></p> <p><u>N/A</u></p>	<p><u>Amend to include the new subsection:</u></p> <p>(r) Where a home occupation that does not generate any client or vehicular traffic is a permitted use, it will be exempt from the Development Permit process provided that such use shall be in accordance with the regulations contained in section 4.7 (8) Home Occupations.</p>
8.	<p><u>Section 3.3 Sign Regulations</u></p> <p><u>N/A</u></p>	<p><u>Amend to include the new definition:</u></p> <p>Recreation Sponsorship Sign(s) means outdoor signage, placed only on sports field fencing and accessory buildings, advertising the sport sponsor(s) business, may identify the event and/or team being sponsored and does not permit any dynamic sign component or third party advertising.</p>
9.	<p><u>Section 3.4 Sign Regulation by Type</u></p> <p><u>N/A</u></p>	<p><u>Amend to include the new regulations:</u></p> <p>(15) Recreation Sponsorship Signage Regulations</p> <p>(a) Recreation Sponsorship Signage may be placed on sports field fencing around sports fields. Recreation Sponsorship Signage is also permitted on accessory buildings or structures such as, but not limited to, dugouts, bleachers, media towers and storage sheds;</p> <p>(b) To ensure that the proposed signage does not have adverse impacts in relation to the overall amenity of the site, all signage must be produced/manufactured by a sign company;</p> <p>(c) All signage placed on field fencing must be non-illuminated and the total signage shall not cover more than 50% of the</p>

		<p>linear circumference of the fence, must not cover gates or access points and must not extend past the side edges of the fence or above or below the fence and any proposed sign shall not exceed a maximum of 1.2 m by 1.8 m per sign;</p> <p>(d) All signage shall be securely fastened to the fence and it is the Applicant's responsibility to ensure the fence is structurally sound enough to support the proposed signage in all weather and anticipated use conditions;</p> <p>(e) All signage placed on accessory buildings or structures must be non-illuminated and the total signage shall not cover more than 10% of the building face or side to which it is attached, must not extend past the edges of the building or structure and any proposed individual sign shall not exceed a maximum of 1.2 m by 1.8 m;</p> <p>(f) Signage in the form of stickers (adhesive attachment) is not permitted; and</p> <p>(g) The sign(s) shall be designed and placed so that structural support elements appear as an integral part of the overall sign design ensuring that no guide wires, no angle iron bracing or similar support structure elements are visible from a public street or other public right-of-way.</p>
<p>10.</p>	<p><u>Section 7.3 P1 Parks and Recreation District</u></p> <p><u>N/A</u></p>	<p><u>Amend to include the new permitted use to Uses Table 1(a):</u></p> <p>2. Recreation Sponsorship Sign(s) subject to Section 3.4 (15)</p>
<p>11.</p>	<p><u>Section 7.4 PS Public Service (Institutional or Government) District</u></p> <p><u>N/A</u></p>	<p><u>Amend to include the new permitted use to Uses Table 1(a):</u></p> <p>(iv) Recreation Sponsorship Sign(s) subject to Section 3.4 (15)</p>

<p>12.</p>	<p><u>Section 7.12 Public Service Residential</u></p> <p>1. PSR Permitted and Discretionary Use Table</p> <p>(a) Permitted Uses</p> <p>(i) No more than forty (40) dwelling units in total comprised of one or more of the following:</p> <p>(1) Multi-attached residential building,</p> <p>(2) Multiple family residential building, and</p> <p>(3) Dwelling units above the ground floor of the Cultural Centre.</p>	<p><u>Amend by replacement:</u></p> <p>(3) Dwelling units within the building containing the Cultural Centre.</p>
<p>13.</p>	<p><u>Section 3.3(3) Sign Permit and Requirements</u></p> <p>(3) Sign Permit and Requirements</p> <p>(c) The Development Officer shall issue a sign permit if the sign complies with the provisions of the Land Use Bylaw.</p>	<p><u>Amend by deletion.</u></p> <p>(c) The Development Officer shall issue a sign permit if the sign complies with the provisions of the Land Use Bylaw.</p>



January 6, 2017

Amendments to the Land Use Bylaw

Bylaws 3357/E-2017, 3357/F-2017, 3357/G-2017, and 3357/H-2017

Dynamic Sign Site Exceptions

Planning Department

Report Summary & Recommendation:

There are four (4) applications for site specific amendments to allow for Dynamic Signs being presented with this Council Report:

1. **Bylaw 3357/E-2017** (hair studio) proposes a Dynamic Sign at 4929 – 49th Street to replace an existing Fascia Sign on a parcel designated CI Commercial (City Centre) District;
2. **Bylaw 3357/F-2017** (Timberlands commercial area) proposes a Dynamic Sign at 499 Timberlands Drive as a portion of a conditionally approved Freestanding Sign on a parcel designated C5 Commercial (Mixed Use) District;
3. **Bylaw 3357/G-2017** (McDonald's south) proposes a Dynamic Sign at 2502 – 50th Avenue as a portion of an existing Freestanding Sign on parcel designated C4 Commercial (Major Arterial) District; and
4. **Bylaw 3357/H-2017** (McDonald's downtown) proposes a Dynamic Sign at 4840 – 52nd Avenue as a portion of an existing Freestanding Sign on a parcel designated CIA Commercial (City Centre West) District.

All four (4) subject parcels are designated for commercial uses under The City's Land Use Bylaw (LUB). None of the commercial districts allow for consideration of Dynamic Signs, therefore site exceptions are being requested.

After assessing the options before Council provided in the Analysis section of this report, the Planning Department recommends the following on the amending Bylaws:

Option 2

Bylaw 3357/E-2017 – Table Bylaw 3357/E-2017 for a maximum of eight (8) months and direct Administration to:

- a) Review Section 3. 4(14)(d)(iv) that requires a 50 m radius separation from the boundary of a site containing an existing Dynamic Sign;
- b) Review Section 3. 4(14)(d)(v) that limits the Dynamic portion to 25% of a Fascia Sign; and
- c) Provide recommendations to Council if Dynamic Signs should be a Discretionary Use in the CI District, and provide an amending Bylaw at the time of reporting back if the use is determined to be suitable.



Bylaw 3357/F-2017 – Table Bylaw 3357/F-2017 for a maximum of eight (8) months and direct Administration to consider Dynamic Signs as a Discretionary Use in the C5 Commercial (Mixed Use) District. Administration is to report back to Council on whether Dynamic Signs should be a Discretionary Use in the C5 Commercial (Mixed Use) District, and provide an amending Bylaw at the time of reporting back if the use is determined to be suitable.

Bylaw 3357/G-2017 – Table Bylaw 3357/G-2017 for a maximum of eight (8) months and direct Administration to consider Dynamic Signs as a Discretionary Use in the C4 Commercial (Major Arterial) District and review the recommendations in the Gaetz Avenue Vision specific to Dynamic Signs. Administration is to report back to Council on whether Dynamic Signs should be a Discretionary Use in the C4 Commercial (Major Arterial) District and identify any discrepancies between the development standards in Section 3.4(14) and the Gaetz Avenue Vision recommendations specific to Dynamic Signs along Arterial Roads. If amendments are suggested to the Land Use Bylaw, Administration is to provide an amending Bylaw at the time of reporting back to Council.

Bylaw 3357/H-2017 – Table Bylaw 3357/H-2017 for a maximum of eight (8) months and direct Administration to consider Dynamic Signs as a Discretionary Use in the CIA Commercial (City Centre West) District. Administration is to report back to Council on whether Dynamic Signs should be a Discretionary Use in the CIA Commercial (City Centre West) District, and provide an amending Bylaw at the time of reporting back if the use is determined to be suitable.

City Manager Comments:

I support the recommendation of Administration to table the bylaws for a maximum of 8 months until the comprehensive amendments to the Land Use Bylaw are complete.

Craig Curtis
City Manager

Proposed Resolution

Resolved that Council of The City of Red Deer having considered the report from the Planning Department hereby agrees to table Bylaw 3357/E-2017 for a maximum of eight (8) months and directs Administration to:

- a. Review Section 3.4(14)(d)(iv) that requires a 50m radius separation from the boundary of a site containing an existing Dynamic Sign;
- b. Review Section 3.4(14)(d)(v) that limits the Dynamic portion to 25% of a Fascia Sign; and
- c. Provide recommendations to Council if Dynamic Signs should be a Discretionary Use in the CI District, and provide an amending Bylaw at the time of reporting back if the use is determined to be suitable.

Resolved that Council of The City of Red Deer having considered the report from the Planning Department hereby agrees to table Bylaw 3357/F-2017 for a maximum of eight (8) months and directs Administration to consider Dynamic Signs as a Discretionary Use in the



C5 Commercial (Mixed Use) District. Administration is to report back to Council on whether Dynamic Signs should be a Discretionary Use in the C5 Commercial (Mixed Use) District, and provide an amending Bylaw at the time of reporting back if the use is determined to be suitable.

Resolved that Council of The City of Red Deer having considered the report from the Planning Department hereby agrees to table Bylaw 3357/G-2017 for a maximum of eight (8) months and directs Administration to consider Dynamic Signs as a Discretionary Use in the C4 Commercial (Major Arterial) District and review the recommendations in the Gaetz Avenue Vision specific to Dynamic Signs. Administration is to report back to Council on whether Dynamic Signs should be a Discretionary Use in the C4 Commercial (Major Arterial) District and identify any discrepancies between the development standards in Section 3.4(14) and the Gaetz Avenue Vision recommendations specific to Dynamic Signs along Arterial Roads. If amendments are suggested to the Land Use Bylaw, Administration is to provide an amending Bylaw at the time of reporting back to Council.

Resolved that Council of The City of Red Deer having considered the report from the Planning Department hereby agrees to table Bylaw 3357/H-2017 for a maximum of eight (8) months and directs Administration to consider Dynamic Signs as a Discretionary Use in the CIA Commercial (City Centre West) District. Administration is to report back to Council on whether Dynamic Signs should be a Discretionary Use in the CIA Commercial (City Centre West) District, and provide an amending Bylaw at the time of reporting back if the use is determined to be suitable.



Report Details

Background:

In 2009, the Municipal Planning Commission requested direction regarding Dynamic Signs. Administration reviewed many issues surrounding Dynamic Signs and created development standards to regulate their use. As a result, the following definition for Dynamic Signs and specific development standards were brought into the LUB:

The LUB defines Dynamic Signs as:

A sign or portion of a sign with features that move or appear to move or change, whether the apparent movement or change is in the display, the sign structure itself, or any other component of the sign. A Dynamic Sign includes any display that incorporates a technology or method allowing the image on the sign face to change, such as rotating panels, LED lights manipulated through digital input, or “digital ink”. A Dynamic Sign does not include a sign whose message or image is changed by physically removing and replacing the sign or its components.

All Dynamic Signs within the city must adhere to the following specific development standards described in Section 3.4 Sign Regulation by Type of the LUB, unless the standards in (d) are varied by the Development Authority:

(14) Dynamic Sign Regulations

- (a) A Dynamic Sign may display Public Service Announcements, but shall not include Third Party Advertising or Sponsor Recognition except when it is located on a Site in a PS District which is over 17.0 hectares;
- (b) Messages shall be displayed for a minimum time period of 3 seconds;
- (c) A Dynamic Sign must have an adjustable brightness level and the level of brightness of a Dynamic Sign shall be to the reasonable satisfaction of the Development Officer; and
- (d) Dynamic Signs shall meet the following regulations which may be varied by the Development Authority:
 - (i) Not be located within 30.0 m radius of a Residential District;
 - (ii) When the Site of a proposed Dynamic Sign is adjacent to a residential district notification will be sent by The City to property owners within a 100.0 m radius of the proposed Site;
 - (iii) Be limited to one Dynamic Sign per Building or Site, with the exception of PS Sites over 17 ha which will be limited to two Dynamic Signs provided that one of the Dynamic Signs must be a Fascia Sign and the other Dynamic Sign must be a portion of a Freestanding Sign, and further provided that the two Dynamic Signs must be at least 50.0 m apart;
 - (iv) Not be located on a Site within a 50.0 m radius of the Boundary of a Site containing an existing Dynamic Sign; and
 - (v) Comprise not more than 25% of the total Freestanding or Fascia Sign area.

Dynamic Signs are only considered in the following Land Use Districts:



- C2A Commercial (Regional Shopping Centre) District as a discretionary use;
- I1 Industrial (Business Service) District as a discretionary use; and
- PS Public Service (Institutional or Government) District.

When Dynamic Signs as a use were first introduced, they were deemed to be limited to consideration in Industrial Districts, Commercial Districts with large parcels and uses that are targeted to the travelling public (e.g. malls, and hotels), and large Public Service parcels (over 17 ha in size, such as Red Deer College and the Westerner).

Over the last few years several LUB amendments affecting Commercial Districts have been approved as the demand for Dynamic Signs has increased:

- Bylaw 3357/R-2010 – site exceptions in the C4 Commercial (Major Arterial) District to allow Dynamic Signs on large parcels with 100 m frontage such as the Sheraton Hotel, Black Knight Inn, and Red Deer Lodge;
- Bylaw 3357/Y- 2010 – site exception in the C1 Commercial (City Centre) District to allow relocation of an existing Dynamic Sign on the site at 4802 – 51st Avenue (AEI Wealth Management);
- July 8, 2013 - Council endorsed the Gaetz Avenue Vision Report as a planning document that contains recommendations pertaining to Dynamic Signs. The current Dynamic Sign development standards in the LUB do not align with the recommendations contained in the Vision. The Vision recommended the Dynamic portion of a Freestanding Sign be increased to 50% (currently 25% in the LUB), and a minimum 6 second display time (currently 3 seconds in the LUB); and
- Bylaw 3357/L-2014 – site exception to allow for a Dynamic Sign at 4922 – 49th Street (Welikoklad Event Centre, Red Deer College).

Applications for Dynamic Signs considerations and inquiries regarding regulations of these signs have increased as changes in technology are reflected in the sign and advertising industry. Planning is currently working on a comprehensive review of The City's sign development standards with an amending Bylaw expected to be brought before Council within the next 6 –12 months.

Discussion:

The LUB does not contemplate Dynamic Signs on parcels designated C1, C4, C5, or C1A Districts. Three (3) of the four (4) applicants are seeking site exceptions to allow for consideration of a Dynamic Sign as a maximum 25% portion of a Freestanding Sign or Fascia Sign. If any of the amending Bylaws are approved by Council, the applicants will then apply for a Development Permit that will integrate the Dynamic Sign into a Freestanding Sign or in the case of **Bylaw 3357/E-2017** (hair studio), a Fascia Sign. All of the Dynamic Signs will be required to adhere to the existing development standards for Dynamic Signs in Section 3.4(14) of the LUB; these standards are provided in the Background of this report for your information.

I. Bylaw 3357/E-2017 (hair studio): Proposed Dynamic Sign to replace an existing Fascia Sign



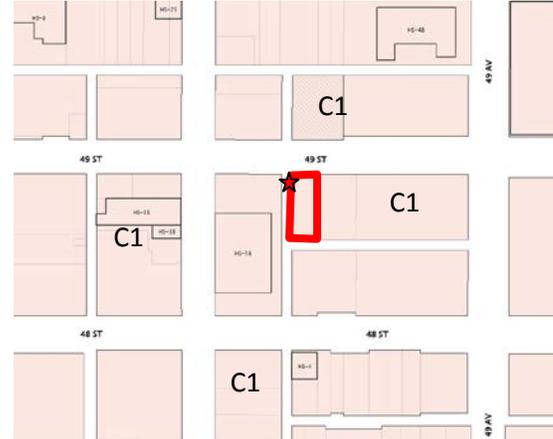
The subject site is within the Downtown Core/Historical Downtown across from the Welikoklad Event Centre (Red Deer College) and shares its boundary with Gaetz-Ross Heritage area. The site is designated C1 Commercial (City Centre) District under the LUB.

