

## AGENDA



FOR THE *REGULAR MEETING OF RED DEER CITY COUNCIL*

TO BE HELD IN THE COUNCIL CHAMBERS, CITY HALL

*MONDAY, DECEMBER 3, 2001*

COMMENCING AT *4:30 P.M.*



- (1) Confirmation of the Minutes of the regular meeting of Monday, November 19, 2001.

Page #

- (2) **UNFINISHED BUSINESS**

- (3) **PUBLIC HEARINGS**

1. City Clerk – re: *Deer Park Davenport:*

- (a) *Neighbourhood Area Structure Plan Amendment  
Bylaw 3217/E-2001  
(Consideration of 2<sup>nd</sup> & 3<sup>rd</sup> Readings of the Bylaw)*

- (b) *Land Use Bylaw Amendment 3156/QQ-2001 / Deer  
Park (Davenport) Neighbourhood / Rezoning of Land  
From A1 Future Urban Development District to R1  
Residential Low Density District / Parkside Holdings  
Ltd.  
(Consideration of 2<sup>nd</sup> & 3<sup>rd</sup> Readings of the Bylaw)*

. .1

2. City Clerk – re: *Re: Land Use Bylaw Amendment 3156/RR-2001 / Proposed Redistricting of Lots 1 to 4, Block 2, Plan 8324 ET from R2 Residential (Medium Density) District to R3 Residential (Multiple Family) District / Meadowglen Developments Ltd.*  
(Consideration of 2<sup>nd</sup> & 3<sup>rd</sup> Readings of the Bylaw) . .8
  
3. City Clerk –re: *Lancaster South Neighbourhood (Lancaster Green)*
  - (a) *Neighbourhood Area Structure Plan Amendment Bylaw 3217/F-2001 / (Consideration of 2<sup>nd</sup> & 3<sup>rd</sup> Readings of the Bylaw)*
  
  - (b) *Land Use Bylaw Amendment 3156/SS-2001 / Rezoning of Land from A1 Future Urban Development District to PS Public Service District / Lancaster South / City of Red Deer*  
(Consideration of 2<sup>nd</sup> & 3<sup>rd</sup> Readings of the Bylaw) . .34
  
4. City Clerk – re: *Central Alberta Women’s Emergency Shelter (CAWES) / Request to Lease – Lane Way, Plan 6990 ET / Road Closure Bylaw 3291/2001* (Consideration of 2<sup>nd</sup> & 3<sup>rd</sup> Readings of the Bylaw) . .44

(4) **REPORTS**

1. Recreation, Parks & Culture Manager, City of Red Deer & Director of Community and Planning Services, Red Deer County – re: *Partnership – Recreation Fees* . .50
  
2. Director of Development Services – re: *Chiles Development – SW 3-39-27-W4 / Extension of Time on Conditions of Agreement Pertaining to Sewer Connections* . .54
  
3. Community Services Director & Recreation Parks & Culture Manager – re: *River Bend Golf and Recreation Society Development Needs* . .60

4. (a) Community Services Director - re: **2001 RCMP Budget Issues**
- (b) Director of Corporate Services - re: **Police Department Budget Variance** . .62A
  
- (5) **CORRESPONDENCE**
  
- (6) **PETITIONS AND DELEGATIONS**
  
- (7) **NOTICES OF MOTION**
  
- (8) **WRITTEN INQUIRIES**
  1. Councillor Dennis Moffat -re: **Gasoline Prices within Red Deer** . .63
  
- (9) **BYLAWS**
  1. **3217/E-2001** - Deer Park (Davenport) Neighbourhood Area Structure Plan Amendment (2<sup>nd</sup> & 3<sup>rd</sup> Readings) . .66  
. .1
  
  2. **3156/QQ-2001** - Land Use Bylaw Amendment - Deer Park (Davenport) Neighbourhood / Rezoning of Land From A1 Future Urban Development District to R1 Residential Low Density District / Parkside Holdings Ltd. (2<sup>nd</sup> & 3<sup>rd</sup> Readings) . .79  
. .1
  
  3. **3156/RR-2001** - Land Use Bylaw Amendment - / Proposed Redistricting of Lots 1 to 4, Block 2, Plan 8324 ET from R2 Residential (Medium Density) District to R3 Residential (Multiple Family) District / Meadowglen Developments Ltd. (2<sup>nd</sup> & 3<sup>rd</sup> Readings) . .81  
. .8



**DATE:** November 6, 2001

**TO:** City Council

**FROM:** City Clerk

**RE:** 1) Bylaw 3217/E-2001 – Deer Park Davenport  
Neighbourhood Area Structure Plan Amendment  
2) Land Use Bylaw Amendment 3156/QQ-2001  
Deer Park (Davenport) Neighbourhood

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***History***

At the Monday, November 5, 2001 meeting of Council, Deer Park Davenport Neighbourhood Area Structure Plan Amendment Bylaw 3217/E-2001 and Land Use Bylaw Amendment 3156/QQ-2001 were given first readings.

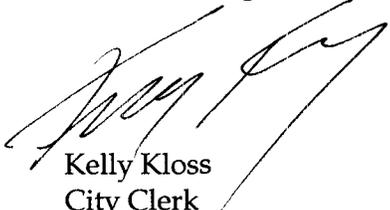
Deer Park Davenport Neighbourhood Area Structure Plan Amendment Bylaw 3217/E-2001 consists of the addition of a lane around a portion of a future cul-du-sac located along the south boundary of the neighbourhood. The identification of a minor walkway along Dakin Street/Dowd Close is also being removed from the plan as a formal walkway connection to the major trail along the west side of 20 Avenue is no longer possible due to a future 2.5m high berm that will be located along this side of 20 Avenue. No changes are proposed to the central park/school site or to any of the developed areas within this new neighbourhood. Land Use Bylaw Amendment 3156/QQ-2001 redesignates  $\pm$  2.075 ha (5.13 acres) of land from A1 Future Urban Development District to R1 Residential Low Density District in order to permit the development of 30 single family lots.

***Public Consultation Process***

A Public Hearing has been advertised for the above noted bylaws to be held on Monday, December 3, 2001 at 7:00 p.m. in the Council Chambers during Council's regular meeting. The owners of the properties and those bordering the site have been notified by letter of the Public Hearing.

***Recommendations***

That following the Public Hearing, Council may proceed with 2<sup>nd</sup> and 3<sup>rd</sup> readings of the bylaws.



Kelly Kloss  
City Clerk

/chk



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**DATE:** October 24, 2001  
**TO:** CITY CLERK  
**RE:** **BYLAW 3217/E-2001 - DEER PARK DAVENPORT  
NEIGHBOURHOOD AREA STRUCTURE PLAN AMENDMENT**

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In accordance with Section 3.1.3.7 of the *City's Planning and Subdivision Guidelines*, all Neighbourhood Area Structure Plan amendments must be forwarded to City Council for consideration of approval.

### **Background**

Al-Terra Engineering Ltd. on behalf of the developer Parkside Holdings Ltd. has requested an amendment to the existing Deer Park Davenport Neighbourhood Area Structure Plan (NASP). The proposed NASP amendment consists of the addition of a lane around a portion of a future cul-du-sac located along the south boundary of the neighbourhood. The identification of a minor walkway along Dakin Street/Dowd Close is also being removed from the plan as a formal walkway connection to the major trail along the west side of 20 Avenue is no longer possible due to a future 2.5m high berm that will be located along this side of 20 Avenue. No changes are proposed to the central park/school site or to any of the developed areas within this new neighbourhood.

This Neighbourhood Area Structure Plan (NASP) amendment has been processed in accordance with the City's *Planning and Subdivision Guidelines*. Neighbourhood Area Structure Plans or amendments thereto, when approved by City Council form the basis for future zoning, subdivision and development decisions for the area. The proposed Davenport NASP amendment is supported by all referral agencies/City Departments and fully conforms with the City's Municipal Development Plan, East Hill Major Area Structure Plan, the Community Services Master Plan and the City/County Intermunicipal Development Plan.

### **Neighbourhood Public Meeting**

Pursuant to Section 3.1.3.5 of the City's *Planning and Subdivision Guidelines*, no neighbourhood public meeting was required due to the minor nature of the proposed amendments.

### **Planning Analysis**

The proposed NASP amendment is considered inconsequential as the lane addition is in an undeveloped area of the Davenport neighbourhood and will be self-contained as part of a residential cul-du-sac that the lane will connect with. The lane addition will not affect, impact or connect with any adjoining future development. The adjoining lands are also still undeveloped.

Deletion of the "identification" of the minor walkway is also viewed as being inconsequential as the City's normal sidewalk/walkway design standards would automatically still facilitate this community pedestrian routing. Due to a future 2.5m high berm to be constructed along the west side of 20 Avenue, an actual physical break in the berm at this point would compromise the integrity of this sound attenuation device.

City Clerk  
Bylaw 3217/E-2001 - Deer Park Davenport NASP Amendment  
Page 2

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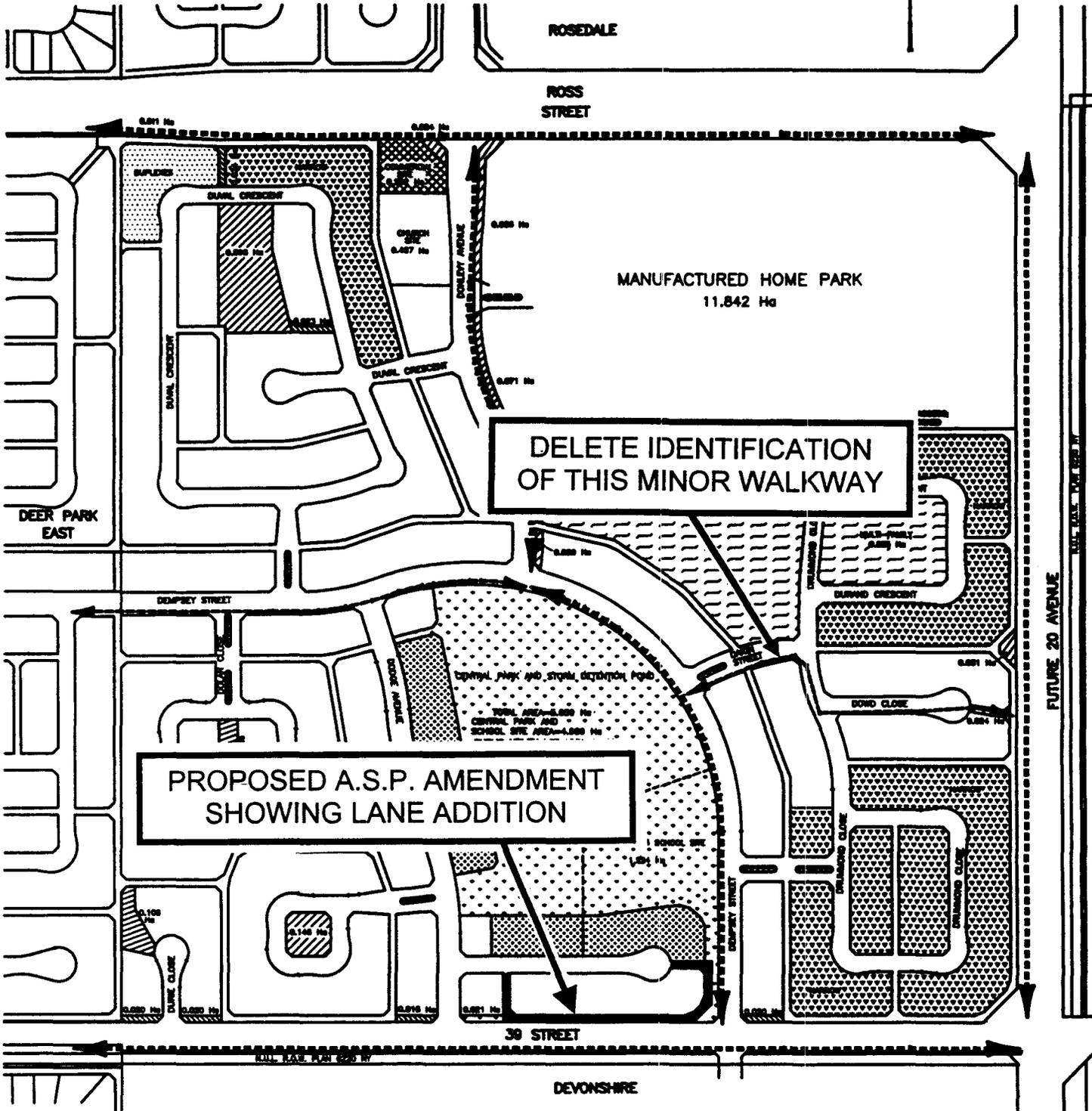
The City's Municipal Planning Commission reviewed the proposed Deer Park Davenport Neighbourhood Area Structure Plan amendment and recommends that City Council supports and approves the Plan amendment.

**Recommendation**

Planning staff recommend that City Council proceed with first reading of Bylaw 3217/E-2001, being the Bylaw to adopt the amended Deer Park Davenport Neighbourhood Area Structure Plan.

  
\_\_\_\_\_  
Tony J. Lindhout ACP, MCIP  
PLANNER

# DAVENPORT AREA STRUCTURE PLAN



## FIGURE 4 DEVELOPMENT CONCEPT

SCALE 1:5000

- LEGEND:
- SINGLE FAMILY - DETACHED (R1)
  - SINGLE FAMILY - NARROW (R1-N)
  - SEMI-DETACHED (DUPLEXES) (R1-A)
  - MULTI-FAMILY (R2/R3)
  - TWO STOREY WALKOUT BASEMENTS (R1)
  - CENTRAL PARK
  - COMMERCIAL
  - PUBLIC UTILITY LOTS
  - WALKWAYS AND LOCAL PARKS
  - MAJOR WALKWAYS AND BIKE PATHS
  - MINOR WALKWAYS AND BIKE PATHS

**AL-TERRA**  
ENGINEERING LTD.

**DATE: October 10, 2001**  
**TO: City Council**  
**FROM: Municipal Planning Commission**  
**RE: Deer Park Davenport Neighbourhood Area Structure Plan Amendment**

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Al-Teera Engineering Ltd. on behalf of Parkside Holdings Ltd. has requested an amendment to the existing Deer Park Davenport Neighbourhood Area Structure Plan (NASP) to provide for the addition of a lane around a portion of a future cul-du-sac on the south boundary of the neighbourhood.

At its meeting of October 9, 2001 the Municipal Planning Commission considered the proposed Deer Park Davenport Neighbourhood Area Structure Plan Amendment. At that meeting, the following resolution was passed:

“RESOLVED that the Municipal Planning Commission support and endorse to Red Deer City Council the proposed Deer Park Davenport Neighbourhood Area Structure Plan amendment.”

***Recommendation:***

That Council pass a resolution to adopt the Deer Park Davenport Neighbourhood Area Structure Plan Amendment.

Mayor Gail Surkan, Chairperson  
Municipal Planning Commission

/fm



**DATE:** October 24, 2001  
**TO:** Kelly Kloss, City Clerk  
**RE:** Land Use Bylaw Amendment 3156/QQ-2001  
Deer Park (Davenport) Neighbourhood

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Parkside Holdings Ltd. is proposing to subdivide Phase 11 of their Deer Park Davenport neighbourhood and require rezoning of the lands contained within this phase of their development. The proposal is to redesignate  $\pm 2.075$  ha (5.13 acres) of land from A1 Future Urban Development District to R1 Residential Low Density District in order to permit the development of 30 single family lots.

This rezoning request is being processed simultaneously with an amendment to the Deer Park Davenport Neighbourhood Area Structure Plan whereby a lane is being added to a portion of this designated future single family development. This Land Use Bylaw amendment complies with the proposed Deer Park Davenport Neighbourhood Area Structure Plan amendment.

**Recommendation**

Subject to City Council giving first reading to Bylaw 3217/E-2001 (Deer Park Davenport Area Structure Plan Amendment), planning staff recommend that City Council proceed with first reading of Land Use Bylaw Amendment 3156/QQ-2001.

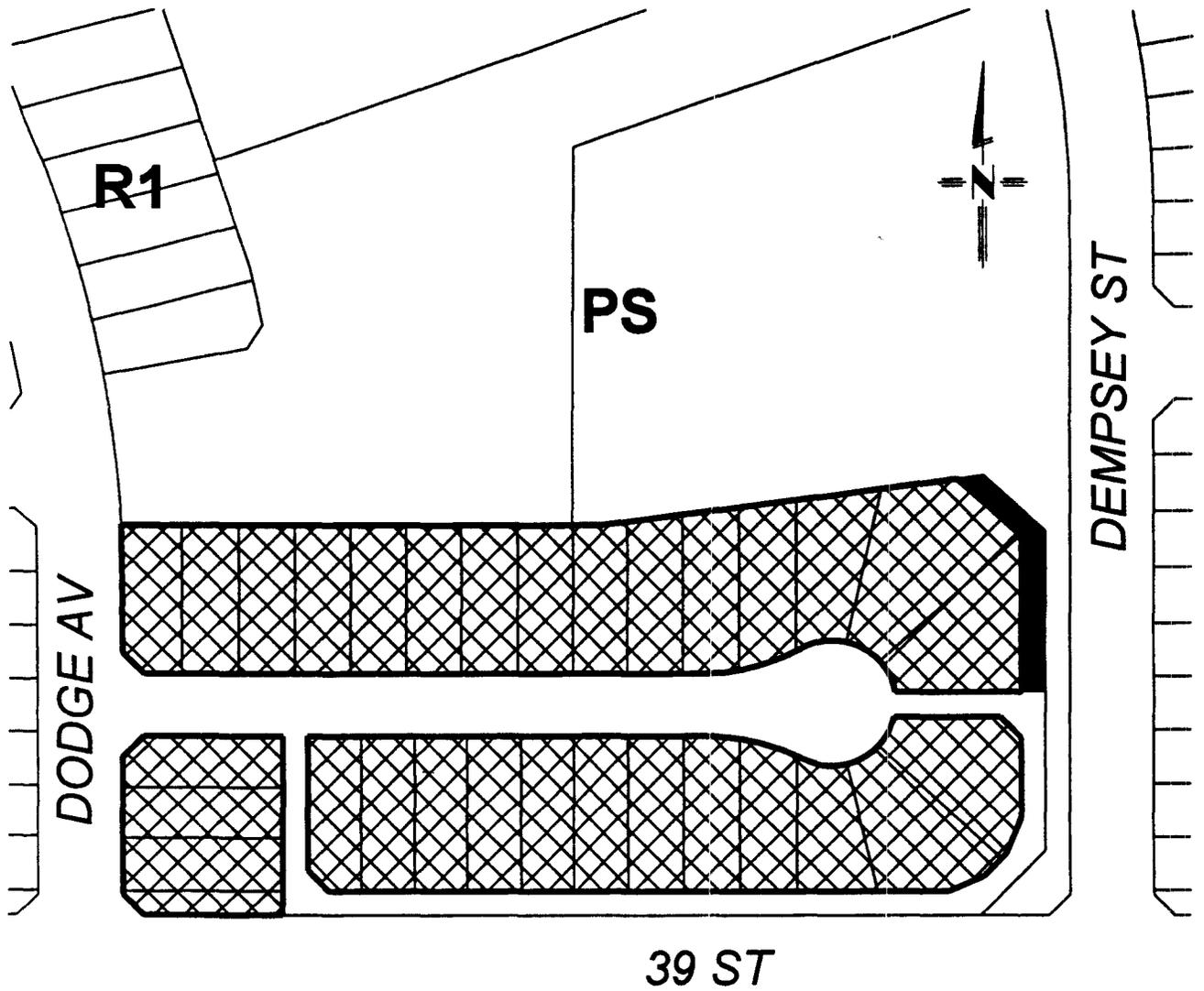
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Tony J. Lindhout, ACP, MCIP  
PLANNER

Attachments

# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT



DOWLER ST

**AFFECTED DISTRICTS:**

A1 - Future Urban Development

R1 - Residential (Low Density)

PS - Public Service (Institutional or Governmental)

**Change from :**

A1 to R1



A1 to PS



MAP No. 34 / 2001

BYLAW No. 3156 / QQ - 2001

**Comments:**

We agree with the recommendations of Parkland Community Planning Services that Council proceed with First Reading of both the Deer Park Davenport Neighbourhood Area Structure Plan Amendment and Land Use Bylaw Amendment. Public Hearings will be held on Monday, December 3, 2001 at 7:00 p.m. in Council Chambers.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager

BACK-UP

3217/E-2001

3156/EG-2001

- DEER PARK.  
N.A.S.P.

## Council Decision – Monday November 5, 2001

**DATE:** November 6, 2001

**TO:** Tony Lindhout, Parkland Community Planning Services

**FROM:** City Clerk

**RE:** 1) Bylaw 3217/E-2001 – Deer Park Davenport  
Neighbourhood Area Structure Plan Amendment  
2) Land Use Bylaw Amendment 3156/QQ-2001  
Deer Park (Davenport) Neighbourhood

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***Reference Report:***

Parkland Community Planning Services , dated October 24, 2001

***Bylaw Readings:***

The bylaws were given first reading. A copy of the bylaws are attached.

***Report Back to Council:***

Yes. Public Hearinga will be held on Monday, December 3, 2001 at 7:00 P.M. in Council Chambers during Council's regular meeting.

***Comments/Further Action:***

Deer Park Davenport Neighbourhood Area Structure Plan Amendment Bylaw 3217/E-2001 consists of the addition of a lane around a portion of a future cul-du-sac located along the south boundary of the neighbourhood. The identification of a minor walkway along Dakin Street/Dowd Close is also being removed from the plan as a formal walkway connection to the major trail along the west side of 20 Avenue is no longer possible due to a future 2.5m high berm that will be located along this side of 20 Avenue. No changes are proposed to the central park/school site or to any of the developed areas within this new neighbourhood. Land Use Bylaw Amendment 3156/QQ-2001 redesignates ± 2.075 ha (5.13 acres) of land from A1 Future Urban Development District to R1 Residential Low Density District in order to permit the development of 30 single family lots.

This office will now proceed with the advertising for a Public Hearing. Parkside Holdings Ltd. will be responsible for the advertising costs in this instance. A copy of the letter send to Parkside Holdings Ltd. is attached for your information.



Kelly Kloss

City Clerk

/chk

attchs.

- c Director of Development Services
- Inspections & Licensing Manager
- Land & Economic Development Manager
- C. Adams, Administrative Assistant
- C. Kenzie, Administrative Assistant



## Office of the City Clerk

November 6, 2001

Fax: 342-5022

Parkside Holdings Ltd.  
18, 7805 - 49 Avenue  
Red Deer, AB T4P 2B4

Dear Sir:

- Re: 1) **Bylaw 3217/E-2001 - Deer Park Davenport  
Neighbourhood Area Structure Plan Amendment**  
2) **Land Use Bylaw Amendment 3156/QQ-2001  
Deer Park (Davenport) Neighbourhood**

At the City of Red Deer's Council meeting held Monday, November 5, 2001, first reading was given to Deer Park Davenport Neighbourhood Area Structure Plan Amendment and Land Use Bylaw Amendment 3156/QQ-2001. Copies of the bylaws are attached for your information.

Deer Park Davenport Neighbourhood Area Structure Plan Amendment Bylaw 3217/E-2001 consists of the addition of a lane around a portion of a future cul-du-sac located along the south boundary of the neighbourhood. The identification of a minor walkway along Dakin Street/Dowd Close is also being removed from the plan as a formal walkway connection to the major trail along the west side of 20 Avenue is no longer possible due to a future 2.5m high berm that will be located along this side of 20 Avenue. No changes are proposed to the central park/school site or to any of the developed areas within this new neighbourhood. Land Use Bylaw Amendment 3156/QQ-2001 redesignates  $\pm$  2.075 ha (5.13 acres) of land from A1 Future Urban Development District to R1 Residential Low Density District in order to permit the development of 30 single family lots.

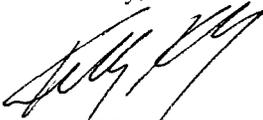
This office will now proceed with the advertising for a Public Hearing to be held on Monday, December 3, 2001 at 7:00 p.m. in the Council Chambers of City Hall during Council's regular meeting.

In accordance with the Land Use Bylaw, you are required to deposit with the City Clerk, prior to public advertising, an amount equal to the estimated cost of advertising, which in this instance is \$400.00. We require this deposit by no later than 10:00 A.M. Wednesday, November 14, 2001, in order to proceed with the advertising. Once the actual cost of advertising is known, you will either be invoiced for or refunded the difference.

Parkside Holdings Ltd.  
November 6, 2001  
Page 2

If you have any questions or require additional information, please do not hesitate to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly Kloss", written over a light blue horizontal line.

Kelly Kloss  
City Clerk

KK/chk  
/attach.

c Parkland Community Planning Services  
C. Adams, City Clerk's

**BYLAW NO. 3217/E-2001**

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

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

- 1 Bylaw 3217/98 with regard to the Deer Park Northeast (Ratzke/Davenport) Neighbourhood Area Structure Plan, is amended by deleting therefrom Figures 1, 3, 4, 4b, 6-10 and pages 3, 10, 12 and substituting therefore the attached amended Figures 1, 3, 4, 4b, 6-10 and pages 3, 10 and 12 which forms part of this Bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 5th day of ~~November~~ , A.D. 2001.

READ A SECOND TIME IN OPEN COUNCIL this            day of            , A.D. 2001.

READ A THIRD TIME IN OPEN COUNCIL this            day of            , A.D. 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this            day of            , A.D. 2001.

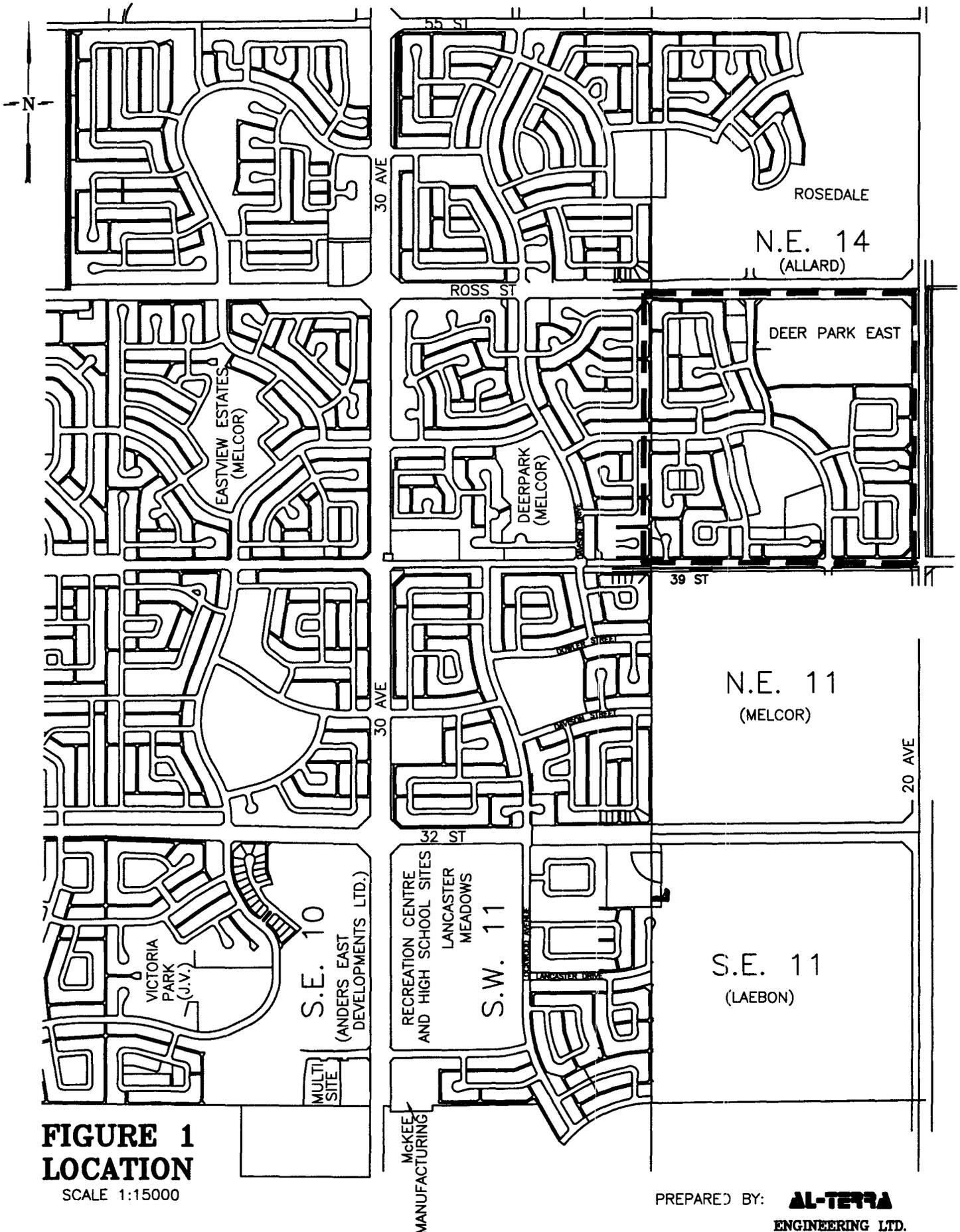
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MAYOR

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CITY CLERK

# DAVENPORT OUTLINE PLAN



**FIGURE 1  
LOCATION**

SCALE 1:15000

REVISED SEPT 24/01

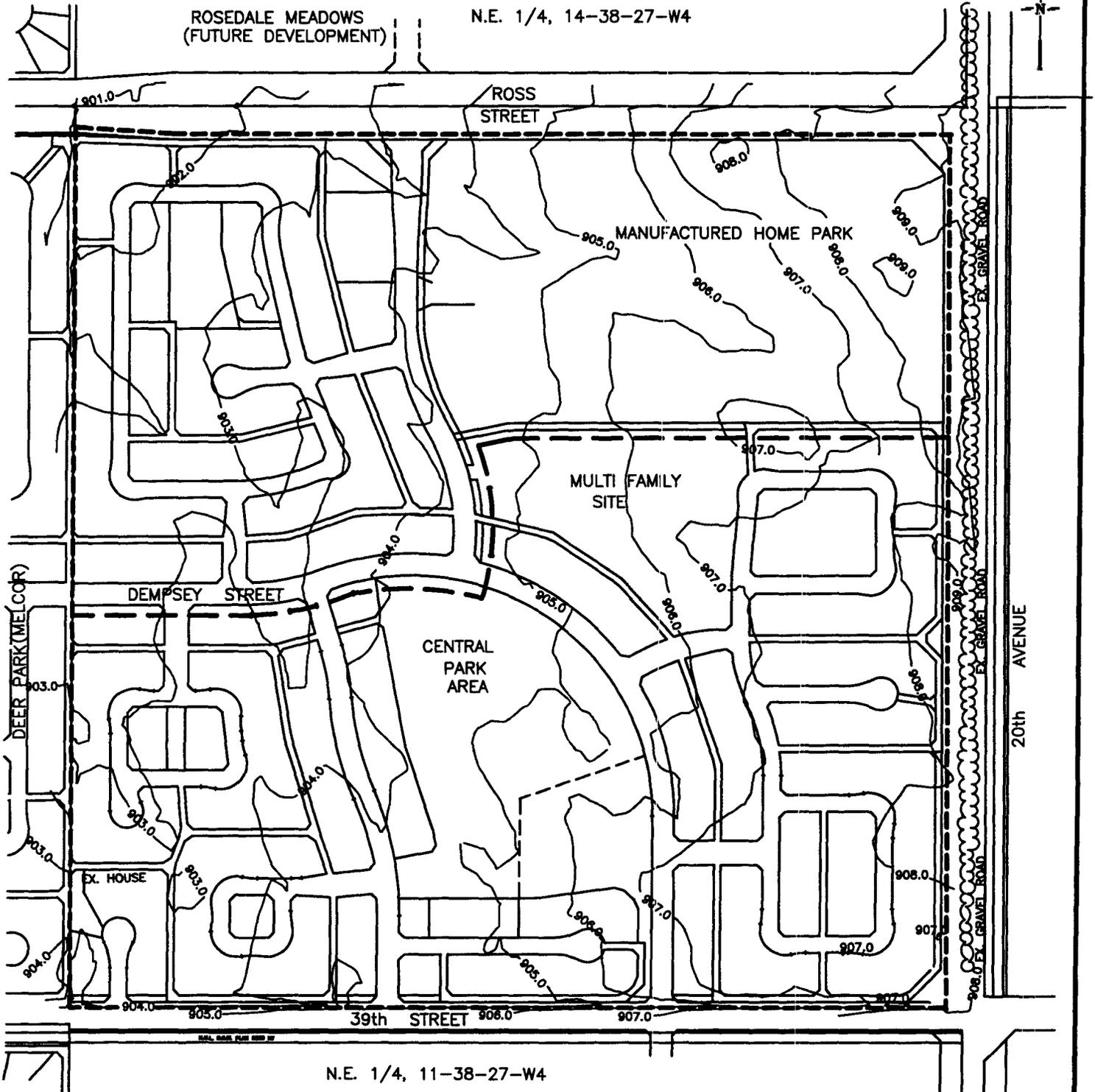
PREPARED BY: **AL-TERRA**  
ENGINEERING LTD.