The surrounding lands are all designated C1 Commercial (City Centre) District under the LUB. The Welikoklad Event Centre, across the street within 50 m from the subject site, received a site exception to allow a Dynamic Sign in 2014.

Subject Site and Proposed Location



Surrounding Land Use Districts



The proposed Dynamic Sign will replace the existing Fascia Sign at the Academy of Professional Hair Design building, in the same location on the west building elevation.

Existing Fascia Sign from back lane facing east



Conceptual design of the proposed Dynamic Sign



The applicant has applied for a Dynamic Sign with a desire to frequently change the information on the sign with minimal effort. The applicant will use their Dynamic Sign to announce upcoming start dates of their educational programs and special events. The entire Fascia Sign is proposed to be Dynamic.



**2. Bylaw 3357/F-2017 (Timberlands commercial area):
Proposed Dynamic Sign to be a portion of a conditionally
approved Freestanding Sign**

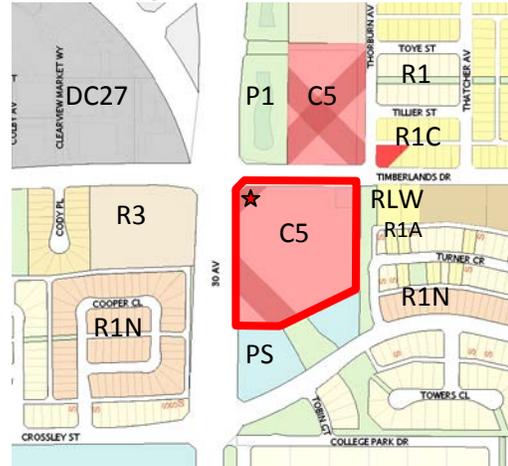
The subject site is located in the Timberlands North community, in the developing commercial area adjacent to 30th Avenue. The site is designated C5 Commercial (Mixed Use) District under the LUB, and will contain eleven (11) commercial buildings with various tenant space.

The surrounding lands north of the subject site are P1 Parks and Recreation, and C5 Commercial (Mixed Use) Districts. Lands to the east and west are residential in nature, and lands to the south are PS Public Service and P1 Parks and Recreation Districts.

Subject Site and Proposed Location



Surrounding Land Use Districts



Three (3) Freestanding Signs were recently approved along 30th Avenue; the Dynamic Sign proposed under **Bylaw 3357/F-2017** will form a portion (a maximum of 25%) of the approved Freestanding Sign at the corner of 30th Avenue and Timberlands Drive and will be double-sided to be visible to north and south bound traffic.

Facing north along 30th AvenueFacing south along 30th Avenue

Conceptual design of the proposed Dynamic Sign



The applicant is applying for a Dynamic Sign for the following reasons:

- Market's desire to gather and disseminate information in a convenient and instant manner has placed pressure on the business community to meet this demand with regards to advertising and remaining a competitive business;
- The proposed Dynamic Signs will provide exposure for all tenants as the three (3) previously approved Freestanding Signs do not have sufficient space for all tenants to advertise. The applicant prefers not to have a proliferation of signs and therefore does not want to apply for another Freestanding Sign to meet the demand. Dynamic Signs offer flexibility in advertising so numerous tenants can share the space; and
- A Dynamic Sign is, in their opinion, a plausible solution to the advertising need as the proposed location will not be facing any residential uses directly.

3. Bylaw 3357/G-2017 (McDonald's south): Proposed Dynamic Sign as a portion of an existing Freestanding Sign.

The subject site is located in the Southpointe Junction neighbourhood with direct frontage onto the service road west of Gaetz Avenue, across from Bower Mall. The site is designated C4 Commercial (Major Arterial) District under the LUB.



The surrounding lands north, south, and west are all designated C4 Commercial (Major Arterial) District. The lands to the east where Bower Mall is located is designated C2A Commercial (Regional Shopping Centre) District. Other nearby sites include a parcel designated I1 Industrial (Business Service) District to the south, and C2B Commercial (District Shopping Centre), and R3 Residential (Multiple Family) District to the east.

Subject Site and Proposed Location



Surrounding Land Use Districts



The proposed Dynamic Sign will replace the existing reader-board sign and will have a smaller area than the current reader-board.

Existing sign facing south along Gaetz Avenue



EXISTING

Conceptual design of proposed Dynamic Sign



PROPOSED



The applicant has applied for a Dynamic Sign because McDonald’s locations across Canada and the United States are modifying their Freestanding Signs to include Dynamic Signs as part of their brand consistency. The north McDonald’s location has a Dynamic Sign which was approved prior to a clarifying Bylaw was adopted in 2016 regarding Dynamic Sign development standards.

4. Bylaw 3357/H-2017 (McDonald’s downtown): Proposed Dynamic Sign as a portion of an existing Freestanding Sign

The subject site is located Downtown with direct frontage onto 52nd Avenue. The site is designated CIA Commercial (City Centre West) District under the LUB.

The lands to the west and south are Direct Control District (6), to the north is a PI Parks and Recreation District site, to the northeast a CIA Commercial (City Centre West) District and to the east are located a number of CI Commercial (City Centre) District sites.

Subject Site and Proposed Location



Surrounding Land Use Districts



The proposed Dynamic Sign will replace the existing reader-board sign and will have a smaller area than the current reader-board.

Existing sign north towards 49th Street

Conceptual design of proposed Dynamic Sign



As with the previous McDonald's proposed Dynamic Sign, the applicant has applied for a Dynamic Sign because McDonald's locations across Canada and the United States are modifying their Freestanding Signs to include Dynamic Signs as part of their brand consistency.

Dialogue:

The proposed amendments were circulated to City Departments and no objections were raised. The proposed amendments were also circulated to landowners within 100 m of each of the sites. The comments received and responses for each application are provided below; copies of the submissions are provided as attachments to this report. Please note that the submissions reference a different Bylaw numbers then those before you. These amending Bylaws were prepared in 2016 and therefore were allotted a 2016 Bylaw number. Now that these applications are before Council in 2017, the Bylaw numbers had to be amended to 2017 numbers.

For Dynamic Sign Bylaws:

1. **Bylaw 3357/E-2017** (hair studio); and
3. **Bylaw 3357/G-2017** (McDonald's south)

No responses were received

For Dynamic Sign Bylaw:

2. **Bylaw 3357/F-2017** (Timberlands commercial area)

Previously identified as Bylaw 3357/EE-2016, three (3) responses were received; one (1) stating they had no concerns, and two (2) expressing the following:



Bylaw 3357/F-2017 (Timberlands commercial area) Comments	Planning Responses
<p>Dynamic Sign will be a distraction for vehicular and pedestrian traffic.</p> <p>Dynamic Sign will have a negative impact on the peaceful enjoyment of near-by residents.</p> <p>Near-by elderly residents of Villa Marie may be particularly impacted by the bright light display of the proposed sign.</p>	<p>Dynamic Sign messages must be displayed for a minimum of 3 seconds, so messages will not be flashing too quickly. Dynamic Signs are designed to have an adjustable brightness level and the brightness must be deemed reasonable by the Development Officer, pursuant to the LUB.</p> <p>The double-sided Dynamic Sign proposed under Bylaw 3357/F-2017 (Timberlands commercial area) will not be facing directly towards Villa Marie, instead they will be directed north and south along 30th.</p>
<p>Approval may encourage a proliferation of Dynamic Signs along arterial roads</p>	<p>The LUB directs that a Dynamic Sign must not be located on a site within a 50 m radius of a boundary of a site containing an existing Dynamic Sign.</p>
<p>Concerned about managing the type of messages that are displayed</p>	<p>The LUB expressly prohibits signs that promote intolerance, hatred or ridicule of any race, religion or other segment of society.</p>

For Dynamic Sign Bylaw:

4. **Bylaw 3357/H-2017** (McDonald's downtown)

Previously identified as Bylaw 3357/GG-2016, three (3) responses were received; one (1) had no comments, and two (2) provided the comments described in the table below. In addition, six (6) calls were received with questions but indicated they were in support of the application. One (1) in-person conversation concluded in support for the application.

Bylaw 3357/H-2017 (McDonald's downtown) Comments	Planning Responses
<p>Dynamic Sign will be a distraction for vehicular and pedestrian traffic.</p>	<p>Dynamic Sign messages must be displayed for a minimum of 3 seconds, so messages will not be flashing too quickly. Dynamic Signs are designed to have an adjustable brightness level and the brightness must be deemed reasonable by the Development Officer, pursuant to the LUB.</p>



Analysis:

When assessing the merits of an application to amendment to the LUB, Planning staff evaluates all of the relevant statutory and non-statutory plans. The tables below state whether or not the amending Bylaws conform to the relevant plans.

Municipal Development Plan Policies				
Policies	Comments			
	Bylaw 3357/E-2017 (hair studio)	Bylaw 3357/F-2017 (Timberlands commercial area)	Bylaw 3357/G-2017 (McDonald's south)	Bylaw 3357/H-2017 (McDonald's downtown)
Policy 6.2 Creating a Positive Business Environment – The City should foster a competitive business climate through policies and actions that help maintain competitive operating costs and streamline approval processes and timelines.	Consistent Business owner inquiries about Dynamic Sign have increased as changes in technology are reflected in the sign and advertising industry. Keeping up with technological advances in industry is important for businesses to remain competitive.			
Policy 7.2 Promoting Downtown as a Central Focal Point – “The City shall support the ongoing redevelopment and revitalization of the Greater Downtown and encourage high quality urban design that emphasizes and reinforces the importance of the downtown to the overall urban fabric of Red Deer.	Consistent	N/A	N/A	Consistent



Greater Downtown Action Plan		
Regulations	Comments	
	Bylaw 3357/E-2017 (hair studio)	Bylaw 3357/H-2017 (McDonald's downtown)
Enhanced Laneways – Murals, lighting, special pavement treatments and signage are just a few ways that lanes can be enhanced	Complies	N/A

Bylaw 3357/F-2017 (Timberlands commercial area) and **Bylaw 3357/G-2017** (McDonald's south) are outside of the Greater Downtown area so the Greater Downtown Action Plan is not applicable to those applications. The Gaetz Avenue Vision applies to **Bylaw 3357/G-2017** (McDonald's south); the proposed Bylaw aligns with the general direction.

Land Use Bylaw Section 3.4(14) Dynamic Sign Regulations				
Regulations	Comments			
	Bylaw 3357/E-2017 (hair studio)	Bylaw 3357/F-2017 (Timberlands commercial area)	Bylaw 3357/G-2017 (McDonald's south)	Bylaw 3357/H-2017 (McDonald's downtown)
(a) A Dynamic Sign may display Public Service Announcements, but shall not include Third Party Advertising or Sponsor Recognition except when it is located on a Site in a PS district which is over 17.0 hectares;	Applicants intend on adhering to this regulation; will be addressed at Development Permit stage.			
(b) Messages shall be displayed for a minimum time period of 3 seconds;	Applicants intend on adhering to this regulation; will be addressed at Development Permit stage.			
(c) A Dynamic Sign must have an adjustable brightness level and the level of brightness of a Dynamic Sign shall be to the reasonable satisfaction of the Development Officer; and	Applicants intend on adhering to this regulation; will be addressed at Development Permit stage.			
(d) Dynamic Signs shall meet the following regulations				



Land Use Bylaw Section 3.4(14) Dynamic Sign Regulations				
Regulations	Comments			
	Bylaw 3357/E-2017 (hair studio)	Bylaw 3357/F-2017 (Timberlands commercial area)	Bylaw 3357/G-2017 (McDonald's south)	Bylaw 3357/H-2017 (McDonald's downtown)
which may be varied by the Development Authority:				
(i) Not be located within 30.0m radius of a residential District;	Complies ~ 260 m from the nearest residential District	Complies ~67 m from the nearest residential District	Complies ~214 m from the nearest residential District	Complies ~95 m from the nearest residential District
(ii) When the Site of a proposed Dynamic Sign is adjacent to a residential District notification will be sent by the City to property owners within 100 m radius of the proposed Site;	All proposed amendments were circulated to landowners within 100 m radius of the proposed Sites. Comments and concerns raised are summarized in the Dialogue portion of this report; copies of the submissions are attached to this report.			
(iii) Be limited to one Dynamic Sign per Building or Site, with the exception of PS Sites over 17ha which will be limited to two Dynamic Signs must be at least 50 m apart;	Complies There are no Dynamic Signs on the existing buildings or the subject sites.			
(iv) Not be located on a Site within a 50 m radius of the Boundary of a Site containing an existing Dynamic Sign; and	Does not comply Site located ~19 m from the boundary of a site with an existing Dynamic Sign (Welikoklad Event Centre)	Complies		
(v) Comprise not more than 25 % of the total Freestanding or Fascia Sign area	Does not comply Applicant intends on	Complies Applicants intend on adhering to this regulation; will be addressed at Development Permit stage		



Land Use Bylaw Section 3.4(14) Dynamic Sign Regulations				
Regulations	Comments			
	Bylaw 3357/E-2017 (hair studio)	Bylaw 3357/F-2017 (Timberlands commercial area)	Bylaw 3357/G-2017 (McDonald's south)	Bylaw 3357/H-2017 (McDonald's downtown)
	having entire Fascia Sign as Dynamic.			

Option 1: Consider First Reading of Each of the Four (4) Amending Bylaws

Applications to amend the LUB to allow for the consideration of Dynamic Signs in all four (4) locations are due to immediate development plan desires to advertise their business or their tenants businesses.

Council may determine it has sufficient information to consider proceeding with First Reading of the amending Bylaws; if so, Planning Staff would support the following:

General Recommendation:	Direct Administration to review Dynamic Signs within applicable Land Use Districts and regulations as part of the comprehensive sign review
AND	
Consider the following on the amending Bylaws before Council:	
Bylaw Number	Recommendation
Bylaw 3357/E-2017 (hair studio)	Defeat First Reading based on the following rationale: <ul style="list-style-type: none"> (a) The proposed Dynamic Sign is located within 50.0 m radius of the boundary of a site containing an existing Dynamic Sign, which does not meet Section 3.4(14)(d)(iv) of the Land Use Bylaw; and (b) The proposed Dynamic Sign will encompass the entire area of the Fascia Sign, which does not meet Section 3.4(14)(d)(v) of the Land Use Bylaw.
Bylaw 3357/F-2017 (Timberlands commercial area)	Grant First Reading based on the following rationale: <ul style="list-style-type: none"> (a) The proposed Dynamic Sign conforms to the high-level sign direction contained in the Timberlands North Neighbourhood Area Structure Plan by directing signs scaled to vehicles along 30th Avenue and it will be architecturally compatible with the overall commercial development on the site; (b) The static space signage available under the three (3) Freestanding Sign previously approved on the subject site does not offer sufficient space for the applicant to offer sign space for all tenants. A Dynamic Sign offers a



	<p>solution to prevent the proliferation of signs on the subject site;</p> <ul style="list-style-type: none"> (c) The proposed Dynamic Sign portion will face north-south along 30th Avenue and will not directly face onto residential uses; and (d) The proposed Dynamic Sign meets all relevant standards for Dynamic Signs in Section 3.4(14) of the LUB.
<p>Bylaw 3357/G-2017 (McDonald's south) Bylaw 3357/H-2017 (McDonald's downtown)</p>	<p>Grant First Reading of both Bylaw 3357/G-2017 and Bylaw 3357/H-2017 based on the following rationale:</p> <ul style="list-style-type: none"> (a) The proposed Dynamic Signs align with the relevant Municipal Development Plan policies; (b) They align with the Economic Development Strategy and support Strategy C3: Explore retail options along Gaetz Avenue, especially downtown; (c) They align with the Gaetz Avenue Visioning document; (d) The addition of Dynamic Signs on both sites will be a technological upgrade to the existing Reader Board style messaging; and (e) The proposed Dynamic Signs meet all relevant standards for Dynamic Signs in Section 3.4(14) of the LUB.