# DAVENPORT OUTLINE PLAN

EXISTING  
ROSEDALE

ROSEDALE MEADOWS  
(FUTURE DEVELOPMENT)

N.E. 1/4, 14-38-27-W4



N.E. 1/4, 11-38-27-W4

## FIGURE 3 SITE FEATURES

SCALE 1:5000

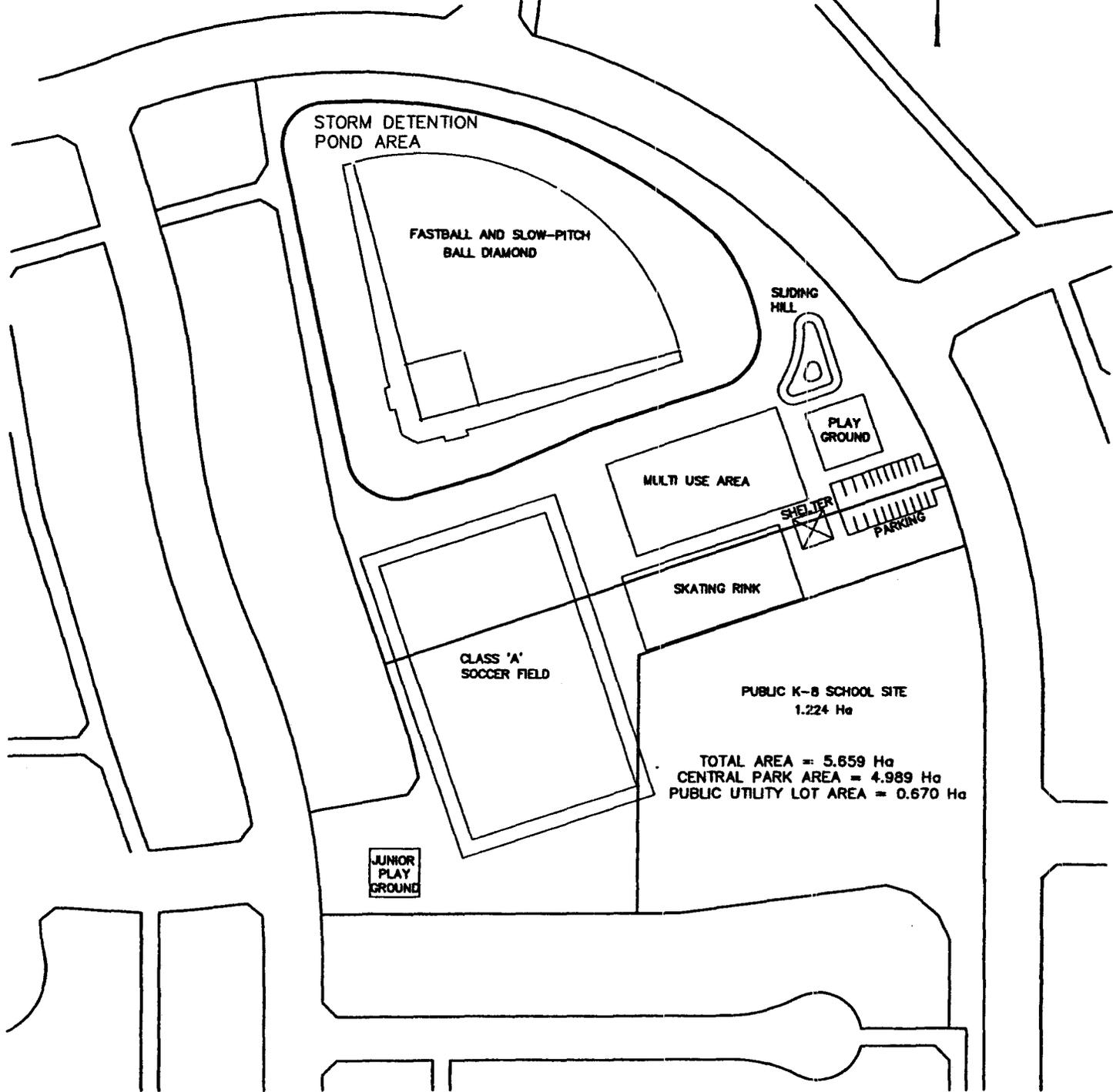
**LEGEND:**

- EXISTING DEVELOPMENT BOUNDARY
- OUTLINE PLAN BOUNDARY
- 901 — ORIGINAL GROUND CONTOURS
- ~~~~~ ORIGINAL TREELINE

**AL-TERRA**  
ENGINEERING LTD.



# DAVENPORT OUTLINE PLAN



PUBLIC K-8 SCHOOL SITE  
1.224 Ha

TOTAL AREA = 5.659 Ha  
CENTRAL PARK AREA = 4.989 Ha  
PUBLIC UTILITY LOT AREA = 0.670 Ha

## FIGURE 4b CENTRAL PARK

SCALE 1:2000

PREPARED BY:

**AL-TERRA**  
ENGINEERING LTD.

PREPARED MAR 26/98  
REVISED SEPT 22/98  
REVISED MAY 23/00  
REVISED SEPT 25/01

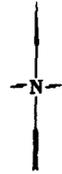
EDMONTON

RED DEER

# DAVENPORT AREA STRUCTURE PLAN

EXISTING  
ROSEDALE

N.E. 1/4, 14-38-27-W4  
ROSEDALE MEADOWS  
(FUTURE DEVELOPMENT)



ROSS  
STREET

MANUFACTURED HOME PARK

MULTI FAMILY  
AREA

DEMPSEY STREET

20th AVENUE

DEER PARK  
(MELCOR)

CENTRAL PARK AREA  
AND DETENTION POND

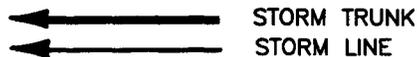
39th STREET

N.E. 1/4, 11-38-27-W4

## FIGURE 6 STORM SEWERS

SCALE 1:5000

LEGEND:



**AL-TERRA**  
ENGINEERING LTD.

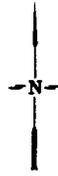
EDMONTON

REG. DESIG.

REVISED SEPT 24/01

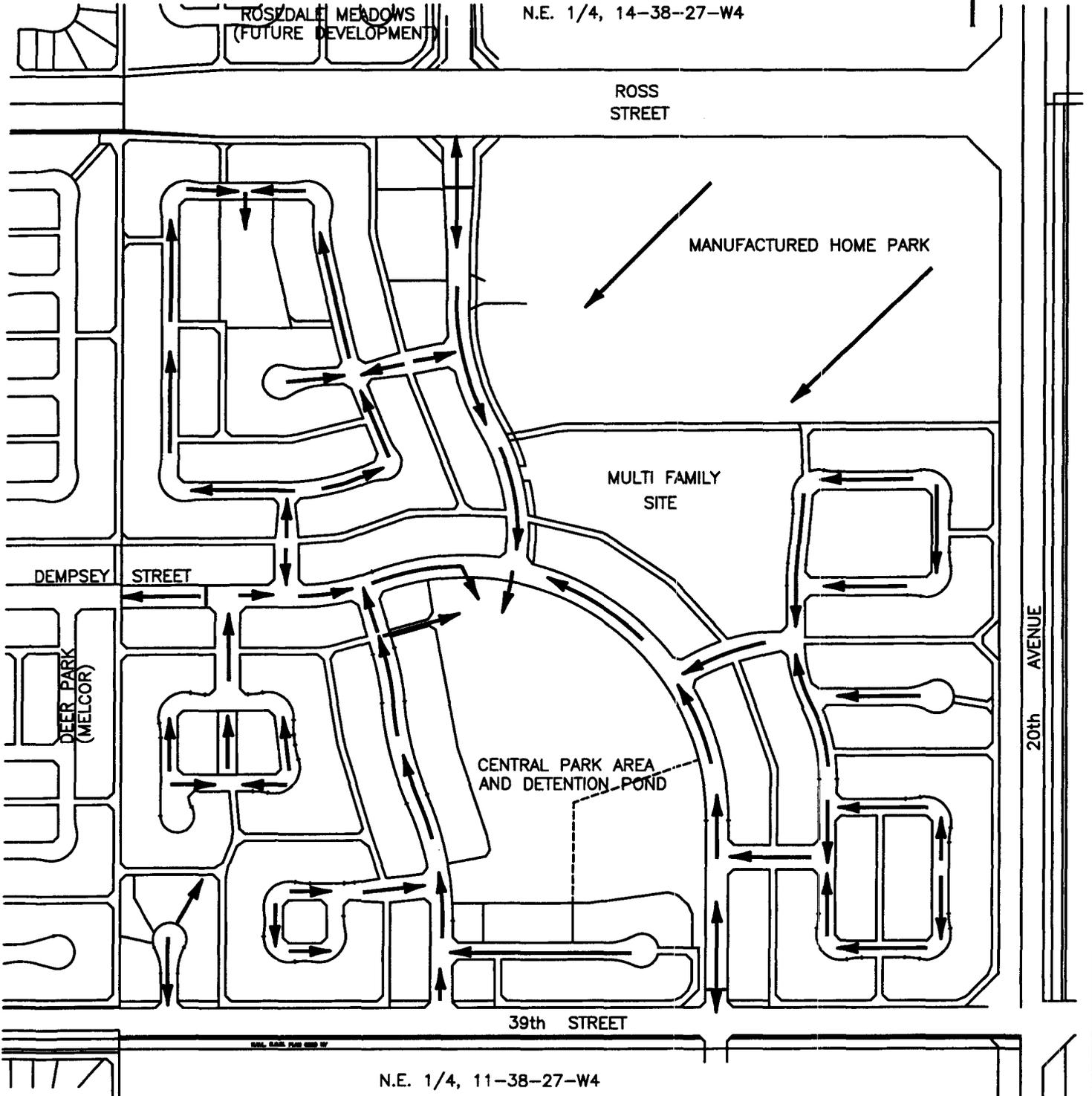
# DAVENPORT AREA STRUCTURE PLAN

EXISTING  
ROSEDALE



ROSEDALE MEADOWS  
(FUTURE DEVELOPMENT)

N.E. 1/4, 14-38-27-W4



N.E. 1/4, 11-38-27-W4

## FIGURE 7 OVERLAND DRAINAGE

GREATER THAN 1:5  
YEAR STORM EVENT

SCALE 1:5000

### LEGEND:

← DIRECTION OF FLOW

REVISED SEPT 24/01

**AL-TERRA**  
ENGINEERING LTD.

EDMONTON

RED DEER

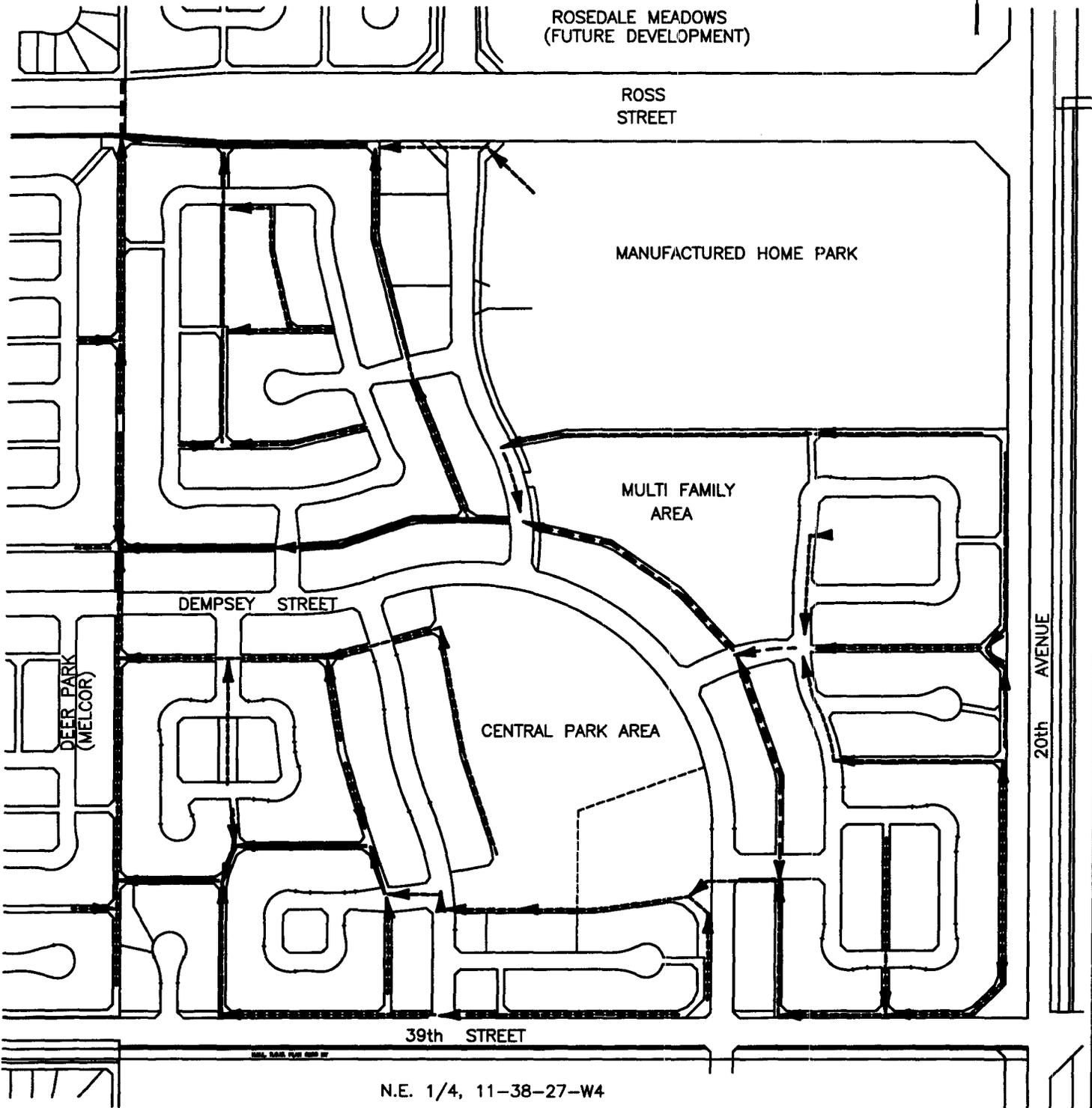
# DAVENPORT AREA STRUCTURE PLAN

EXISTING  
ROSEDALE

N.E. 1/4, 14-38-27-W4



ROSEDALE MEADOWS  
(FUTURE DEVELOPMENT)



**FIGURE 8**  
**SANITARY SEWERS**

SCALE 1:5000

LEGEND:

-  250mm SAN
-  200mm SAN

**AL-TERRA**  
ENGINEERING LTD.



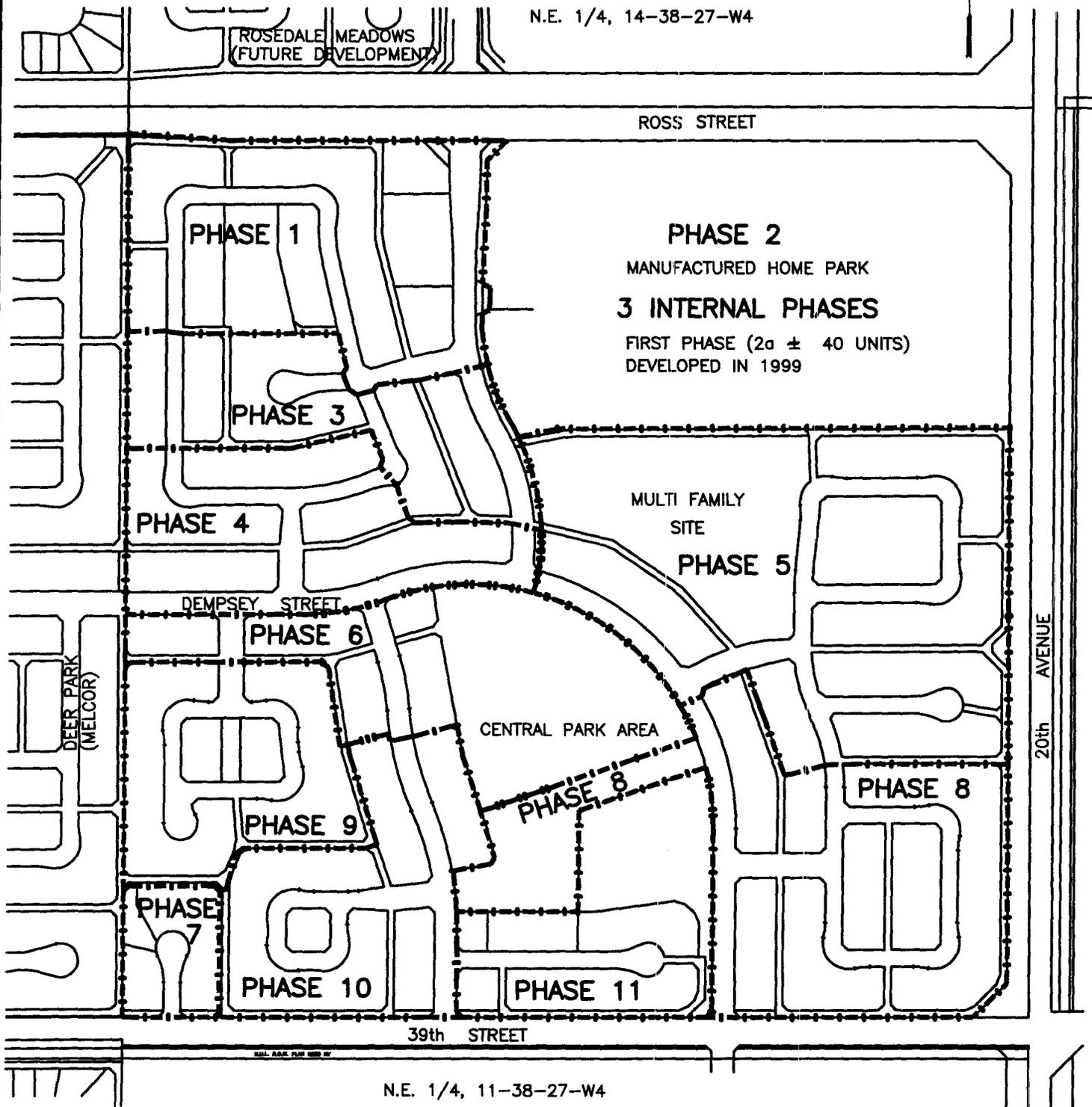
# DAVENPORT AREA STRUCTURE PLAN

EXISTING  
ROSEDALE



N.E. 1/4, 14-38-27-W4

ROSEDALE MEADOWS  
(FUTURE DEVELOPMENT)



**FIGURE 10**  
**PHASING PLAN**

SCALE 1:5000

PREPARED BY:

**AL-TERRA**  
ENGINEERING LTD.

REVISED SEPT 24/01

EDMONTON

RED LINE

### **3.0 POLICY FRAMEWORK; CONFORMANCE TO GUIDELINES:**

The City of Red Deer adopted the East Hill Area Structure Plan on September 14, 1992 via Bylaw 3075/92. Subsequent revisions were made to the plan via Bylaw 3075/A-93, on April 26, 1993 and Bylaw 3075/B-93 on November 22, 1993. Further revisions to this plan are being reviewed at this time. All revisions to the ASP made during the current review will be adopted (as applicable), within the planning framework of this quarter section. As defined in the area structure plan, the principal purpose of the land is for residential purposes. A Public K-8 school site is proposed within the central park site. A 0.25 hectare local convenience commercial site is proposed along Ross Street, at the north entrance to the quarter section.

Some of the other City of Red Deer documents consulted for reference in the preparation of this outline plan included the City of Red Deer Design Guidelines, the Ecological Profiles of the Ratzke/Deer Park Natural Areas, the Community Services Master Plan, and the City of Red Deer Planning And Subdivision Guidelines. The outline plan, as prepared, is generally in accordance with the direction provided in these documents.

### **4.0 SITE CHARACTERISTICS:**

#### **4.1 Site Features And Access To The Quarter Section:**

In the summer of 1999, four phases in the north part of the quarter section were developed, accounting for roughly half of the section's area. With the exception of the 1.62 hectare acreage located at the south west corner of the property, the remaining lands within the quarter section are farmed, and are currently in a cultivated state.

The site generally slopes from east to west, with an elevation difference across the quarter section of approximately 7.0 to 8.0 metres.

The local convenience commercial site will be a significant asset to this community, since it will provide what the name implies, "convenience" for the adjacent residents.

**5.2.3. Duplex Lots - RI-A:**

The duplex lots for this subdivision have been located in the northwest corner of the quarter section, adjacent to the Deer Park (Melcor) duplex lots, thus creating compatible land uses.

**5.2.4. Single Family Narrow Lots - RI-N:**

Single-family narrow lots will be located along the east boundary of the quarter section, south of the manufactured home park and adjacent to the 20<sup>TH</sup> Street right-of-way. A block of lots originally proposed as duplex lots, located within Phase 1, are also planned as single family narrow lots. All developments on these lots will fully comply with the requirements of the City of Red Deer's land use bylaw, and no relaxations will be required or requested of any R1-N standards.

**5.2.5. Central Park Site; Tot Lots; Detention Pond:**

A 5.059 hectare (12.5 acre) central park site is provided within this outline plan. The site is designated to include a Public K-8 school and the required neighborhood recreation facilities. There is good road exposure for this park site along Dempsey Street. The central location of the park site makes it so all residents within the quarter section require only a short walk to use the central park facilities. Figure 4b indicates the proposed park layout.

Four tot lots, strategically located within the quarter section, will provide park facilities, and a neighborhood gathering focal point for particular neighborhoods.

### 5.3 Land Use Distribution:

Table 1 illustrates the land use distribution for the outline plan area.

**TABLE 1. OUTLINE PLAN STATISTICS:**

<b>TOTAL AREA OF ORIGINAL ¼ SECTION</b>	65.026 Ha	160.68 Ac	
Ross Street and 20th Avenue Widening	4.031 Ha	9.96 Ac	
<b>DEVELOPABLE AREA</b>	<b>60.995 Ha</b>	<b>150.72 Ac</b>	<b>100%</b>
Single Family (R1)	19.044 Ha	47.06 Ac	31.2%
Manufactured Home Park (R4)	11.842 Ha	29.26 Ac	19.4%
Multiple Family (R2/R3)	3.939 Ha	9.73 Ac	6.5%
Duplex Lots (R1-A)	0.488 Ha	1.21 Ac	0.8%
Neighborhood Commercial (C3)	0.252 Ha	0.62 Ac	0.4%
Single Family - Narrow (R1-N)	5.744 Ha	14.27 Ac	9.5%
Social Care Sites (R1-A)	0.124 Ha	0.31 Ac	0.2%
Church Site (R1)	0.487 Ha	1.20 Ac	0.8%
Central Park and School Site (PS)	4.989 Ha	12.33 Ac	8.2%
Detention Pond	0.670 Ha	1.65 Ac	1.1%
Local Parks and Walkways (P1)	1.251 Ha	3.09 Ac	2.1%
Public Utility Lots (PS)	0.304 Ha	0.75 Ac	0.5%
<b>Roads</b>	<b>11.832 Ha</b>	<b>29.24 Ac</b>	<b>19.4%</b>
Collector	3.273 Ha	8.09 Ac	
Residential	5.843 Ha	14.44 Ac	
Lanes	2.722 Ha	6.73 Ac	

The total municipal reserve area, including the central park site, and excluding the main detention pond area is approximately 6.240 hectares (15.42 acres). This represents some 10.3% of the developable land area. As addressed in Section 5.2.1, there will also be a significant amount of landscaped area within the manufactured home park.

**BYLAW NO. 3156/QQ-2001**

Being a Bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of The City of Red Deer.

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

- 1 The "Use District Map L8" contained in "Schedule B" of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 34 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 5<sup>th</sup> day of ~~November~~ , A.D. 2001.

READ A SECOND TIME IN OPEN COUNCIL this            day of            , A.D. 2001.

READ A THIRD TIME IN OPEN COUNCIL this            day of            , A.D. 2001.

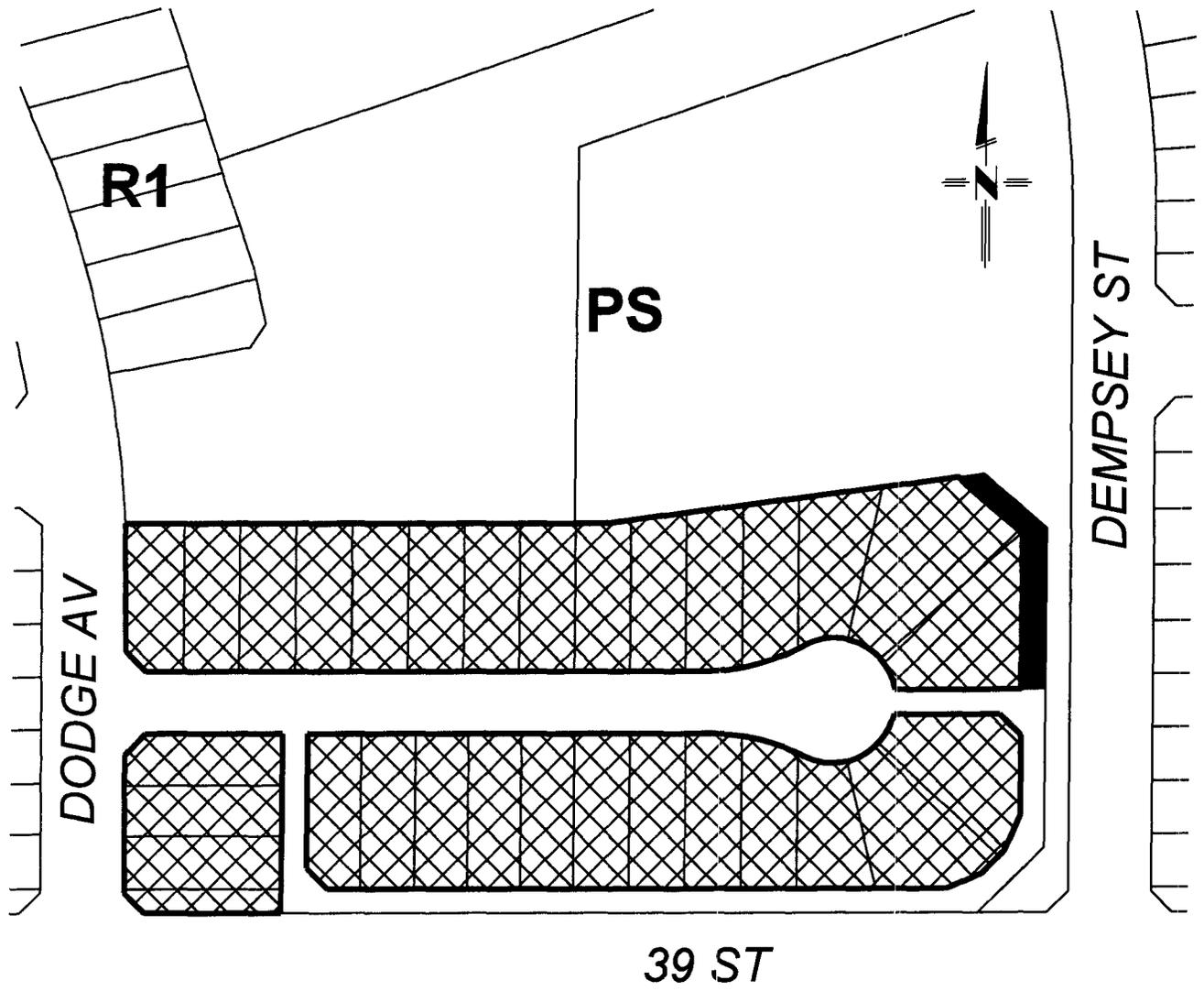
AND SIGNED BY THE MAYOR AND CITY CLERK this            day of            , A.D. 2001.

\_\_\_\_\_  
MAYOR

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

# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT



DOWLER ST

### AFFECTED DISTRICTS:

A1 - Future Urban Development

R1 - Residential (Low Density)

PS - Public Service (Institutional or Governmental)

Change from :

A1 to R1



A1 to PS



MAP No. 34 / 2001

BYLAW No. 3156 / QQ - 2001

**DEER PARK (Davenport)**  
**LUB 3156/QQ-2001**

**DESCRIPTION:** Redesignation from A1 Future Urban Development to R1 Residential Low Density District – 30 single family lots

**FIRST READING:** November 5, 2001

**FIRST PUBLICATION:** November 16, 2001

**SECOND PUBLICATION:** November 23, 2001

**PUBLI HEARING & SECOND READING:** December 3, 2001

**THIRD READING:** Dec. 3, 2001

**LETTERS REQUIRED TO PROPERTY OWNERS:** YES  NO

**DEPOSIT?** YES  \$ 400.- NO  **BY:** Parkside Developments

**ACTUAL COST OF ADVERTISING:**

1<sup>ST</sup> \$ 319.80 & 2<sup>ND</sup> \$ 319.80 **TOTAL:** \$ 639.60

**MAP PREPARATION:** \$ N/A

**TOTAL COST:** \$ 639.60

**LESS DEPOSIT RECEIVED:** \$ N/A

**AMOUNT OWING/ (REFUND):** \$ 639.60

**INVOICE NO.:** 151 131981

**Council Decision – Monday December 3, 2001**

DATE: December 4, 2001

TO: T. Lindhout  
Parkland Community Planning Services

FROM: City Clerk

RE: Deer Park Davenport:  
(a) Neighbourhood Area Structure Plan Amendment Bylaw 3217/E-2001  
(b) Land Use Bylaw Amendment 3156/QQ-2001 / Rezoning of Land from A1  
Future Urban Development District to R1 Residential Low Density District /  
Parkside Holdings Ltd.

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**Reference Report:**

Parkland Community Planning Services, dated October 24, 2001

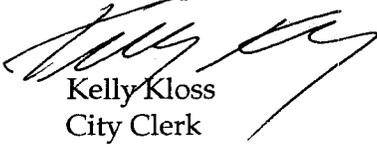
**Bylaw Readings:**

Neighbourhood Area Structure Plan Amendment Bylaw 3217/E-2001 and Land Use Bylaw Amendment 3156/QQ-2001 were given second and third readings. Copies of the bylaws are attached.

**Report Back to Council:** NO

**Comments/Further Action:**

Deer Park Davenport Neighbourhood Area Structure Plan Amendment Bylaw 3217/E-2001 consists of the addition of a lane around a portion of a future cul-du-sac located along the south boundary of the neighbourhood. The identification of a minor walkway along Dakin Street/Dowd Close is also being removed from the plan as a formal walkway connection to the major trail along the west side of 20 Avenue is no longer possible due to a future 2.5m high berm that will be located along this side of 20 Avenue. No changes are proposed to the central park/school site or to any of the developed areas within this new neighbourhood. Land Use Bylaw Amendment 3156/QQ-2001 rezones  $\pm$  2.075 ha (5.13 acres) of land from A1 Future Urban Development District to R1 Residential Low Density District in order to permit the development of 30 single family lots.

  
Kelly Kloss  
City Clerk

/chk  
attchs.

- c Director of Development Services
- Director of Community Services
- Land & Economic Development Manager
- Inspections & Licensing Manager
- City Assessor
- D. Kutinsky, Graphics Designer
- C. Adams, Administrative Assistant, City Clerk's
- S. Eklund, Clerk Steno, City Clerk's

DATE: November 7, 2001  
TO: Norma Lovell, Assessment  
FROM: C.G. Adams,  
City Clerk's Office  
RE: **LUB Amendment 3156/QQ-2001 – Deer Park (Davenport)**  
LUB Amendment 3156/RR-2001 – South Hill  
LUB Amendment 3156/SS-2001 – Lancaster South  
Road Closure Bylaw 3291/2001 – Woodlea

---

Please provide **me** with the names and addresses of the subject property owners and all contiguous/adjacent property owners as outlined on the attached maps.

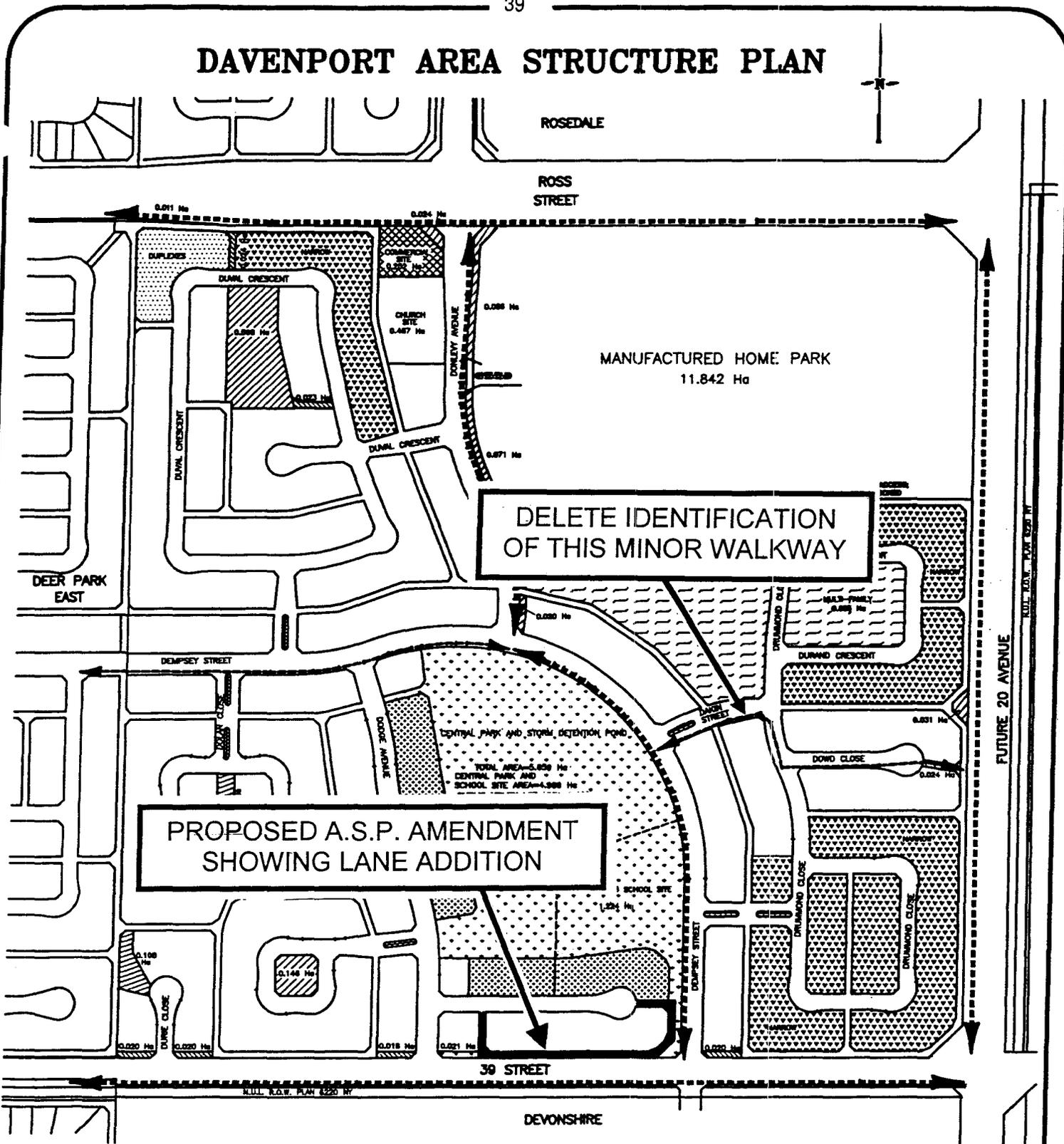
It would be helpful if the lists could be received at your earliest convenience in order to process the letters within the required time period. I have attached the map that appeared on the Council agenda for your reference.

Thanks Norma.

  
C.G. Adams  
City Clerks' Office

Attach.

# DAVENPORT AREA STRUCTURE PLAN



**FIGURE 4  
DEVELOPMENT CONCEPT**

SCALE 1:5000

- LEGEND:
- SINGLE FAMILY - DETACHED (R1)
  - SINGLE FAMILY - NARROW (R1-N)
  - SEMI-DETACHED (DUPLICES) (R1-A)
  - MULTI-FAMILY (R2/R3)
  - TWO STOREY WALKOUT BASEMENTS (R1)
  - CENTRAL PARK
  - COMMERCIAL
  - PUBLIC UTILITY LOTS
  - WALKWAYS AND LOCAL PARKS
  - MAJOR WALKWAYS AND BIKE PATHS
  - MINOR WALKWAYS AND BIKE PATHS

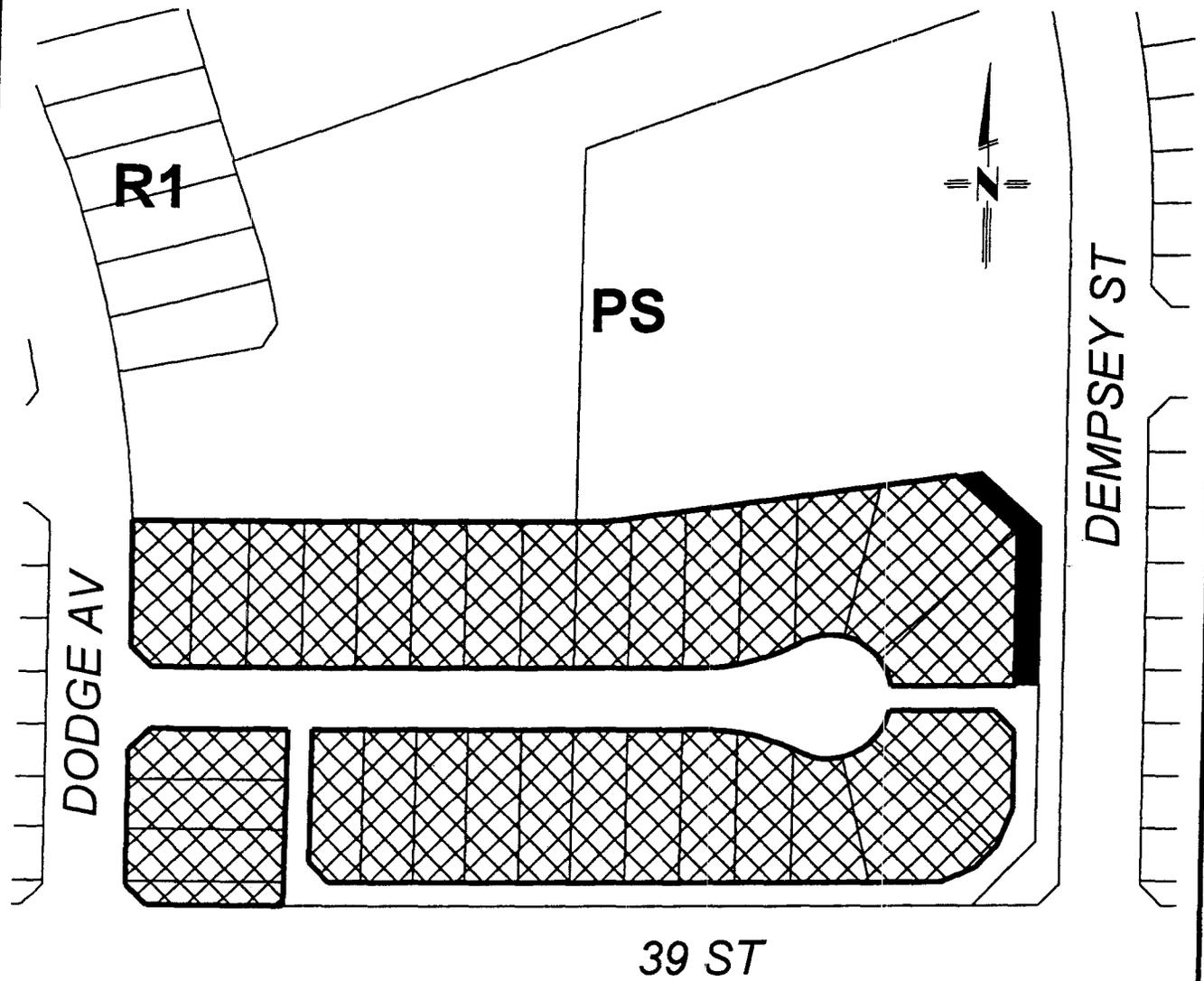
**AL-TERRA**  
ENGINEERING LTD.

REVISED SEPT 24/01

EDMONTON RED DEER

# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT



DOWLER ST

**AFFECTED DISTRICTS:**  
 A1 - Future Urban Development  
 R1 - Residential (Low Density)  
 PS - Public Service (Institutional or Governmental)

Change from :

A1 to R1   
 A1 to PS 

MAP No. 34 / 2001  
 BYLAW No. 3156 / QQ - 2001

November 9, 2001

«OwnerName»  
«OwnerAdd1»  
«OwnerAdd2»  
«OwnerAdd3»  
«OwnerAdd4»

Dear Sir/Madam:

**Re: Land Use Bylaw Amendment 3156/QQ-2001 – Deer Park Davenport**

---

Council of the City of Red Deer is considering a change to the Land Use Bylaw, which controls the use and development of land and buildings in the city. As a property owner adjacent to the land in the Deer Park (Davenport) Neighbourhood you have an opportunity to ask questions about the intended use and to let Council know your views.

Red Deer City Council proposes to amend the Deer Park (Davenport) Neighbourhood Area Structure Plan, which consists of the addition of a lane around a portion of a future cul-du-sac located along the south boundary of the neighbourhood. A minor walkway along Dakin Street/Dowd Close is also proposed for removal from the plan as a formal walkway connection to the major trail along the west side of 20 Avenue due to a future 2.5 metre high berm to be located along this side of 20 Avenue. No changes are proposed to the central park/school site or to any of the developed areas within this new neighbourhood.

Council also proposes to pass Land Use Bylaw Amendment 3156/QQ-2001, which provides for the redesignation of 2.075 hectares (5.13 acres) of land from A1 Future Urban Development District to R1 Residential Low Density District to permit the development of 30 single family lots. You can pick up a full copy of the amendment at the office of the City Clerk, 2<sup>nd</sup> Floor of City Hall between 8:00 a.m. and 4:30 p.m. Monday to Friday.

City Council will hear from any person claiming to be affected at a Public Hearing in the Council Chambers, 2<sup>nd</sup> Floor of City Hall on **Monday, December 3, 2001, at 7:00 p.m.** If you want your letter or petition included on the Council agenda you must submit it to the City Clerk by 4:30 p.m. on **Tuesday, November 27, 2001.** Otherwise, you may submit your letter or petition at the City Council meeting or you can simply tell Council your views at the Public Hearing.

Your letter or petition will be made available to the public. If you have any questions regarding their use, please contact me at (403) 342-8132.

Yours truly,

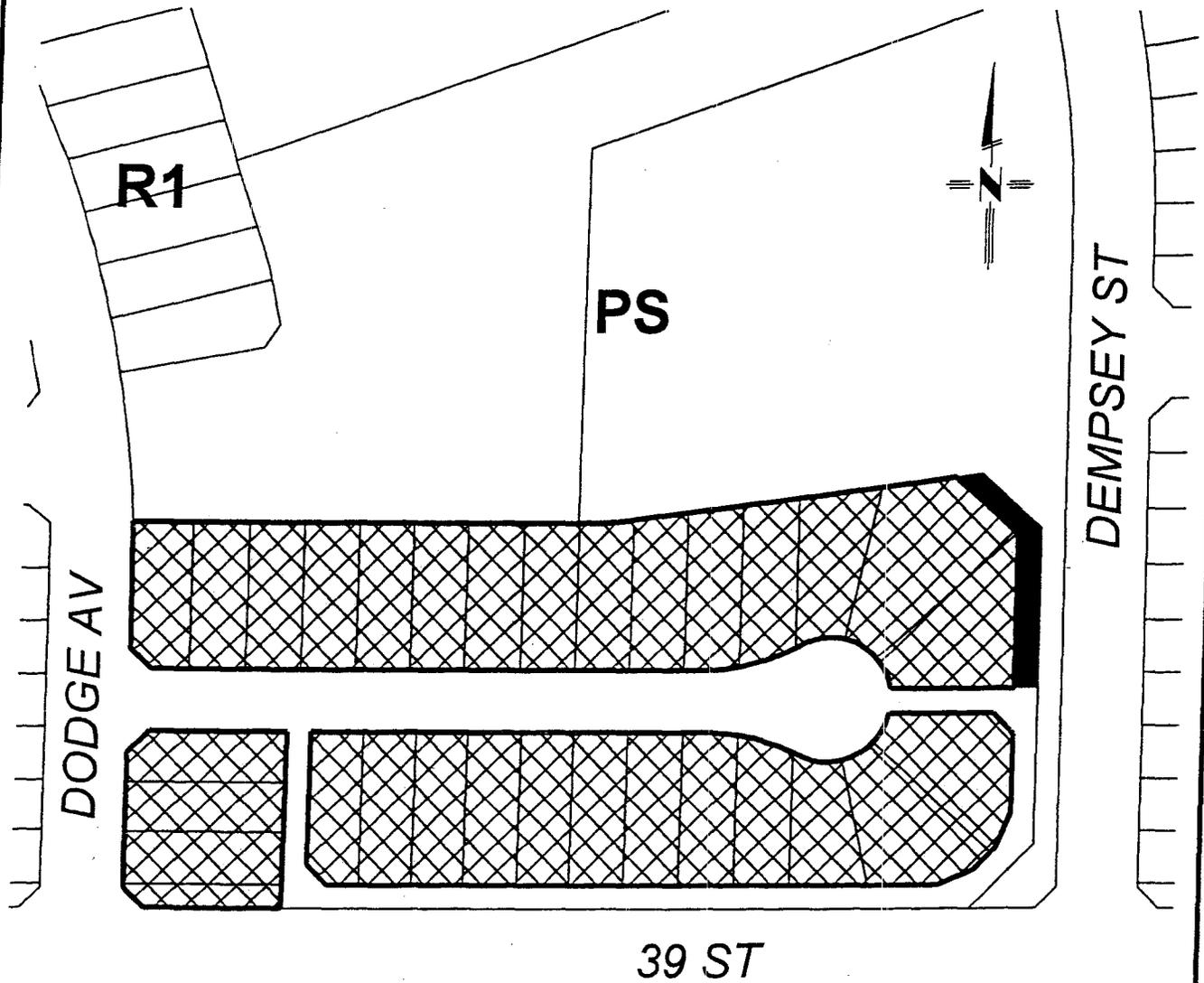


Jeff Graves  
Deputy City Clerk

Attach.

# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT



DOWLER ST

### AFFECTED DISTRICTS:

A1 - Future Urban Development

R1 - Residential (Low Density)

PS - Public Service (Institutional  
or Governmental)

### Change from :

A1 to R1



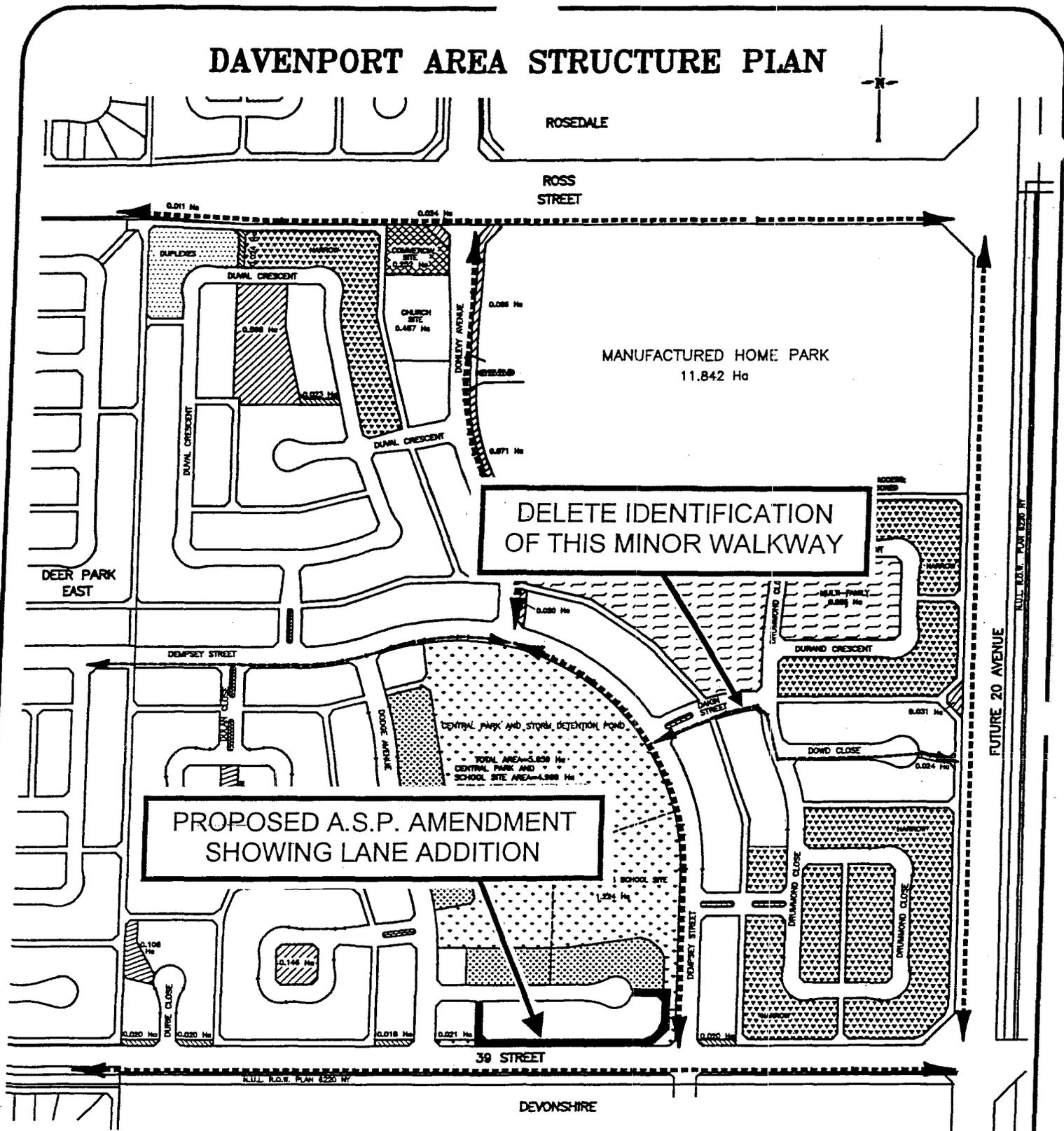
A1 to PS



MAP No. 34 / 2001

BYLAW No. 3156 / QQ - 2001

# DAVENPORT AREA STRUCTURE PLAN



**FIGURE 4  
DEVELOPMENT CONCEPT**

SCALE 1:5000

- LEGEND:
- SINGLE FAMILY -- DETACHED (R1)
  - SINGLE FAMILY -- NARROW (R1-N)
  - SEMI-DETACHED (DUPLEXES) (R1-A)
  - MULTI-FAMILY (R2/R3)
  - TWO STOREY WALKOUT BASEMENTS (R1)
  - CENTRAL PARK
  - COMMERCIAL
  - PUBLIC UTILITY LOTS
  - WALKWAYS AND LOCAL PARKS
  - MAJOR WALKWAYS AND BIKE PATHS
  - MINOR WALKWAYS AND BIKE PATHS

**AL-TERRA**  
ENGINEERING LTD.

## Council Decision – Monday November 5, 2001

**DATE:** November 6, 2001

**TO:** Tony Lindhout, Parkland Community Planning Services

**FROM:** City Clerk

**RE:** 1) Bylaw 3217/E-2001 – Deer Park Davenport  
Neighbourhood Area Structure Plan Amendment  
2) Land Use Bylaw Amendment 3156/QQ-2001  
Deer Park (Davenport) Neighbourhood

---

***Reference Report:***

Parkland Community Planning Services , dated October 24, 2001

***Bylaw Readings:***

The bylaws were given first reading. A copy of the bylaws are attached.

***Report Back to Council:***

Yes. Public Hearinga will be held on Monday, December 3, 2001 at 7:00 P.M. in Council Chambers during Council's regular meeting.

***Comments/Further Action:***

Deer Park Davenport Neighbourhood Area Structure Plan Amendment Bylaw 3217/E-2001 consists of the addition of a lane around a portion of a future cul-du-sac located along the south boundary of the neighbourhood. The identification of a minor walkway along Dakin Street/Dowd Close is also being removed from the plan as a formal walkway connection to the major trail along the west side of 20 Avenue is no longer possible due to a future 2.5m high berm that will be located along this side of 20 Avenue. No changes are proposed to the central park/school site or to any of the developed areas within this new neighbourhood. Land Use Bylaw Amendment 3156/QQ-2001 redesignates  $\pm$  2.075 ha (5.13 acres) of land from A1 Future Urban Development District to R1 Residential Low Density District in order to permit the development of 30 single family lots.

This office will now proceed with the advertising for a Public Hearing. Parkside Holdings Ltd. will be responsible for the advertising costs in this instance. A copy of the letter send to Parkside Holdings Ltd. is attached for your information.

  
Kelly Kloss

City Clerk

/chk

attchs.

c Director of Development Services  
Inspections & Licensing Manager  
Land & Economic Development Manager  
C. Adams, Administrative Assistant  
C. Kenzie, Administrative Assistant



## Office of the City Clerk

November 6, 2001

Fax: 342-5022

Parkside Holdings Ltd.  
18, 7805 - 49 Avenue  
Red Deer, AB T4P 2B4

Dear Sir:

- Re: 1) **Bylaw 3217/E-2001 - Deer Park Davenport  
Neighbourhood Area Structure Plan Amendment**  
2) **Land Use Bylaw Amendment 3156/QQ-2001  
Deer Park (Davenport) Neighbourhood**

At the City of Red Deer's Council meeting held Monday, November 5, 2001, first reading was given to Deer Park Davenport Neighbourhood Area Structure Plan Amendment and Land Use Bylaw Amendment 3156/QQ-2001. Copies of the bylaws are attached for your information.

Deer Park Davenport Neighbourhood Area Structure Plan Amendment Bylaw 3217/E-2001 consists of the addition of a lane around a portion of a future cul-du-sac located along the south boundary of the neighbourhood. The identification of a minor walkway along Dakin Street/Dowd Close is also being removed from the plan as a formal walkway connection to the major trail along the west side of 20 Avenue is no longer possible due to a future 2.5m high berm that will be located along this side of 20 Avenue. No changes are proposed to the central park/school site or to any of the developed areas within this new neighbourhood. Land Use Bylaw Amendment 3156/QQ-2001 redesignates  $\pm$  2.075 ha (5.13 acres) of land from A1 Future Urban Development District to R1 Residential Low Density District in order to permit the development of 30 single family lots.

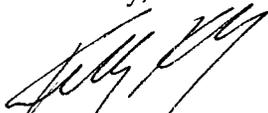
This office will now proceed with the advertising for a Public Hearing to be held on Monday, December 3, 2001 at 7:00 p.m. in the Council Chambers of City Hall during Council's regular meeting.

In accordance with the Land Use Bylaw, you are required to deposit with the City Clerk, prior to public advertising, an amount equal to the estimated cost of advertising, which in this instance is \$400.00. We require this deposit by no later than 10:00 A.M. Wednesday, November 14, 2001, in order to proceed with the advertising. Once the actual cost of advertising is known, you will either be invoiced for or refunded the difference.

Parkside Holdings Ltd.  
November 6, 2001  
Page 2

If you have any questions or require additional information, please do not hesitate to call me.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelly Kloss", written over a faint, illegible background.

Kelly Kloss  
City Clerk

KK/chk  
/attach.

c Parkland Community Planning Services  
C. Adams, City Clerk's

**BYLAW NO. 3217/E-2001**

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

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

- 1 Bylaw 3217/98 with regard to the Deer Park Northeast (Ratzke/Davenport) Neighbourhood Area Structure Plan, is amended by deleting therefrom Figures 1, 3, 4, 4b, 6-10 and pages 3, 10, 12 and substituting therefore the attached amended Figures 1, 3, 4, 4b, 6-10 and pages 3, 10 and 12 which forms part of this Bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 5th day of ~~November~~ , A.D. 2001.

READ A SECOND TIME IN OPEN COUNCIL this day of , A.D. 2001.

READ A THIRD TIME IN OPEN COUNCIL this day of , A.D. 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of , A.D. 2001.

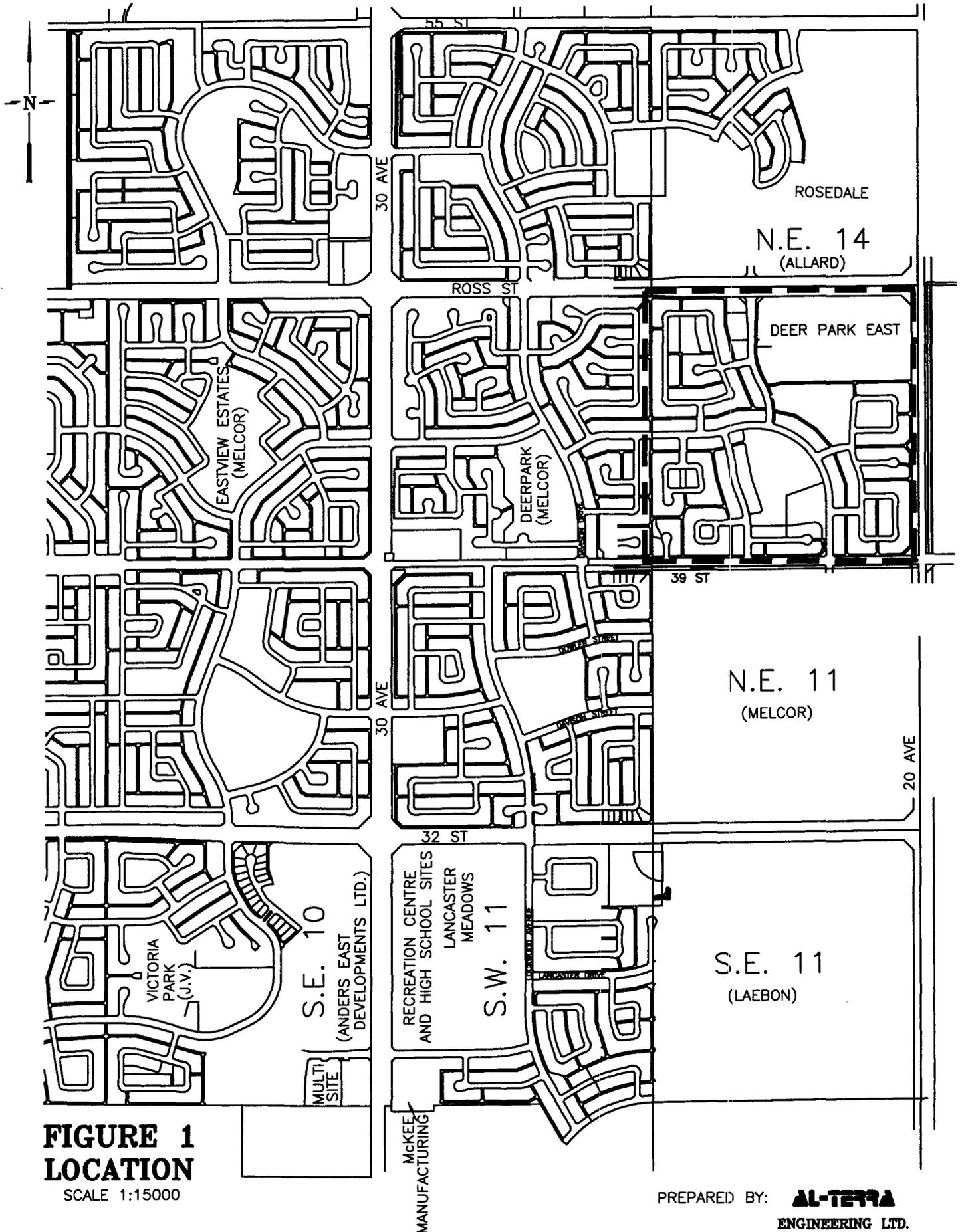
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MAYOR

---

CITY CLERK

# DAVENPORT OUTLINE PLAN



**FIGURE 1  
LOCATION**

SCALE 1:15000

REVISED SEPT 24/01

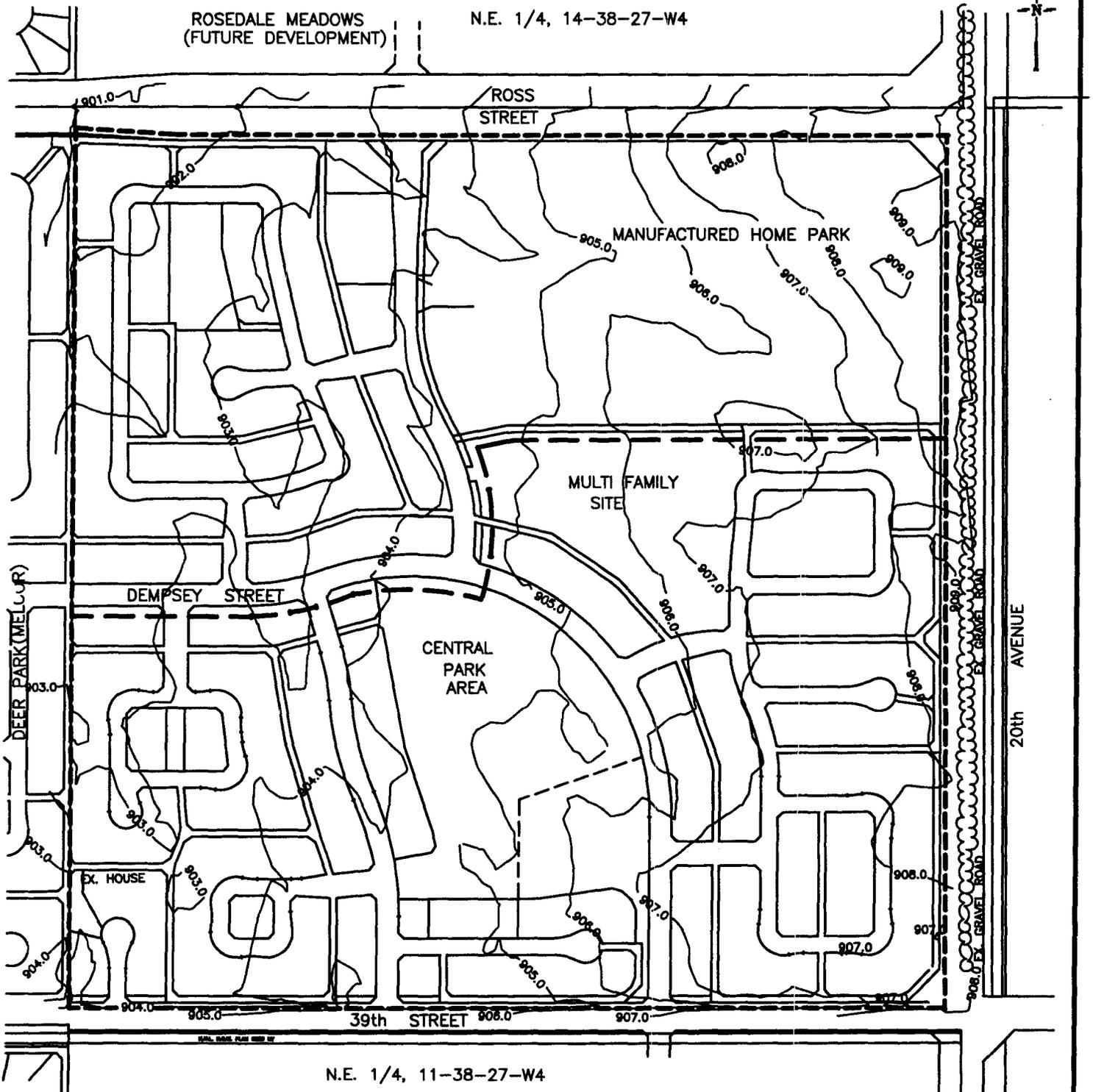
PREPARED BY: **AL-TERRA**  
ENGINEERING LTD.

# DAVENPORT OUTLINE PLAN

EXISTING  
ROSEDALE

ROSEDALE MEADOWS  
(FUTURE DEVELOPMENT)

N.E. 1/4, 14-38-27-W4



**FIGURE 3  
SITE FEATURES**

SCALE 1:5000

**LEGEND:**

- EXISTING DEVELOPMENT BOUNDARY
- · - · - · OUTLINE PLAN BOUNDARY
- 901 — ORIGINAL GROUND CONTOURS
- ~~~~~ ORIGINAL TREELINE