Option 2: Table Decisions

The Planning Department is currently undertaking a comprehensive review of The City's sign standards in the LUB; this review is expected to take 6 – 12 months. Council could table making a decision on the applications for the following reasons:

Bylaw 3357/E-2017 – Table Bylaw 3357/E-2017 for a maximum of eight (8) months and direct Administration to:

- a) Review Section 3.4(14)(d)(iv) that requires a 50 m radius separation from the boundary of a site containing an existing Dynamic Sign;
- b) Review Section 3.4(14)(d)(v) that limits the Dynamic portion to 25% of a Fascia Sign; and
- c) Provide recommendations to Council if Dynamic Signs should be a Discretionary Use in the C1 District, and provide an amending Bylaw at the time of reporting back if the use is determined to be suitable.

Bylaw 3357/F-2017 – Table Bylaw 3357/F-2017 for a maximum of eight (8) months and direct Administration to consider Dynamic Signs as a Discretionary Use in the C5 Commercial (Mixed Use) District. Administration is to report back to Council on whether Dynamic Signs should be a Discretionary Use in the C5 Commercial (Mixed Use) District, and provide an amending Bylaw at the time of reporting back if the use is determined to be suitable.

Bylaw 3357/G-2017 – Table Bylaw 3357/G-2017 for a maximum of eight (8) months and direct Administration to consider Dynamic Signs as a Discretionary Use in the C4 Commercial (Major Arterial) District and review the recommendations in the Gaetz Avenue Vision specific to Dynamic Signs. Administration is to report back to Council on whether Dynamic Signs should be a Discretionary Use in the C4 Commercial (Major Arterial) District and identify any discrepancies between the development standards in Section 3.4(14) and the Gaetz Avenue Vision recommendations specific to Dynamic Signs along Arterial Roads. If amendments are suggested to the Land Use Bylaw, Administration is to provide an amending Bylaw at the time of reporting back to Council.

Bylaw 3357/H-2017 – Table Bylaw 3357/H-2017 for a maximum of eight (8) months and direct Administration to consider Dynamic Signs as a Discretionary Use in the C1A Commercial (City Centre West) District. Administration is to report back to Council on whether Dynamic Signs should be a Discretionary Use in the C1A Commercial (City Centre West) District, and provide an amending Bylaw at the time of reporting back if the use is determined to be suitable.

Option 3: Defeat all Proposed Amending Bylaws

As the sign standards review is occurring, Council may wish to defeat all of the proposed amending Bylaws. The applicants will be able to reapply for an amendment in six (6) months' time, if an amendment would be needed at that time as the sign review may result in additional Land Use Districts considering Dynamic Signs as a use.



Recommendations:

The Planning Department recommends Option 2 for Council to table decisions on Bylaws 3357/E-2017, 3357/F-2017, 3357/G-2017, and 3357/H-2017 until further information is provided.

Attachments:

- Attachment 1 – **Bylaw 3357/F-2017** (Timberlands commercial area) Responses Received
- Attachment 2 – **Bylaw 3357/H-2017** (McDonald's downtown) Responses Received

BYLAW NO. 3357/F-2017

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. Section 8.22(1)(e) Exceptions Respecting Land Use is amended by adding the following new subsection:
 - (x) Subject to the approval of the Municipal Planning Commission, on the sites listed below, one (1) double-sided Dynamic Sign as a portion of a Freestanding Sign, provided that the overall Sign, including the Dynamic Sign, otherwise complies with Sections 3.3 and 3.4:
 - (i) Lot 4, Block 4, Plan 092 0662 (499 Timberlands Drive)
2. The "Land Use District Map Q17" contained in "Schedule A" of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map 4-2017 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this day of 2017.

READ A SECOND TIME IN OPEN COUNCIL this day of 2017.

READ A THIRD TIME IN OPEN COUNCIL this day of 2017.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2017.

MAYOR

CITY CLERK

**Attachment 1: Bylaw 3357/F-2016
(Timberlands commercial area)
Responses Received**



Public Comment Sheet

Notification Of: Proposed Land Use Bylaw Amendment 3357/EE-2016
499 Timberlands Drive
Site exception to allow for one (1) Dynamic Sign

Comments Due: October 17, 2016

Comment Return Options:

- Return, by mail to: City of Red Deer Planning Department, Box 5008, Red Deer, Alberta, T4N 3T4; or
Drop off comments at the Planning Department counter on the 3rd floor of City Hall at 4914 - 48 Avenue; or
Fax comments to the Planning Department at 403-342-8200; or
Scan and email the comments to jolene.tejkl@reddeer.ca; or.
Email Jolene Tejkl at jolene.tejkl@reddeer.ca to request a digital copy of a comment sheet which you can fill out and then return by email.

Please Print

Contact Information:

Name (required): Andrew Furness

Email Address (required: will allow administration to respond to you if necessary):

Mailing Address & Postal Code (optional: will allow administration to respond to you if necessary):

Phone # (optional):

Your contact information allows administration to respond if needed. When disclosing public comments, The City will endeavour to disclose only the author's name, unless there is a legislative, privacy or public reason to disclose more or less information.

Comments: I have no problems with the sign being installed,

Four horizontal lines for additional comments.



Public Comment Sheet

**Notification Of: Proposed Land Use Bylaw Amendment 3357/EE-2016
499 Timberlands Drive
Site exception to allow for one (1) Dynamic Sign**

Comments Due: October 17, 2016

Comment Return Options:

- Return, by mail to: City of Red Deer Planning Department, Box 5008, Red Deer, Alberta, T4N 3T4; or
- Drop off comments at the Planning Department counter on the 3rd floor of City Hall at 4914 – 48 Avenue; or
- Fax comments to the Planning Department at 403-342-8200; or
- Scan and email the comments to jolene.tejkl@reddeer.ca; or
- Email Jolene Tejkl at jolene.tejkl@reddeer.ca to request a digital copy of a comment sheet which you can fill out and then return by email.

Please Print

Contact Information:

Name (required): Mark Perpelitz

Email Address (required: will allow administration to respond to you if necessary):

Mailing Address & Postal Code (optional: will allow administration to respond to you if necessary):

Phone # (optional): _____

Your contact information allows administration to respond if needed. When disclosing public comments, The City will endeavour to disclose only the author's name, unless there is a legislative, privacy or public reason to disclose more or less information.

Personal information is collected under the authority of the Municipal Government Act Section 3 and is protected under the provisions of the Freedom of Information & Protection of Privacy (FOIP) Act. An individual choosing to provide a comment to a member of Council, to a member of a committee and/or to City of Red Deer administration must understand that comments, including personal information, could be publicly disclosed. The City will seek to balance the dual objectives of open government and protection of privacy. If you have questions about the collection and use of this information, please contact the Legislative Services Manager at The City of Red Deer, 4914 - 48 Ave, Red Deer, AB 403-342-8132.

If you have any questions regarding the Proposed Land Use Bylaw Amendment 3357/EE-2016 for 499 Timberlands Drive – A site exception to allow for one (1) Dynamic Sign, please contact:

Jolene Tejkl, Senior Planner
City of Red Deer Planning Department
403.406.8705
jolene.tejkl@reddeer.ca



Public Comment Sheet

Comments:

The proposed dynamic sign is located in close proximity to a major arterial road from which it will be highly visible and therefore have the potential to impact traffic safety, pedestrian safety and the overall peaceful enjoyment of nearby residents. A fear exists that approving this amendment to the Land Use Bylaw will encourage further development applications for dynamic signs in the area and along the 30th Avenue roadway which could exacerbate the above concerns and reduce the overall aesthetics along one of Red Deer's major roadways. Further, there is a concern related to the regulation of the message(s) that the sign has a potential to display since the sign by its own nature is dynamic.

The message duration, sequencing and information of temporary and permanent signs and signals that are used for road control are 'expected'. On the other hand, dynamic signs that are used for advertising have far more variables to consider such as: luminescence, colour, movement and information content. These variables and their ability to be adjusted by the operator are a concern in that they could cause a valid distraction to motorists. This distraction could cause motorists to lose focus on the task of driving, decelerate unexpectedly in order to [read the sign/watch the video/view the new message on the sign following a transition] and fail to maintain proper lane positioning due to the phenomenon of target fixation. A distraction such as this could cause vehicle collisions and compromise the safety of the pedestrians using the crosswalk(s) in and around the nearby intersection.

A dynamic sign could reduce the aesthetics of the area and may interrupt the peaceful enjoyment of nearby residents incidentally from the potential of distracted motorists [decelerating to view the sign/not accelerating when the signal at the intersection turns green] and thereby causing excessive, impatient honking. The peace of nearby residents may also be affected by an increase of emergency vehicle(s) dispatched to deal with incidents caused by the potential distraction of the dynamic sign.



Public Comment Sheet

**Notification Of: Proposed Land Use Bylaw Amendment 3357/EE-2016
499 Timberlands Drive
Site exception to allow for one (1) Dynamic Sign**

Comments Due: October 17, 2016

Comment Return Options:

- Return, by mail to: City of Red Deer Planning Department, Box 5008, Red Deer, Alberta, T4N 3T4; or
- Drop off comments at the Planning Department counter on the 3rd floor of City Hall at 4914 – 48 Avenue; or
- Fax comments to the Planning Department at 403-342-8200; or
- Scan and email the comments to jolene.tejkl@reddeer.ca; or
- Email Jolene Tejkl at jolene.tejkl@reddeer.ca to request a digital copy of a comment sheet which you can fill out and then return by email.

Please Print

Contact Information:

Name (required): Correen Nagy-Malinoski

Email Address (required: will allow administration to respond to you if necessary):

Mailing Address & Postal Code (optional: will allow administration to respond to you if necessary):

Phone # (optional): _____

Your contact information allows administration to respond if needed. When disclosing public comments, The City will endeavour to disclose only the author's name, unless there is a legislative, privacy or public reason to disclose more or less information.

Personal information is collected under the authority of the Municipal Government Act Section 3 and is protected under the provisions of the Freedom of Information & Protection of Privacy (FOIP) Act. An individual choosing to provide a comment to a member of Council, to a member of a committee and/or to City of Red Deer administration must understand that comments, including personal information, could be publicly disclosed. The City will seek to balance the dual objectives of open government and protection of privacy. If you have questions about the collection and use of this information, please contact the Legislative Services Manager at The City of Red Deer, 4914 - 48 Ave, Red Deer, AB 403-342-8132.

If you have any questions regarding the Proposed Land Use Bylaw Amendment 3357/EE-2016 for 499 Timberlands Drive – A site exception to allow for one (1) Dynamic Sign, please contact:

Jolene Tejkl, Senior Planner
City of Red Deer Planning Department
403.406.8705
jolene.tejkl@reddeer.ca



Public Comment Sheet

Comments:

Covenant Care operates a Supportive Living Home - Villa Marie - which is located across from the proposed Dynamic Sign location.

Our concerns surrounding the bright light display of the proposed dynamic sign focuses on our elder care needs.

Lots of people become more sensitive to light as they get older. This causes the light to scatter and can make coping with bright light difficult. This can affect how an elder experiences the world and reacts to situations.

In addition, as a person ages they have a decreased ability to adapt to glare. They can experience frightening visual impressions that resemble hallucinations. Also, abrupt changes in lighting can be hazardous and cause falls or other accidents. Glare that is hardly noticeable to a younger person may create difficulties for an older person. Reading a magazine with shiny pages can be difficult. Glare from shiny floors, sunlight or direct lighting is intensified. Increased glare causes distortion.

It is important to control glare and avoid intense light sources in planning an environment.

Certain disease conditions also affect an elders vision acuity ie.

Cataracts - cause a sensitivity to light and glare

Glaucoma - causes the appearance of colored "halos" rings around lights

Dementia - affects sight perceptions and results in hallucinations. Flashing lights in some cases causes hallucinations

If one lacks knowledge and understanding one may become frustrated and have unrealistic expectations or label an older person senile, confused or failing.

Understanding these visual changes can increase our ability to provide positive support and make environmental design decisions that will enhance the older persons' quality of life.

**Attachment 2: Bylaw 3357/H-2017
(McDonald's downtown)
Responses Received**

received Oct. 4/16



Public Comment Sheet

Notification Of: Proposed Land Use Bylaw Amendment 3357/GG-2016
4840 52 Avenue
Site exception to allow for one (1) Dynamic Sign

Comment Forms Due By: October 14, 2016

Comment Return Options:

- Return, by mail to: City of Red Deer Planning Department, Box 5008, Red Deer, Alberta, T4N 3T4; or
- Drop off comments at the Planning Department counter on the 3rd floor of City Hall at 4914 - 48 Avenue; or
- Fax comments to the Planning Department at 403-342-8200; or
- Scan and email the comments to randa.james@reddeer.ca; or.
- Email Randa James at randa.james@reddeer.ca to request a digital copy of a comment sheet which you can fill out and then return by email.

Please Print

Contact Information:

Name (required): NORMAN AND DIAVE PEARSON

Email Address (required: will allow administration to respond to you if necessary):

Mailing Address & Postal Code (optional: will allow administration to respond to you if necessary):

Phone # (optional): _____

Your contact information allows administration to respond if needed. When disclosing public comments, The City will endeavour to disclose only the author's name, unless there is a legislative, privacy or public reason to disclose more or less information.

Comments:

WE ARE NOT IN FAVOR OF AMENDING THE LAND USE BYLAW
AS SPECIFIED FOR REASONS OF SAFETY TO MOTORISTS
DRIVING AT THIS CONGESTED INTERSECTION AND FOR
PEDESTRIANS WALKING THE CROSSWALKS AT THIS
INTERSECTION. MANY OF THE PEDESTRIANS USING



Public Comment Sheet

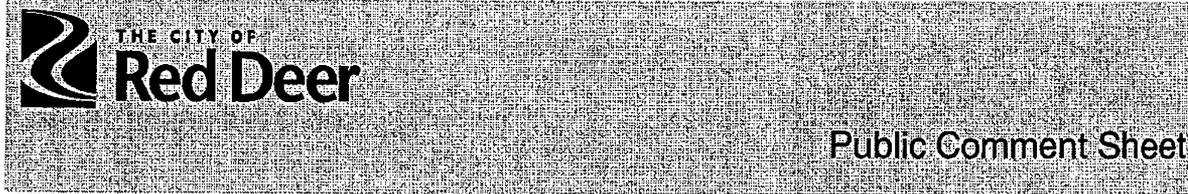
THESE CROSSWALKS ARE THE INDIGENT PATRONS OF McDONALD'S RESTAURANT AND MANY TIMES ARE NOT FOLLOWING THE CROSSWALK SIGNS. MOTORISTS ALREADY HAVE TO CAREFULLY WATCH FOR PEDESTRIANS NOT FOLLOWING CROSSWALK SIGNS. ANOTHER REASON IS THE SAFETY OF MOTORISTS AND PEDESTRIANS WITH THE INCREASED IN TRAFFIC FLOW AT THIS INTERSECTION ANTICIPATED WITH THE DEVELOPMENT OF RIVERLANDS. A DYNAMIC SIGN AT THIS INTERSECTION WOULD BE AN ADDED DISTRACTION TO BOTH MOTORISTS AND PEDESTRIANS.

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If you have any questions regarding the Proposed Land Use Bylaw Amendment 3357/GG-2016 for 4840 52 Avenue – A Site exception to allow for one (1) Dynamic Sign, please contact:

Randa James, Senior Planner
 City of Red Deer Planning Department
 403.406.8702
 randa.james@reddeer.ca

received Oct. 6



Notification Of: Proposed Land Use Bylaw Amendment 3357/GG-2016
4840 52 Avenue
Site exception to allow for one (1) Dynamic Sign

Comment Forms Due By: October 14, 2016

Comment Return Options:

- Return, by mail to: City of Red Deer Planning Department, Box 5008, Red Deer, Alberta, T4N 3T4; or
- Drop off comments at the Planning Department counter on the 3rd floor of City Hall at 4914 – 48 Avenue; or
- Fax comments to the Planning Department at 403-342-8200; or
- Scan and email the comments to randa.james@reddeer.ca; or.
- Email Randa James at randa.james@reddeer.ca to request a digital copy of a comment sheet which you can fill out and then return by email.

Please Print

Contact Information:

Name (required): William & Sharon Avison

Email Address (required: will allow administration to respond to you if necessary):

Mailing Address & Postal Code (optional: will allow administration to respond to you if necessary):
 # _____

Phone # (optional): _____

Your contact information allows administration to respond if needed. When disclosing public comments, The City will endeavour to disclose only the author's name, unless there is a legislative, privacy or public reason to disclose more or less information.

Comments: We walk to Superstore & the trail system, crossing 48 st, the entrance to McDonalds and Ross street. Anything to encourage additional use of the McDonald fast food supply building, with its attendant traffic, trash and transient users would be a negative for us. While the city spends money



Public Comment Sheet

to pick up trash from McDonalds, and we try to keep it picked up around our condominium, the imposition of a "trash tax" on these eateries which, encourage unhealthy life styles, and unnecessary carbon emissions, on and through their drive throughs, would be a positive step.

Drivers are distracted sufficiently at present, without another distraction to encourage them to run over a pedestrian while checking out the cost of another fat burger!

Personal information is collected under the authority of the Municipal Government Act Section 3 and is protected under the provisions of the Freedom of Information & Protection of Privacy (FOIP) Act. An individual choosing to provide a comment to a member of Council, to a member of a committee and/or to City of Red Deer administration must understand that comments, including personal information, could be publicly disclosed. The City will seek to balance the dual objectives of open government and protection of privacy. If you have questions about the collection and use of this information, please contact the Legislative Services Manager at The City of Red Deer, 4914 - 48 Ave, Red Deer, AB 403-342-8132.

If you have any questions regarding the Proposed Land Use Bylaw Amendment 3357/GG-2016 for 4840 52 Avenue – A Site exception to allow for one (1) Dynamic Sign, please contact:

Randa James, Senior Planner
City of Red Deer Planning Department
403.406.8702
randa.james@reddeer.ca



January 23, 2017

Business Revitalization Zone Business Tax Bylaw Amendment 3196/A-2017

Revenue and Assessment Services

Report Summary & Recommendation:

The Business Revitalization Zone (BRZ) Business Tax Bylaw sets the BRZ tax rates required to fund the 2017 Downtown Business Association (DBA) approved budget. BRZ tax rates must be set by Council in order for administration to prepare and send the BRZ Tax notices and collect the approved funding.

The amendment to the bylaw for 2017 includes a change to BRZ penalties and refunds. These changes will significantly improve administration effectiveness and efficiency.

Recommendation:

Administration respectfully recommends that Council give first reading to Bylaw No. 3196/A-2017 Business Revitalization Zone Business Tax Bylaw, with a return to Council February 6, 2017 for 2nd and 3rd readings.

City Manager Comments:

I support the recommendation of Administration. If first reading of Bylaw 3196/A-2017 is given, second and third reading of this bylaw will be brought back for Council's consideration at the Monday, February 6, 2017 Regular Council Meeting.

Craig Curtis
City Manager

Proposed Resolution:

That Council consider first reading of Bylaw 3196/A-2017 at this time.



Background:

Principles of Taxation:

- Fairness and equity
- Predictability and stability
- Competitiveness
- Sustainability of revenues raised and
- Simplicity, transparency and efficiency of the tax system

Alberta Regulation 93/2016

Section 11 requires the Downtown Business Association (DBA) board to submit a budget for each calendar year to Council for approval.

Section 14 requires the municipality to transfer to the board the amount identified in the Council approved budget as revenue to be received from the municipality.

Section 21 Council must pass a Business Revitalization Zone (BRZ) tax rate bylaw. The BRZ tax rate must be sufficient to raise the amount that the board is to receive from the municipality in respect of the BRZ tax as set out in the board's approved budget.

Council Direction

In 1983 Council adopted Bylaw 2827/83 establishing Red Deer Downtown Business Association Zone.

January 9, 2017 Council approved the DBA budget requiring a tax levy of \$394,637 from the taxable businesses operating within the Downtown BRZ.

January 9, 2017 Council resolved to absorb the 2016 under collection of tax levies in the amount of \$17,847.

Discussion & Analysis:

The primary purpose of amending the bylaw is to modify to the taxation rates for 2017. Administration is requesting two other amendments to the bylaw to improve efficiency and collections of BRZ tax.

There are three proposed amendments for 2017:

1. Annual BRZ Tax Rate
2. BRZ Penalties
3. Application of refund of overpayment



I) Annual Business Revitalization Zone Tax Rate:

The tax rate and resulting tax impact to a specific business fluctuates from year to year. There are four drivers that can impact the BRZ Tax Rate:

Drivers	2017
1) DBA Budgeted Tax	\$394,637
2) Over/Under Collection of BRZ Tax	\$0
3) Taxable Assessed Value	\$21,460,300
4) Minimum BRZ Tax Levy set by the DBA Board	\$162.75

On January 9, 2017 Council approved the 2017 DBA budget which provided \$394,637 in revenue to be generated from the taxation of business operating with the BRZ.

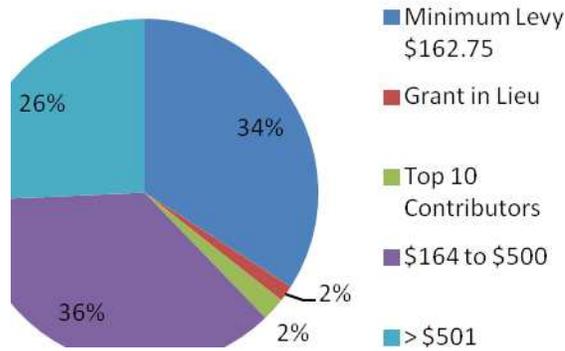
	Tax Levy	Taxable Assessed Value	Tax Rate
BRZ Tax Minimum Levy	\$ 25,715	\$ 651,300	
BRZ Tax	\$ 368,922	\$ 20,809,000	0.017729
TOTAL TAX LEVY	\$ 394,637	\$ 21,460,300	

Impact to the Average Tax Payer	BRZ Tax for 2016	BRZ Tax for 2017	BRZ Tax Increase
BRZ Tax Minimum Levy	\$ 163	\$ 163	0%
BRZ Tax (Based on the median assessed value of \$14,800)*	\$ 234	\$ 261	11%
TOTAL TAX LEVY	\$ 397	\$ 423	7%

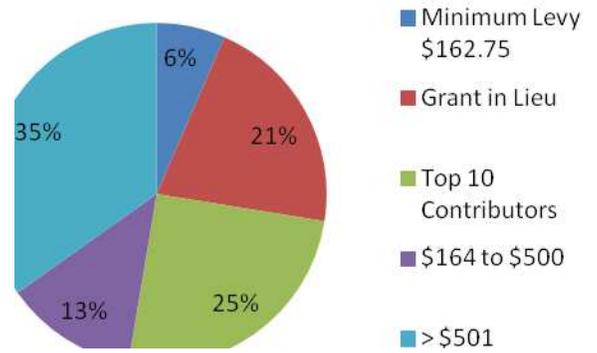
*50% of the taxable businesses are assessed greater than \$14,800 and 50% of the taxable businesses are assessed less than \$14,800



BRZ Tax Distribution # of Rolls



BRZ Tax Distribution \$



2) BRZ Tax Penalties:

The purpose of applying penalties to the tax account is to provide fairness and equity to all taxpayers and to motivate the taxpayers to pay taxes on time. The application of the existing penalty structure is not effective or efficient. Penalties must be manually calculated seven times through the year and applied individually to each account and the number of unpaid accounts is increasing. Excluding outstanding dollars for grant in lieu payments, in 2016 37% of the total number of BRZ rolls were still outstanding at the March 31 due date.

In 2016 Council adopted a new Tax Penalty Bylaw for municipal property taxes. The change in municipal penalties has made a significant difference in the amount of manual administration and motivating taxpayers to pay on time. For consistency and to improve on the collection of BRZ taxes, Administration is proposing a similar change the BRZ Tax penalties.

	City of Red Deer Municipal Tax Penalty	Proposed Change to DBA BRZ Tax Penalty
Tax due	June 30	March 31
Current Year Penalties	Jul 1 st 7% Sep 1 st 7% Non-Compounding	Apr 1 st 7% Jul 1 st 7% Non-Compounding
Tax Arrears Penalties	Jan 1 st 7% Jul 1 st 7% Compounding	Jan 1 st 7% Jul 1 st 7% Compounding



Benefits:

- Aligns with municipal tax penalty structure
- Significantly reduces the amount of administration required to apply the penalty to the tax payer account
- Motivates the timely payment of taxes
- Reduces collection efforts and
- Minimizes the impact to the annual over/under calculation of BRZ tax levy and taxpayers who pay on time.

3) Application of refund of overpayment:

For efficiency, Administration is proposing the refund application for an overpayment or a rebate of BRZ tax change from the 'Assessor' to 'The City' and to be submitted no later than January 31st of the year following levy of the BRZ tax. The Assessor role is to prepare the Assessment Roll not to manage the collection of the BRZ levy. By changing the date by which the request must be made it allows the City to better understand and report the financial impacts and forecast the over/under collection of the BRZ tax.

Benefits:

- Minimizes the impact to the annual over/under calculation of BRZ tax levy
- Improves customer service by streamlining the refund process
- Aligns the BRZ tax refund/rebates with existing municipal tax refund procedures

BYLAW NO. 3196/[A-201798](#)

Being a bylaw to provide for a business assessment for properties within the City of Red Deer's Business Revitalization Zone;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

Short Title

- 1 This bylaw may be cited as "The Business Revitalization Zone Business Tax Bylaw".

Definitions

- 2 In this bylaw, unless the context otherwise requires:
- (a) "Assessor" means the Assessor of The City of Red Deer.

 - (b) "Business" means
 - (i) a commercial, merchandising or industrial activity or undertaking,

 - (ii) profession, trade, occupation, calling or employment, or

 - (iii) an activity providing goods or services, however organized or formed, including a co-operative or association of persons.

- (c) "Business Assessment" means the assessment of a business located within the Business Revitalization Zone, for business tax purposes.
- (d) "Business Day" means a day on which The City of Red Deer is open for business.
- (e) "Business Tax" means the tax levied pursuant to this bylaw on any person carrying on a business within the City of Red Deer's Business Revitalization Zone, including Supplementary Business Tax and penalties.
- (f) "City" means The City of Red Deer.
- (g) "Floor Space" means the superficial area of every floor in the premises in which business is carried on and includes the superficial area of any land not forming the site of a building but occupied or used for the purpose of or incidental to the exercise or carrying on of a business.
- (h) "Person" includes a corporation or partnership.
- (i) "Premises" means the store, office warehouse, factory, building, enclosure, yard or any space occupied or used by a person for the purpose of a business.

Assessment Roll

- 3 The Assessor shall prepare a business tax assessment roll showing the business tax assessment for each business operating within the Business Revitalization Zone.

Calculation of Business Assessment

- 4¹ The business assessment shall be a sum equal to 100% of the net annual rental value of the premises occupied by the business.

Business Revitalization Zone Tax

- 5¹ ~~Each Person carrying on Business within the boundaries of the Business Revitalization Zone established under Business Revitalization Zone Bylaw 2827/83 shall pay annually as a Business Tax a sum equal to 1.14807% of the Business Assessment of that Business or the sum of \$162.75, whichever is the greater sum.~~
Each Person carrying on Business within the boundaries of the Business Revitalization Zone Bylaw 2827/83 shall pay annually as a Business Tax a sum equal to 1.7729% of the Business Assessment of that Business or the sum of \$162.75, whichever is the greater sum.

Obligation to Pay Business Tax

¹ 3196/A-2001, 3196/A-2012

6² Every Person operating a Business within the boundaries of the Business Revitalization Zone shall pay the full amount of the Business Tax to the City on or before the due date stated on the Business Tax Revitalization Zone notice.

¹ 3196/A-99, 3196/A-2000, 3196/A-2001, 3196/A-2002, 3196/A-2003, 3196/A-2004, 3196/A-2005, 3196/A-2006, 3196/A-2007, 3196/A-2008, 3196/A-2009, 3196/A-2010, 3196/A-2011, 3196/A-2012, 3196/A-2013, 3196/A-2014, 3196/A-2015, 3196/A-2016

² 3196/A-2011, 3196/A-2012

- 7 A person who takes over the operation of a business shall be liable to pay the business tax imposed in respect of that business from the date the person took over operation of the business and for the remainder of the year.
- 8 Where, in the opinion of the Assessor, it is not practical to levy a Business Tax or Supplementary Business Tax on individual tenants or sub-tenants as a result of the short term of their tenancies, then the Business Tax or Supplementary Business Tax shall be levied on the owner or tenant or sub-tenant, as the Assessor deems appropriate.
- 9 A person who ceases to carry on business shall be entitled to receive a rebate of business taxes based on the number of days in the year in which the person does not carry on that business, prorated to the total amount of the business tax for the entire year.

Supplementary Business Tax

- 10 The Assessor may prepare a Supplementary Business Tax Assessment Roll at any time or times during the year, for the purpose of assessing businesses.
- 11 A Supplementary Business Tax shall be levied at the same rate as the Business Tax rate for that year:
- (a) on each person who operates a business for a temporary period and whose name is not entered on the business tax roll;

- (b) on each person who moves into new premises or opens new premises or branches of an existing business, although the person's name is entered on the business tax roll;
- (c) on each person who begins operating a business and whose name is not entered on the business tax roll;
- (d) on each person who increases the storage capacity or floor space of the premises occupied for the purposes of a business after the business tax roll has been prepared.

Proration of Taxes

- 12 Notwithstanding anything contained herein, a person who is liable to pay Business Tax or Supplementary Business Tax shall only be liable to pay tax in respect of the period of time during the year that the person operated the business and the amount of the tax to be paid shall be a portion of the full amount of the taxes for the entire year prorated over the period of time that the business is actually operated.
- 13 Notwithstanding anything contained herein, a person who operates a business for a period of time not exceeding 30 days in total during the course of a year shall not be liable to pay either Business Tax or Supplementary Business Tax.

Penalties for Late Payment of Taxes

14 For the purpose of this bylaw, any payment of business tax forwarded by mail shall be deemed to be paid on the same date as the postmark on the envelope in which the said payment is mailed.

15 ~~A penalty shall be levied on the amount of any current year business taxes and penalties which remain outstanding on the following dates:~~

<u>DATE</u>	<u>PENALTY</u>
April 1	4.5%
July 1	2.5%
September 1	2.5%
November 1	2.5%

A penalty shall be levied on the amount of any current year business taxes which remain outstanding on the following dates:

<u>Tax</u>	<u>April 1</u>	<u>7%</u>
	<u>July 1</u>	<u>7%</u>
	<u>Total</u>	<u>14%</u>

Penalties imposed in the current calendar year will not be compounded during that year.