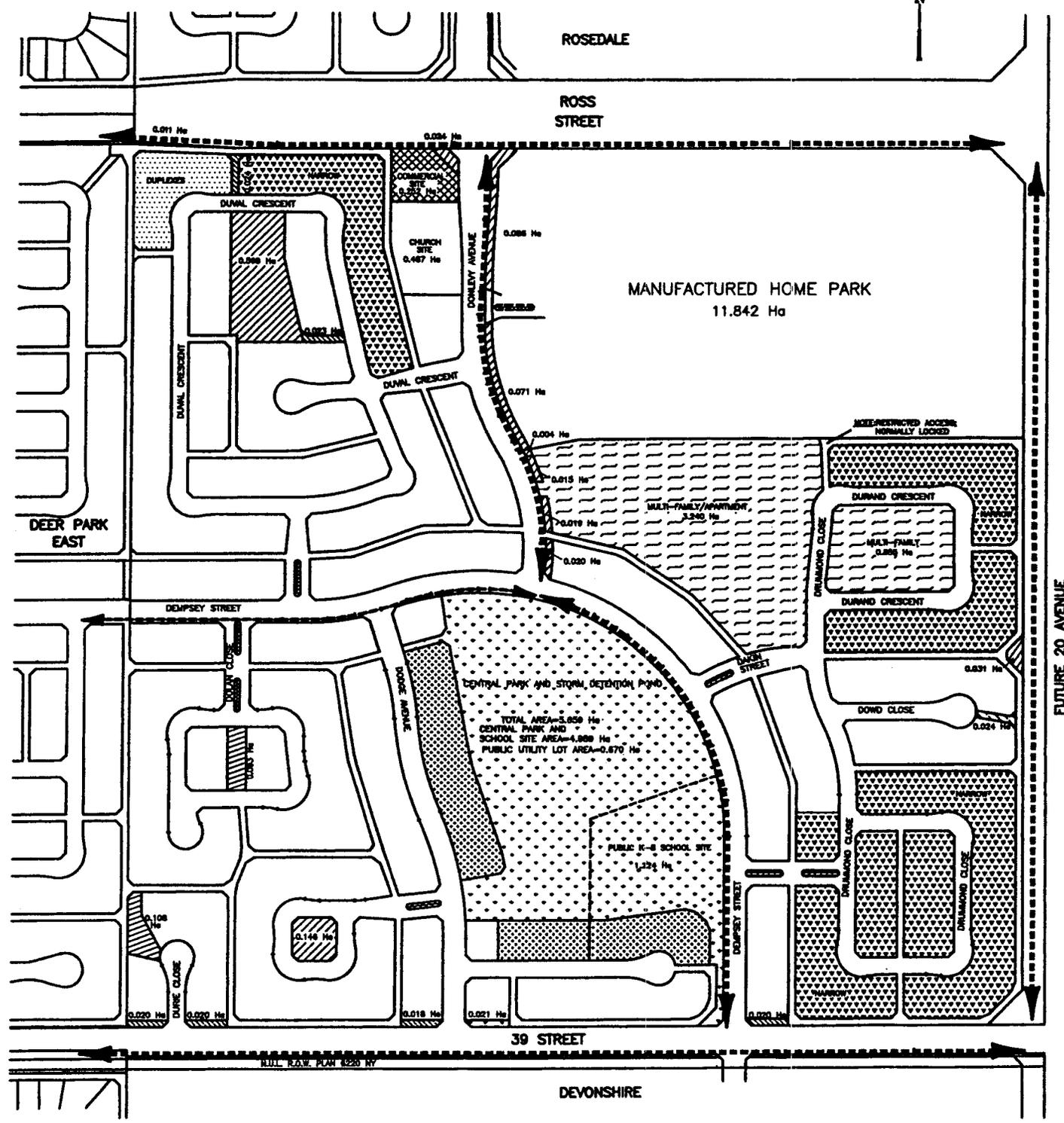
**AL-TERRA**  
ENGINEERING LTD.