16 ~~Should any taxes remain unpaid after the last business day of December in the year in which the taxes were levied, there shall be added thereto by~~

~~way of penalty an amount equal to 2% of the balance of the unpaid taxes outstanding on the first business day of January, March, May, July, September and November in that and in each succeeding year thereafter, so long as the taxes remain unpaid.~~

A penalty shall be levied on the amount of any business taxes and accumulated penalties that remain unpaid after December 31st of the year in which they were imposed on the following dates

<u>Tax Arrears</u>	<u>January 1</u>	<u>7%</u>
	<u>July 1</u>	<u>7%</u>
	<u>Total</u>	<u>14%</u>

17

~~A refund of overpayment or a rebate of business tax shall be made only on application to the Assessor. No refund of overpayment or rebate of business tax shall be made after December 31 of the year following the year the tax is levied.~~

A refund of overpayment or a rebate of business tax shall be made only on written application from the taxable business to the City. No refund of overpayment or rebate of business tax shall be made without verification of the business moving out of the Business Revitalization Zone or after January 31 of the year following the year the tax is levied.

Consequential Provisions

18 Bylaw No. 3128/95 and all amendments thereto are hereby repealed.

19 The provisions of the General Penalty Bylaw shall not apply to Business Tax, Supplementary Business Tax and penalties.

| READ A FIRST TIME IN OPEN COUNCIL this 239 day of ~~February~~January A.D. ~~1998~~2017.

| READ A SECOND TIME IN OPEN COUNCIL this 69 day of February A.D. ~~1998~~2017.

| READ A THIRD TIME IN OPEN COUNCIL this 69 day of February A.D. ~~1998~~2017.

| AND SIGNED BY THE MAYOR AND CITY CLERK this 69 day of February A.D. ~~1998~~2017.

| "Morris Flewwelling"

DEPUTY MAYOR

"Kelly Kloss"

CITY CLERK

BYLAW NO 3196/A-2017

Being a bylaw to amend Bylaw No. 3196/A, the City of Red Deer's Business Revitalization Zone Business Tax Bylaw.

COUNCIL ENACTS AS FOLLOWS:

Bylaw No. 3196/A is hereby amended as follows:

- 1) By deleting Section 5 in its entirety and replacing it with the following new Section 5:

Each Person carrying on Business within the boundaries of the Business Revitalization Zone Bylaw 2827/83 shall pay annually as a Business Tax a sum equal to 1.7729% of the Business Assessment of that Business or the sum of \$162.75, whichever is the greater sum.

- 2) By deleting Section 15 and replacing it with the following new Section 15:

A penalty shall be levied on the amount of any current year business taxes which remain outstanding on the following dates:

<i>Tax</i>	<i>April 1</i>	<i>7%</i>
	<i>July 1</i>	<i>7%</i>
	<i>Total</i>	<i>14%</i>

Penalties imposed in the current calendar year will not be compounded during that year.



December 28, 2016

Annual Supplementary Assessment Bylaw

Revenue and Assessment Services

Report Summary & Recommendation:

That Council give first reading to the annual Supplementary Assessment Bylaw 3584/2017 which authorizes the preparation of supplementary assessments within the City of Red Deer for 2017. Second and third readings of the bylaw would then be considered at the February 6th, 2017 Council Meeting.

City Manager Comments:

I support the recommendation of Administration. If first reading of Bylaw 3584/2017 is given, second and third reading of this bylaw will be brought back for Council's consideration at the Monday, February 6, 2017 Regular Council Meeting.

Craig Curtis
City Manager

Proposed Resolution

That Council consider first reading of Bylaw 3584/2017 at this time.



Report Details

Background:

Section 313 of the Municipal Government Act, provides the opportunity for a municipality to implement supplementary assessments and taxation. To authorize the supplementary process, every year City Council must pass a supplementary assessment bylaw prior to May 1. City Council has authorized supplementary assessments since 2002.

The supplementary assessment is the assessment of newly constructed buildings, additions and renovations that are occupied or completed during the 2017 year but were not assessed at 100% of completion on the regular assessment notice mailed on January 20, 2017. The resulting supplementary tax is prorated, based on the number of months the improvement has been completed or occupied.

Supplementary assessment and tax provides for equity among property owners. At the time the owners occupy the new premise and receive municipal benefits, they pay an equitable share toward the tax base to pay for those benefits.

Analysis & Discussion:

The 2017 operating budget includes revenue of \$250,000 that will be generated from supplementary taxation. If Council chooses not to pass this bylaw, the 2017 operating budget would have a shortfall of \$250,000 in revenue.

Recommendation:

That Council give first reading to the annual Supplementary Assessment Bylaw 3584/2017 which authorizes the preparation of supplementary assessments within the City of Red Deer for 2017.

BYLAW NO. 3584/2017

Being a bylaw to authorize the preparation of supplementary assessments within The City of Red Deer for 2017.

WHEREAS, The City of Red Deer wishes to require the preparation of supplementary assessments for improvements for the purpose of imposing a supplementary property tax;

AND WHEREAS, the Municipal Government Act provides that this Bylaw must be passed before May 1 of the year that the Bylaw applies;

NOW THEREFORE Council enacts:

- 1 That a supplementary assessment shall be prepared for all improvements in 2017.

READ A FIRST TIME IN OPEN COUNCIL this day of 2017.

READ A SECOND TIME IN OPEN COUNCIL this day of 2017.

READ A THIRD TIME IN OPEN COUNCIL this day of 2017.

AND SIGNED BY THE MAYOR AND CLERK this day of 2017.

MAYOR

CITY CLERK



January 19, 2017

Electric Utility Bylaw Amendment 3273/A-2017 Distribution Tariff Consideration of Three Readings

Electric Light and Power

Report Summary & Recommendation:

The Electric Light & Power (EL&P) department requires approval by Council (our regulator) of revision to the Distribution Tariff, Appendix A, Electric Utility Bylaw No. 3273/2000 as follows:

1. Update EL&P Distribution Tariff Rates and Local Access Fee with rates to be effective March 1, 2017.
2. Change the Balancing Pool Allocation from a credit of \$0.00336 per kWh to a charge of \$0.00114 per kWh effective March 1, 2017 to reflect the revision to Balancing Pool Consumer Allocation Rider (Rider F) of the Alberta Electric System Operator (AESO) Tariff.

Council is asked to consider the electric utility rates in conjunction with the 2017 Operating Budget. Administration is requesting that Council give three readings to Utility Bylaw 3273/A-2017 at the Monday, January 23, 2017 Council meeting. EL&P must give 30 days' notice to the billing provider so three readings will ensure they are notified within their required timelines prior to the bylaw's effective date of March 1, 2017.

To accomplish this, it is recommended that revisions to "Appendix A – Distribution Tariff" of the Electric Utility Bylaw No. 3273/2000 be considered at the January 23, 2017 Council meeting.

City Manager Comments:

I support the recommendation of Administration.

Craig Curtis
City Manager

Proposed Resolution

That Bylaw 3273/A-2017 (an amendment to Appendix A – Distribution Tariff of the Electric Utility Bylaw) be read a first time.

That Electric Utility Bylaw Amendment 3273/A-2017 be read a second time.

Resolved that with the unanimous consent of Council members present, that Bylaw 3273/A-2017 be presented for third reading.

That Electric Utility Bylaw Amendment 3273/A-2017 be read a third time.



Report Details

Background:

As the operator of the electric distribution system in Red Deer, the EL&P department recovers the costs of operating and maintaining the utility system through its Distribution Tariff (“DT”). The department calculates rates on an annual basis and presents them for approval by our Regulator (City Council).

The electricity industry in Alberta, North America and around the world is rapidly evolving as changes are being seen in regulation, in market structure and in technological advancements. Retirement of coal fired generators, implementation of a carbon levy and the associated costs and potential funding sources, increasing focus on renewable energy and the possibility of more small scale, local generation all present unique challenges and opportunities.

The department continually evaluates developments in the Provincial industry in order to plan appropriately for the future of The City’s investment in the distribution system. Strategic and operational recommendations will be brought forward throughout the year to address key aspects of the business. In particular, a review of Council’s Utility Policy will take place in 2017 to address rate class, structure and other related matters as established during the policy’s development and implementation in 2012.

Until we address these matters as an organization, the department does not recommend any fundamental changes to rates or structure. Each component of the Distribution Tariff is addressed in the Discussion portion of this report based on current market and regulatory conditions and existing Tariff structure and rate setting approach.

Discussion:

I. INCREASE IN DISTRIBUTION TARIFF

EL&P’s Operating and Capital budgets approved by Council result in an overall Distribution Tariff rate increase of 3.0% to be effective March 1, 2017. This rate increase can be broken down into the following components:

Table I: Components of Tariff Revenue Increase

2017 Budget					
	2016	2017	\$ Change	% Change	
Tariff Revenue Required	(\$52,614,691)	(\$52,081,399)	\$533,293	-1.01%	Change in total tariff revenue required
Growth Related			\$2,050,227	-4.05%	Change in revenue due to budgeted consumption
Required Rate Increase			(\$1,516,934)	3.00%	Growth related minus tariff revenue change
Rate Cost Breakdown					
Distribution Related			\$370,709	0.73%	Rate Increase due to Distribution (City)
Transmission Related			\$750,000	1.48%	Rate Increase due to Transmission (Provincial System)
Consumption & Reserves Related			\$396,225	0.78%	Rate Increase due to consumption changes, reserve transfers and rate adjustments
			\$1,516,934	3.00%	Total rate increase for 2017

For 2017, the transmission component accounts for roughly 54% of EL&P’s total revenue requirement (54% of \$52,081,399). It is the department’s responsibility to budget for and collect Red Deer



customer's share of the costs of building and maintaining the provincial transmission grid that delivers electricity to the city. Provincial transmission costs are established by the Alberta Electric System Operator (AESO) and approved by the Alberta Utilities Commission (AUC). The City has no jurisdiction over these costs but must ensure payment to the AESO.

The distribution component recovers the costs to operate and maintain the City's infrastructure that delivers power from the Provincial transmission system to homes and businesses within the city. The department is responsible for calculating and collecting the costs associated with running the distribution system.

The proposed 2017 rates follow Council Policy PS-A-2.7 which states that rate structures must balance the following principles:

1. Consumer rates should reflect usage and promote conservation.
2. Consumer rates should be structured so that revenue requirements can be met within a reasonable tolerance.
3. Rates will be:
 - a. Fair and equitable, ensuring customers are contributing equitably in proportion to the cost of the systems;
 - b. Defensible, able to demonstrate that data is available to support the assumptions used in the rate; and the assumptions follow the industry acceptable practices;
 - c. Clear, understandable and logical.
4. Rate making will:
 - a. Adhere to regulated and/or legislated requirements;
 - b. Adhere to generally accepted rate making standards.

2. BALANCING POOL ALLOCATION

As outlined in the Electric Utilities Act, the Alberta Utilities Commission (AUC) has approved the Alberta Electric System Operator (AESO) application of Tariff Rider F, Balancing Pool Consumer Allocation Rider (Rider F), providing a \$1.10 per megawatt hour (MWh) charge for consumption from January 1, 2017 through December 31, 2017 inclusive. This is a flow through cost that must be collected through our Distribution Tariff as part of the Alberta Electric System Operator (AESO) charges.

The Electric Light & Power department adjusts the credit (or charge) to customers to account for line losses within the system. For 2017, a line loss factor of 3.6% is applied which yields a \$0.00114/kWh (\$1.14/MWh) charge to customers within The City of Red Deer's service area effective March 1, 2017.

Historically, this component of rate payer's bills has always been a credit. 2017 marks the first time that the Balancing Pool became a charge as the effects of the carbon levy on Power Purchase Arrangements (PPA's) are realized. All PPA's have yet to be resolved which means that further changes to future Balancing Pool Allocations is likely.



3. LOCAL ACCESS FEE

The Local Access Fee (“LAF”) – also sometimes referred to as Municipal Consent & Access Fee (MCAF) – is a separate line item within the Distribution Tariff, and is levied by the municipality to the electric utility for the exclusive rights to use portions of road, rights-of-way and other city-owned properties and lands for the purpose of placing and maintaining electrical distribution facilities. This information has been included in Table 1 above.

As per Corporate Procedure 4002, the LAF calculation is prescribed to be:

1. Calculated as a percentage of total tariff revenue. The annual percentage is established as part of the Enterprise Business Plan (EBP).
2. No less than the budgeted MCAF for the 2012 approved budget year.

Table 2: Change in LAF

Calculation	Percentage
PROPOSED: % of total tariff revenue	12.93%

4. PROPOSED ADJUSTMENTS

Rates are proposed to take effect on March 1, 2017.

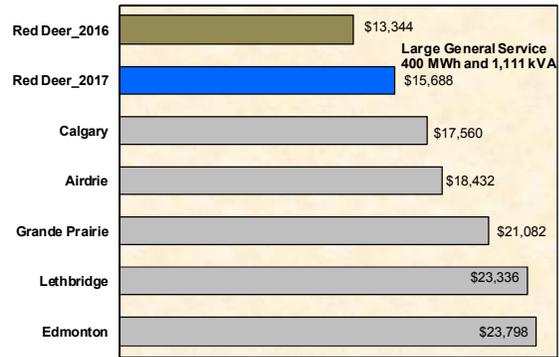
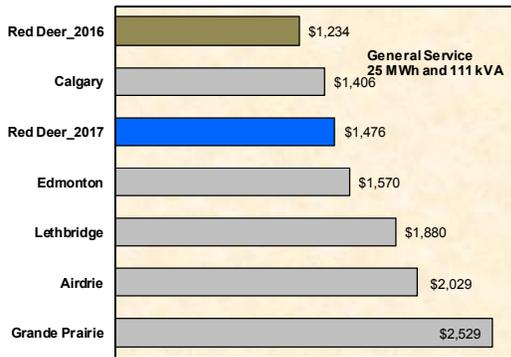
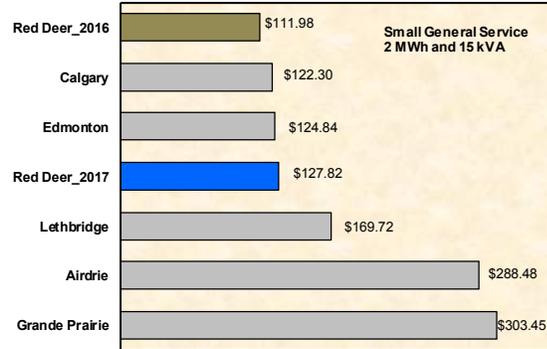
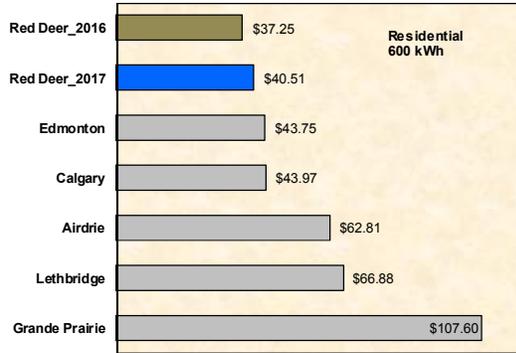
5. RATE COMPARISONS

The following four graphs show the proposed monthly Distribution Tariff charges for typical customer classes in select service areas in the province. It should be noted that these graphs are for delivery charges only and are based on the most current information posted for 2017. Retailer charges, including the energy charge and billing charge, are not included.

We have included Red Deer’s 2016 and 2017 Distribution Tariff charges for ease of illustration of the changes requested in this report.