REVISED SEPT 24/01

EDMONTON

RED DEER

# DAVENPORT AREA STRUCTURE PLAN



**FIGURE 4  
DEVELOPMENT CONCEPT**

SCALE 1:5000

- LEGEND:
- SINGLE FAMILY - DETACHED (R1)
  - SINGLE FAMILY - NARROW (R1-N)
  - SEMI-DETACHED (DUPLICES) (R1-A)
  - MULTI-FAMILY (R2/R3)
  - TWO STOREY WALKOUT BASEMENTS (R1)
  - CENTRAL PARK
  - COMMERCIAL
  - PUBLIC UTILITY LOTS
  - WALKWAYS AND LOCAL PARKS
  - MAJOR WALKWAYS AND BIKE PATHS
  - MINOR WALKWAYS AND BIKE PATHS

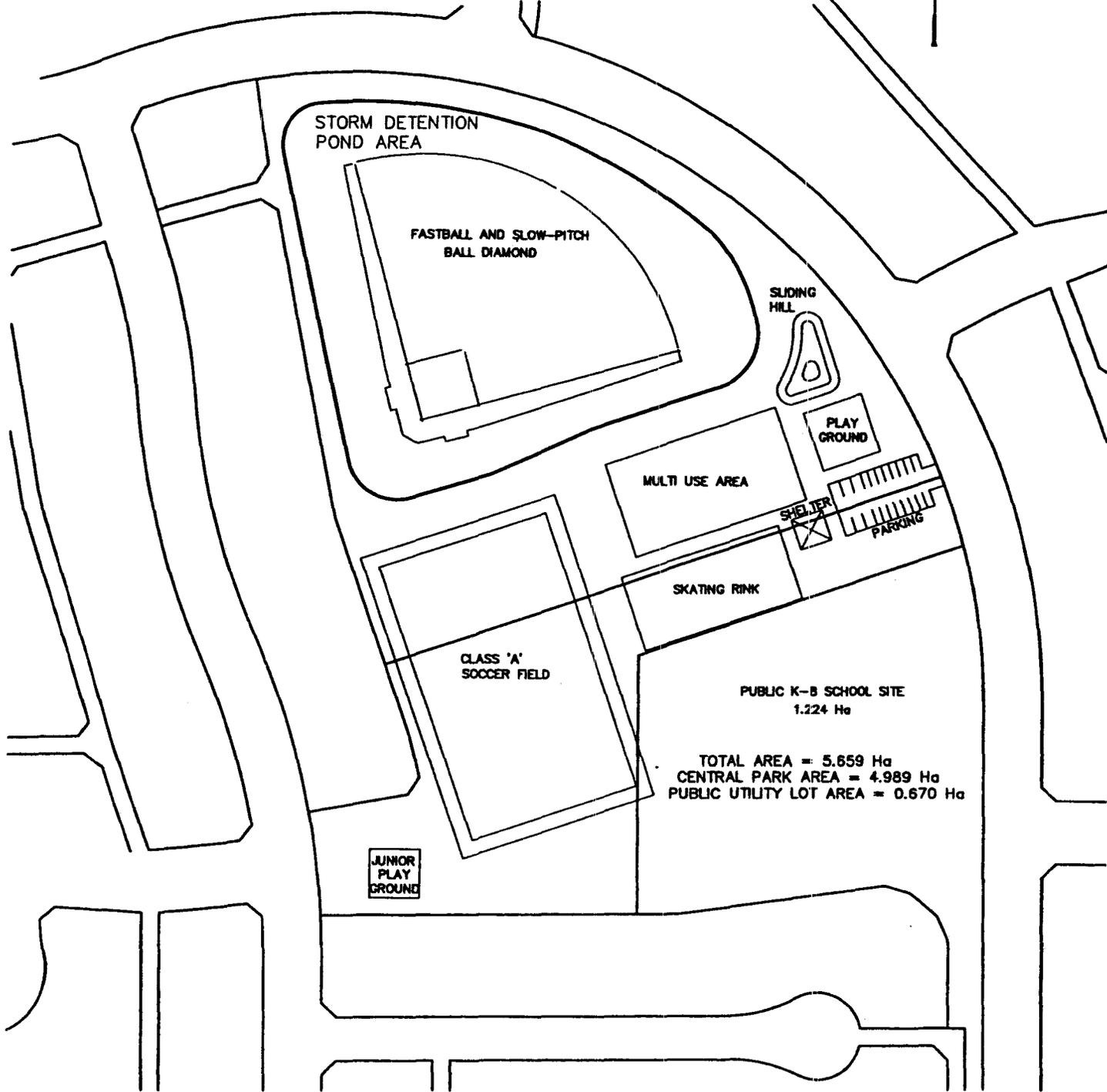
**AL-TERRA**  
ENGINEERING LTD.

REVISED OCT 22/01

COMATCH

RED DESK

# DAVENPORT OUTLINE PLAN



TOTAL AREA = 5.659 Ha  
CENTRAL PARK AREA = 4.989 Ha  
PUBLIC UTILITY LOT AREA = 0.670 Ha

## FIGURE 4b CENTRAL PARK

SCALE 1:2000

PREPARED BY:

**AL-TERRA**  
ENGINEERING LTD.

PREPARED MAR 26/98  
REVISED SEPT 22/98  
REVISED MAY 23/00  
REVISED SEPT 25/01

EDMONTON

RED DEER

# DAVENPORT AREA STRUCTURE PLAN

EXISTING  
ROSEDALE

N.E. 1/4, 14-38-27-W4  
ROSEDALE MEADOWS  
(FUTURE DEVELOPMENT)



ROSS  
STREET

MANUFACTURED HOME PARK

MULTI FAMILY  
AREA

DEMPSEY STREET

20th  
AVENUE

DEER PARK  
(MELCOR)

CENTRAL PARK AREA  
AND DETENTION POND

39th STREET

N.E. 1/4, 11-38-27-W4

## FIGURE 6 STORM SEWERS

SCALE 1:5000

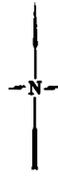
LEGEND:



STORM TRUNK  
STORM LINE

# DAVENPORT AREA STRUCTURE PLAN

EXISTING  
ROSEDALE



ROSDALE MEADOWS  
(FUTURE DEVELOPMENT)

N.E. 1/4, 14-38-27-W4

ROSS  
STREET

MANUFACTURED HOME PARK

MULTI FAMILY  
SITE

DEMPSEY  
STREET

DEER PARK  
(MELCOR)

CENTRAL PARK AREA  
AND DETENTION POND

20th  
AVENUE

39th STREET

N.E. 1/4, 11-38-27-W4

## FIGURE 7 OVERLAND DRAINAGE

GREATER THAN 1:5  
YEAR STORM EVENT

SCALE 1:5000

LEGEND:

← DIRECTION OF FLOW

**AL-TERRA**  
ENGINEERING LTD.

REVISED SEPT 24/01

EDMONTON

RED DEER

# DAVENPORT AREA STRUCTURE PLAN

EXISTING  
ROSEDALE

N.E. 1/4, 14-38-27-W4



ROSEDALE MEADOWS  
(FUTURE DEVELOPMENT)

ROSS  
STREET

MANUFACTURED HOME PARK

MULTI FAMILY  
AREA

DEMPSEY STREET

DEER PARK  
(MELCOIR)

CENTRAL PARK AREA

20th AVENUE

39th STREET

N.E. 1/4, 11-38-27-W4

## FIGURE 8 SANITARY SEWERS

SCALE 1:5000

### LEGEND:

-  250mm SAN
-  200mm SAN

**AL-TERRA**  
ENGINEERING LTD.

REVISED SEPT 24/01

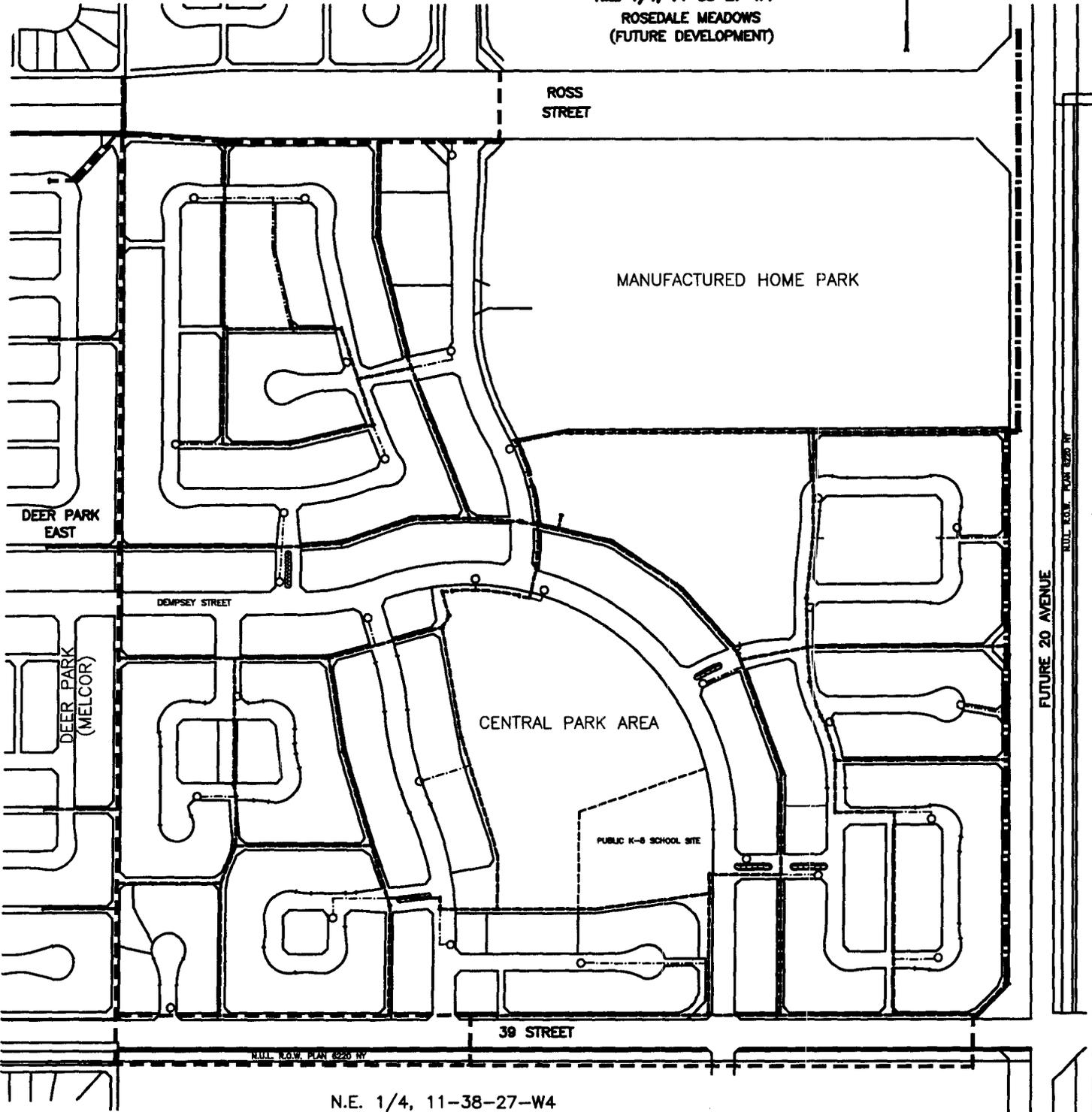
EDMONTON

RED DEER

# DAVENPORT AREA STRUCTURE PLAN

EXISTING ROSEDALE

N.E. 1/4, 14-38-27-W4  
ROSEDALE MEADOWS  
(FUTURE DEVELOPMENT)



**FIGURE 9  
WATER DISTRIBUTION**

SCALE 1:5000

**LEGEND:**

- 300mm WATER
- 250mm WATER
- 200mm WATER
- 150mm WATER
- HYDRANT

REVISED SEPT 24/01

**AL-TERRA**  
ENGINEERING LTD.

EDMONTON

REG. DESIG.

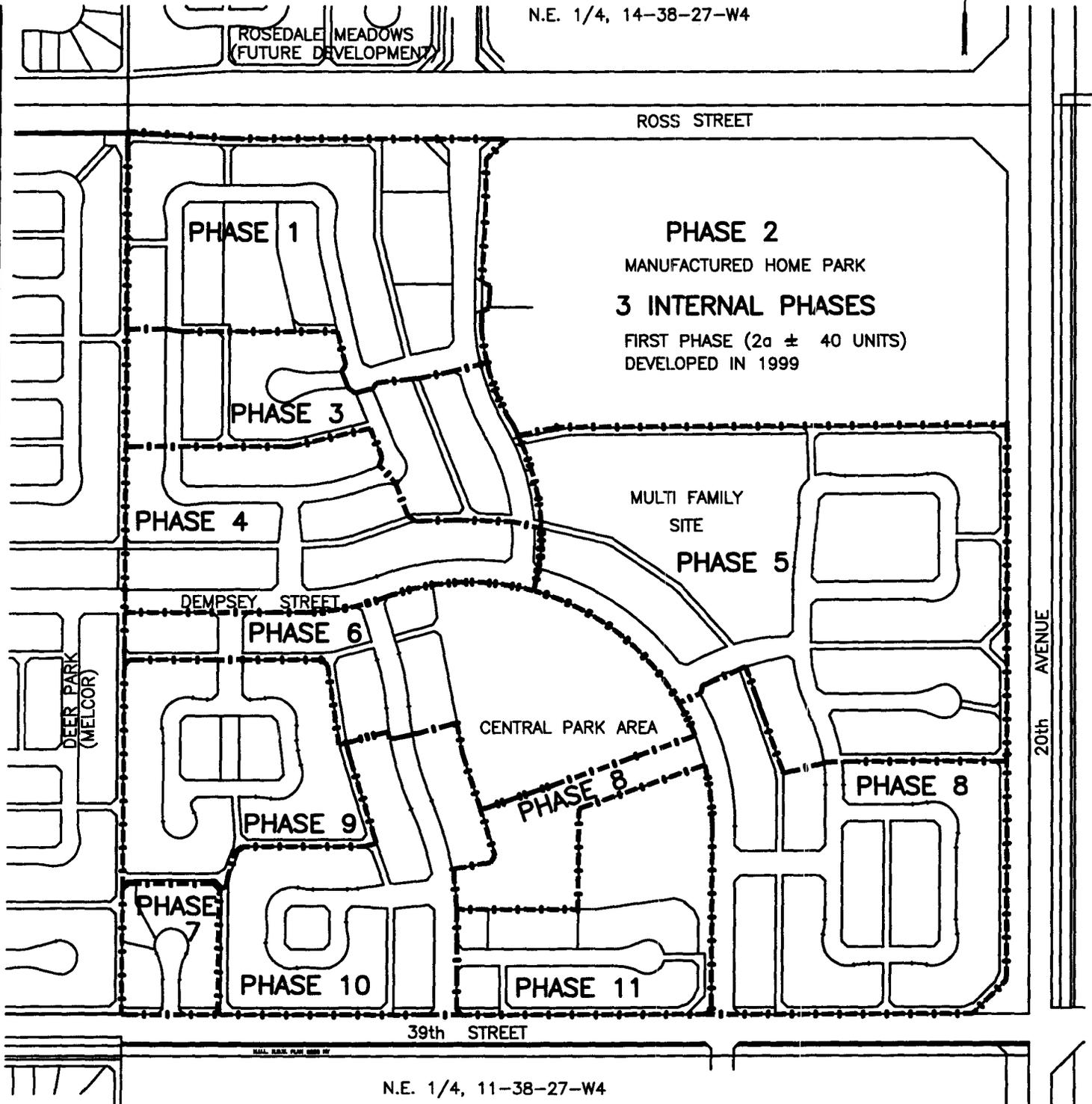
# DAVENPORT AREA STRUCTURE PLAN

EXISTING  
ROSEDALE

-N-

N.E. 1/4, 14-38-27-W4

ROSEDALE MEADOWS  
(FUTURE DEVELOPMENT)



**FIGURE 10**  
**PHASING PLAN**

SCALE 1:5000

PREPARED BY:

**AL-TERRA**  
ENGINEERING LTD.

REVISED SEPT 24/01

EDMONTON

RED DEER

### **3.0 POLICY FRAMEWORK; CONFORMANCE TO GUIDELINES:**

The City of Red Deer adopted the East Hill Area Structure Plan on September 14, 1992 via Bylaw 3075/92. Subsequent revisions were made to the plan via Bylaw 3075/A-93, on April 26, 1993 and Bylaw 3075/B-93 on November 22, 1993. Further revisions to this plan are being reviewed at this time. All revisions to the ASP made during the current review will be adopted (as applicable), within the planning framework of this quarter section. As defined in the area structure plan, the principal purpose of the land is for residential purposes. A Public K-8 school site is proposed within the central park site. A 0.25 hectare local convenience commercial site is proposed along Ross Street, at the north entrance to the quarter section.

Some of the other City of Red Deer documents consulted for reference in the preparation of this outline plan included the City of Red Deer Design Guidelines, the Ecological Profiles of the Ratzke/Deer Park Natural Areas, the Community Services Master Plan, and the City of Red Deer Planning And Subdivision Guidelines. The outline plan, as prepared, is generally in accordance with the direction provided in these documents.

### **4.0 SITE CHARACTERISTICS:**

#### **4.1 Site Features And Access To The Quarter Section:**

In the summer of 1999, four phases in the north part of the quarter section were developed, accounting for roughly half of the section's area. With the exception of the 1.62 hectare acreage located at the south west corner of the property, the remaining lands within the quarter section are farmed, and are currently in a cultivated state.

The site generally slopes from east to west, with an elevation difference across the quarter section of approximately 7.0 to 8.0 metres.

The local convenience commercial site will be a significant asset to this community, since it will provide what the name implies, "convenience" for the adjacent residents.

**5.2.3. Duplex Lots - RI-A:**

The duplex lots for this subdivision have been located in the northwest corner of the quarter section, adjacent to the Deer Park (Melcor) duplex lots, thus creating compatible land uses.

**5.2.4. Single Family Narrow Lots - RI-N:**

Single-family narrow lots will be located along the east boundary of the quarter section, south of the manufactured home park and adjacent to the 20<sup>TH</sup> Street right-of-way. A block of lots originally proposed as duplex lots, located within Phase 1, are also planned as single family narrow lots. All developments on these lots will fully comply with the requirements of the City of Red Deer's land use bylaw, and no relaxations will be required or requested of any RI-N standards.

**5.2.5. Central Park Site; Tot Lots; Detention Pond:**

A 5.059 hectare (12.5 acre) central park site is provided within this outline plan. The site is designated to include a Public K-8 school and the required neighborhood recreation facilities. There is good road exposure for this park site along Dempsey Street. The central location of the park site makes it so all residents within the quarter section require only a short walk to use the central park facilities. Figure 4b indicates the proposed park layout.

Four tot lots, strategically located within the quarter section, will provide park facilities, and a neighborhood gathering focal point for particular neighborhoods.

### 5.3 Land Use Distribution:

Table 1 illustrates the land use distribution for the outline plan area.

TABLE 1. OUTLINE PLAN STATISTICS:

<b>TOTAL AREA OF ORIGINAL ¼ SECTION</b>	65.026 Ha	160.68 Ac	
Ross Street and 20th Avenue Widening	4.031 Ha	9.96 Ac	
<b>DEVELOPABLE AREA</b>	60.995 Ha	150.72 Ac	100%
Single Family (R1)	19.044 Ha	47.06 Ac	31.2%
Manufactured Home Park (R4)	11.842 Ha	29.26 Ac	19.4%
Multiple Family (R2/R3)	3.939 Ha	9.73 Ac	6.5%
Duplex Lots (R1-A)	0.488 Ha	1.21 Ac	0.8%
Neighborhood Commercial (C3)	0.252 Ha	0.62 Ac	0.4%
Single Family - Narrow (R1-N)	5.744 Ha	14.27 Ac	9.5%
Social Care Sites (R1-A)	0.124 Ha	0.31 Ac	0.2%
Church Site (R1)	0.487 Ha	1.20 Ac	0.8%
Central Park and School Site (PS)	4.989 Ha	12.33 Ac	8.2%
Detention Pond	0.670 Ha	1.65 Ac	1.1%
Local Parks and Walkways (P1)	1.251 Ha	3.09 Ac	2.1%
Public Utility Lots (PS)	0.304 Ha	0.75 Ac	0.5%
<b>Roads</b>	11.832 Ha	29.24 Ac	19.4%
Collector	3.273 Ha	8.09 Ac	
Residential	5.843 Ha	14.44 Ac	
Lanes	2.722 Ha	6.73 Ac	

The total municipal reserve area, including the central park site, and excluding the main detention pond area is approximately 6.240 hectares (15.42 acres). This represents some 10.3% of the developable land area. As addressed in Section 5.2.1, there will also be a significant amount of landscaped area within the manufactured home park.

**BYLAW NO. 3156/96-2001**

Being a Bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of The City of Red Deer.

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

- 1 The "Use District Map L8" contained in "Schedule B" of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 34 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 5<sup>th</sup> day of ~~November~~ , A.D. 2001.

READ A SECOND TIME IN OPEN COUNCIL this            day of            , A.D. 2001.

READ A THIRD TIME IN OPEN COUNCIL this            day of            , A.D. 2001.

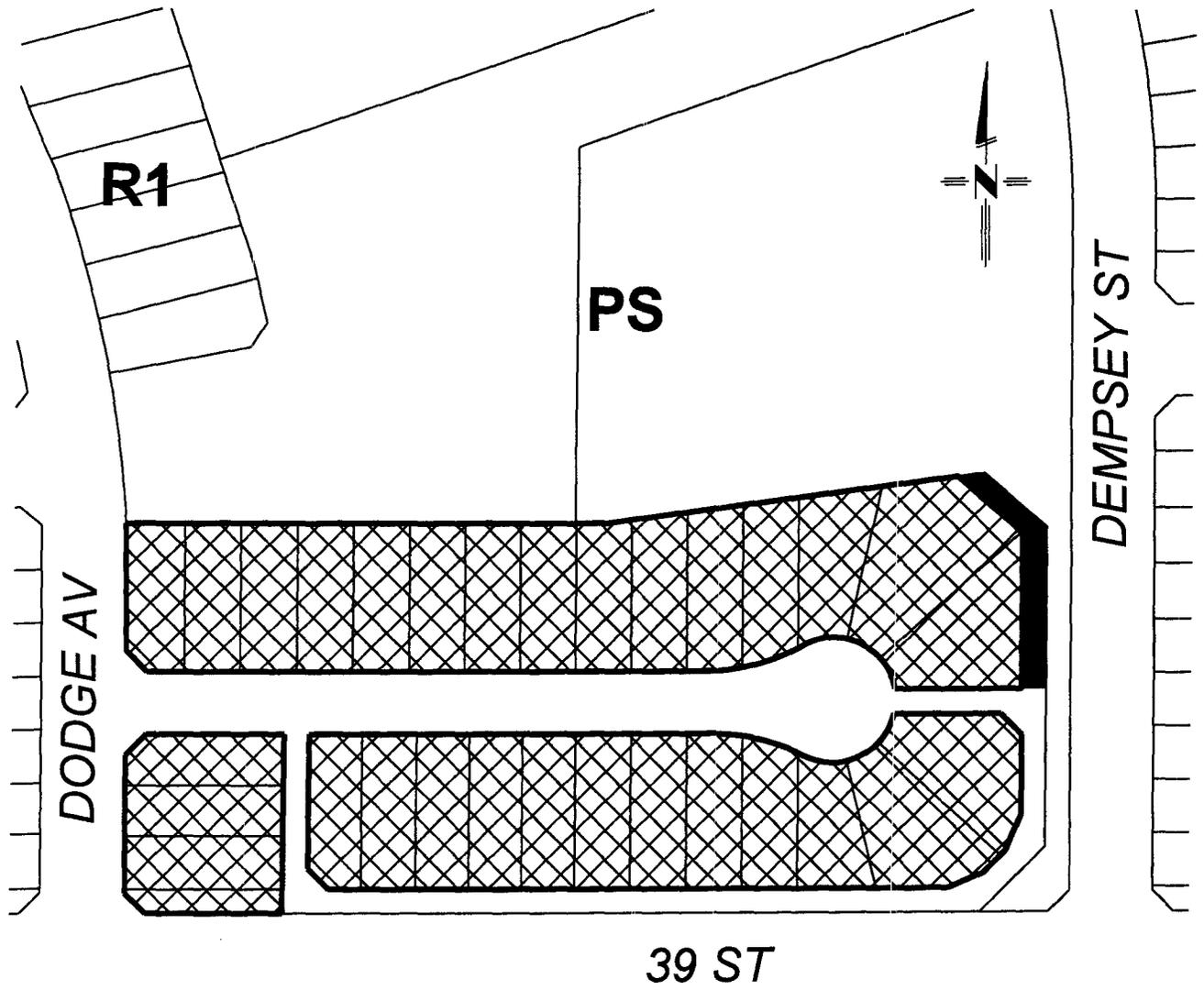
AND SIGNED BY THE MAYOR AND CITY CLERK this            day of            , A.D. 2001.

\_\_\_\_\_  
MAYOR

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

# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT



DOWLER  
ST

### AFFECTED DISTRICTS:

A1 - Future Urban Development

R1 - Residential (Low Density)

PS - Public Service (Institutional  
or Governmental)

### Change from :

A1 to R1 

A1 to PS 

MAP No. 34 / 2001

BYLAW No. 3156 / QQ - 2001

**Council Decision – Monday December 3, 2001**

DATE: December 4, 2001

TO: T. Lindhout  
Parkland Community Planning Services

FROM: City Clerk

RE: Deer Park Davenport:

(a) Neighbourhood Area Structure Plan Amendment Bylaw 3217/E-2001

(b) Land Use Bylaw Amendment 3156/QQ-2001 / Rezoning of Land from A1  
Future Urban Development District to R1 Residential Low Density District /  
Parkside Holdings Ltd.

**FILE**

**Reference Report:**

Parkland Community Planning Services, dated October 24, 2001

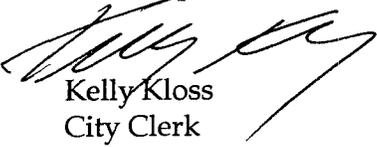
**Bylaw Readings:**

Neighbourhood Area Structure Plan Amendment Bylaw 3217/E-2001 and Land Use Bylaw Amendment 3156/QQ-2001 were given second and third readings. Copies of the bylaws are attached.

**Report Back to Council:** NO

**Comments/Further Action:**

Deer Park Davenport Neighbourhood Area Structure Plan Amendment Bylaw 3217/E-2001 consists of the addition of a lane around a portion of a future cul-du-sac located along the south boundary of the neighbourhood. The identification of a minor walkway along Dakin Street/Dowd Close is also being removed from the plan as a formal walkway connection to the major trail along the west side of 20 Avenue is no longer possible due to a future 2.5m high berm that will be located along this side of 20 Avenue. No changes are proposed to the central park/school site or to any of the developed areas within this new neighbourhood. Land Use Bylaw Amendment 3156/QQ-2001 rezones  $\pm$  2.075 ha (5.13 acres) of land from A1 Future Urban Development District to R1 Residential Low Density District in order to permit the development of 30 single family lots.

  
Kelly Kloss  
City Clerk

/chk  
attchs.

- c Director of Development Services
- Director of Community Services
- Land & Economic Development Manager
- Inspections & Licensing Manager
- City Assessor
- D. Kutinsky, Graphics Designer
- C. Adams, Administrative Assistant, City Clerk's
- S. Eklund, Clerk Steno, City Clerk's

**BYLAW NO. 3217/E-2001**

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

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

- 1 Bylaw 3217/98 with regard to the Deer Park Northeast (Ratzke/Davenport) Neighbourhood Area Structure Plan, is amended by deleting therefrom Figures 1, 3, 4, 4b, 6-10 and pages 3, 10, 12 and substituting therefore the attached amended Figures 1, 3, 4, 4b, 6-10 and pages 3, 10 and 12 which forms part of this Bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 5th day of ~~November~~ , A.D. 2001.

READ A SECOND TIME IN OPEN COUNCIL this 3rd day of ~~December~~ , A.D. 2001.

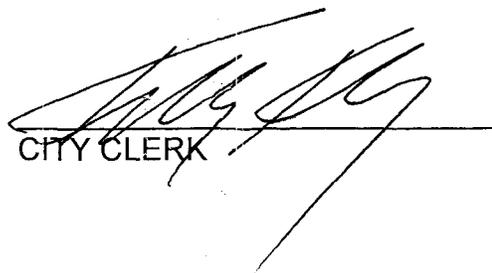
READ A THIRD TIME IN OPEN COUNCIL this 3rd day of ~~December~~ , A.D. 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this 3rd day of ~~December~~ , A.D. 2001.

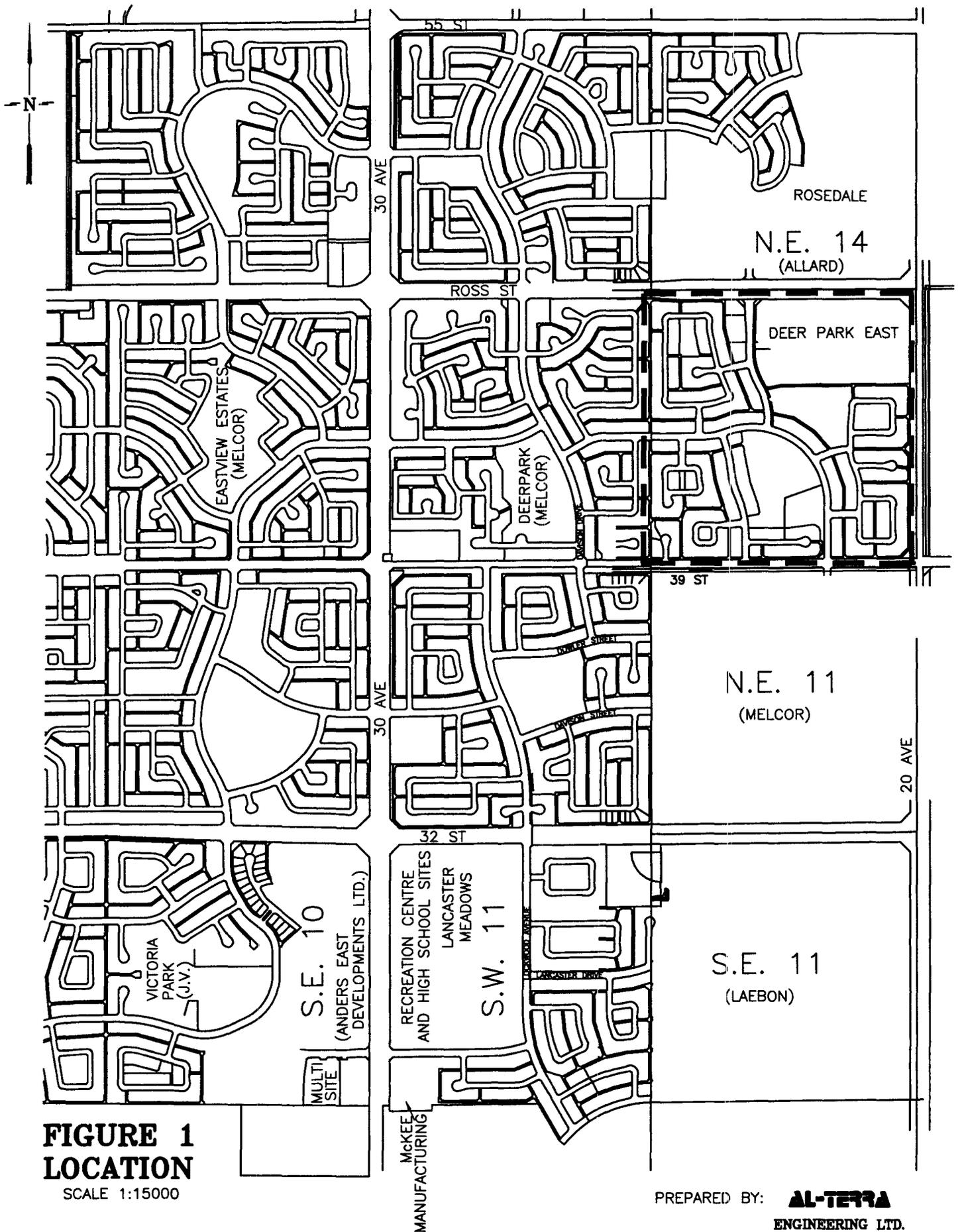
\_\_\_\_\_  
MAYOR



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



# DAVENPORT OUTLINE PLAN



**FIGURE 1  
LOCATION**

SCALE 1:15000

REVISED SEPT 24/01

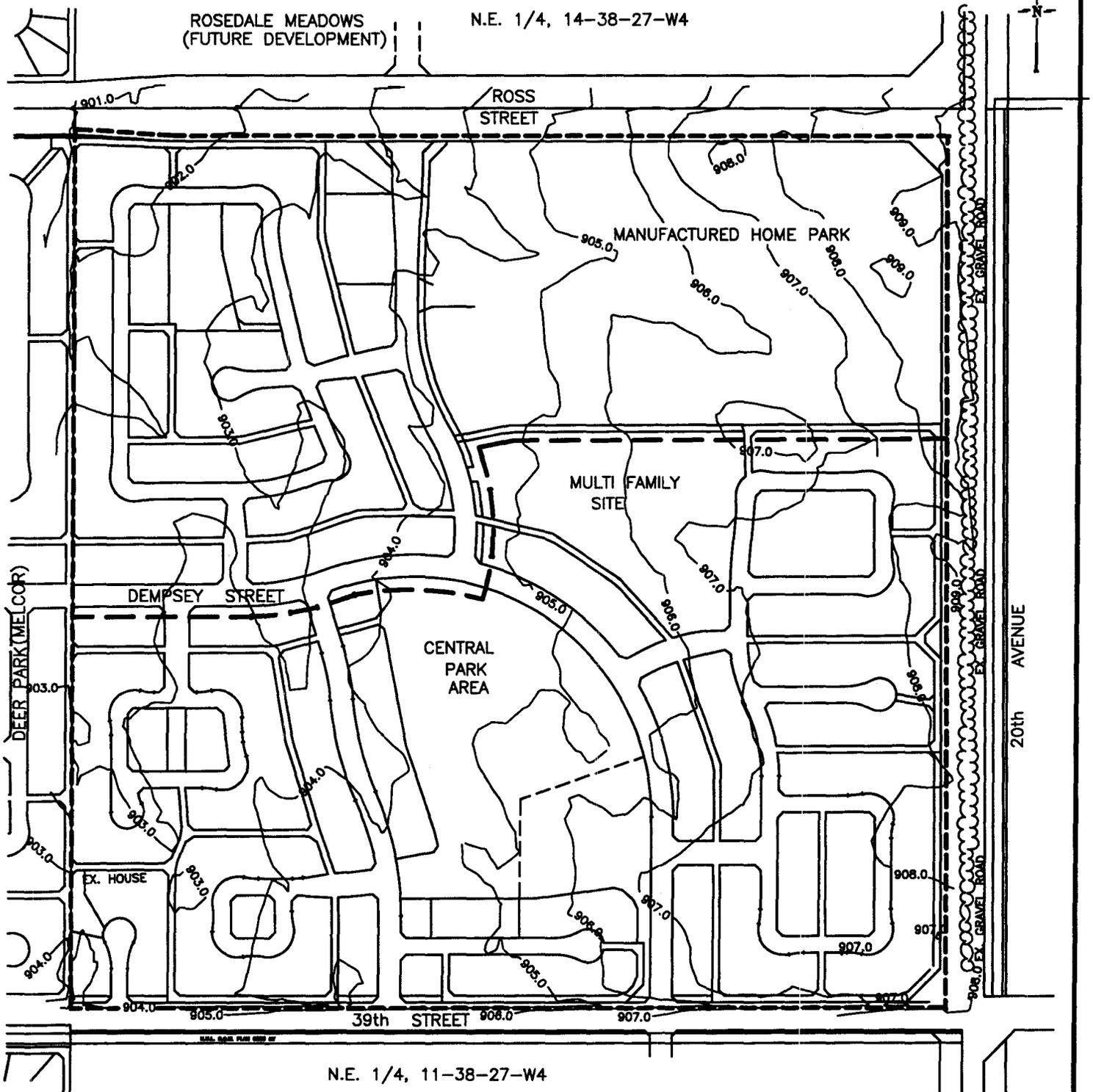
PREPARED BY: **AL-TERRA**  
ENGINEERING LTD.

# DAVENPORT OUTLINE PLAN

EXISTING  
ROSEDALE

ROSEDALE MEADOWS  
(FUTURE DEVELOPMENT)

N.E. 1/4, 14-38-27-W4



N.E. 1/4, 11-38-27-W4

## FIGURE 3 SITE FEATURES

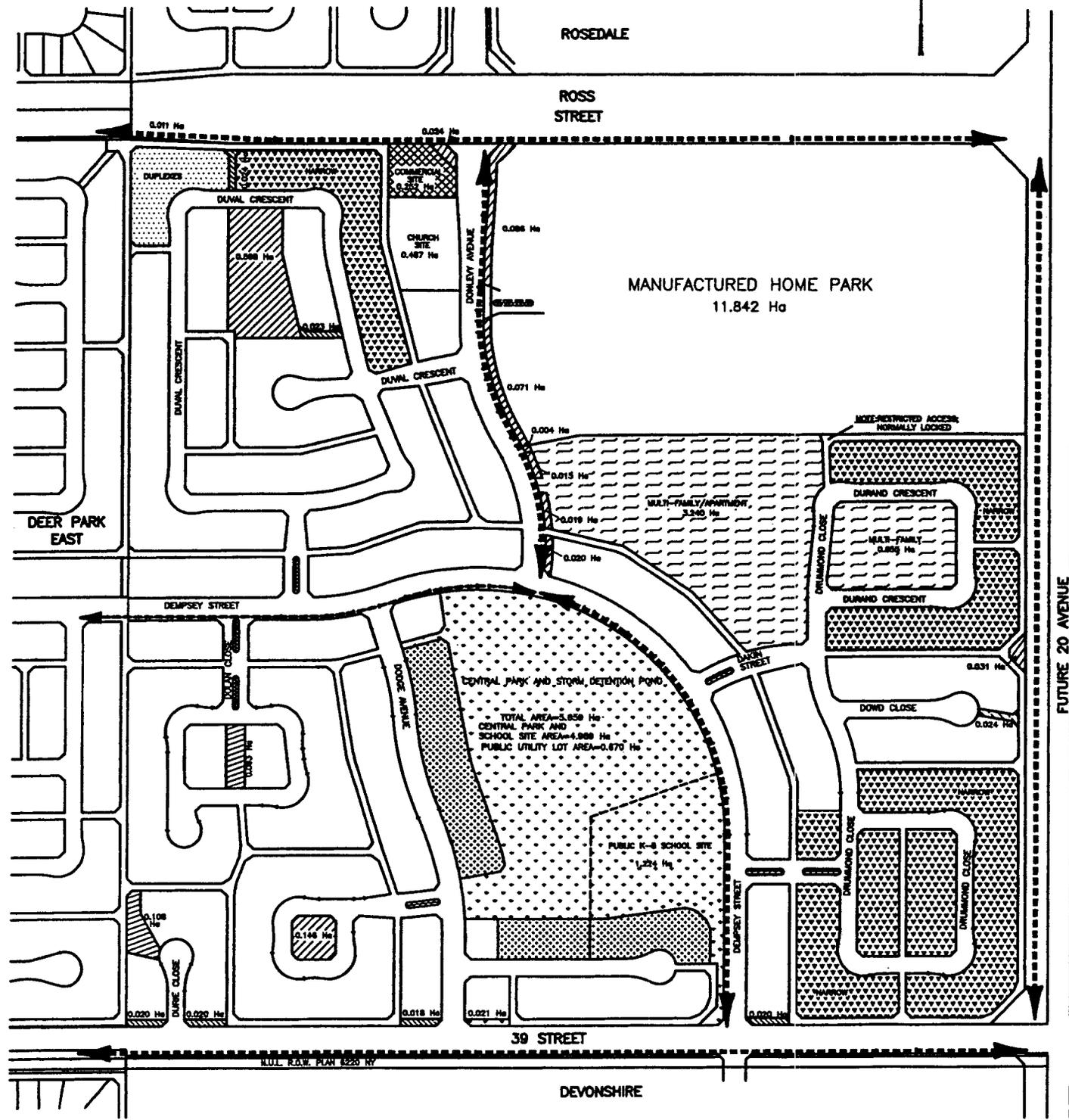
SCALE 1:5000

**LEGEND:**

- EXISTING DEVELOPMENT BOUNDARY
- · - · - OUTLINE PLAN BOUNDARY
- 901 — ORIGINAL GROUND CONTOURS
- ~ ORIGINAL TREELINE

**AL-TERRA**  
ENGINEERING LTD.

# DAVENPORT AREA STRUCTURE PLAN



SCALE 1:5000

- LEGEND:
- SINGLE FAMILY - DETACHED (R1)
  - SINGLE FAMILY - NARROW (R1-N)
  - SEMI-DETACHED (DUPLICES) (R1-A)
  - MULTI-FAMILY (R2/R3)
  - TWO STOREY WALKOUT BASEMENTS (R1)
  - CENTRAL PARK
  - COMMERCIAL
  - PUBLIC UTILITY LOTS
  - WALKWAYS AND LOCAL PARKS
  - MAJOR WALKWAYS AND BIKE PATHS
  - MINOR WALKWAYS AND BIKE PATHS

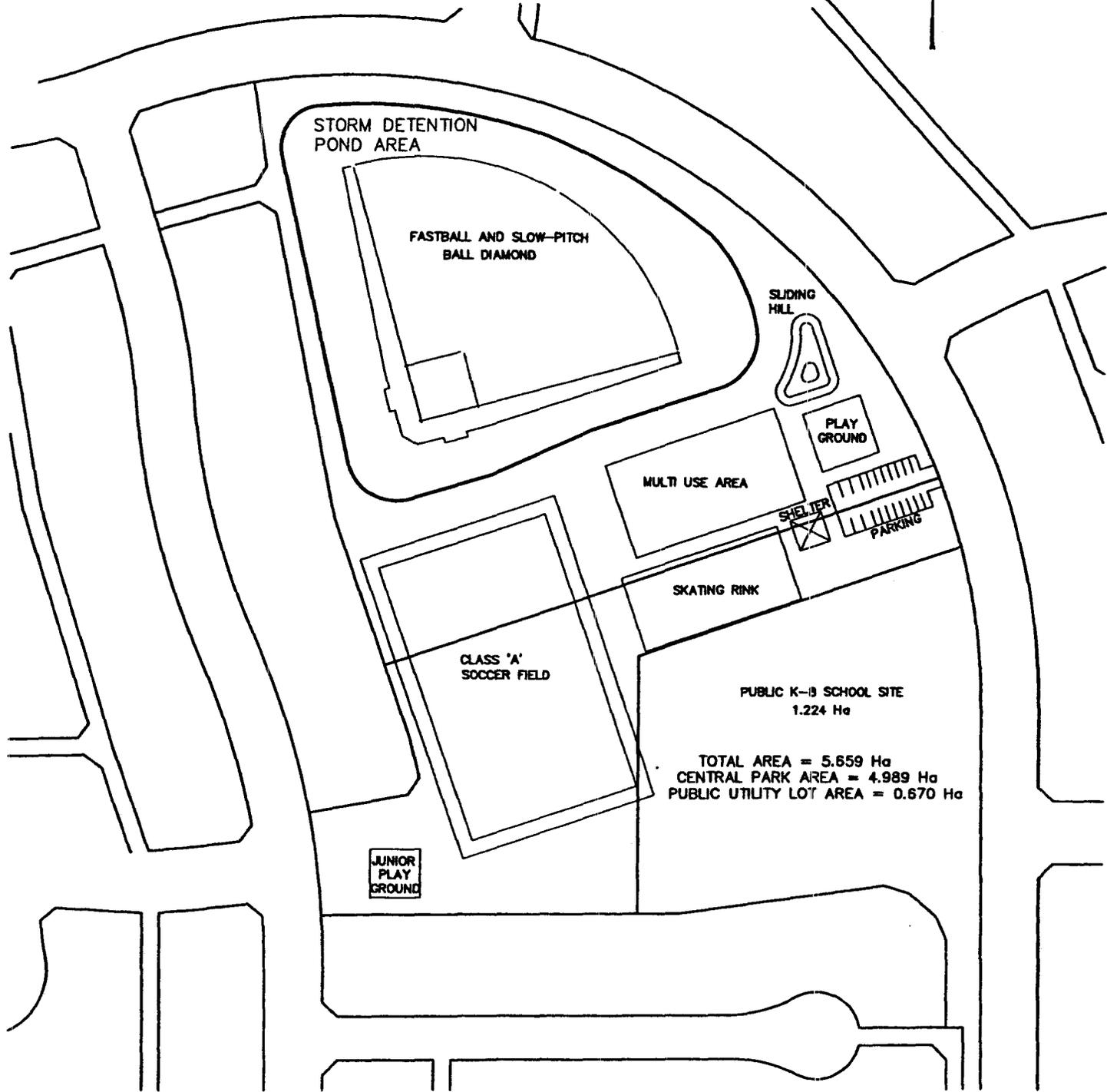
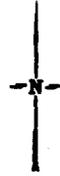
**AL-TERRA**  
ENGINEERING LTD.

REVISED OCT 22/01

EDMONTON

RED DESK

# DAVENPORT OUTLINE PLAN



**FIGURE 4b  
CENTRAL PARK**

SCALE 1:2000

PREPARED BY:

**AL-TERRA**

ENGINEERING LTD.

PREPARED MAR 26/98  
REVISED SEPT 22/98  
REVISED MAY 23/00  
REVISED SEPT 25/01

EDMONTON

RED DEER

# DAVENPORT AREA STRUCTURE PLAN

EXISTING  
ROSEDALE

N.E. 1/4, 14-38-27-W4  
ROSEDALE MEADOWS  
(FUTURE DEVELOPMENT)



ROSS  
STREET

MANUFACTURED HOME PARK

MULTI FAMILY  
AREA

DEMPSEY STREET

20th  
AVENUE

DEER PARK  
(MELCOR)

CENTRAL PARK AREA  
AND DETENTION POND

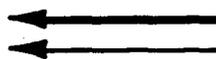
39th STREET

N.E. 1/4, 11-38-27-W4

## FIGURE 6 STORM SEWERS

SCALE 1:5000

LEGEND:



STORM TRUNK  
STORM LINE

**AL-TERRA**

ENGINEERING LTD.

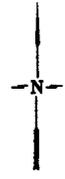
REVISED SEPT 24/01

EDMONTON

RED DEER

# DAVENPORT AREA STRUCTURE PLAN

EXISTING  
ROSEDALE



ROSEDALE MEADOWS  
(FUTURE DEVELOPMENT)

N.E. 1/4, 14-38-27-W4

ROSS  
STREET

MANUFACTURED HOME PARK

MULTI FAMILY  
SITE

DEMPSEY  
STREET

DEER PARK  
(MELCOR)

CENTRAL PARK AREA  
AND DETENTION POND

20th  
AVENUE

39th STREET

N.E. 1/4, 11-38-27-W4

## FIGURE 7 OVERLAND DRAINAGE

GREATER THAN 1:5  
YEAR STORM EVENT

SCALE 1:5000

### LEGEND:

← DIRECTION OF FLOW

**AL-TERRA**

ENGINEERING LTD.

REVISED SEPT 24/01

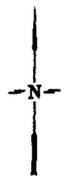
EDMONTON

RED CROSS

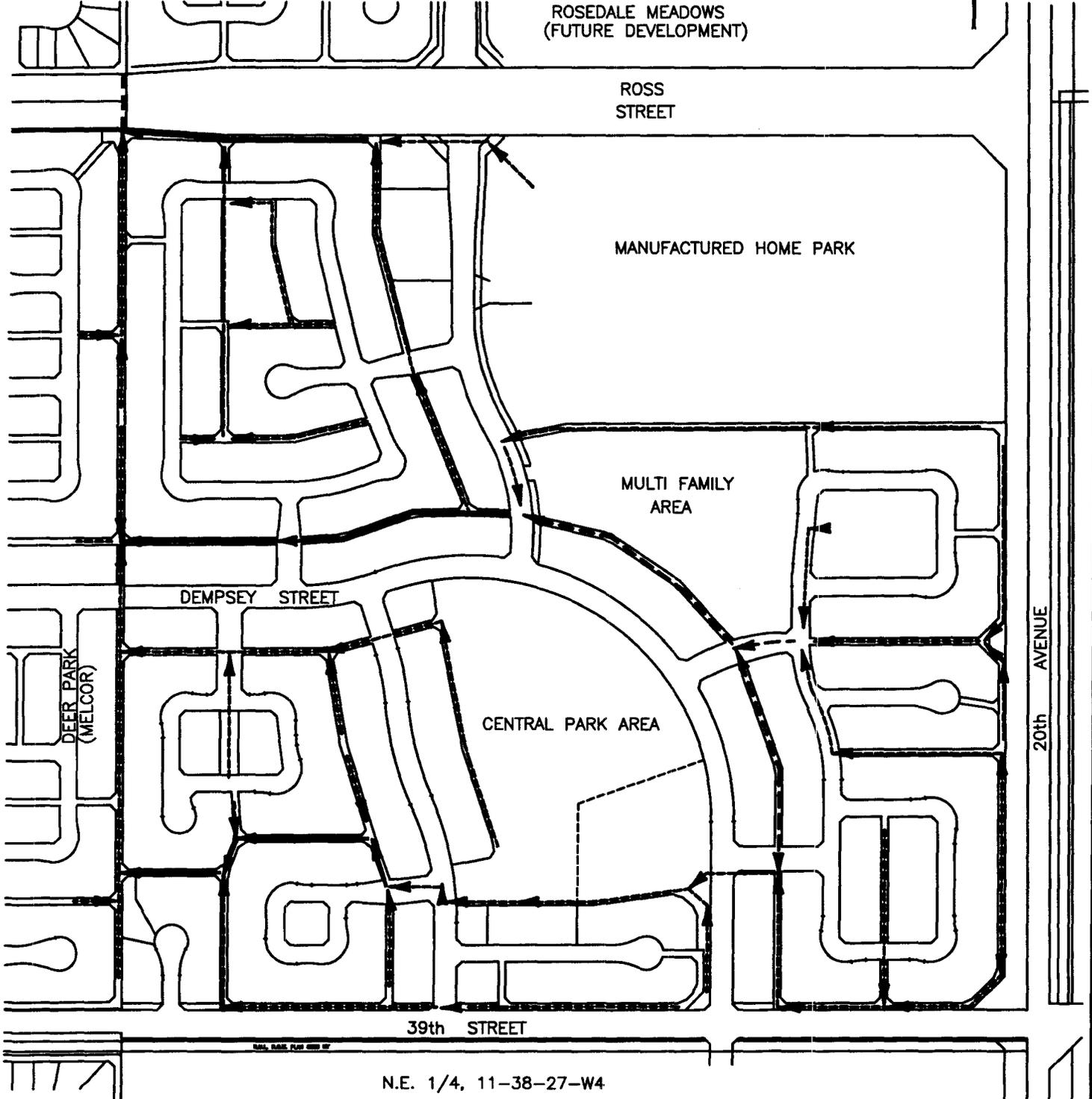
# DAVENPORT AREA STRUCTURE PLAN

EXISTING  
ROSEDALE

N.E. 1/4, 14-38-27-W4



ROSEDALE MEADOWS  
(FUTURE DEVELOPMENT)



**FIGURE 8**  
**SANITARY SEWERS**

SCALE 1:5000

LEGEND:

- > 250mm SAN
- ==> 200mm SAN

**AL-TERRA**  
ENGINEERING LTD.

REVISED SEPT 24/01

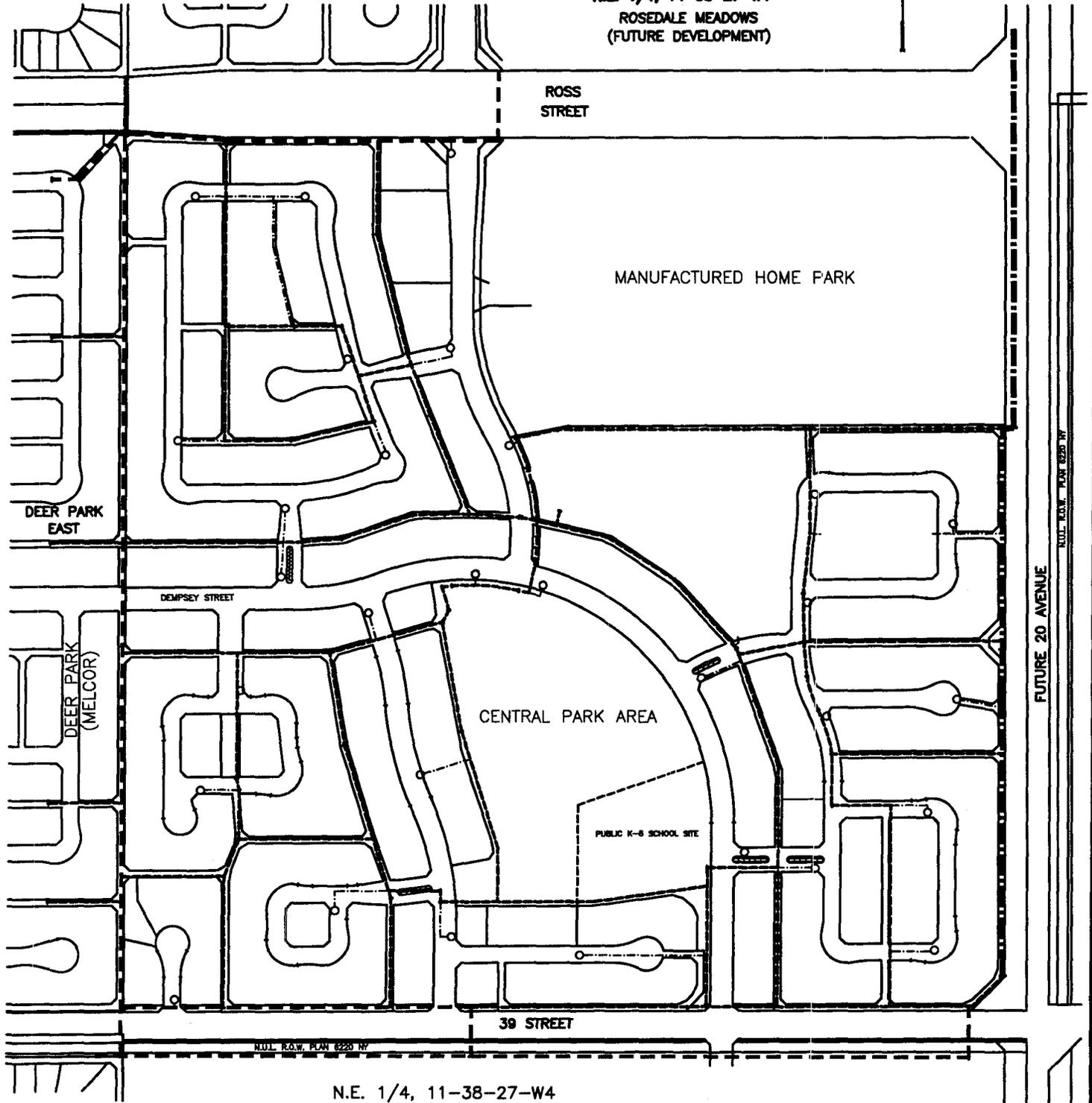
EDMONTON

RED CROSS

# DAVENPORT AREA STRUCTURE PLAN

EXISTING ROSEDALE

N.E. 1/4, 14-38-27-W4  
ROSEDALE MEADOWS  
(FUTURE DEVELOPMENT)



## FIGURE 9 WATER DISTRIBUTION

SCALE 1:5000

**LEGEND:**

-  300mm WATER
-  250mm WATER
-  200mm WATER
-  150mm WATER
-  HYDRANT

REVISED SEPT 24/01

**AL-TERRA**  
ENGINEERING LTD.  
EDMONTON                      RED DEER

# DAVENPORT AREA STRUCTURE PLAN

EXISTING  
ROSEDALE

-N-

N.E. 1/4, 14-38-27-W4

ROSEDALE MEADOWS  
(FUTURE DEVELOPMENT)

ROSS STREET

PHASE 1

PHASE 2

MANUFACTURED HOME PARK

3 INTERNAL PHASES

FIRST PHASE (2a ± 40 UNITS)  
DEVELOPED IN 1999

PHASE 3

MULTI FAMILY  
SITE

PHASE 4

PHASE 5

DEMPSEY STREET

PHASE 6

CENTRAL PARK AREA

DEER PARK  
(MELCOR)

PHASE 8

PHASE 8

PHASE 9

PHASE 7

PHASE 10

PHASE 11

39th STREET

20th AVENUE

N.E. 1/4, 11-38-27-W4

## FIGURE 10 PHASING PLAN

SCALE 1:5000

PREPARED BY:

**AL-TERRA**  
ENGINEERING LTD.

REVISED SEPT 24/01

EDMONTON

RED DEER

### **3.0 POLICY FRAMEWORK; CONFORMANCE TO GUIDELINES:**

The City of Red Deer adopted the East Hill Area Structure Plan on September 14, 1992 via Bylaw 3075/92. Subsequent revisions were made to the plan via Bylaw 3075/A-93, on April 26, 1993 and Bylaw 3075/B-93 on November 22, 1993. Further revisions to this plan are being reviewed at this time. All revisions to the ASP made during the current review will be adopted (as applicable), within the planning framework of this quarter section. As defined in the area structure plan, the principal purpose of the land is for residential purposes. A Public K-8 school site is proposed within the central park site. A 0.25 hectare local convenience commercial site is proposed along Ross Street, at the north entrance to the quarter section.

Some of the other City of Red Deer documents consulted for reference in the preparation of this outline plan included the City of Red Deer Design Guidelines, the Ecological Profiles of the Ratzke/Deer Park Natural Areas, the Community Services Master Plan, and the City of Red Deer Planning And Subdivision Guidelines. The outline plan, as prepared, is generally in accordance with the direction provided in these documents.

### **4.0 SITE CHARACTERISTICS:**

#### **4.1 Site Features And Access To The Quarter Section:**

In the summer of 1999, four phases in the north part of the quarter section were developed, accounting for roughly half of the section's area. With the exception of the 1.62 hectare acreage located at the south west corner of the property, the remaining lands within the quarter section are farmed, and are currently in a cultivated state.

The site generally slopes from east to west, with an elevation difference across the quarter section of approximately 7.0 to 8.0 metres.

The local convenience commercial site will be a significant asset to this community, since it will provide what the name implies, "convenience" for the adjacent residents.

**5.2.3. Duplex Lots - RI-A:**

The duplex lots for this subdivision have been located in the northwest corner of the quarter section, adjacent to the Deer Park (Melcor) duplex lots, thus creating compatible land uses.

**5.2.4. Single Family Narrow Lots - RI-N:**

Single-family narrow lots will be located along the east boundary of the quarter section, south of the manufactured home park and adjacent to the 20<sup>TH</sup> Street right-of-way. A block of lots originally proposed as duplex lots, located within Phase 1, are also planned as single family narrow lots. All developments on these lots will fully comply with the requirements of the City of Red Deer's land use bylaw, and no relaxations will be required or requested of any R1-N standards.

**5.2.5. Central Park Site; Tot Lots; Detention Pond:**

A 5.059 hectare (12.5 acre) central park site is provided within this outline plan. The site is designated to include a Public K-8 school and the required neighborhood recreation facilities. There is good road exposure for this park site along Dempsey Street. The central location of the park site makes it so all residents within the quarter section require only a short walk to use the central park facilities. Figure 4b indicates the proposed park layout.

Four tot lots, strategically located within the quarter section, will provide park facilities, and a neighborhood gathering focal point for particular neighborhoods.

### 5.3 Land Use Distribution:

Table 1 illustrates the land use distribution for the outline plan area.

TABLE 1. OUTLINE PLAN STATISTICS:

<b>TOTAL AREA OF ORIGINAL ¼ SECTION</b>	65.026 Ha	160.68 Ac	
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**BYLAW NO. 3156/QQ-2001**

Being a Bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of The City of Red Deer.

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

- 1 The "Use District Map L8" contained in "Schedule B" of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 34 attached hereto and forming part of the bylaw.

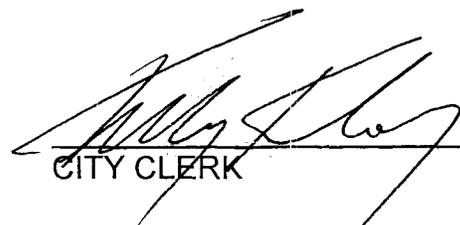
READ A FIRST TIME IN OPEN COUNCIL this 5<sup>th</sup> day of **November**, A.D. 2001.

READ A SECOND TIME IN OPEN COUNCIL this 3<sup>rd</sup> day of **December**, A.D. 2001.

READ A THIRD TIME IN OPEN COUNCIL this 3<sup>rd</sup> day of **December**, A.D. 2001.

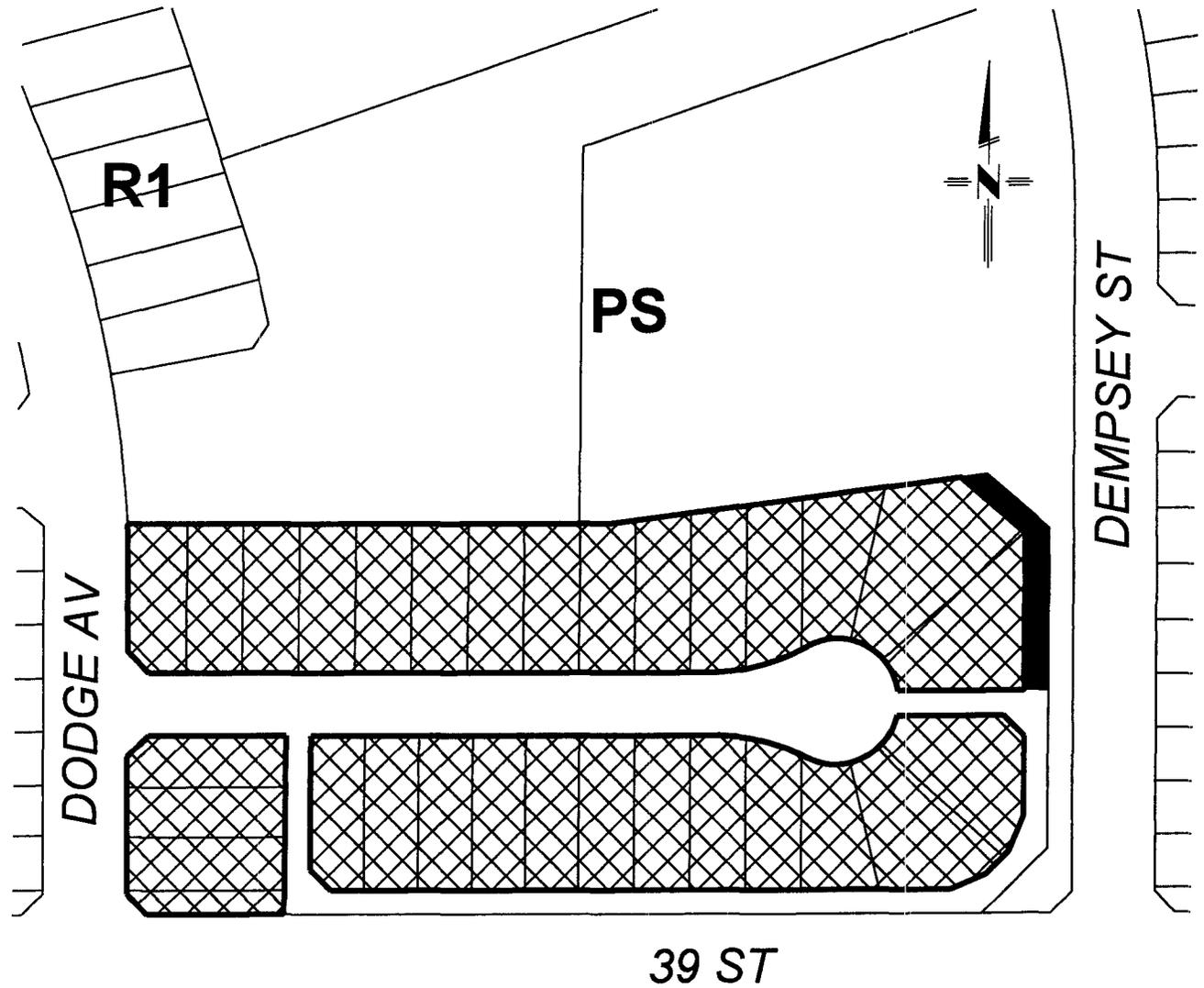
AND SIGNED BY THE MAYOR AND CITY CLERK this 3<sup>rd</sup> day of **December**, A.D. 2001.

  
\_\_\_\_\_  
MAYOR

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

# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT



DOWLER ST

### AFFECTED DISTRICTS:

A1 - Future Urban Development

R1 - Residential (Low Density)

PS - Public Service (Institutional or Governmental)

Change from :

A1 to R1



A1 to PS



MAP No. 34 / 2001

BYLAW No. 3156 / QQ - 2001

**FILE**



**Office of the City Clerk**

December 4, 2001

Fax: 342-5022

Parkside Holdings Ltd.  
18, 7805 - 49 Avenue  
Red Deer, AB T4P 2B4

Dear Sir:

- Re: 1) **Bylaw 3217/E-2001 - Deer Park Davenport  
Neighbourhood Area Structure Plan Amendment**  
2) **Land Use Bylaw Amendment 3156/QQ-2001  
Deer Park (Davenport) Neighbourhood**

At the City of Red Deer's Council meeting held Monday, December 3, 2001, a Public Hearing was held with respect to Deer Park Davenport Neighbourhood Area Structure Plan Amendment Bylaw 3217/E-2001 and Land Use Bylaw Amendment 3156/QQ-2001. Following the Public Hearings the bylaws were given second and third readings. Copies of the bylaws are attached for your information.

Deer Park Davenport Neighbourhood Area Structure Plan Amendment Bylaw 3217/E-2001 consists of the addition of a lane around a portion of a future cul-du-sac located along the south boundary of the neighbourhood. The identification of a minor walkway along Dakin Street/Dowd Close is also being removed from the plan as a formal walkway connection to the major trail along the west side of 20 Avenue is no longer possible due to a future 2.5m high berm that will be located along this side of 20 Avenue. No changes are proposed to the central park/school site or to any of the developed areas within this new neighbourhood. Land Use Bylaw Amendment 3156/QQ-2001 redesignates  $\pm$  2.075 ha (5.13 acres) of land from A1 Future Urban Development District to R1 Residential Low Density District in order to permit the development of 30 single family lots.

Please contact me should you have any questions or require further clarification.

Sincerely,

Kelly Kloss  
City Clerk

/chk

/attach.

c Parkland Community Planning Services

*The City of Red Deer*

Box 5008  
Red Deer, Alberta  
T4N 3T4

**DATE:** November 6, 2001  
**TO:** City Council  
**FROM:** City Clerk  
**RE:** Land Use Bylaw Amendment 3156/RR-2001  
Proposed Redistricting of Lots 1 to 4, Block 2, Plan 8324 ET  
From R2 Residential Medium Density to R3 Residential Multiple Family District  
Meadowglen Developments Ltd.

---

*History*

At the Monday, November 5, 2001 meeting of Council, Land Use Bylaw Amendment 3156/RR-2001 was given first reading.

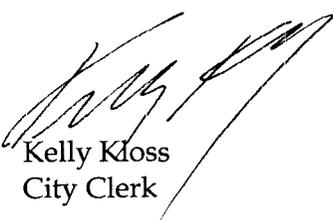
Land Use Bylaw Amendment 3156/RR-2001 provides for the redistricting of Lots 1 to 4, Block 2, Plan 8324 ET from R2 Residential Medium Density District to R3 Residential Multiple Family District to allow for the construction of a higher density multiple family building in excess of the development standards of the R2 district. The maximum height of the building is three stories.

*Public Consultation Process*

A Public Hearing has been advertised for the above noted bylaw to be held on Monday, December 3, 2001 at 7:00 p.m. in the Council Chambers during Council's regular meeting. The owners of the properties and those bordering the site have been notified by letter of the Public Hearing.

*Recommendations*

That following the Public Hearing, Council may proceed with 2<sup>nd</sup> & 3<sup>rd</sup> readings of the bylaw.