Red Deer's 2017 Distribution Tariff Rates Compared to Other Cities' Rates



CITY OF RED DEER¹
ELECTRIC LIGHT & POWER DEPARTMENT
DISTRIBUTION TARIFF

GENERAL

Effective Date

This Tariff is effective on March 1, ~~2016~~ 2017. It applies to all consumptions, whether estimated or actual, on and after March 1, ~~2016~~ 2017, for the use of System Access and Distribution Access services.

Terms and Conditions

The "Terms and Conditions for Distribution Access Services" and the "Terms and Conditions for Retail Access Services" are part of this Tariff. Furthermore, the "Schedule of Fees for Distribution Access Services" and the "Retail Access Service Agreement" are also part of this Tariff.

Billing Demand

The kVA of Billing Demand with respect to the monthly billing period will be the greater of:

1. the highest kVA Metered Demand in the monthly billing period; or
2. the highest kVA Metered Demand in the 12 consecutive months including and ending with the monthly billing period.

The kVA Metered Demand will be measured by either a thermal demand meter having a demand response period of 90% in 15 minutes and a 30 minute test period, or 15 minute interval demand metering equipment.

The kVA of Billing Demand will be re-established on such shorter periods of time as designated by the Electric Light & Power Manager for the individual customer as warranted by that customer's changing load characteristics.

¹ 3273/B-2001, 3273/A-2002, 3273/B-2003, 3273/A-2005, 3273/A-2006, 3273/B-2006, 3273/E-2006, 3273/A-2007, 3273/A-2008, 3273/A-2009, 3273/B-2009, 3273/B-2010, 3273/D-2010, 3273/A-2011, 3273/B-2011, 3273C-2012, 3273/D-2012, 3273/A-2013, 3273/B-2013, 3273/A-2015, 3273/B-2015, 3273/C-2015, 3273/A-2016, 3273/A-2017

Transmission Rate Rider

On a quarterly basis, the EL & P Manager (or designate) will:

1. Monitor the Alberta Electric System Operator's transmission costs.
2. Establish an appropriate adjustment to account for variances between estimated and actual provincial transmission costs.
3. Notify the Director of Development Services of the calculated adjustment.
4. Subject to the Director's approval, ensure the adjustment is accurately reflected in the Distribution Tariff.

RESIDENTIAL - RATE 61

Application Applies to all residential premises which are measured by a single meter and which contain not more than two dwelling units.

Distribution Tariff	Unit	System Access	Distribution Access
Basic Charge	\$ per day	0.4708 0.5463	0.4524 0.3874
Variable Charge	\$/kWh of all energy	0.0126 0.0146	0.0156 0.0134

**Balancing
Pool
Allocation** A ~~credit charge~~ of ~~\$0.00336~~ \$0.00114/kWh of all energy effective from ~~January 1,~~
~~2016~~ March 1, 2017.

**Transmission
Rider** Charge or credit for a charge or refund from the Alberta Electric System Operator for Demand Transmission Services which is not included in the System or Distribution Access charges.

**Local Access
Fee** Assessed as ~~12.2%~~ 12.93% of each and every component of the Distribution Access and the System Access Charges and is added to the customer's bill.

**Minimum
Monthly
Charge** Total Basic Charge (System Access plus Distribution Access), plus any applicable Local Access Fee.

APPENDIX "A"
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GENERAL SERVICE - RATE 63

Application Applies to non-residential customers and to residential premises not entitled to Rate 61, plus the "house lights" services (including common area lighting and utility rooms) of apartment buildings where the kVA Metered Demand is less than 50 kVA. If the kVA Metered Demand exceeds 50 kVA, Rate 64 will be applied immediately and will be continued to be applied irrespective of future kVA Metered Demand.

Services are to be taken at one of the following nominal voltages:

120/240 Volts, single phase, 3 wire;
120/208Y Volts, network, 3 wire;
120/208Y Volts, three phase, 4 wire;
347/600Y Volts, three phase, 4 wire.

**Distribution
Tariff**

	Unit	System Access	Distribution Access
Basic Charge	\$ per day	1.7298 1.8951	1.2860 1.2440
Variable Charge	\$/kWh of all energy	0.0115 0.0126	0.0122 0.0118

**Balancing
Pool
Allocation** A ~~credit charge~~ of ~~\$0.00336~~ \$0.00114/kWh of all energy effective from ~~January 1,~~ 2016 ~~March 1, 2017~~.

**Transmission
Rider** Charge or credit for a charge or refund from the Alberta Electric System Operator for Demand Transmission Services which is not included in the System or Distribution Access charges.

**Local Access
Fee** Assessed as ~~12.2%~~ 12.93% of each and every component of the Distribution Access and the System Access Charges and is added to the customer's bill.

**Minimum
Monthly
Charge** Total Basic Charge (System Access plus Distribution Charge), plus any applicable Local Access Fee.

APPENDIX "A"
Bylaw 3273/A-2017
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GENERAL SERVICE - RATE 64

Application Applies to commercial and industrial installations where service is taken at the voltage listed for Rate 63 but where the kVA Metered Demand is 50 kVA or greater.

Distribution Tariff	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per day	0.2060 0.2286	0.1144 0.1136
Variable Charge	\$/kWh of all energy	0.0116 0.0129	0.0088 0.0087

**Balancing
Pool
Allocation** A ~~credit charge~~ of ~~\$0.00336~~ \$0.00114/kWh of all energy effective from ~~January 1,~~
2016 **March 1, 2017**.

**Transmission
Rider** Charge or credit for a charge or refund from the Alberta Electric System Operator for Demand Transmission Services which is not included in the System or Distribution Access charges.

**Local Access
Fee** Assessed as ~~12.2%~~ 12.93% of each and every component of the Distribution Access and the System Access Charges and is added to the customer's bill.

**Minimum
Monthly
Charge** Total Demand Charge (System Access plus Distribution Access), plus any applicable Local Access Fee.

LARGE GENERAL SERVICE/INDUSTRIAL - RATE 78

Application Applies where 4,160 volts or greater is available with adequate system capacity and service is taken at 4,160 volts or greater, balanced three phase and the kVA Metered Demand is not less than 1000 kVA.

Rate 78 is also applicable to all customers who were billed on Rate 78 prior to December 31, 2000 regardless of the kVA Metered Demand.

Distribution Tariff

	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per day	0.2208 0.2593	0.1212 0.0920
Variable Charge	\$/kWh of all energy	0.0123 0.0144	0.0082 0.0062

Balancing Pool Allocation A credit charge of ~~\$0.00336~~ \$0.00114/kWh of all energy effective from ~~January 1, 2016~~ March 1, 2017.

Transmission Rider Charge or credit for a charge or refund from the Alberta Electric System Operator for Demand Transmission Services which is not included in the System or Distribution Access charges.

Local Access Fee Assessed as ~~12.2%~~ 12.93% of each and every component of the Distribution Access and the System Access Charges and is added to the customer's bill.

Minimum Monthly Charge Total Basic Charge (System Access plus Distribution Charge), plus any applicable Local Access Fee.

STREET LIGHT SERVICE - RATE 81

Application Applies to standard street light fixtures.

Distribution Tariff	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per day	0.3391 0.3717	0.1858 0.1882
Variable Charge	\$/kWh of all energy	0.0141 0.0155	0.0116 0.0118

Note: Demand and consumption values of individual fixtures will be established by the Electric Light & Power Manager and will be reviewed by the Electric Light & Power Manager from time to time.

Balancing Pool Allocation A ~~credit charge~~ of ~~\$0.00336~~ \$0.00114/kWh of all energy effective from ~~January 1, 2016~~ March 1, 2017.

Transmission Rider Charge or credit for a charge or refund from the Alberta Electric System Operator for Demand Transmission Services which is not included in the System or Distribution Access charges.

Local Access Fee Assessed as ~~12.2%~~ 12.93% of each and every component of the Distribution Access and the System Access Charges and is added to the customer's bill.

Minimum Monthly Charge Total Demand Charge (System Access plus Distribution Access), plus any applicable Local Access Fee.

TRAFFIC LIGHT SERVICE - RATE 82

Application Applies to standard traffic light systems.

Distribution Tariff	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per day	0.3513 0.3895	0.2077 0.2178
Variable Charge	\$/kWh of all energy	0.0146 0.0162	0.0172 0.0180

Note: Demand and consumption values of individual fixtures will be established by the Electric Light & Power Manager and will be reviewed by the Electric Light & Power Manager from time to time.

Balancing Pool Allocation A ~~credit charge~~ of ~~\$0.00336~~ **\$0.00114**/kWh of all energy effective from ~~January 1, 2016~~ **March 1, 2017**.

Transmission Rider Charge or credit for a charge or refund from the Alberta Electric System Operator for Demand Transmission Services which is not included in the System or Distribution Access charges.

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Minimum Monthly Charge Total Demand Charge (System Access plus Distribution Access), plus any applicable Local Access Fee.

DISTRIBUTION GENERATION - RATE 83

Application Applies to generators meeting all of the following requirements

1. Have a capacity of 150 kW or greater, and connected to a distribution voltage;
2. Have installed a revenue class bi-directional 15-minute interval meter.

Generators not meeting the above requirements are reviewed on an individual basis.

Distribution Tariff

	Unit	Distribution Access
Capacity Charge	\$/kW of peak output per day	0.0825
Variable Charge	\$/kWh of supplied energy	0.0057

- Note:
1. Power consumption by the customer for standby purposes is subject to an applicable rate (61, 63, 64, 78, 81 or 82) for load customers
 2. Peak output is measured and calculated in the same manner as the Billing Demand for load customers

Local Access Fee Assessed as ~~12.2%~~ **12.93%** of each and every component of the Distribution Access and the System Access Charges and is added to the customer's bill.

Transmission Charge As per the applicable supply tariff of the Transmission Administrator. This is a charge to the customer and is added to the customer's bill.

Transmission Credit $DTS \times \Sigma(A - B)$ where

DTS is the applicable demand tariff of the Transmission Administrator
 A is hourly gross billing determinants at the Point of Delivery to which the customer is connected
 B is hourly net billing determinants at the Point of Delivery to which the customer is connected

This is a credit to the customer and is calculated on a monthly basis.

CITY OF RED DEER¹
ELECTRIC LIGHT & POWER DEPARTMENT
DISTRIBUTION TARIFF

GENERAL

Effective Date

This Tariff is effective on March 1, 2017. It applies to all consumptions, whether estimated or actual, on and after March 1, 2017, for the use of System Access and Distribution Access services.

Terms and Conditions

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Transmission Rate Rider

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3. Notify the Director of Development Services of the calculated adjustment.
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RESIDENTIAL - RATE 61

Application Applies to all residential premises which are measured by a single meter and which contain not more than two dwelling units.

Distribution Tariff	Unit	System Access	Distribution Access
Basic Charge	\$ per day	0.5463	0.3874
Variable Charge	\$/kWh of all energy	0.0146	0.0134

**Balancing
Pool
Allocation** A charge of \$0.00114/kWh of all energy effective from March 1, 2017.

**Transmission
Rider** Charge or credit for a charge or refund from the Alberta Electric System Operator for Demand Transmission Services which is not included in the System or Distribution Access charges.

**Local Access
Fee** Assessed as 12.93% of each and every component of the Distribution Access and the System Access Charges and is added to the customer's bill.

**Minimum
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Charge** Total Basic Charge (System Access plus Distribution Access), plus any applicable Local Access Fee.

APPENDIX "A"
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120/240 Volts, single phase, 3 wire;
120/208Y Volts, network, 3 wire;
120/208Y Volts, three phase, 4 wire;
347/600Y Volts, three phase, 4 wire.

**Distribution
Tariff**

	Unit	System Access	Distribution Access
Basic Charge	\$ per day	1.8951	1.2440
Variable Charge	\$/kWh of all energy	0.0126	0.0118

**Balancing
Pool
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APPENDIX "A"
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GENERAL SERVICE - RATE 64

Application Applies to commercial and industrial installations where service is taken at the voltage listed for Rate 63 but where the kVA Metered Demand is 50 kVA or greater.

Distribution Tariff	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per day	0.2286	0.1136
Variable Charge	\$/kWh of all energy	0.0129	0.0087

**Balancing
Pool
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APPENDIX "A"
Bylaw 3273/A-2017
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Rate 78 is also applicable to all customers who were billed on Rate 78 prior to December 31, 2000 regardless of the kVA Metered Demand.

**Distribution
Tariff**

	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per day	0.2593	0.0920
Variable Charge	\$/kWh of all energy	0.0144	0.0062

**Balancing
Pool
Allocation**

A charge of \$0.00114/kWh of all energy effective from March 1, 2017.

**Transmission
Rider**

Charge or credit for a charge or refund from the Alberta Electric System Operator for Demand Transmission Services which is not included in the System or Distribution Access charges.

**Local Access
Fee**

Assessed as 12.93% of each and every component of the Distribution Access and the System Access Charges and is added to the customer's bill.

**Minimum
Monthly
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Total Basic Charge (System Access plus Distribution Charge), plus any applicable Local Access Fee.

STREET LIGHT SERVICE - RATE 81

Application Applies to standard street light fixtures.

Distribution Tariff	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per day	0.3717	0.1882
Variable Charge	\$/kWh of all energy	0.0155	0.0118

Note: Demand and consumption values of individual fixtures will be established by the Electric Light & Power Manager and will be reviewed by the Electric Light & Power Manager from time to time.

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**Minimum
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TRAFFIC LIGHT SERVICE - RATE 82

Application Applies to standard traffic light systems.

Distribution Tariff	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per day	0.3895	0.2178
Variable Charge	\$/kWh of all energy	0.0162	0.0180

Note: Demand and consumption values of individual fixtures will be established by the Electric Light & Power Manager and will be reviewed by the Electric Light & Power Manager from time to time.

**Balancing
Pool
Allocation** A charge of \$0.00114/kWh of all energy effective from March 1, 2017.

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DISTRIBUTION GENERATION - RATE 83

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Distribution Tariff

	Unit	Distribution Access
Capacity Charge	\$/kW of peak output per day	0.0825
Variable Charge	\$/kWh of supplied energy	0.0057

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Transmission Charge As per the applicable supply tariff of the Transmission Administrator. This is a charge to the customer and is added to the customer's bill.

Transmission Credit $DTS \times \Sigma(A - B)$ where

DTS is the applicable demand tariff of the Transmission Administrator
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This is a credit to the customer and is calculated on a monthly basis.



January 23, 2017

Secondary Suites Review

Planning Department

Report Summary & Recommendation

At the July 18, 2016 Council meeting Councillor Lawrence Lee presented a Notice of Motion regarding secondary suites (Appendix I).

At the August 29, 2016 Council meeting the following resolution was passed:

Resolved that Council of The City of Red Deer hereby agrees to table the Notice of Motion Submitted by Councillor Lee Re: Secondary Suites for a period of up to twelve (12) weeks in order for Administration to undertake a review of the Location Criteria under which Secondary Suites are approved and further review the 15% standard in the context of the new neighbourhood guidelines and standards.

The City has been reviewing Secondary Suites since 2001. Secondary Suites are a housing form that supports multiple city policies.

Administration has completed the review and recommends:

1. Revisions to the Land Use Bylaw to clarify and define the existing Location Criteria; and
2. No change to the 15% allowable number of suites within a neighbourhood.

City Manager Comments:

I support the recommendation of Administration.

Craig Curtis
City Manager

Proposed Resolution:

Resolved that Council of The City of Red Deer hereby agrees to lift from the table consideration of the Notice of Motion Submitted by Councillor Lawrence Lee Re: Secondary Suites.

Resolved that Council of The City of Red Deer having considered the report from the Planning Department, dated January 23, 2017 re: Secondary Suites Review hereby agrees that no change be made to the 15% allowable number of suites within a neighbourhood and directs that administration bring back a Land Use Bylaw amendment clarifying and defining revisions to Location Criteria.



Report Details

Background:

During the July 18, 2016 Council Meeting, Councillor Lawrence Lee submitted a Notice of Motion (Appendix 1) to reduce the overall percentage of Secondary Suites within a given neighbourhood from 15% to 10% of the total number of detached dwelling units. Furthermore, Councillor Lee requested that the total number of Secondary Suites on any street be limited to no more than 10% of the total number of detached dwelling units on that street.

Secondary Suites as a use has evolved since 2001; Appendix 2 provides a summary of the changes that have occurred over the past 16 years.

This report provides the policy framework which guides implementation of secondary suites in the Land Use Bylaw, a review of the location criteria, review of 15% standard and proposed recommendations.

Policy Framework

The following policies guide Secondary Suites implementation in the Land Use Bylaw.

Municipal Development Plan

The City's Municipal Development Plan (MDP), Section 10, encourages housing diversity, while specifically referencing Secondary Suites:

10.4 Housing Forms: *The City shall encourage the creation of a wide variety of housing forms. This may include dwelling units in combination with compatible non-residential uses, live-work units and Secondary Suites.*

The MDP encourages higher density developments, and a range of housing types to accommodate a mix of age and income groups. Secondary Suites provide compatible increase in density with the existing developed footprint and provide housing variety.

Social Policy Framework

The City's Social Policy Framework (SPF) is a tool used for evaluating and addressing community needs. The purpose of the SPF is to help The City sustain the social well-being of the community. Among the community goals identified within the SPF is the ability to provide safe, accessible and affordable housing to all.

Environmental Master Plan

The City's Environmental Master Plan (EMP) centers on seven 'Focus Areas' used to measure The City's impact on the environment, as well as measure its progress in adapting sustainable practices. Among these seven Focus Areas is 'Built Environment', which aims to 'create vital, well-integrated compact communities that minimize negative environmental impacts'. In order to attain this goal, the EMP considers density a vital part of the strategy and believes in the intensification of existing and new neighbourhoods as these can reduce the need to expand services outwards whilst preserving existing ecosystems from development.

Affordable Housing



The implementation of the Affordable Housing Strategy in 2006 demonstrated that Secondary Suites provide an opportunity to not only offer a mix of housing types, but to also provide potentially more affordable housing options. Secondary Suites can provide affordability to both tenants who reside within them, and the homeowners who may need a mortgage supplement.

Neighbourhood Planning & Design Standards

New land use districts have emerged over the years to provide more residential options to Red Deerians, offering a mix of housing type. This is encouraged In Principle 6 within the City's Neighbourhood Planning and Design Standards (NPDS):

- **Standard 6.1:** *Housing Type and Mix: Incorporate a variety of at least four housing types to provide for housing choice and buying capacity of residents*
- **Standard 6.4:** *Housing Affordability: Incorporate a mix of housing that supports affordable housing opportunities within the neighbourhood. Opportunities may include (but not limited to) the following*
 - *Single family homes with Secondary Suites or other separate accommodation arrangements (e.g. garden suites).*

Land Use Bylaw

The LUB further implements and reiterates policy direction from the above stated statutory plan and planning tools. Part 4.7, Section 9, of The City's Land Use Bylaw (LUB), addresses Secondary Suites and the development regulations which guide them. Appendix 3 is an excerpt from the Secondary Suite section of the LUB.

In Section 4.7(9.8) of the LUB, it further lists location criteria for the Development Authority to consider in assessing suite applications. The location criteria are related to three general categories:

- 1) Design and accessibility
- 2) Location and number of suites in the area
- 3) Availability of parking.

Discussion:

Review of LUB Location Criteria

The Development Authority considers the location criteria to determine if the proposed location for the Secondary Suite is appropriate. Administration recognizes that the location criteria are often perceived as a mandatory exhaustive checklist and that some criteria could be clarified. The list is intended to clarify relevant planning considerations.

Administration is proposing modifications to subsection 4.7(9.8) to clarify which criteria are for consideration, which ones need to be met and also some additional criteria for evaluating parking and suite concentration.

The table below lists the proposed amendments to the existing location criteria.

Table 1: Existing Location Criteria and Proposed Changes

Existing Land Use Bylaw 9.8	Proposed Amendments
Discretion of Development Authority	Discretion of Development Authority



Existing Land Use Bylaw 9.8	Proposed Amendments
<p>(9.8) In making its decision on Discretionary Use applications the Development Authority may consider any relevant planning criteria including, but not limited to:</p> <p>(a) The design and accessibility of the area surrounding the Site, by virtue of the following:</p> <ul style="list-style-type: none"> (i) the Site is located on a Street that has more than one entrance/exit, (ii) the Site has access from a Lane, or , (iii) the Site is located in close proximity to a neighbourhood park or open space area, a neighbourhood commercial Site or a community trail/pathway system. <p>(b) The density of the area surrounding the Site, by virtue of any of the following:</p> <ul style="list-style-type: none"> (i) the developments in the area surrounding the Site consist largely of Detached Dwelling Units, (ii) the residential developments in the area surrounding the Site consist largely of a lot area minimum of 360.0 m², (iii) the number and location of Secondary Suites in the area surrounding the Site, or (iv) the number and location of Semi-detached Dwelling Units, Multiple Family Buildings, and Multi-attached Buildings in the area surrounding the Site. <p>(c) The availability of on-Street parking, by virtue of the following:</p>	<p>(9.8) In making its decision on Discretionary Use applications the Development Authority may consider any relevant planning criteria including, but not limited to:</p> <p>(a) <u>The design and accessibility of the Site, must adhere to one of the following:</u></p> <ul style="list-style-type: none"> (i) The Site is located on a Street that has more than one entrance/exit, (ii) The Site has access from a Lane, or (iii) Corner Site locations <p>(b) <u>The design and accessibility of the area surrounding the Site, in consideration of the following:</u></p> <ul style="list-style-type: none"> (iii) The Site is located in close proximity to a neighbourhood park or open space area, a neighbourhood commercial Site or a community trail/pathway system <u>that can provide additional on-street parking options.</u> <p>(c) The density of the area surrounding the Site, <u>in consideration of the following:</u></p> <ul style="list-style-type: none"> (i) the developments in the area surrounding the Site consist largely of Detached Dwelling Units, (ii) the residential developments in the area surrounding the Site consist largely of a lot area minimum of 360.0 m², (iv) the number and location of Secondary Suites: <ul style="list-style-type: none"> - Within 100 metres; - Within a block; - Within a street; and - Within a row of housing., or (iv) the number and location of Semi-detached Dwelling Units, Multiple Family Buildings, and Multi-attached Buildings in the area surrounding the Site.



Existing Land Use Bylaw 9.8	Proposed Amendments
<p>(i) Corner Site locations,</p> <p>(ii) residential development located on only one side of the Street and where parking is allowed on the other side,</p> <p>(iii) a Side Boundary of the Site abuts a Municipal Reserve Site, in which on-Street parking is allowed, which is not less than 10.0 m wide.</p> <p>(iv) any portion of the Front Boundary of the Site is located across the Street from a Site zoned (PS) Public Service District or from a Municipal Reserve Site either of which is not less than 10.0 m wide, or</p> <p>(v) a Side Boundary or Rear Boundary of the Site abuts, or is within 10.0 m of the Boundary of a Site zoned Commercial or Industrial.</p>	<p>(d) The availability of on-Street parking, in consideration of the following:</p> <p>(i) Corner Site locations,</p> <p>(ii) Residential development located on only one side of the Street and where parking is allowed on the other side, <u>or where adjacent residential development does not consist largely of front attached garages and driveways.</u></p> <p>(iii) a Side Boundary of the Site abuts a Municipal Reserve Site, in which on-Street parking is allowed, which is not less than 10.0 m wide.</p> <p>(iv) any portion of the Front Boundary of the Site is located across the Street from a Site zoned (PS) Public Service District or from a Municipal Reserve Site either of which is not less than 10.0 m wide, or</p> <p>(v) a Side Boundary or Rear Boundary of the Site abuts, or is within 10.0 m of the Boundary of a Site zoned Commercial or Industrial.</p>

15% Standard Review

According to the 2016 Municipal Census, secondary suites provide a housing option for 1,303 residents in the city. There are 23,381 total detached dwellings in the city and 1,000 (4.28%) of those dwellings contain suites.

The intent of the Neighbourhood Planning and Design Standards (NPDS) Principle 6-Housing Opportunity and Choice is to provide a mixture of buildings, unit sizes and housing types in a neighbourhood. The housing options provide choice within the neighbourhood, appealing to a range of incomes, family types and opportunities for ‘aging in place’.

Developers are required to have a minimum of four different housing types in a neighbourhood. Secondary suites are primarily permitted in detached dwellings. Standard 6.1 does not include secondary suites as a separate housing type because they are not specifically zoned and are not guaranteed to be developed.

Secondary suites are more affordable to develop than carriage homes and can be applied for in existing and new neighbourhoods. Carriage homes require separate servicing and a larger lot. They are also only currently permitted in newer neighbourhoods.



Currently, section 4.7(9.5) of the LUB provides a 15% maximum density for Secondary Suites in a neighbourhood:

Whether it is listed as a Permitted Use or a Discretionary Use, a Secondary Suite may not be developed in any applicable Residential District if such development would increase the number of Secondary Suites in a neighbourhood beyond 15% of the total number of Detached Dwelling Units in that neighbourhood. For the purpose of this section, the Secondary Suite Neighbourhood Zone Boundaries shall be the boundaries as illustrated on Figure 3A.

As a neighbourhood matures, there is the potential to exceed the 15% Secondary Suite maximum. For instance, this occurs where a single detached dwelling is replaced with a multi-family dwelling and the total number of single detached dwellings is decreased. In neighbourhoods over or at the 15%, additional secondary suites would not be allowed until such time as the calculation is less than 15%.

The Inspections and Licensing Department receives approximately four to eight emails or phone calls regarding Secondary Suites every month. Of these, many pertain to the legality of a Suite, and up to two of these inquiries warrant an inspection. It is very seldom that one of these inspections results in the discovery of an illegal suite. In some instances, the feedbacks received are duplicates from previous years or months.

Administration considers the majority of the remaining feedback to be user related issues that are addressed under the Community Standards Bylaw rather than under the purview of the Land Use Bylaw (LUB). Current feedback The City has received in regards to user-related issues can be addressed through existing tools and community initiatives. Refer to Appendix 4. Among these is the Community Standards Bylaw which examines conflicts related to noise, nuisances and unsightly premises. The City has currently partnered with other municipalities to undertake a review of the Community Standards Bylaw. Public feedback such as those related to traffic congestion, noise, or crowded street parking are difficult to attribute specifically to secondary suites.

In addition, The City's "Great Neighbourhoods Program" includes initiatives such as Block Parties and "Great Neighbour Month" every year during the month of May, to encourage amicable neighbourhood relations. Furthermore, Red Deer & District FCSS hired a Community Mobilizer to launch a "Great Neighbours" project that focuses on helping people get to know their immediate neighbours. The City's Community Facilitators are also available to help facilitate community meetings and gatherings to offer support and assist in the evolution of community associations in neighbourhoods. Many of these tools can be used by community members experiencing user related issues with their neighbours.

Analysis:

Administration is proposing modifications to subsection 4.7(9.8) to clarify which criteria are for consideration, which ones need to be met and also some additional criteria for evaluating parking and suite concentration. These modifications may help in mitigating some of the potential traffic, parking, and suite concentration concerns.

To provide further clarity, Administration proposes amendments to the existing LUB Location Criteria for further evaluation of parking and suite concentration.



In regards to the 15% neighbourhood maximum on Secondary Suites, Administration submits that this regulation aligns with The City's statutory plans as well as numerous other guiding documents including the NPDS. The majority of the feedback administration receives on secondary suites is related to occupants as opposed to the land-use itself. A majority of the occupant related issues can be addressed through the ongoing revision of the Community Standards Bylaw.

In summary administration has completed the review and recommends:

1. Revisions to the Land Use Bylaw to clarify and define the existing Location Criteria; and
2. No change to the 15% allowable number of suites within a neighbourhood.

Appendix 1: *July 18, 2016 Notice of Motion*

At the July 18, 2016 Council Meeting, Councillor Lawrence Lee submitted a Notice of Motion regarding Secondary Suites. The following page contains this Notice of Motion in full.

Whereas secondary suites provided an alternative housing option particularly during the economic upswing when housing options were limited but are less required and desired now that a greater variety of housing options are routinely available; and

Whereas the principle of multi-neighbourhood design allows for flexible housing choices; and

Whereas secondary suites are allowed on a discretionary basis in single family homes located in a R1, R1A, R2, R3 and C1 residential districts and are permitted uses in some areas subject to location criteria; and

Whereas secondary suites are dwelling units that are located with a primary dwelling unit, where both units are registered under the same land title; and

Whereas currently 15% of the total number of detached dwelling units within a neighbourhood are permitted to have secondary suites, without limitations to the number on a specific street or area; and

Whereas this can result in clustering of secondary suites resulting in neighbourhood impacts in terms of density, noise, traffic, parking, etc.;

Now therefore be it resolved that the overall percentage of secondary suites within a given neighbourhood be reduced to 10% of the total number of detached dwelling units; and

Further be it resolved that the total of secondary suites on any street be limited to no more than 10% of the total number of detached dwelling units on that street.

Appendix 2: Secondary Suites Summary of Changes

Secondary Suites as a use have undergone numerous changes since 2001. The following pages provide a summary of those changes

Prior to 2001

- The City allows Secondary Suites only in certain residential districts.

2001

- The City begins to allow Secondary Suites to be developed within new neighbourhoods on sites that have been pre-identified in approved Neighbourhood Area Structure Plans (NASP).

2006

- The City of Red Deer's 2006 Affordable Housing Strategy identifies a need for more housing choice and recommends that The Use Bylaw be amended to allow for Secondary Suites throughout the community (in both established and new neighbourhoods) for the following reasons:
 - ♦ Secondary Suites will add additional dwelling units within existing housing stock;
 - ♦ Add lost populations back into older neighbourhoods;
 - ♦ Are a sustainable form of development as they increase urban densities, utilize existing municipal infrastructure (streets, utilities, schools, etc.), help reduce land consumed by new residential developments; and
 - ♦ Offer a more affordable alternative form of housing for both the resident(s) of the Secondary Suite and the homeowner(s).
- The City engages Western Management Consultants to consult with the larger community and defined stakeholders to determine how Secondary Suites should be managed in the future.

2007

- The Province upgrades The Fire Code, Building Code and the Safety Code Act with regard to Secondary Suites.

2008

- Following the final report from Western Management Consultants which contained recommended strategies specific to the regulation of Secondary Suites, the Secondary Suites Steering Committee was formed, consisting of City Staff.

2009

- The Steering Committee worked through 2008/2009 to review the Consultant's findings, and drafted a LUB amendment which at that time, called for a 20% cap per neighbourhood. The rationale for providing a 20% cap was that it:
 - ♦ allowed for double the then 10% maximum number of suite lots that were allowed to be pre-identified in existing NASPs;
 - ♦ allowed established neighbourhoods, without a NASP, the opportunity to construct suites in up to 20% of the total detached dwelling units in a neighbourhood;
 - ♦ provided limit and balance to the allowable number of suites in a neighbourhood; and
 - ♦ allowed for a proactive, although limited, approach to the implementation of The City's Affordable Housing Strategy.
- On November 14, 2009, Council gave first reading to Bylaw 3357/Z – 2009, as presented.
- On December 14, 2009, Council considered 2nd and 3rd reading of Land Use Bylaw 3357/Z-2009. The minutes show an amending resolution was proposed, reducing the neighbourhood cap from 20% to 10%. This motion was defeated. Following this, an additional amending

resolution was introduced, reducing the neighbourhood cap from 20% to 15%. This motion was carried and the bylaw was adopted.