Kelly Kloss  
City Clerk

/chk



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

**DATE:** October 29, 2001

**TO:** Kelly Kloss, City Clerk  
**CC:** Colleen Jensen, Director of Community Services

**FROM:** Johan van der Bank, Planner

**RE:** Bylaw Amendment No. 3156/RR – 2001  
 Map No. 35/2001  
 Proposed redistricting of Lots 1 to 4, Block 2, Plan 8324 ET  
 from R2 to R3 (condominium multiple family building)  
 Meadowglen Developments Ltd.

### PURPOSE AND BACKGROUND

This report serves to provide Council with the background and recommendation on a redistricting proposal, submitted by Mr. Allen Trites of Meadowglen Developments (refer to the attached letter dated January 3, 2001, in Attachment 1). Since the initial proposal for a 38 unit adult condominium apartment building on five lots, Mr. Trites were unsuccessful in securing ownership of Lot 5, and the proposal has been scaled down to a 24 unit condominium apartment building on four lots only. The proposal to be considered is for the redistricting of Lots 1 to 4, Block 2, Plan 8324 ET from R2 Residential (Medium Density) District to R3 Residential (Multiple Family) District. The application site located at 3501, 3503, 3505 and 3507, 49 Avenue, measures 2,173.9 m<sup>2</sup> and is presently developed with four detached dwellings.

Under the present R2 land use designation a multiple family building is a discretionary use. The developer is requesting the redistricting of the property to R3 to allow for the construction of a higher density multiple family building in excess of the development standards of the R2 District.

The preliminary building plans (attached in Attachment 2) indicate that the following relaxations of the development standards in the R3 District will be required if the site is redistricted:

- The maximum site coverage requires a relaxation of 67.6 m<sup>2</sup> or 7.8%.
- The minimum lot area requires a relaxation of 154 m<sup>2</sup> or 6.6%.
- The front and rear yards both require relaxations of 2.9 m or 38.7% each.
- The east side yard requires a relaxation of 0.77 m or 8.5%.
- The west side yard requires a relaxation of 1.4 m or 15.5%.

In considering this request for redistricting from R2 to R3, Council should address the planning rationale for the land use designation. However, the actual building plans and

any relaxations of development standards that might be required if the property is redistricted will be considered by Municipal Planning Commission through the development permit application process.

### **NEIGHBOURHOOD MEETING**

Planning staff considered the proposal as potentially having an impact on its immediate surroundings, and advised the developer that a neighbourhood meeting should be held to discuss the proposal with area residents. The neighbourhood meeting was hosted by planning staff on October 17, 2001. Twenty five residents and landowners attended the meeting.

A number of concerns regarding the proposed development were raised and recorded at the meeting. Generally area residents are in opposition to the proposed redistricting. Fourteen comment sheets were submitted, of which twelve are in opposition and two in support of the proposal. A petition against the proposed redistricting was submitted, signed by 38 persons, some of whom had been present at the meeting and had submitted comment sheets. Copies of the attendance sheet, the comment sheets and the petition were circulated to Council under separate confidential cover.

Concerns from the meeting, the comment sheets and the petition are summarized and addressed below:

<b>RESIDENTS' CONCERNS</b>	<b>STAFF RESPONSES</b>
<p>1. What would the impact of this development be on traffic volumes, traffic flow and possible traffic congestion along 35 Street and 49 Avenue? Residents are concerned that the proposed entrance to the underground parking from 35 Street could create hazardous traffic conditions, especially with regard to school children, because it is directly opposite the playground of Ecolé la Prairie and the school bus stop. One may expect cars to be parked on the street, which would reduce visibility and create traffic hazards, not only for the school children, but also for the many seniors who live in the area.</p>	<p>The City's traffic engineer indicated that during the busiest one hour of any particular day there would be around 25 vehicles in/out of the underground parking on 35 Street and the lane accesses on 35 and 36 Streets. Theoretically this traffic volume would be perceived as two vehicles in approximately every five minutes for the peak traffic hours in the morning and evening (several vehicles often arrive and depart at the same time, so the effect would be minimized).</p> <p>The proposed development would generate 17 more vehicles per peak hour than would be the case if the four single family homes continue to exist. The impact of the additional traffic generated by the proposed development on traffic flows and congestion would therefore be minor.</p> <p>The afternoon peak traffic hour, which occurs from 4:30 p.m. to 5:30 p.m., does not coincide with the time that school buses and parents would pick up children from the school, which takes place when school comes out at 3:20 p.m. The morning peak hour is from 7:30 a.m. to 8:30 a.m. while the first school buses arrive at the school at 8:30 a.m. There would thus not be a direct conflict between the peak vehicle traffic hour and the school traffic.</p>

RESIDENTS CONCERNS	STAFF RESPONSES
2. If the development is approved, the access to underground parking should be relocated to the lane.	Relocation of the entrance to the underground parking would not be considered, because the developer intends to continue trying to purchase Lot 5 for inclusion into the proposed development. If this is successful, the intent is to provide ingress to the underground parking from 35 Street and egress from the underground parking to 36 Street.
3. A back door to the multiple family building should be provided to allow convenient access from the rear parking area as well as to the garbage enclosure.	This is a good suggestion; it will be considered by the developer and referred to Municipal Planning Commission.
4. What would the impact of this development be on transit routing, and if the existing transit route is revised to continue along 49 Avenue north of 35 Street, this will be a severe impact on the neighbourhood and create traffic problems.	The City's transit manager indicated that from a transit use perspective, any multiple family building proposed in close proximity to a major transit corridor, would be supported (provided it meets the Land Use Bylaw requirements), because these buildings bring higher population densities to support transit use. The transit department presently prefers to route transit along the same routes in both directions. Because 49 Avenue north of 35 Street is not upgraded to a transit route standard and because the intersection of 37 Street into Gaetz Avenue is a right-in-right-out, it is not desirable to route transit vehicles along 49 Avenue north of 35 Street. The existing transit route is along 49 Avenue and 35 Street to Gaetz Avenue. The bus stop is within walking distance of the subject property. If demand justifies, a bus stop could be located at the corner of 49 Avenue and 35 Street, directly opposite the proposed development.
5. What would the impact of this development be on parking congestion (residents' second vehicles and visitor vehicles) along 35 Street and 49 Avenue?	The proposed development provides more on-site parking than what is required by the Land Use Bylaw for residents and visitors.
6. What would the impact of this development be on the density of the area? The proposed development would add too many households (4 existing vs. 24 proposed) to the area, which presently has a quiet atmosphere. The additional noise, traffic and people would make this a very different neighbourhood.	Presently four additional dwelling units could be built as permitted uses. The R2 land use designation allows for a multiple family building of approximately 16 units to be built as a discretionary use. The proposed development of 24 units (i.e. six one bedroom and eighteen two bedroom units) would result in eight more units than what could presently be developed on the property. At the currently applied persons per unit standards of 2.4 and 3.0 respectively for one and two bedroom units, the development could accommodate 69 persons. This would yield a density of 318 persons per hectare. Several apartment buildings exist along 49 Avenue nearby as well as several seniors' residences. The area is predominantly designated as R2 and R3. There are no low density land use designations in the area (i.e. R1, R1A and R1N).

RESIDENTS' CONCERNS	STAFF RESPONSES
<p>7. The size of proposed building seems to be excessive. It is in the middle of the community. Due to its proposed height of approximately 13 m it would block views of the sunset presently enjoyed by residents of dwelling units to the east of the subject property. It would dominate its immediate surroundings and reduce the privacy and enjoyment of other properties. There is a concern that the values of some properties could be adversely affected. The proposed development is perceived as being out of character with this neighbourhood. The developer is asking for too many relaxations. Other developers were able to develop projects in the same block that are more considerate of the present character.</p>	<p>The existing R2 land use designation allows a three storey multiple family building as a discretionary use, with potentially the same impact on surrounding properties. Four other multiple family buildings exist along 49 Avenue, i.e. 'in the middle of the community'. Tree planting along the east boundary to screen the dwellings along the lane could possibly be required as a discretionary use development permit condition.</p> <p>This redistricting proposal deals only with the land use designation. Matters such as the relaxation of development standards will be dealt with at the development permit stage, when area residents would be notified of the discretionary use application and any relaxation that might be requested at the time.</p>
<p>8. The City should prepare an Area Redevelopment Plan (ARP) for this area, because there will be more proposals similar to this one and without a community vision, there would be no guidelines and development of this area would proceed without direction.</p>	<p>This request came from one person at the neighbourhood meeting.</p> <p>The community comprises the area between 32 Street, Gaetz Avenue, Rotary Park on 43 Street and Kin Canyon, and consists of 32 detached dwelling units (most of which are located along 49 Avenue), five multiple family buildings, one semi-detached dwelling, several seniors' lodges and a mixture of highway commercial uses. A French immersion elementary school, a neighbourhood park and a portion of the Waskasoo Park system take up a considerable land area. The detached dwellings are fairly old, but many of them are still well maintained. With the recent commercial development on the South Hill (e.g. Gaetz Crossing and South Point Common) it is probable that developers could seek opportunities for increased residential development, and in that event the area in question likely would be a desirable option.</p> <p>There are merits for considering the preparation of an ARP for this area. However, considering the fact that this request came from one person at the neighbourhood meeting and that the area does not have a community association to represent it, some ground work is required, because an ARP project is usually undertaken upon the request of the community as a whole and with their willingness to assist in its preparation (e.g. Steering Committee). It should also be considered that other areas of the City are in line for an ARP process for their respective areas and the needs in this regard should be prioritized to account for staff availability. Staff could not be committed to an ARP process at this time.</p>

RESIDENTS' CONCERNS	STAFF RESPONSES
9. Residents are concerned that upgrades to sewer and water infrastructure would be added to their property taxes.	The cost of upgrades to sub-surface infrastructure required to accommodate a new building would be charged to the developer. The City's Engineering Services Department indicated that if the lane needed to be paved, and because such an improvement would benefit all users of the lane, all property owners along the lane would have to contribute to the cost. The contribution from each property owner would be apportioned according to the assessed value of their respective properties.

Planning staff undertook to provide residents with answers to their questions by means of a follow-up newsletter prior to the public hearing for the redistricting application, and also to inform the attendees of the date and time of the public hearing.

The following supportive comments were recorded at the meeting:

- The developer's proposal shows that he is prepared to put up a high quality multiple family building that would make a positive contribution to the area and enhance 49 Avenue. The existing properties are old and small homes with large lots that are not well maintained.
- The proposed building will attract mature upscale owners, who will bring stability and maintenance to the area, thereby appreciate the value of surrounding properties.

## PLANNING ANALYSIS

### Site Development

In considering this redistricting application it is important to understand the differences between the R2 and R3 Districts, which are outlined below:

	R2 DISTRICT	R3 DISTRICT
General purpose of the district	To provide for various forms of medium density residential development as discretionary uses, i.e. semi-detached dwellings, multi-attached dwellings and multiple family buildings.	To provide for various forms of medium and high density residential development as either permitted uses or discretionary uses.
Is 'multiple family building' a permitted use?	No.	Yes, up to a maximum of 90 persons/ha (or ± 38 units/ha). For the subject property, which is smaller than ¼ of a hectare, this would be a maximum of 20 persons (or ± 9 units).
Is 'multiple family building' a discretionary use?	Yes, without any restriction on the number of persons per hectare. MPC would consider the discretionary use application and the density being applied for.	Yes, if the proposed development is at a density higher than 90 persons per hectare. MPC would consider the discretionary use application and the density being applied for.

	<b>R2 DISTRICT</b>	<b>R3 DISTRICT</b>
Minimum floor area required for multiple family units.	60 m <sup>2</sup>	37 m <sup>2</sup>
Maximum site coverage	40% of site area	40% of site area
Maximum building height	Three storeys	More than three storeys
Front yard	7.5 m	7.5 m
Side yard	66% of building height, with a minimum of 3 m	66% of building height, with a minimum of 3 m
Rear yard	7.5 m	7.5 m
Minimum landscaping	35% of site area	35% of site area
Parking	The parking standards are the same	
Minimum lot area required	74 m <sup>2</sup> per bachelor unit 111 m <sup>2</sup> per one bedroom unit 139 m <sup>2</sup> per two or more bedroom units	55 m <sup>2</sup> per bachelor unit 82 m <sup>2</sup> per one bedroom unit 102 m <sup>2</sup> per two or more bedroom units

From the above information it is evident that many of the development standards for R2 and R3 are identical. Significant differences occur in minimum floor area, minimum lot area and guaranteed density. The proposal submitted with the redistricting application clearly is for a multiple family building in excess of the density allowed as a permitted use, so it is evident that, if the property is successfully redistricted to R3, the developer would need to apply to Municipal Planning Commission for a discretionary use development permit. It is during the development permit application process that MPC will consider the relaxation of development standards such as yard setbacks, minimum lot area, minimum floor area and density (number of persons or units). Any decision of MPC could be appealed by adjoining landowners.

The only other guaranteed development right that the developer would have under the R3 designation over and above that which he presently has under R2, is to build a social care residence as a permitted use.

The developer was encouraged and will continue to negotiate with the owner of Lot 5 in order to incorporate it into the proposed development. However, should this not be successful, Lot 5 would stand on its own and would still be developable under its existing R2 designation. As an example, Lot 6 in the same Block and Plan and of the exact dimensions and size, was recently developed with a high quality three plex.

### **Sustainable City Growth**

Partly due to its designation for medium to higher density residential development in close proximity to a major transport corridor (i.e. Gaetz Avenue), the subject area will likely accommodate future City growth through redevelopment projects. Accommodating higher residential densities in this particular area of the City is not necessarily impractical or undesirable and could in fact be considered prudent in view of the impetus for sustainable City growth. Sustainability is a relevant topic in urban growth management today. In general terms, when considering land consumption in urban growth management, 'sustainability' refers to using resources, including land, more efficiently.

The Municipal Development Plan reflects the goal of sustainable City growth, where residents identified that the City should be more proactive in applying the principles of sustainable development to residential development so as to reduce urban sprawl and conserve agricultural lands for as long as possible (Municipal Development Plan, Bylaw 3214/98, p. 32). One of the residential development policies of the MDP is to encourage infill projects, which will contribute positively to neighbourhood quality and image, in older neighbourhoods where adequate capacity in infrastructure systems and community services exist and allowing for neighbourhood input at the design stage. Where possible the City will prepare Area Redevelopment Plans for those neighbourhoods which display potential for residential infill development, through the active participation of the neighbourhood association and other interested parties (Municipal Development Plan, Bylaw 3214/98, p. 35).

The following factors indicate that the location of the subject property presents an opportunity for an infill development that would meet the guidelines of the MDP:

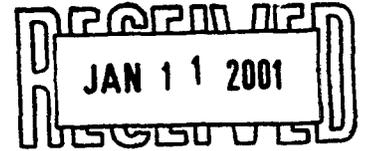
- The property is located on a transit route and is within walking distance of an existing transit stop. This makes it convenient and efficient for residents to use public transit, which is one of the objectives of sustainable communities.
- The property is located within a commercial and transport corridor, meaning that it is within one block from a major arterial route flanked by highway commercial development. This means that it is within close proximity of shops and services and that most short distance trips could be undertaken by walking or cycling.
- The property is located adjacent to the City-wide park system, which means that it offers direct access to trails and recreation opportunities.
- The property is close to the hospital, Downtown and other places of employment.
- The local area has several other apartment buildings nearby (e.g. Checkmate Court, two smaller buildings in 49 Avenue as well as senior's residences along 34 Street).
- The property is located in a transitional neighbourhood, which means that this area is an older part of the City where the existing land use designation (R2) allows higher density land uses. It also implies that new developments involve the demolition of older buildings (in particular detached dwellings) and consist of multiple family or multi-attached buildings.

Planning staff offer the opinion that the subject property is identifiable as a site suitable for the implementation of higher densities in pursuit of sustainable development practices.

### **RECOMMENDATION**

It is recommended that City Council proceed with first reading of this Land Use Bylaw Amendment 3156/RR-2001 as shown on Map No. 35/2001.

  
 Johan van der Bank, TRP (SA)  
 Planner  
 attachments



JANUARY 3, 2001

PARKLAND COMMUNITY PLANNING SERVICES  
SUITE 404, 4808 ROSS STREET  
RED DEER, ALBERTA  
T4N 1X5

ATTENTION: PAUL MEYETTE

DEAR SIR:

RE: SOUTH HILL DEVELOPMENT

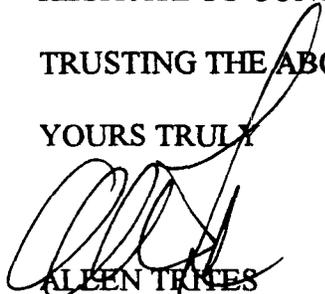
WE ARE PROPOSING THE DEVELOPMENT OF A 38 UNIT ADULT CONDOMINIUM APARTMENT BUILDING ON LANDS WE OWN LOCATED AT 3501, 3503, 3505 AND 3507 - 49 AVENUE, RED DEER, ALBERTA. LEGALLY DESCRIBED AS PLAN 8324ET, BLOCK2, LOTS 1, 2, 3 AND 4. WE ARE IN THE PROCESS OF TRYING TO PURCHASE 3509 - 49 AVENUE IN ORDER FOR THE PROPOSED DEVELOPMENT TO GO AHEAD, WHEN APPROVED. AS INDICATED ON THE SITE PLAN THE BUILDING WOULD ENCOMPASS FIVE (5) LOTS BEING BORDERED BY 35 STREET ON THE SOUTH SIDE AND 36 STREET ON THE NORTH SIDE.

IN ORDER TO SATISFY DENSITY REQUIREMENTS WE ARE REQUESTING PARKLAND PLANNING TO CONSIDER RE-ZONING THESE LANDS FROM R2 TO R3.

SHOULD YOU HAVE ANY QUESTIONS OR CONCERNS PLEASE DO NOT HESITATE TO CONTACT THE WRITER AT YOUR EARLIEST OPPORTUNITY.

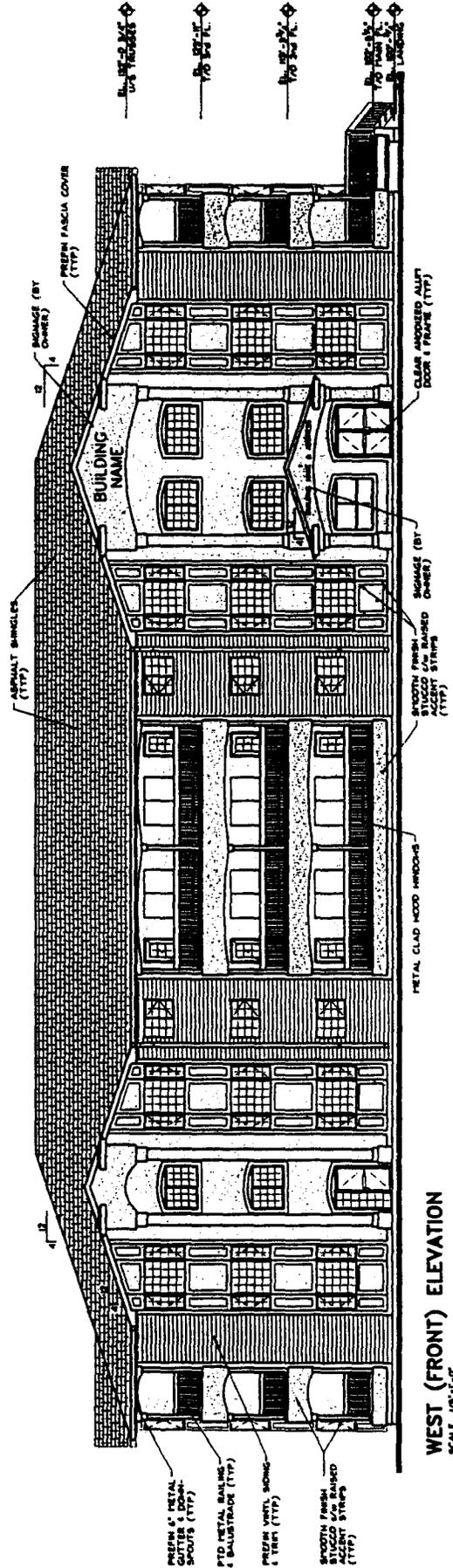
TRUSTING THE ABOVE TO BE IN ORDER I REMAIN

YOURS TRULY



ALLEN TRICES  
PRESIDENT

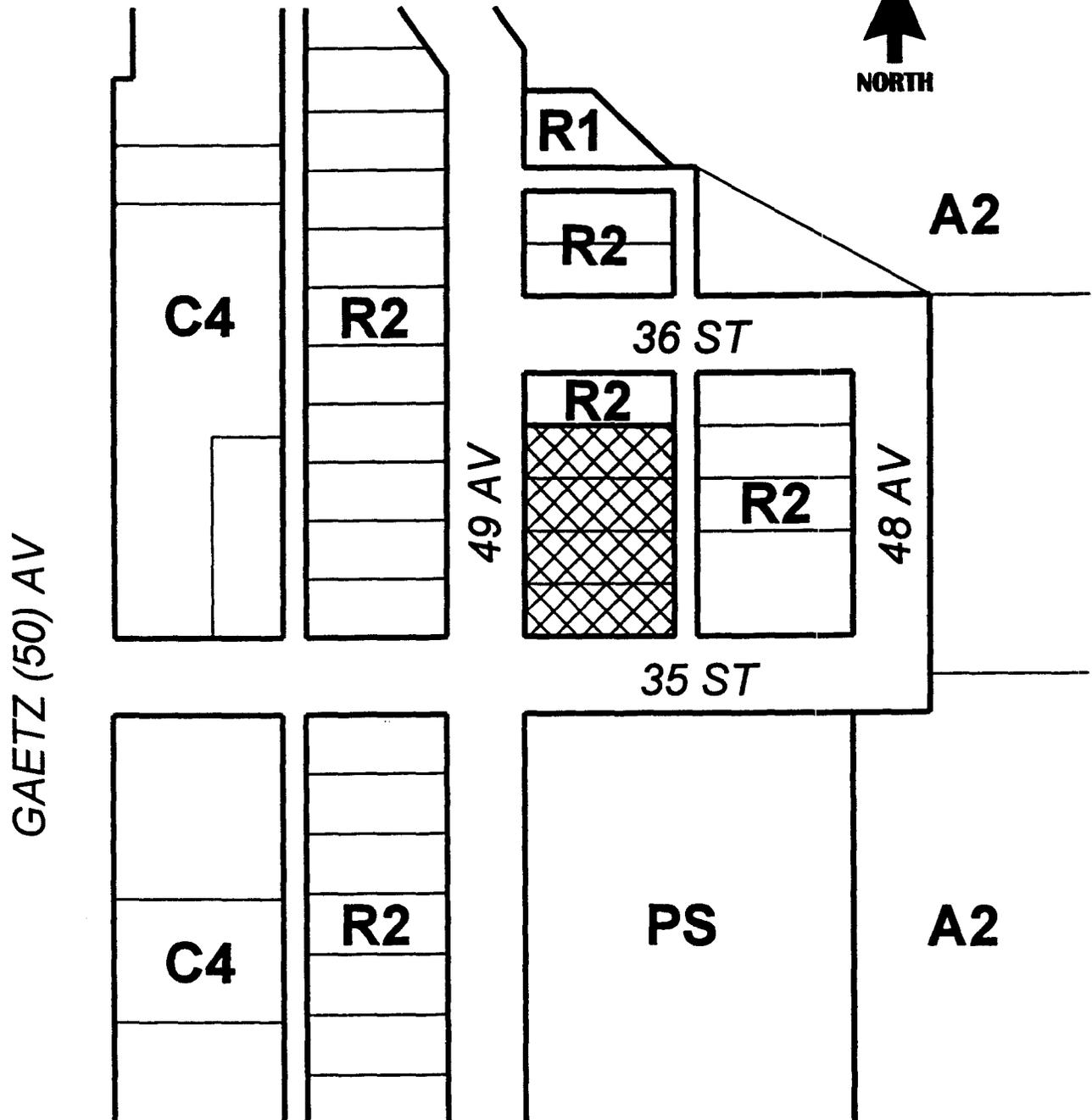




WEST (FRONT) ELEVATION  
SCALE 1/8"=1'-0"

# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT



### AFFECTED DISTRICTS:

R2 - Residential (Medium Density)

R3 - Residential (Multiple Family)

Change from :

R2 to R3 

MAP No. 35 / 2001

BYLAW No. 3156 / RR - 2001

Mayor and Councillors  
City of Red Deer  
November 27, 2001

Land Use Bylaw Amendment 3156/RR-2001

We, the property owners of a duplex located at 3510 - 48 Avenue, STRONGLY OPPOSE the proposed rezoning of this area from R2 to R3.

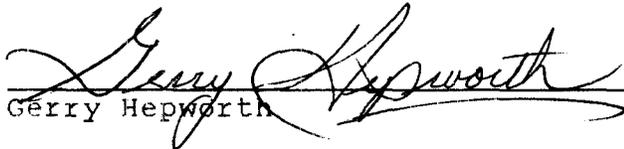
This is a small, quiet area nestled near a school, playground, and Kin Canyon.

The proposal shows that the developer wants to replace four single home dwellings with a condominium which houses 24 units. That works out to six units a lot. We feel that this is very excessive.

We are not opposed to development allowed under the R2 zoning.

As well as wanting the zoning changed from R2 to R3, the developer will be asking for relaxations on setbacks according to the set of plans that we have viewed. This is not acceptable.

We ask that the members of Council take a few minutes before the December 3 meeting to drive through this area. We feel confident that you will agree that this is a unique part of Red Deer that should be preserved.

  
Gerry Hepworth

  
Mary Jane Hepworth

I would ask that I be permitted to make a short presentation at the council meeting December 3, 2001 regarding the Land Use Bylaw Amendment 3156/RR-2001.

South Hill Community Property Owners

November 25, 2001

Mayor and City Councillors  
City of Red Deer  
Box 5008  
Red Deer, Alberta  
T4N 3T4

Dear Sir or Madam:

Subject: City Council Meeting of December 3, 2001

In advance of City Council Meeting scheduled for December 3, 2001, some of the property owners in the South Hill area gathered to discuss the agenda item Land Use Bylaw Amendment 3156/RR-2001 – South Hill.

Please find attached the following documents:

Letter from property owners of the South Hill Community

Copy of petition submitted October 19, 2001 with an attached note

Draft minutes from the South Hill Community Property Owners meeting of November 21, 2001

Attendance sheet from the meeting of November 21, 2001

Thank you for consideration of the information provided. We look forward to presenting our concerns in person during the City Council meeting of December 3<sup>rd</sup>.

Sincerely,

South Hill Community Property Owners

Encl.  
lss

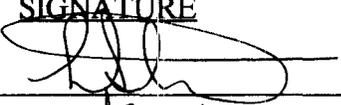
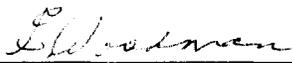
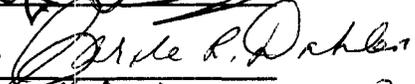
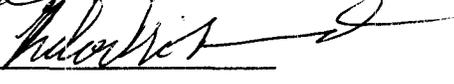
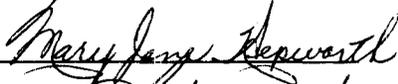
**Re: Land Use Bylaw Amendment 3156/RR-2001 - South Hill**

To the Mayor and Councillors  
City of Red Deer

We the undersigned are property owners that are directly affected by the proposed Land Use Bylaw Amendment 3156/RR-2001 for the redesignation of properties located at 3501, 3503, 3505 and 3507 - 49 Avenue from R2 Residential (Medium Density) District to R3 Residential (Multiple Family) District. We STRONGLY OPPOSE this rezoning proposal sought by the developer.

We wish to state that we are not opposed to re-development in this area, but feel that it should fit into the R2 category.

We are currently working toward the formation of a community association of this South Hill district and feel that this will further show a unified response.

<u>NAME (Please Print)</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
LIONEL STUBER	3517 49 AVE	
Lorinda Stuber	3517 49 Ave	
Elsie Woodman	3318-49 Ave	
MARG + GEOFF SCOTT	3402-49 AVE	M. Scott
ANNE MURRAY	3515-49 AVE	Anne Murray
Greg Bernard	3338-49 AVE.	
Carole Dahlen	3508 48 <sup>th</sup> Ave.	
KAREL C. VITERWIJK	3504 48 AVE	
MAVIS HONECKER	3500 48 Ave	M. Honecker
Travis Petersen	3518 49 AV (OWNER 3510-48 AVE)	
MARY JANE HEPWORTH	11 MITCHELL AVE. (OWNER 3512-48 AVE.)	
GERRY HEPWORTH	11 MITCHELL AVE	

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<u>NAME (Please Print)</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
SUZANNE BAUELAAR	3507-49ave	S Baueaar
ABE BAUELAAR	3509-49ave	A Baueaar
Bill BERNARD	PROPERTY OWNER 3518-48 Ave.	[Signature]
WENDY BERNARD	3514-48 AVE	Wendy Bernard
MARSOBY VINCENT	4806-36 St	Marsoy Vincent
Jerene Gouseil	PROPERTY OWNER 3302-49 Ave	Jerene Gouseil
MAUDIE ROBERTSON	3406-49 Av.	Maudie Robertson
JOHN I. ROBERTSON	3406-49 Av.	J. I. Robertson

To the Mayor and City Councillors

Please be advised that the attached petition represents residents (Homeowners and Tenants) of HOUSES ONLY along 49 Avenue and of all properties on 48 Avenue (except the new triplex which was not yet occupied at the time) of the South Hill area.

Due to the lack of time between the informational public meeting re: the proposed 24-unit apartment building on the evening of Wednesday, October 17, 2001 and the deadline for resident comments to be submitted of Friday, October 19, 2001 at 4:00 pm, apartment buildings and senior citizen's lodges along 49 Avenue were NOT canvassed.

PETITION

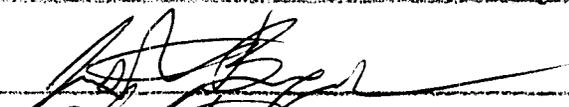
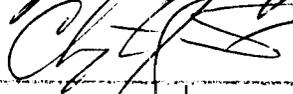
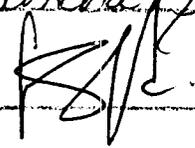
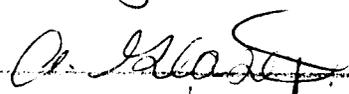
We the undersigned members of the South Hill Community are opposed to the proposed 24-Unit Multiple-family (Apartment) Building on 49 Avenue for the following reasons:

- 1). Traffic Congestion - The 24-Unit Building could result in potentially 48 more vehicles travelling on 49 Avenue and 35 Street on a daily basis. This could be particularly hazardous to the children crossing both 49 Avenue and 35 Street on their way to and from school.
- 2). Parking Congestion - It is most likely that people living in the 24-Unit Building will often choose to park on the street on 49 Avenue and on 35 Street for easy access to the west and south entrances to the building particularly the second vehicles per unit which will not have a parking stall in the underground parking and would otherwise have to park at the back of the building. 49 Avenue is already congested with parking.
- 3). Density - The South Hill Area has been a quiet, peaceful area for many years and its residents have been able to enjoy wildlife that often appears along the Kin Canyon edge directly across from 48 Avenue and Ecole La Prairie School. We feel that these benefits would be jeopardized by a higher density population in the area as the density would be greatly increased by a 24-Unit building. Most of the recent developments in the area have been in the form of duplexes, triplexes and five plexes which are side by side individual units which have continued to result in lower density in the area as opposed to the proposed three storey 24-Unit building.
- 4). Transit - We are concerned about how the transit system in this area would be affected.
- 5) Zoning - We are opposed to the re-zoning required from R2 to R3 and the required relaxations of setbacks. The current R2 zoning has kept the recent developments in the area in check so far, which has kept the congestion at a lower level in the first three points above.
- 6) We feel that this proposed development, because of its high density, will decrease the value of our residences.

NAME (Please Print)

ADDRESS

SIGNATURE

Justin Bourque	3513 49 Ave	
Clay Kuncio	3513 49 Ave	
Murray Vincent	4806-36 St	M. Vincent
Aime Murray	3575 - 49 Ave	Aime Murray
MEH FAINCETT	3516 - 49 AVE	
Sandra Nielson Sandra Nielson	3504 49 Ave	Sandra Nielson
Cory Seifried	3502 49 Ave	
Kelly Boyce	3302 49th Ave	Kelly Boyce
Angela Glasel	3314 49th Ave	
Roland Glasel	3314 49th Ave	Roland Glasel
Elsie Woodman	3318 - 49 AVE.	Elsie Woodman
Hedley Blake	3438 - 49 Ave	Blake

PETITION

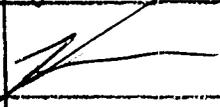
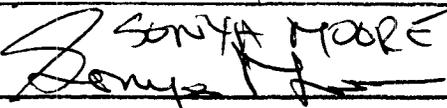
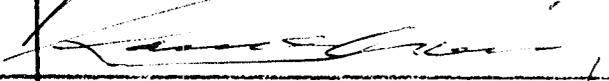
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- 3). Density - The South Hill Area has been a quiet, peaceful area for many years and its residents have been able to enjoy wildlife that often appears along the Kin Canyon edge directly across from 48 Avenue and Ecole La Prairie School. We feel that these benefits would be jeopardized by a higher density population in the area as the density would be greatly increased by a 24-Unit building. Most of the recent developments in the area have been in the form of duplexes, triplexes and five plexes which are side by side individual units which have continued to result in lower density in the area as opposed to the proposed three storey 24-Unit building.
- 4). Transit - We are concerned about how the transit system in this area would be affected.
- 5) Zoning - We are opposed to the re-zoning required from R2 to R3 and the required relaxations of setbacks. The current R2 zoning has kept the recent developments in the area in check so far, which has kept the congestion at a lower level in the first three points above.
- 6) We feel that this proposed development, because of its high density, will decrease the value of our residences.

NAME (Please Print)

ADDRESS

SIGNATURE

Jen Emter	3326 49th Ave	Jen Emter
K. Redelback	3330-49 ave	
Mr + Mrs Scott	3402-49 AVE	K. Scott
JACK ROBERTSON	3406. 49 AVE	J. Robertson
Maudie Robertson	3406-49 Ave	MAUDIE ROBERTSON
SONYA MOORE 	3410-49 AVE	
JUSTIN CHICK	3414- 49 AVE	
LAUREL MOSSING	3422-49 AVE	
Charlene Murray	3430 49 AVE	Charlene Murray
LIONEL STUBER	3517 49 AVE	
Lorinda Stuber	3517-49 Ave	L. Stuber

PETITION

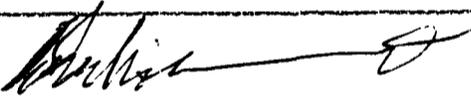
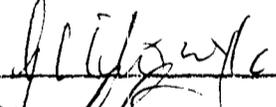
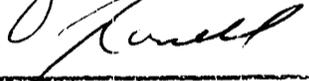
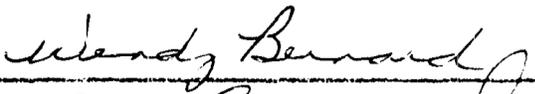
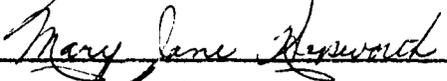
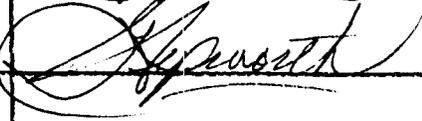
We the undersigned members of the South Hill Community are opposed to the proposed 24-Unit Multiple-family (Apartment) Building on 49 Avenue for the following reasons:

- 1). Traffic Congestion - The 24-Unit Building could result in potentially 48 more vehicles travelling on 49 Avenue and 35 Street on a daily basis. This could be particularly hazardous to the children crossing both 49 Avenue and 35 Street on their way to and from school.
- 2). Parking Congestion - It is most likely that people living in the 24-Unit Building will often choose to park on the street on 49 Avenue and on 35 Street for easy access to the west and south entrances to the building particularly the second vehicles per unit which will not have a parking stall in the underground parking and would otherwise have to park at the back of the building. 49 Avenue is already congested with parking.
- 3). Density - The South Hill Area has been a quiet, peaceful area for many years and its residents have been able to enjoy wildlife that often appears along the Kin Canyon edge directly across from 48 Avenue and Ecole La Prairie School. We feel that these benefits would be jeopardized by a higher density population in the area as the density would be greatly increased by a 24-Unit building. Most of the recent developments in the area have been in the form of duplexes, triplexes and five plexes which are side by side individual units which have continued to result in lower density in the area as opposed to the proposed three storey 24-Unit building.
- 4). Transit - We are concerned about how the transit system in this area would be affected.
- 5) Zoning - We are opposed to the re-zoning required from R2 to R3 and the required relaxations of setbacks. The current R2 zoning has kept the recent developments in the area in check so far, which has kept the congestion at a lower level in the first three points above.
- 6) We feel that this proposed development, because of its high density, will decrease the value of our residences.

NAME (Please Print)

ADDRESS

SIGNATURE

KAREL C. UITERWIJK	3504 48 AVE	
<sup>2</sup> KAREL UITERWIJK	350 48 AVE	
Lyle A. Russell	3510 48 AVE	
JANET RUSSELL	3510 48 AVE	
STAN HEFLER AND	3512 48 AVE	
EVELYN SKENE	3512 48 AVE	
Greg Bernard	3338 49 AVE	
WENDY BERNARD	3514 - 48 AVE	
Bill BERNARD	3514 - 48 Ave. 11 MITCHELL AVE.	
MARY JANE HEPWORTH (owner)	OWNER OF 3510 + 3512 - 48 AVE 11 MITCHELL AVE	
GERRY HEPWORTH	OWNER OF 3510 + 3512 - 48 AVE	





**Draft Minutes****November 21, 2001****Meeting of the Property Owners in the South Hill Community**

Meeting called to order by Lionel Stuber at 7:10 p.m.

**I. Introductions**

Introductions of all in attendance were done. In addition to each person's name, people indicated the length of time that they have been a property owner in the South Hill area.

**II. Thank you**

A warm word of "thanks" was extended to Wendy Bernard for the work she has done for the South Hill Community up to this point in time.

**III. Setting the Agenda**

1. Package to be completed by November 27, 2001.
  - a. Original petition: A note will be added to the original petition. The intention of the note is to indicate that the collection of signatures on the petition was done in a very short and limited time frame. The first meeting to present the request for rezoning of R2 to R3 and the architects' conceptual drawing was October 17, 2001 with the deadline for submission of comments being October 19, 2001.
  - b. Letter from property owners: Mary Ann Hepworth and Wendy Bernard have both prepared draft letters to include in the package to be submitted to City Council. The intent of the letter is to speak to our opposition of the proposed rezoning and yet indicate that we are in favour of development in keeping with the character of the South Hill area. The contents of the letter were discussed at length. All in attendance indicated the letter in its final form accurately reflected our intentions.
  - c. Copy of tonight's attendance sheet: Each person in attendance signed the sheet that was circulated. The sheet will function as an attendance sheet for tonight's meeting and shall be included in the package to be submitted to City Council.

2. List of Councillors to phone with respect to the rezoning issue before City Council

Wendy provided the list of names of the City Councillors:

Name	Position	Phone
Gail Surkan	Mayor	342-8155
Jeffrey Dawson	Councillor	346-3611 (B), 347-8603 (H)
Morris Flewwelling	Councillor	346-6317
Vesna Higham	Councillor	341-4996
Bev Hughes	Councillor	343-1881
Dennis Moffat	Councillor	350-5670 (B), 346-6443 (H)
Larry Pimm	Councillor	347-6093
Diana Rowe	Councillor	309-0757 (B), 347-1591 (H)
Lorna Watkinson-Zimmer	Councillor	342-7653 (B), 347-5136 (H)

Maudie Robertson indicated that she has talked with Morris Flewwelling already. From the discussion that followed, it was determined that all of the councillors and the mayor will be phoned by at least one member of this group. The intention of the phone calls is to encourage the councillors to read through the package of material that we have forwarded to them. In addition, it is hoped that we can encourage the councillors to drive through the South Hill area to get a flavour for the character of the area.

3. Establishment of a South Hill Community Association

Information with respect to the formation of a Community Association was shared with the group. Ed Morris, the Recreation Development Superintendent has agreed to meet with those of us who are interested in forming a Community Association. The advantages of an association were discussed, along with the 6 to 8 week period that it would take to form the association. Commitment for the formation of a community association was obtained from the following individuals:

Wendy Bernard, Mary Jane Hepworth, Gerry Hepworth, Lori Stuber, Lionel Stuber, and Judy Spenceley.

A meeting will be held November 26, 2001 at 3517 – 49 Avenue.

This meeting will commence at 7:00 p.m. Ed. Morris will be invited to attend the meeting, and has communicated that he is available for it.

Meeting Adjourned 9:15 p.m.

Respectfully submitted by Lori Stuber

**SOUTH COMMUNITY MEETING**

**DATE: NOV 21, 2001**

#	Name	Address	Owner (Y/N)
1	Honecker, Mavis	3500 - 48 Ave	Y
2	Uiterwijk, Karel	3504 - 48 Ave	Y
3	Bernard, Wendy	3514 - 48 Ave	Y
4	Gowsell, Irene	3303 - 49 Ave	Y
5	Gerg Bernard	3338 - 49 Ave	Y
6	Robertson, Maudie (& Jack)	3406 - 49 Ave	Y
7	Abe, Bavelaar	3509 - 49 Ave	Y
8	Spenceley, Judy (P/A for Anne Murray)	3515 - 49 Ave	Y
9	Spenceley, Rick	3515 - 49 Ave	Y
10	Stuber, Lori	3517 - 49 Ave	Y
11	Stuber, Lionel	3517 - 49 Ave	Y
12	Petersen, Travis	3518 - 49 Ave	Y
13	Hepworth, Mary Jane	11 Mitchell Ave	Y
14	Hepworth, Gerry	11 Mitchell Ave	Y
15			
16			
17			
18			
19			
20			

PROPERTY OWNERS  
3510/3512 - 48 AVE

**SOUTH HILL  
LUB 3156/RR-2001**

**DESCRIPTION:** Redesignation of properties at 3501, 3503, 3505 and 3507 – 49 Avenue from R2 Medium Density to R3 Multiple Family

**FIRST READING:** November 5, 2001

**FIRST PUBLICATION:** November 16, 2001

**SECOND PUBLICATION:** November 23, 2001

**PUBLI HEARING & SECOND READING:** December 3, 2001

**THIRD READING:** NOT RECEIVED Dec. 3, 2001

**LETTERS REQUIRED TO PROPERTY OWNERS:** YES  NO

**DEPOSIT?** YES  \$ 400. NO  BY: Meadowglen Developments

**ACTUAL COST OF ADVERTISING:**

1<sup>ST</sup> \$ 285.36 & 2<sup>ND</sup> \$ 285.36 TOTAL: \$ 570.72

**MAP PREPARATION:** \$ N/A

**TOTAL COST:** \$ 570.72

**LESS DEPOSIT RECEIVED:** \$ (400.)

**AMOUNT OWING/ (REFUND):** \$ 170.72

**INVOICE NO.:** 151 131979

(Account No. 59.5901)

**Council Decision – Monday December 3, 2001**

DATE: December 4, 2001

TO: J. van de Bank  
Parkland Community Planning Services

FROM: City Clerk

RE: Land Use Bylaw Amendment 3156/RR-2001  
Rezoning of Lots 1 to 4, Block 2, Plan 8324 ET  
From R2 Residential Medium Density to  
R3 Residential Multiple Family District  
Meadowglen Developments Ltd.

---

**Reference Report:**

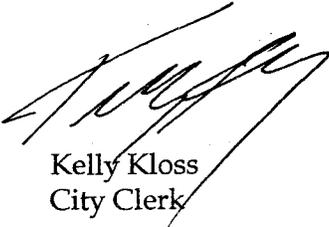
Parkland Community Planning Services, dated October 29, 2001

**Bylaw Readings:**

Land Use Bylaw Amendment 3156/RR-2001 was defeated at second reading. This means that the property would remain as R2.

**Report Back to Council:** NO

**Comments/Further Action:**



Kelly Kloss  
City Clerk

/chk  
attchs.

c Director of Development Services  
Director of Community Services  
Land & Economic Development Manager  
Inspections & Licensing Manager  
City Assessor  
C. Adams, Administrative Assistant, City Clerk's

**BYLAW NO. 3156/RR-2001**

Being a bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer.

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

1. The "Land Use District Map G7" contained in "Schedule B" of the Land Use Bylaw is hereby amended in accordance with the Land Use Bylaw Amendment Map No. 35/2001 attached hereto and forming part of the bylaw.
2. New sub-section 54 (10) is added as follows:
  - (10) Notwithstanding any other provision of this bylaw, the height restriction of V14 on Lots 1 to 4, Block 2, Plan 8324 ET shall simultaneously be a restriction to a maximum number of three storeys.

READ A FIRST TIME IN OPEN COUNCIL this      5th      day of ~~November~~      AD 2001.

READ A SECOND TIME IN OPEN COUNCIL this      day of      AD 2001.

READ A THIRD TIME IN OPEN COUNCIL this      day of      AD 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this      day of      AD 2001.

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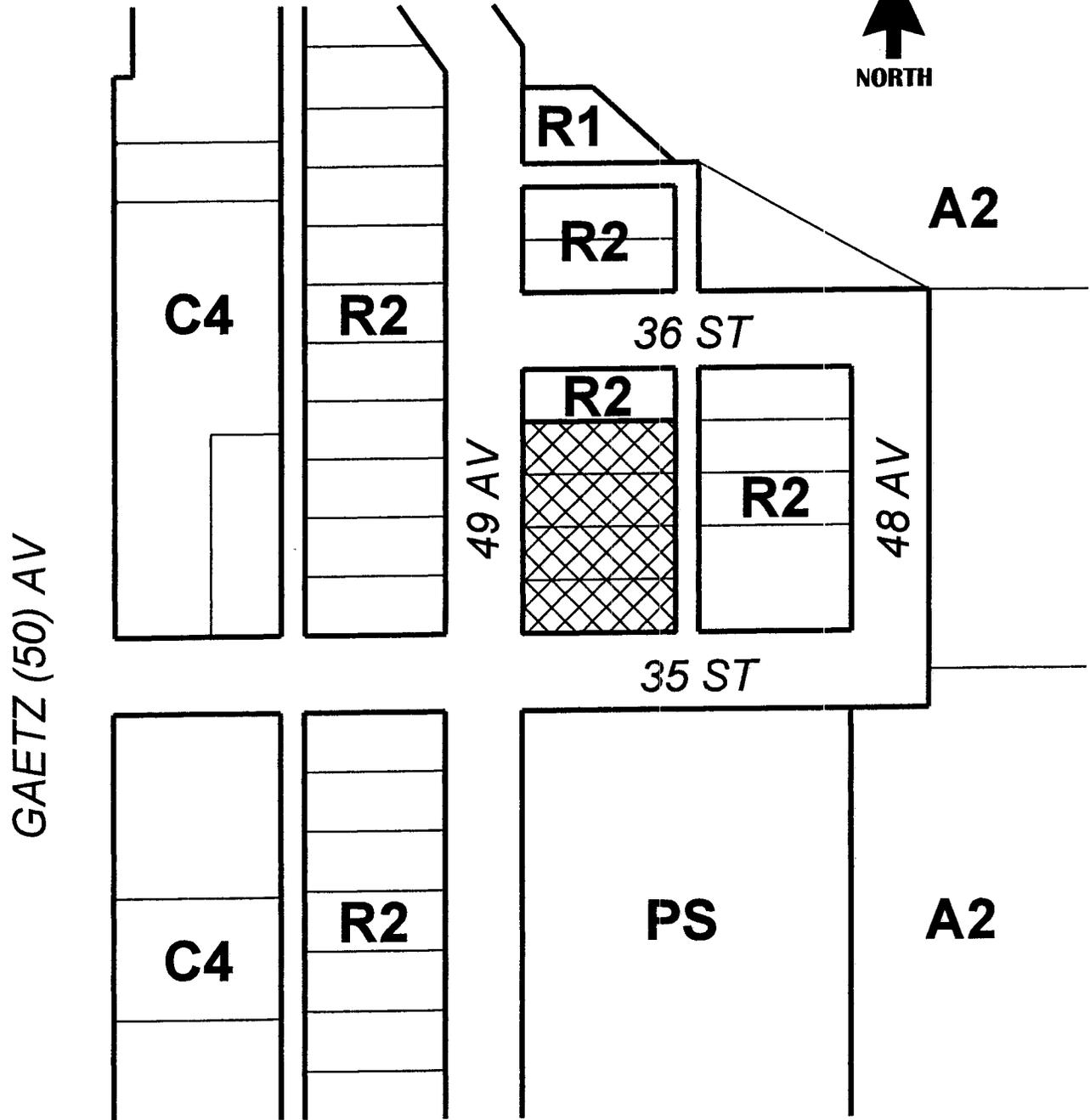
**MAYOR**

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**CITY CLERK**

# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT



### AFFECTED DISTRICTS:

- R2 - Residential (Medium Density)
- R3 - Residential (Multiple Family)

Change from :

R2 to R3-V14-Sec 54(10) 

MAP No. 35 / 2001  
BYLAW No. 3156 / RR - 2001



**THE CITY OF RED DEER**  
City Clerk's Department Payment Receipt

01 | 11 | 15  
Year Month Day

Name: MEADOWCREAK DEVELOPMENTS Reference: LUB. ADVERTISING. 3156/RR01

NOT VALID ULESS MACHINE PRINTED HERE

ITEM	Account Number (Cost Centre.Object.Subidiary)	Subledger	T	Asset ID No.	Amount
L.U.B. Advert	59.5901				400.00
D.A.B. Fee	54.5722				
D.A.B. Advert	54.5901				
GST. REGISTRATION # R119311785				<b>TOTAL</b>	400.00

11/15/01 4:11 PM BUSINESS 3  
SUNDRY \$400.00  
CHECK \$400.00

DATE: November 7, 2001  
TO: Norma Lovell, Assessment  
FROM: C.G. Adams,  
City Clerk's Office  
RE: LUB Amendment 3156/QQ-2001 - Deer Park (Davenport)  
~~LUB Amendment 3156/RR-2001 - South Hill~~  
LUB Amendment 3156/SS-2001 - Lancaster South  
Road Closure Bylaw 3291/2001 - Woodlea

---

Please provide me with the names and addresses of the subject property owners and all contiguous/adjacent property owners as outlined on the attached maps.

It would be helpful if the lists could be received at your earliest convenience in order to process the letters within the required time period. I have attached the map that appeared on the Council agenda for your reference.

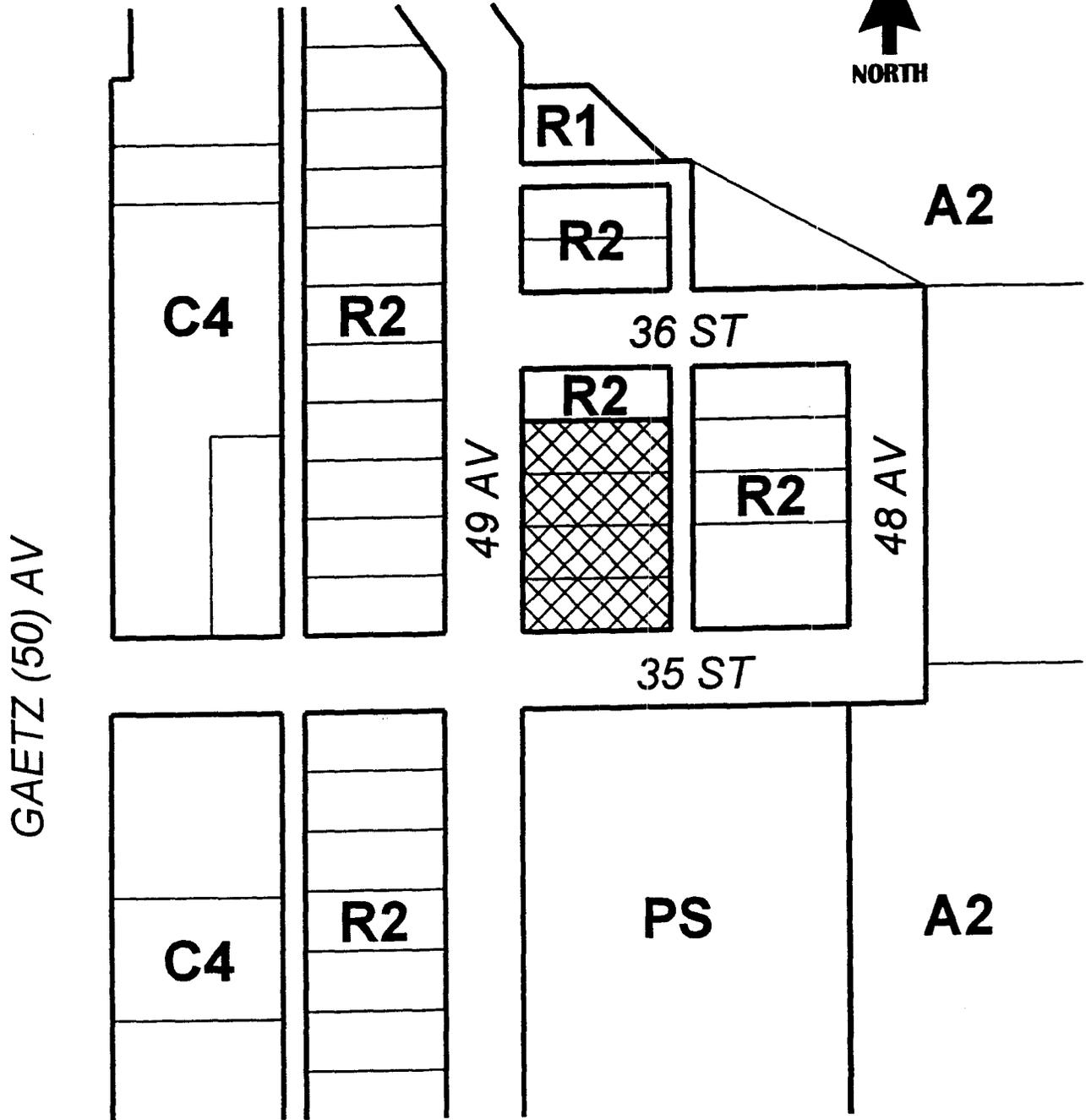
Thanks Norma.

  
C.G. Adams  
City Clerks' Office

Attach.

# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT



**AFFECTED DISTRICTS:**  
 R2 - Residential (Medium Density)  
 R3 - Residential (Multiple Family)

Change from :  
 R2 to R3 

MAP No. 35 / 2001  
 BYLAW No. 3156 / RR - 2001

November 9, 2001

«OwnerName»  
«OwnerAdd1»  
«OwnerAdd2»  
«OwnerAdd3»  
«OwnerAdd4»

Dear Sir/Madam:

**Re: Land Use Bylaw Amendment 3156/RR-2001 – South Hill**

---

Council of the City of Red Deer is considering a change to the Land Use Bylaw, which controls the use and development of land and buildings in the city. As a property owner adjacent to the land in the South Hill neighbourhood you have an opportunity to ask questions about the intended use and to let Council know your views.

Red Deer City Council proposes to pass Land Use Bylaw Amendment 3156/RR-2001. This amendment provides for the redesignation of properties located at 3501, 3503, 3505 and 3507 – 49 Avenue from R2 Residential (Medium Density) District to R3 Residential (Multiple Family) District to allow for a 3-storey, 24 unit condominium apartment building. You can pick up a full copy of the amendment at the office of the City Clerk, 2<sup>nd</sup> Floor of City Hall between 8:00 a.m. and 4:30 p.m. Monday to Friday.

City Council will hear from any person claiming to be affected at a Public Hearing in the Council Chambers, 2<sup>nd</sup> Floor of City Hall on **Monday, December 3, 2001, at 7:00 p.m.** If you want your letter or petition included on the Council agenda you must submit it to the City Clerk by 4:30 p.m. on **Tuesday, November 27, 2001.** Otherwise, you may submit your letter or petition at the City Council meeting or you can simply tell Council your views at the Public Hearing.

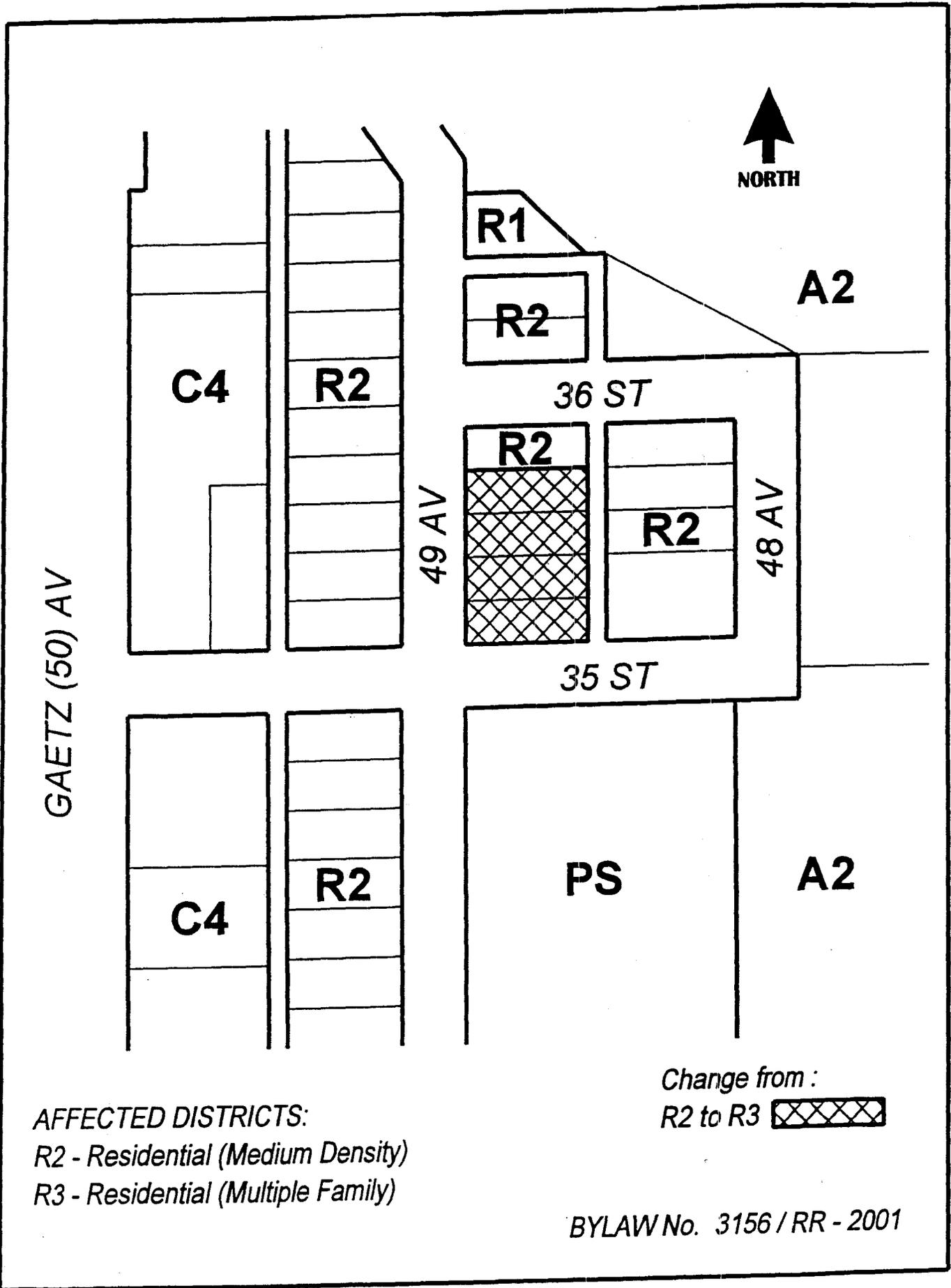
Your letter or petition will be made available to the public. If you have any questions regarding their use, please contact me at (403) 342-8132.

Yours truly,



Jeff Graves  
Deputy City Clerk

Attach.



GAETZ (50) AV



C4

R2

R1

R2

A2

36 ST

49 AV

R2

R2

48 AV

35 ST

C4

R2

PS

A2

**AFFECTED DISTRICTS:**  
 R2 - Residential (Medium Density)  
 R3 - Residential (Multiple Family)

Change from :  
 R2 to R3 

BYLAW No. 3156 / RR - 2001

**Council Decision – Monday November 5, 2001**

**DATE:** November 6, 2001

**TO:** Johan van der Bank, Parkland Community Planning Services

**FROM:** City Clerk

**RE:** Land Use Bylaw Amendment 3156/RR-2001  
Proposed Redistricting of Lots 1 to 4, Block 2, Plan 8324 ET  
From R2 Residential Medium Density to R3 Residential Multiple Family District  
Meadowglen Developments Ltd.

---

**Reference Report:**

Parkland Community Planning Services, dated October 29, 2001.

**Resolution:**

*Resolved* that Council of the City of Red Deer having considered the report from Parkland Community Planning Services dated October 29, 2001 re: Land Use Bylaw Amendment 3156/RR-2001 hereby agree with the recommendations outlined in said report subject to said bylaw including a three storey development limitation.

**Bylaw Readings:**

The bylaw was given first reading. A copy of the bylaw is attached.

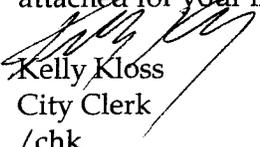
**Report Back to Council:**

Yes. A Public Hearing will be held on Monday, December 3, 2001 at 7:00 P.M. in Council Chambers during Council's regular meeting.

**Comments/Further Action:**

Land Use Bylaw Amendment 3156/RR-2001 provides for the redistricting of Lots 1 to 4, Block 2, Plan 8324 ET from R2 Residential Medium Density District to R3 Residential Multiple Family District to allow for the construction of a higher density multiple family building in excess of the development standards of the R2 district. The maximum height of the building is three stories.

This office will now proceed with the advertising for a Public Hearing. Meadowglen Developments will be responsible for the advertising costs in this instance and a copy of the letter sent to them is attached for your information.

  
Kelly Kloss

City Clerk

/chk

attchs.

- c Director of Development Services
- Community Services Director
- Inspections & Licensing Manager
- Land & Economic Development Manager
- C. Adams, Administrative Assistant
- C. Kenzie, Administrative Assistant

**BYLAW NO. 3156/RR-2001**

Being a bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer.

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

1. The "Land Use District Map G7" contained in "Schedule B" of the Land Use Bylaw is hereby amended in accordance with the Land Use Bylaw Amendment Map No. 35/2001 attached hereto and forming part of the bylaw.
2. New sub-section 54 (10) is added as follows:
  - (10) Notwithstanding any other provision of this bylaw, the height restriction of V14 on Lots 1 to 4, Block 2, Plan 8324 ET shall simultaneously be a restriction to a maximum number of three storeys.

READ A FIRST TIME IN OPEN COUNCIL this      **5th**      day of ~~November~~      AD 2001.

READ A SECOND TIME IN OPEN COUNCIL this      day of      AD 2001.

READ A THIRD TIME IN OPEN COUNCIL this      day of      AD 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this      day of      AD 2001.

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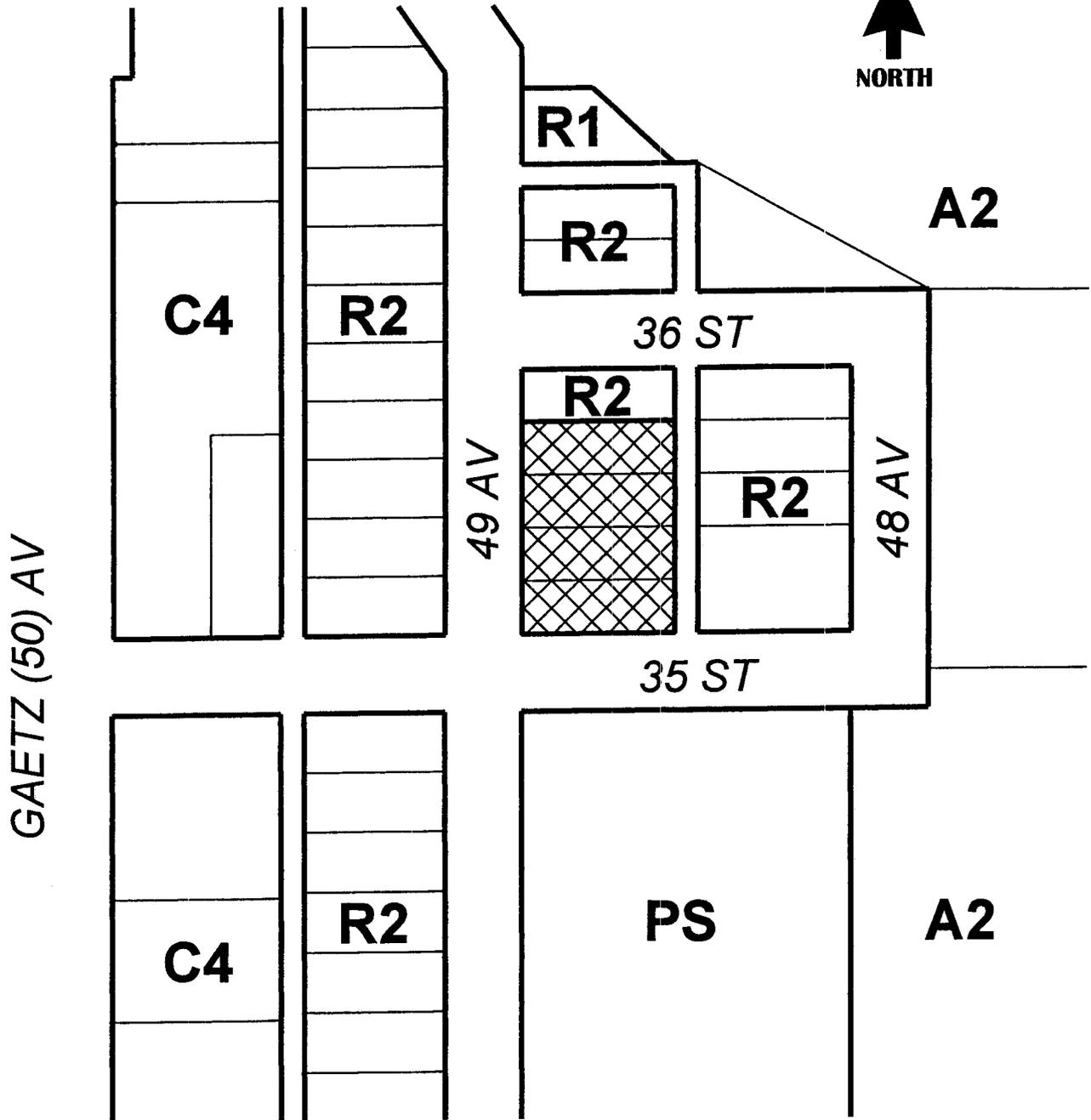
**MAYOR**

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**CITY CLERK**

# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT



### AFFECTED DISTRICTS:

R2 - Residential (Medium Density)

R3 - Residential (Multiple Family)

Change from :

R2 to R3-V14-Sec 54(10) 

MAP No. 35 / 2001

BYLAW No. 3156 / RR - 2001



Box 5008  
Red Deer, Alberta  
T4N 3T4

The City of Red Deer

**Office of the City Clerk**

November 6, 2001

Aleen Trites  
Meadowglen Developments Ltd.  
P.O. Box 234  
Red Deer, AB T4N 5E8

Dear Mr. Trites:

Re: **Land Use Bylaw Amendment 3156/RR-2001**  
**Proposed Redistricting of Lots 1 to 4, Block 2, Plan 8324 ET**  
**From R2 Residential Medium Density to R3 Residential Multiple Family District**  
**Meadowglen Developments Ltd.**

At the City of Red Deer's Council meeting held Monday, November 5, 2001, first reading was given to Land Use Bylaw Amendment 3156/RR-2001. A copy of the bylaw is attached for your information.