2010

- The Secondary Suite Ad Hoc Committee was formed. The Committee consisted of two members of Council, five citizens-at-large and two non-voting staff resource liaisons. The mandate of the committee was to:
 - ♦ “provide insight, advice and potential changes to administration on matters relating to the current land use bylaw and development permit application processes respective to Secondary Suites”
- Ad Hoc Committee Terms of Reference included direction that the evaluation report should include “assessment relative to the maximum 15% limitation cap.” In August 2010, resolutions came forward from the Ad Hoc Committee and MPC that suggested Secondary Suite numbers, location and density could be addressed using a method involving defined circles or block designations with a 15% limit. This approach was problematic, as circles would often overlap and block boundaries were difficult to determine.

2011

- On May 2, 2011, LUB Amending Bylaw 3357/B-2011 was passed. Among numerous changes, Bylaw 3357/B-2011 added a Purpose Statement which was a clear indication that the condition of a Secondary Suite property or the behaviour of its occupants are not to be considered by the Development Authority, but rather by the Community Standards Bylaw.

2012

- In April of 2012, the Ad Hoc Committee was dissolved having fulfilled their mandate.
- The Inspections & Licensing department had been processing a steady number of Development Permit applications for Secondary Suites. Between 2012 – 2016, 213 Development Permit applications for suites had been approved. The LUB amendments from 2011 guided Administration in making decisions on these applications.

Appendix 3: *Land Use Bylaw Secondary Suites*

City of Red Deer Land Use Bylaw 3357/2006

- (ix) a home occupation may be accommodated in a private garage, provided however, that it does not prevent the continued use of the garage for the intended purpose of parking motor vehicles and that the parking requirements of any bylaw continue to be met,
 - (x) an accessory building may not be constructed or used for the sole purpose of a home occupation,
 - (xi) a home occupation which is allowed as a permitted use shall not generate additional traffic subsequent to the date of approval.
- (k) Notwithstanding section 4.7 (8)(a) or any other provision of this Bylaw, the holder of a home occupation license (the “Licensee”) may hold one retail sale or open house per year from the premises in which the home occupation is located, subject to the following conditions:
- (i) the Licensee shall notify the Development Officer two weeks prior to the date of the proposed sale,
 - (ii) the sale may run for one day only,
 - (iii) admission to the sale shall be by invitation only and the sale may not be generally advertised, and
 - (iv) the retail sale of goods shall be restricted to products produced in the home, for which the licensee is a licensed home occupation.

9. ¹Secondary Suite Use Provisions and Development Regulations

General Purpose

- (9.1) The purpose of this section is to regulate Secondary Suites. Approved Secondary Suites are to be located within Detached Dwelling Units in residential neighbourhoods and are intended to provide an integrated residential use that is secondary to the primary Detached Dwelling Unit in order to:
- (a) create more supply and choice in the range of housing options;
 - (b) create additional Dwelling Units that meet applicable fire and building codes;
 - (c) create more affordable home ownership and rental accommodation; and

¹ 3357/Z-2009, 3357/S-2010, 3357/B-2011, 3357/N-2015

City of Red Deer Land Use Bylaw 3357/2006

- (d) provide an opportunity for increasing neighbourhood populations and densities.

Use Provisions

(9.1.1) A Secondary Suite is only allowed in a Detached Dwelling Unit.

(9.2) ¹Where a Secondary Suite is shown as a permitted use in a Detached Dwelling Unit in the R1, R1A, R1C and R2 Residential Districts, it is allowed only:

- (a) On a Site identified for a Secondary Suite in a Neighbourhood Area Structure Plan adopted before January 1, 2010; or
- (b) On a Site located within a Neighbourhood Area Structure Plan adopted after January 1, 2010, provided that the Site has a Lane, that the primary Dwelling Unit is not developed with a zero lot line and that the Site meets one of the following requirements:
- (i) it is a Corner Site; or
 - (ii) the Site is on a Street containing residential development on only one side of the Street; or
 - (iii) any portion of the Front Boundary of the Site is located directly across the Street from a Site zoned (PS) Public Service District or from a Municipal Reserve Site, either of which is not less than 10.0 m wide; or
 - (iv) a Side Boundary of the Site abuts a Municipal Reserve parcel which is not less than 10.0 m wide; or
 - (v) a Side Boundary or Rear Boundary of the Site abuts, or is within 10.0 m of the Boundary of a Site in a Commercial or Industrial District; or
 - (vi) a Side Boundary of the Site abuts a Site zoned as R2 or R3.

(9.3) ²A Secondary Suite is a Discretionary Use in a Detached Dwelling Unit in any R1, R1A, R1C, R1WS, 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 December 14, 2009 in any

¹3357/L-2013

²3357/L-2013

City of Red Deer Land Use Bylaw 3357/2006

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 September 1, 2010.
- (9.5) Whether it is listed as a Permitted Use or a Discretionary Use, a Secondary Suite may not be developed in any applicable Residential District if such development would increase the number of Secondary Suites in a neighbourhood beyond 15% of the total number of Detached Dwelling Units in that neighbourhood. For the purpose of this section, the Secondary Suite Neighbourhood Zone Boundaries shall be the boundaries as illustrated on Figure 3A.
- (9.6) Notwithstanding that a Secondary Suite may be listed as a Permitted Use or Discretionary Use in a district, such use is only allowed if the Secondary Suite meets the following requirements, which shall not be varied by the Development Authority:
- (a) Except as allowed by section 4.7(9)(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 Dwelling Unit;
 - (c) A Secondary Suite is not allowed in an Accessory Building; and
 - (d) A Secondary Suite and a Discretionary Use Home Occupation are not allowed in the same detached Dwelling Unit.
- (9.7) Before the Development Authority considers an application for a Secondary Suite, all landowners located within 100m of the Boundary of the Site on which the proposed Secondary Suite is to be located must have been notified by the Development Officer of the application.

Discretion of Development Authority

- (9.8) In making its decision on Discretionary Use applications the Development Authority may consider any relevant planning criteria including, but not limited to:
- (a) The design and accessibility of the area surrounding the Site, by virtue of the following:

City of Red Deer Land Use Bylaw 3357/2006

- (i) the Site is located on a Street that has more than one entrance/exit,
 - (ii) the Site has access from a Lane, or ,
 - (iii) the Site is located in close proximity to a neighbourhood park or open space area, a neighbourhood commercial Site or a community trail/pathway system.
- (b) The density of the area surrounding the Site, by virtue of any of the following:
- (i) the developments in the area surrounding the Site consist largely of Detached Dwelling Units,
 - (ii) the residential developments in the area surrounding the Site consist largely of a lot area minimum of 360.0 m²,
 - (iii) the number and location of Secondary Suites in the area surrounding the Site, or
 - (iv) the number and location of Semi-detached Dwelling Units, Multiple Family Buildings, and Multi-attached Buildings in the area surrounding the Site.
- (c) The availability of on-Street parking, by virtue of the following:
- (i) Corner Site locations,
 - (ii) residential development located on only one side of the Street and where parking is allowed on the other side,
 - (iii) a Side Boundary of the Site abuts a Municipal Reserve Site, in which on-Street parking is allowed, which is not less than 10.0 m wide. .
 - (iv) any portion of the Front Boundary of the Site is located across the Street from a Site zoned (PS) Public Service District or from a Municipal Reserve Site either of which is not less than 10.0 m wide, or
 - (v) a Side Boundary or Rear Boundary of the Site abuts, or is within 10.0 m of the Boundary of a Site zoned Commercial or Industrial.

City of Red Deer Land Use Bylaw 3357/2006

- (9.9) In making its decision on a Secondary Suite, the Development Authority shall not consider the condition of the property or the behaviour of the occupants of the property, as these matters are enforced through the Community Standards Bylaw and other legislation.

Discretion of Development Officer

- (9.10) The Development Officer may issue a decision on a Discretionary Use Secondary Suite application if:
- (a) No relevant planning objection has been received from the 100m landowner consultation process; and
 - (b) The application meets all requirements of the Land Use Bylaw..

Development Regulations

- (9.11) The following regulations apply to all Permitted Use and Discretionary Use Secondary Suites, unless varied by the Development Authority:
- (a) The Secondary Suite must have its own exterior entrance, which can be located on a side or rear elevation of the Building, but shall not be located on a front elevation of a Building facing a Street. Notwithstanding this, a shared entry door providing access to an enclosed shared landing area from which both the primary Dwelling Unit and Secondary Suite take access, may be located on a front elevation of a Building facing a 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:
 - (i) a Secondary Suite with two or fewer bedrooms shall provide one off-street parking space;
 - (ii) a Secondary Suite with three or more bedrooms shall provide two off-street parking spaces;
 - (iii) the parking spaces for the Secondary Suite shall not be in tandem with the parking spaces required for the primary

 City of Red Deer Land Use Bylaw 3357/2006

Dwelling Unit, however, if two parking spaces are required for the Secondary Suite, these can be arranged in tandem with each other.

- (iv) parking spaces for the Secondary Suite shall be available for the exclusive and unrestricted use of the occupant(s) of the Secondary Suite,
- (v) all parking spaces to be developed to a Minimum Gravel Parking Standard;
- (vi) parking spaces for a Secondary Suite must be located in one of the following locations:
 - (1) in an attached or detached Garage or on its driveway,
 - (2) in the Rear Yard, or
 - (3) in the Side Yard to the rear of the Front Yard.
- (vii) on lots where the parking space for a Secondary Suite cannot be provided in the location described in subsection (vi), the Development Authority may allow the parking space(s) to be located within the Front Yard provided that
 - (1) a minimum of 25% of the Front Yard remains landscaped,
 - (2) the parking spaces for the Secondary Suite are not in tandem with the parking spaces for the Primary Dwelling Unit; and
 - (3) the parking space is developed to the satisfaction of the Development Authority.
- (vii) ¹a hard surfaced walkway shall be provided between any Secondary Suite parking space(s) and the primary Dwelling unit in which the Secondary Suite is located.

¹ 3357/E-2014

Appendix 4: Public Feedback and The Tools to Address

Appendix 4: **Public Feedback & The Tools to Address**

Public Concern	Land Use Bylaw	Community Standards Bylaw 3383/2007	Other
Traffic congestion in the neighbourhood	N/A	N/A	The City's Engineering Department is responsible for determining the traffic capacity of streets. Such concerns are directed to the Engineering Department for review and follow-up
Parking on the street	On-street parking is a Location Criteria considered in the processing of Secondary Suite applications	N/A	N/A
Noise	N/A	Part 1 of the Bylaw addresses noise	N/A
Transient tenants	N/A	N/A	The City regulates land use, not users.
Tenant conduct	N/A	Part 1, 2 & 3 of the Bylaw address noise, nuisance and unsightly premises, and fighting and loitering	N/A
Unsightly properties	N/A	Part 2 of the Bylaw addresses unsightly premises	N/A



Originally Submitted to the
November 21, 2016 Council
Meeting.

November 10, 2016

Notice of Motion Submitted by Councillor Lawrence Lee Re: Secondary Suites

Legislative Services

Report Summary & Recommendation:

Summary:

The attached report is being brought forward from the Monday, August 29, 2016 City Council meeting.

Recommendation:

That Council consider lifting from the table the Notice of Motion Submitted by Councillor Lawrence Lee Re: Secondary Suites.

Proposed Resolution:

Resolved that Council of The City of Red Deer hereby agrees to lift from the table consideration of the Notice of Motion Submitted by Councillor Lawrence Lee Re: Secondary Suites.

Resolved that Council of The City of Red Deer having considered the Notice of Motion as presented by Councillor Lawrence Lee on August 15, 2016 and the related report submitted by the Planning Department dated November 21, 2016 re: Secondary Suites hereby agrees that:

1. Revisions to the Land Use Bylaw be made to clarify and better define the existing location criteria and to create a list of "Priority Criteria";
2. No change be made to the 15% allowable number of suites within a neighbourhood; and
3. A Departmental Administrative Policy be developed to create consistency when reviewing applications for Secondary Suites and to provide support for the Development Authority's decisions.



Report Details

Background:

At the Monday, August 15, 2016 Council Meeting, the following Notice of Motion was introduced by Councillor Lawrence Lee:

Whereas secondary suites provided an alternative housing option particularly during the economic upswing when housing options were limited but are less required and desired now that a greater variety of housing options are routinely available; and

Whereas the principle of multi-neighbourhood design allows for flexible housing choices; and

Whereas secondary suites are allowed on a discretionary basis in single family homes located in a R1, R1A, R2, R3 and C1 residential districts and are permitted uses in some areas subject to location criteria; and

Whereas secondary suites are dwelling units that are located with a primary dwelling unit, where both units are registered under the same land title; and

Whereas currently 15% of the total number of detached dwelling units within a neighbourhood are permitted to have secondary suites, without limitations to the number on a specific street or area; and

Whereas this can result in clustering of secondary suites resulting in neighbourhood impacts in terms of density, noise, traffic, parking, etc.;

Now therefore be it resolved that the overall percentage of secondary suites within a given neighbourhood be reduced to 10% of the total number of detached dwelling units; and

Further be it resolved that the total of secondary suites on any street be limited to no more than 10% of the total number of detached dwelling units on that street.



August 17, 2016

Notice of Motion – Secondary Suites

Legislative Services

Originally Submitted to the
August 29, 2016 Meeting of
Council.

Report Summary & Recommendation:

This Notice of Motion was submitted by Councillor Lawrence Lee at the Monday, July 18, 2016 Council meeting and was tabled at the Monday, August 15, 2016 Council Meeting.

City Manager Comments:

I support the recommendation of Administration.

Craig Curtis City Manager

Proposed Resolution

Whereas secondary suites provided an alternative housing option particularly during the economic upswing when housing options were limited but are less required and desired now that a greater variety of housing options are routinely available; and

Whereas the principle of multi-neighbourhood design allows for flexible housing choices; and

Whereas secondary suites are allowed on a discretionary basis in single family homes located in a R1, R1A, R2, R3 and C1 residential districts and are permitted uses in some areas subject to location criteria; and

Whereas secondary suites are dwelling units that are located with a primary dwelling unit, where both units are registered under the same land title; and

Whereas currently 15% of the total number of detached dwelling units within a neighbourhood are permitted to have secondary suites, without limitations to the number on a specific street or area; and

Whereas this can result in clustering of secondary suites resulting in neighbourhood impacts in terms of density, noise, traffic, parking, etc.;

Now therefore be it resolved that the overall percentage of secondary suites within a given neighbourhood be reduced to 10% of the total number of detached dwelling units; and

Further be it resolved that the total of secondary suites on any street be limited to no more than 10% of the total number of detached dwelling units on that street.



Report Details

Background:

The following is the Notice of Motion as presented by Councillor Lawrence Lee at the Monday, July 18, 2016 meeting of Red Deer City Council.

Whereas secondary suites provided an alternative housing option particularly during the economic upswing when housing options were limited but are less required and desired now that a greater variety of housing options are routinely available; and

Whereas the principle of multi-neighbourhood design allows for flexible housing choices; and

Whereas secondary suites are allowed on a discretionary basis in single family homes located in a R1, R1A, R2, R3 and C1 residential districts and are permitted uses in some areas subject to location criteria; and

Whereas secondary suites are dwelling units that are located with a primary dwelling unit, where both units are registered under the same land title; and

Whereas currently 15% of the total number of detached dwelling units within a neighbourhood are permitted to have secondary suites, without limitations to the number on a specific street or area; and

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Further be it resolved that the total of secondary suites on any street be limited to no more than 10% of the total number of detached dwelling units on that street.