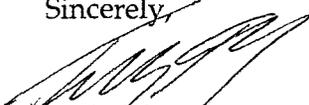
Land Use Bylaw Amendment 3156/RR-2001 provides for the redistricting of Lots 1 to 4, Block 2, Plan 8324 ET from R2 Residential Medium Density District to R3 Residential Multiple Family District to allow for the construction of a higher density multiple family building in excess of the development standards of the R2 district. This bylaw also reflects a maximum allowable height of three storeys.

This office will now proceed with the advertising for a Public Hearing to be held on Monday, December 3, 2001 at 7:00 p.m. in the Council Chambers of City Hall during Council's regular meeting.

In accordance with the Land Use Bylaw, you are required to deposit with the City Clerk, prior to public advertising, an amount equal to the estimated cost of advertising, which in this instance is \$400.00. We require this deposit by no later than 10:00 A.M. Wednesday, November 14, 2001, in order to proceed with the advertising. Once the actual cost of advertising is known, you will either be invoiced for or refunded the difference.

If you have any questions or require additional information, please do not hesitate to call me.

Sincerely,



Kelly Kloss  
City Clerk

KK/chk  
/attach.

c Parkland Community Planning Services  
C. Adams, City Clerk's

**Comments:**

We agree with the recommendations of Parkland Community Planning Services. A Public Hearing will be held on Monday, December 3, 2001 at 7:00 p.m. in Council Chambers.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager

BACK UP  
3/5/01/RR - 2001  
MONTGOMERY

**Council Decision – Monday November 5, 2001**

**DATE:** November 6, 2001  
**TO:** Johan van der Bank, Parkland Community Planning Services  
**FROM:** City Clerk  
**RE:** Land Use Bylaw Amendment 3156/RR-2001  
Proposed Redistricting of Lots 1 to 4, Block 2, Plan 8324 ET  
From R2 Residential Medium Density to R3 Residential Multiple Family District  
Meadowglen Developments Ltd.

---

**Reference Report:**

Parkland Community Planning Services, dated October 29, 2001.

**Resolution:**

*Resolved* that Council of the City of Red Deer having considered the report from Parkland Community Planning Services dated October 29, 2001 re: Land Use Bylaw Amendment 3156/RR-2001 hereby agree with the recommendations outlined in said report subject to said bylaw including a three storey development limitation.

**Bylaw Readings:**

The bylaw was given first reading. A copy of the bylaw is attached.

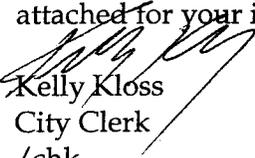
**Report Back to Council:**

Yes. A Public Hearing will be held on Monday, December 3, 2001 at 7:00 P.M. in Council Chambers during Council's regular meeting.

**Comments/Further Action:**

Land Use Bylaw Amendment 3156/RR-2001 provides for the redistricting of Lots 1 to 4, Block 2, Plan 8324 ET from R2 Residential Medium Density District to R3 Residential Multiple Family District to allow for the construction of a higher density multiple family building in excess of the development standards of the R2 district. The maximum height of the building is three stories.

This office will now proceed with the advertising for a Public Hearing. Meadowglen Developments will be responsible for the advertising costs in this instance and a copy of the letter sent to them is attached for your information.

  
Kelly Kloss

City Clerk

/chk

attchs.

- c Director of Development Services
- Community Services Director
- Inspections & Licensing Manager
- Land & Economic Development Manager
- C. Adams, Administrative Assistant
- C. Kenzie, Administrative Assistant



**Office of the City Clerk**  
November 6, 2001

Aleen Trites  
Meadowglen Developments Ltd.  
P.O. Box 234  
Red Deer, AB T4N 5E8

Dear Mr. Trites:

Re: **Land Use Bylaw Amendment 3156/RR-2001**  
**Proposed Redistricting of Lots 1 to 4, Block 2, Plan 8324 ET**  
**From R2 Residential Medium Density to R3 Residential Multiple Family District**  
**Meadowglen Developments Ltd.**

At the City of Red Deer's Council meeting held Monday, November 5, 2001, first reading was given to Land Use Bylaw Amendment 3156/RR-2001. A copy of the bylaw is attached for your information.

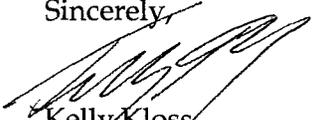
Land Use Bylaw Amendment 3156/RR-2001 provides for the redistricting of Lots 1 to 4, Block 2, Plan 8324 ET from R2 Residential Medium Density District to R3 Residential Multiple Family District to allow for the construction of a higher density multiple family building in excess of the development standards of the R2 district. This bylaw also reflects a maximum allowable height of three storeys.

This office will now proceed with the advertising for a Public Hearing to be held on Monday, December 3, 2001 at 7:00 p.m. in the Council Chambers of City Hall during Council's regular meeting.

In accordance with the Land Use Bylaw, you are required to deposit with the City Clerk, prior to public advertising, an amount equal to the estimated cost of advertising, which in this instance is \$400.00. We require this deposit by no later than 10:00 A.M. Wednesday, November 14, 2001, in order to proceed with the advertising. Once the actual cost of advertising is known, you will either be invoiced for or refunded the difference.

If you have any questions or require additional information, please do not hesitate to call me.

Sincerely,



Kelly Kloss  
City Clerk

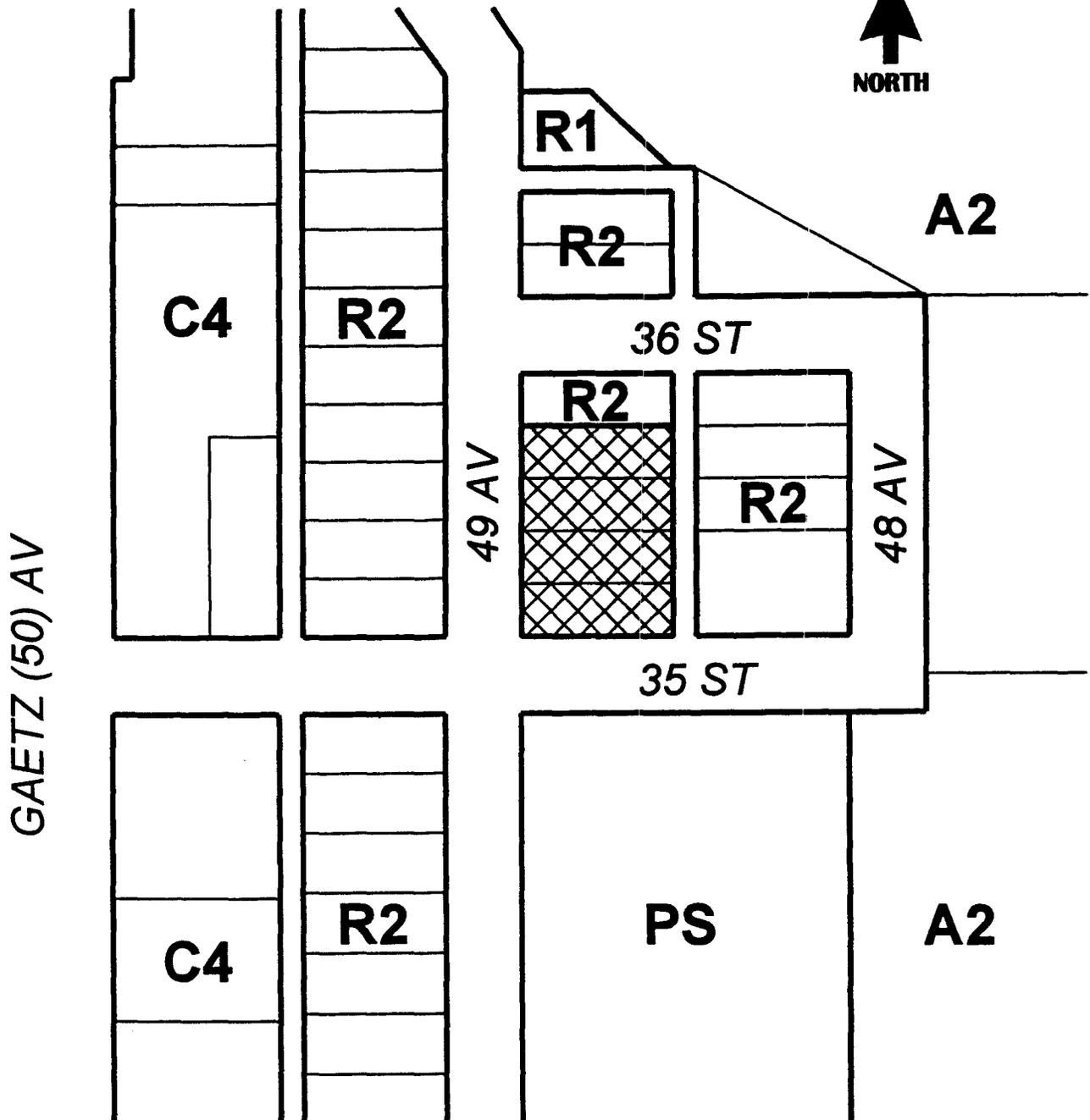
KK/chk  
/attach.

c Parkland Community Planning Services  
C. Adams, City Clerk's



# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT



### AFFECTED DISTRICTS:

R2 - Residential (Medium Density)

R3 - Residential (Multiple Family)

Change from :

R2 to R3 

MAP No. 35 / 2001  
BYLAW No. 3156 / RR - 2001

# South Hill Community News

## South Hill Community News

### Dear Area Residents

November 6, 2001

Thank you once again for attending the neighbourhood meeting on the proposed condominium apartment building at 3501 to 3507, 49 Avenue last month and for sending in your comment sheets. We promised to send you this newsletter to inform you of how your concerns have been addressed in our report to City Council, and to provide you with the date of the public hearing.

#### PUBLIC HEARING

**WHEN:** Monday, December 3<sup>rd</sup>, 2001  
**TIME:** 7:00 p.m.  
**WHERE:** Council Chambers, City Hall

On November 5, 2001 City Council considered the report and recommendation to redistrict the subject property from R2 to R3, and gave first reading to the proposed bylaw. The report to City Council included information on how many people had attended the neighbourhood meeting, how many comment sheets had been received and what the area residents' concerns are. Copies of the comment sheets and the petition that were submitted to our office were provided to each Councillor under confidential cover.

The table below, which is an extract from the Council report, contains answers to the concerns that were raised at the neighbourhood meeting and in the comment sheets.

SUMMARY OF RESIDENTS' CONCERNS	STAFF RESPONSES
<p>1. What would the impact of this development be on traffic volumes, traffic flow and possible traffic congestion along 35 Street and 49 Avenue? Residents are concerned that the proposed entrance to the underground parking from 35 Street could create hazardous traffic conditions, especially with regard to school children, because it is directly opposite the playground of Ecolé la Prairie and the school bus stop. One may expect cars to be parked on the street, which would reduce visibility and create traffic hazards, not only for the school children, but also for the many seniors who live in the area.</p>	<p>The City's traffic engineer indicated that during the busiest one hour of any particular day there would be around 25 vehicles in/out of the underground parking on 35 Street and the lane accesses on 35 and 36 Streets. Theoretically this traffic volume would be perceived as two vehicles in approximately every five minutes for the peak traffic hours in the morning and evening (several vehicles often arrive and depart at the same time, so the effect would be minimized). The proposed development would generate 17 more vehicles per peak hour than would be the case if the four single family homes continue to exist. The impact of the additional traffic generated by the proposed development on traffic flows and congestion would therefore be minor.</p> <p>The afternoon peak traffic hour, which occurs from 4:30 p.m. to 5:30 p.m., does not coincide with the time that school buses and parents would pick up children from the school, which takes place when school comes out at 3:20 p.m. The morning peak hour is from 7:30 a.m. to 8:30 a.m. while the first school buses arrive at the school at 8:30 a.m. There would thus not be a direct conflict between the peak vehicle traffic hour and the school traffic.</p>

SUMMARY OF RESIDENTS' CONCERNS	STAFF RESPONSES
2. If the development is approved, the access to underground parking should be relocated to the lane.	Relocation of the entrance to the underground parking would not be considered, because the developer intends to continue trying to purchase Lot 5 for inclusion into the proposed development. If this is successful, the intent is to provide ingress to the underground parking from 35 Street and egress from the underground parking to 36 Street.
3. A back door to the multiple family building should be provided to allow convenient access from the rear parking area as well as to the garbage enclosure.	This is a good suggestion; it will be considered by the developer and referred to Municipal Planning Commission.
4. What would the impact of this development be on transit routing, and if the existing transit route is revised to continue along 49 Avenue north of 35 Street, this will be a severe impact on the neighbourhood and create traffic problems.	The City's transit manager indicated that from a transit use perspective, any multiple family building proposed in close proximity to a major transit corridor, would be supported (provided it meets the Land Use Bylaw requirements), because these buildings bring higher population densities to support transit use. The transit department presently prefers to route transit along the same routes in both directions. Because 49 Avenue north of 35 Street is not upgraded to a transit route standard and because the intersection of 37 Street into Gaetz Avenue is a right-in-right-out, it is not desirable to route transit vehicles along 49 Avenue north of 35 Street. The existing transit route is along 49 Avenue and 35 Street to Gaetz Avenue. The bus stop is within walking distance of the subject property. If demand justifies, a bus stop could be located at the corner of 49 Avenue and 35 Street, directly opposite the proposed development.
5. What would the impact of this development be on parking congestion (residents' second vehicles and visitor vehicles) along 35 Street and 49 Avenue?	The proposed development provides more on-site parking than what is required by the Land Use Bylaw for residents and visitors.
6. What would the impact of this development be on the density of the area? The proposed development would add too many households (4 existing vs. 24 proposed) to the area, which presently has a quiet atmosphere. The additional noise, traffic and people would make this a very different neighbourhood.	Presently four additional dwelling units could be built as permitted uses. The R2 land use designation allows for a multiple family building of approximately 16 units to be built as a discretionary use. The proposed development of 24 units (i.e. six one bedroom and eighteen two bedroom units) would result in eight more units than what could presently be developed on the property. At the currently applied persons per unit standards of 2.4 and 3.0 respectively for one and two bedroom units, the development could accommodate 69 persons. This would yield a density of 318 persons per hectare. Several apartment buildings exist along 49 Avenue nearby as well as several seniors' residences. The area is predominantly designated as R2 and R3. There are no low density land use designations in the area (i.e. R1, R1A and R1N).

SUMMARY OF RESIDENTS' CONCERNS	STAFF RESPONSES
<p>7. The size of proposed building seems to be excessive. It is in the middle of the community. Due to its proposed height of approximately 13 m it would block views of the sunset presently enjoyed by residents of dwelling units to the east of the subject property. It would dominate its immediate surroundings and reduce the privacy and enjoyment of other properties. There is a concern that the values of some properties could be adversely affected. The proposed development is perceived as being out of character with this neighbourhood. The developer is asking for too many relaxations. Other developers were able to develop projects in the same block that are more considerate of the present character.</p>	<p>The existing R2 land use designation allows a three storey multiple family building as a discretionary use, with potentially the same impact on surrounding properties. Four other multiple family buildings exist along 49 Avenue, i.e. 'in the middle of the community'. Tree planting along the east boundary to screen the dwellings along the lane could possibly be required as a discretionary use development permit condition. This redistricting proposal deals only with the land use designation. Matters such as the relaxation of development standards will be dealt with at the development permit stage, when area residents would be notified of the discretionary use application and any relaxation that might be requested at the time.</p>
<p>8. The City should prepare an Area Redevelopment Plan (ARP) for this area, because there will be more proposals similar to this one and without a community vision, there would be no guidelines and development of this area would proceed without direction.</p>	<p>This request came from one person at the neighbourhood meeting.</p> <p>The community comprises the area between 32 Street, Gaetz Avenue, Rotary Park on 43 Street and Kin Canyon, and consists of 32 detached dwelling units (most of which are located along 49 Avenue), five multiple family buildings, one semi-detached dwelling, several seniors' lodges and a mixture of highway commercial uses. A French immersion elementary school, a neighbourhood park and a portion of the Waskasoo Park system take up a considerable land area. The detached dwellings are fairly old, but many of them are still well maintained. With the recent commercial development on the South Hill (e.g. Gaetz Crossing and South Point Common) it is probable that developers could seek opportunities for increased residential development, and in that event the area in question likely would be a desirable option.</p> <p>There are merits for considering the preparation of an ARP for this area. However, considering the fact that this request came from one person at the neighbourhood meeting and that the area does not have a community association to represent it, some ground work is required, because an ARP project is usually undertaken upon the request of the community as a whole and with their willingness to assist in its preparation (e.g. Steering Committee). It should also be considered that other areas of the City are in line for an ARP process for their respective areas and the needs in this regard should be prioritized to account for staff availability. Staff could not be committed to an ARP process at this time.</p>

SUMMARY OF RESIDENTS' CONCERNS	STAFF RESPONSES
<p>9. Residents are concerned that upgrades to sewer and water infrastructure would be added to their property taxes.</p>	<p>The cost of upgrades to sub-surface infrastructure required to accommodate a new building would be charged to the developer. The City's Engineering Services Department indicated that if the lane needed to be paved, and because such an improvement would benefit all users of the lane, all property owners along the lane would have to contribute to the cost. The contribution from each property owner would be apportioned according to the assessed value of their respective properties.</p>

The following supportive comments were recorded at the meeting:

- The developer's proposal shows that he is prepared to put up a high quality multiple family building that would make a positive contribution to the area and enhance 49 Avenue. The existing properties are old and small homes with large lots that are not well maintained.
- The proposed building will attract mature upscale owners, who will bring stability and maintenance to the area, thereby appreciating the value of surrounding properties.

#### CITY COUNCIL HEARD YOUR CONCERNS

City Council considered these comments and the planning analysis of the proposal, and decided to revise the recommended bylaw in order to restrict the proposed building height, or the height of any other building that might be proposed on the subject property, to a maximum of three storeys. Council gave first reading to the proposed bylaw, as revised, to facilitate the start of the statutory public consultation process.

The proposed bylaw, as revised, will now be advertised for four weeks to invite public comment and participation at the forthcoming public hearing. If you wish to comment on the proposed bylaw but cannot attend the public hearing, please forward your written comments to our office or to the office of the City Clerk.

The public hearing on this bylaw is scheduled for December 3<sup>rd</sup>, 2001 at 7:00 p.m. in Council Chambers at City Hall. At the public hearing any interested person may speak for or against the proposed bylaw. If you wish to speak at the public hearing, please contact the City Clerk's office the Friday before the public hearing to inform them of your intention (ph. 342-8132).

Thank you for your participation in this planning process. Please attend the public hearing to present your views to City Council.

This newsletter is being sent to you as part of the City's commitment to keep local community residents informed of land use planning and other matters in their neighbourhood that may interest them. As part of the City's Community Services Division, Parkland Community Planning Services is your City of Red Deer Planning Office.

If you have any further inquiries, please do not hesitate to contact Johan van der Bank at Parkland Community Planning Services (contact details appear at the bottom of this page).

#### PUBLIC HEARING

**WHEN:** Monday, December 3<sup>rd</sup>, 2001  
**TIME:** 7:00 p.m.  
**WHERE:** Council Chambers, City Hall

**Council Decision – Monday December 3, 2001**

DATE: December 4, 2001  
TO: J. van de Bank  
Parkland Community Planning Services  
FROM: City Clerk  
RE: Land Use Bylaw Amendment 3156/RR-2001  
Rezoning of Lots 1 to 4, Block 2, Plan 8324 ET  
From R2 Residential Medium Density to  
R3 Residential Multiple Family District  
Meadowglen Developments Ltd.

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**FILE**

**Reference Report:**

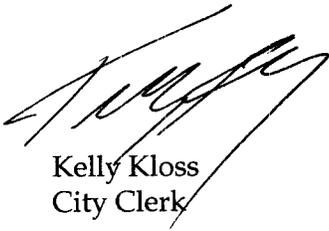
Parkland Community Planning Services, dated October 29, 2001

**Bylaw Readings:**

Land Use Bylaw Amendment 3156/RR-2001 was defeated at second reading. This means that the property would remain as R2.

**Report Back to Council:** NO

**Comments/Further Action:**



Kelly Kloss  
City Clerk

/chk  
attchs.

- c Director of Development Services
- Director of Community Services
- Land & Economic Development Manager
- Inspections & Licensing Manager
- City Assessor
- C. Adams, Administrative Assistant, City Clerk's

**BYLAW NO. 3156/RR-2001**

Being a bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer.

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

1. The "Land Use District Map G7" contained in "Schedule B" of the Land Use Bylaw is hereby amended in accordance with the Land Use Bylaw Amendment Map No. 35/2001 attached hereto and forming part of the bylaw.
2. New sub-section 54 (10) is added as follows:  
  
(10) Notwithstanding any other provision of this bylaw, the height restriction of V14 on Lots 1 to 4, Block 2, Plan 8324 ET shall simultaneously be a restriction to a maximum number of three storeys.

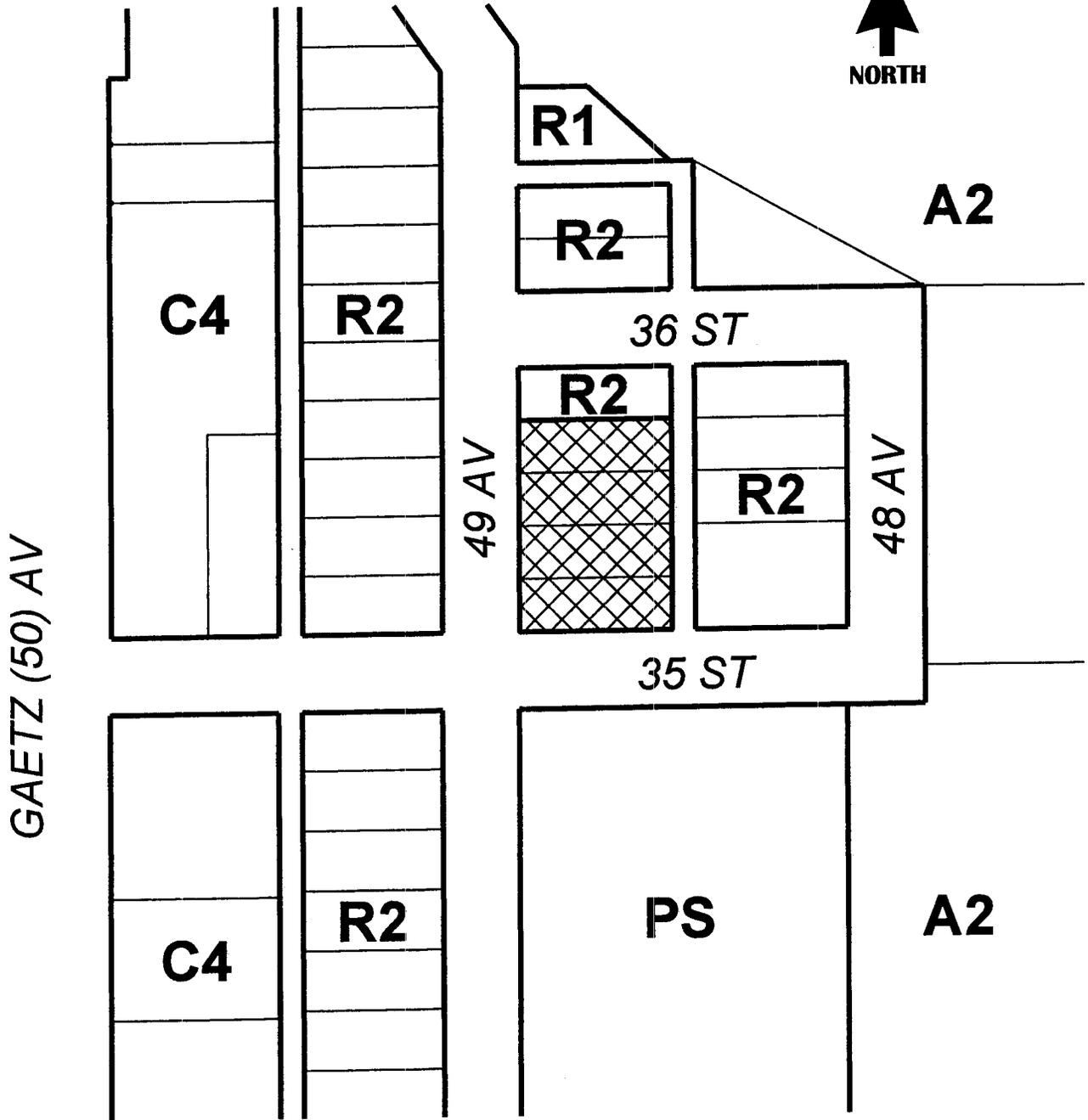
READ A FIRST TIME IN OPEN COUNCIL this      5th      day of ~~November~~      AD 2001.  
READ A SECOND TIME IN OPEN COUNCIL this      day of      AD 2001.  
READ A THIRD TIME IN OPEN COUNCIL this      day of      AD 2001.  
AND SIGNED BY THE MAYOR AND CITY CLERK this      day of      AD 2001.

\_\_\_\_\_  
MAYOR

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

# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT



### AFFECTED DISTRICTS:

R2 - Residential (Medium Density)

R3 - Residential (Multiple Family)

Change from :

R2 to R3-V14-Sec 54(10) 

MAP No. 35 / 2001

BYLAW No. 3156 / RR - 2001



Office of the City Clerk

**FILE**

December 4, 2001

Aleen Trites  
Meadowglen Developments Ltd.  
P.O. Box 234  
Red Deer, AB T4N 5E8

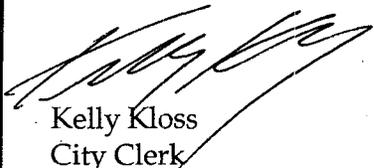
Dear Mr. Trites:

Re: **Land Use Bylaw Amendment 3156/RR-2001**  
**Proposed Redistricting of Lots 1 to 4, Block 2, Plan 8324 ET**  
**From R2 Residential Medium Density to R3 Residential Multiple Family District**  
**Meadowglen Developments Ltd.**

At the City of Red Deer's Council meeting held Monday, December 3, 2001, a Public Hearing was held with respect to Land Use Bylaw Amendment 3156/RR-2001. Following the Public Hearing, Land Use Bylaw Amendment 3156/RR-2001 was defeated at second reading. This means that the property will remain as R2 Residential Medium Density District.

Thank you for time in attending the Council Meeting. Please contact me if you have any questions or require further clarification.

Sincerely,

  
Kelly Kloss  
City Clerk

/chk

c Parkland Community Planning Services

*The City of Red Deer*

Box 5008  
Red Deer, Alberta  
T4N 3T4

**DATE:** November 6, 2001

**TO:** City Council

**FROM:** City Clerk

**RE:** Lancaster South Neighbourhood (Lancaster Green):

- 1) Neighbourhood Area Structure Plan Amendment Bylaw 3217/F-2001
- 2) Land Use Bylaw Amendment 3156/SS-2001

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### *History*

At the Monday, November 5, 2001 meeting of Council, Lancaster South Neighbourhood (Lancaster Green) Area Structure Plan Amendment Bylaw 3217/F-2001 and Land Use Bylaw Amendment 3156/SS-2001 were given first readings.

Lancaster South Neighbourhood Area Structure Plan Amendment Bylaw 3217/F-2001 involves adding one lane, adding one public utility lot, modifying the specific location where two storey residences with walkout basements are allowed, amending the social care site, eliminating the existing, separate day care site and converting the site to park space to allow expansion to the central school and park site, and changes to the location of proposed park facilities within the school and park site.

Land Use Bylaw Amendment 3156/SS-2001 redesignates  $\pm$  0.14 hectares (0.35 acres) of land from A1 Future Urban Development District to PS Public Service District in order to permit the development of a larger central school and park site. The site is intended to accommodate a Catholic kindergarten to grade 9 (K-9) school as well as central park site facilities.

### *Public Consultation Process*

A Public Hearing has been advertised for the above noted bylaws to be held on Monday, December 3, 2001 at 7:00 p.m. in the Council Chambers, during Council's regular meeting. The owners of the properties and those bordering the site have been notified by letter of the Public Hearing.

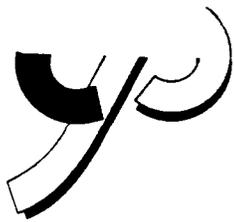
### *Recommendations*

That following the Public Hearing, Council may proceed with 2<sup>nd</sup> and 3<sup>rd</sup> readings of the bylaws.



Kelly Kloss  
City Clerk

KK/chk



**PARKLAND  
COMMUNITY  
PLANNING  
SERVICES**

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

**DATE:** October 29, 2001

**TO:** Kelly Kloss, City Clerk

**FROM:** Nancy Hackett, Planner

**RE:** Lancaster South Neighbourhood Area Structure Plan Amendment  
**Bylaw Amendment 3217/F-2001**

The City of Red Deer is proposing to amend the Neighbourhood Area Structure Plan for the Lancaster South (Lancaster Green) neighbourhood. The Neighbourhood Area Structure Plan for Lancaster South was originally adopted by Council in July 1998. The plan area covers approximately 62 hectares of land (152 acres). Development of the initial phases is in progress and many new residents have moved into the area over the past two years. The proposed amendment will affect as yet undeveloped areas. The proposed amendment involves:

- Adding one lane.
- Adding one public utility lot.
- Modifying the specific location where two storey residences with walkout basements are allowed.
- Amending the social care site to be potentially used for either a social care facility or a day care or a seniors/retirement home, in compliance to the current *Planning and Subdivision Guidelines*.
- Eliminating the existing, separate day care site, and converting the site to park space to allow expansion to the central school and park site.
- Changes to the location of proposed park facilities within the school and park site (e.g. shifting the ball diamond).

The proposed amendment has been processed in a manner consistent with the City of Red Deer's *Planning and Subdivision Guidelines (2000)*. Because Neighbourhood Area Structure Plans form the basis for future development decisions including zoning and subdivision within a specified area, the amendment process is significant as it serves to modify the existing Plan.

### **Planning Analysis**

The proposed amendment complies with current city planning policies including the East Hill Major Area Structure Plan. Plan text is being updated to reference the new *East Hill Major Area Structure Plan (2001)* and the Neighbourhood Area Structure Plan process.

The proposal to eliminate the day care site, which had an alternate use as three single detached residential lots, and conversion of this property to park space, will slightly decrease overall neighbourhood density. The projected population will fall from 2311 persons to 2301 persons. The central school and park site will increase from 4.61 hectares to 4.75 hectares. With this increase, the total municipal reserve will change from 8.19 hectares to 8.33 hectares. Therefore, proposed density will decrease from 37.5 persons per hectare to 37.4 persons per hectare. The maximum neighbourhood density permitted in Red Deer is 45 persons per hectare. Minor changes to the servicing plans for overall storm, sanitary, and water will result from changes to the central school and park site.

### **Background**

Upon receipt of the proposed amendment it was referred to all applicable City Departments and relevant outside agencies for comment and identification of concerns. No outstanding issues were identified through the referral process. The proposed Neighbourhood Area Structure Plan Amendment was then presented to the public for input at a neighbourhood meeting.

### **Neighbourhood Public Meeting**

A neighbourhood meeting was held on the evening of October 23, 2001 at the Collicut Centre, Room "C". The meeting, hosted by Parkland Community Planning Services, was advertised to area residents in Lancaster South through a newsletter delivered door to door. One resident attended this meeting along with representatives from Council, The Catholic School Board, and City staff. The sign in sheet is available for review on the confidential agenda.

The proposed amendment was presented at the meeting and the changes were discussed. The one issue arising from the meeting was the location of the trail system and the timing of its development through the public utility lot site in the north west portion of the plan area (phase 1). The concern is that the trail may be located too close to the back yards of residents who back onto the green space/public utility lot. The trail system was approved with the original plan in 1998. No changes to the trail system, outside of the central school and park site, have been proposed as part of this amendment. However, because residents are now moving into the area and landscaping their yards this issue has come to light. The trail system has not yet been constructed. This issue has been referred to the Recreation, Parks, and Culture Department for comment.

To date, no telephone calls or written comments have been received by Parkland Community Planning Services with regard to the proposed amendment.

### **Municipal Planning Commission**

The proposed amendment to the Lancaster South Neighbourhood Area Structure Plan was forwarded to Municipal Planning Commission for a recommendation on October 29, 2001. Municipal Planning Commission recommended approval.

## **Recommendation**

The proposed amendment to the Lancaster South (Lancaster Green) Neighbourhood Area Structure Plan conforms with City Planning policies. The amendment will: allow for additions to the lane system and public utility lot network, adjust the location of permitted two storey residences with walk out basements, combine the social care facility site into a site for a day care, social care or retirement home, and will eliminate the separate day care site to create a larger central school and park site. Accordingly, the amendment will also adopt a revised park facility site plan. The amendment will slightly increase municipal reserve and decrease the overall neighbourhood density.

Because the proposed amendment meets the Planning and Subdivision Guidelines, consists of a series of changes that allow for enhanced site servicing (such as lane, public utility lot additions) or improved site facilities (such as the park site), and because there have been no outstanding issues identified by referral agencies or the public, Planning staff recommend that City Council give first reading to the proposed amendment to the Lancaster South Neighbourhood Area Structure Plan.

Respectfully Submitted,




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Nancy C. Hackett, A.C.P, M.C.I.P.  
PLANNER

### Attachments

- c. Colleen Jensen, Director of Community Services
- Howard Thompson, Land and Economic Development
- Ken Jaeger, Red Deer Catholic School Board
- Don Batchelor, Recreation, Parks, and Culture Department

**DATE:**        **October 29, 2001**  
**TO:**            **City Council**  
**FROM:**        **Municipal Planning Commission**  
**RE:**            **Lancaster South (Lancaster Green) Neighbourhood Area Structure Plan  
Amendment**

---

The City is proposing to amend the Neighbourhood Area Structure Plan for the Lancaster South (Lancaster Green) neighbourhood. The proposed amendment will affect as yet undeveloped areas. The City's Planning and Subdivision Guidelines state that all new Neighbourhood Area Structure Plans must be forwarded to The City's Municipal Planning Commission for a recommendation to City Council.

At its meeting of Monday, October 29, 2001, the Municipal Planning Commission considered the proposed Lancaster South (Lancaster Green) Neighbourhood Area Structure Plan. At that meeting, the following resolution was passed:

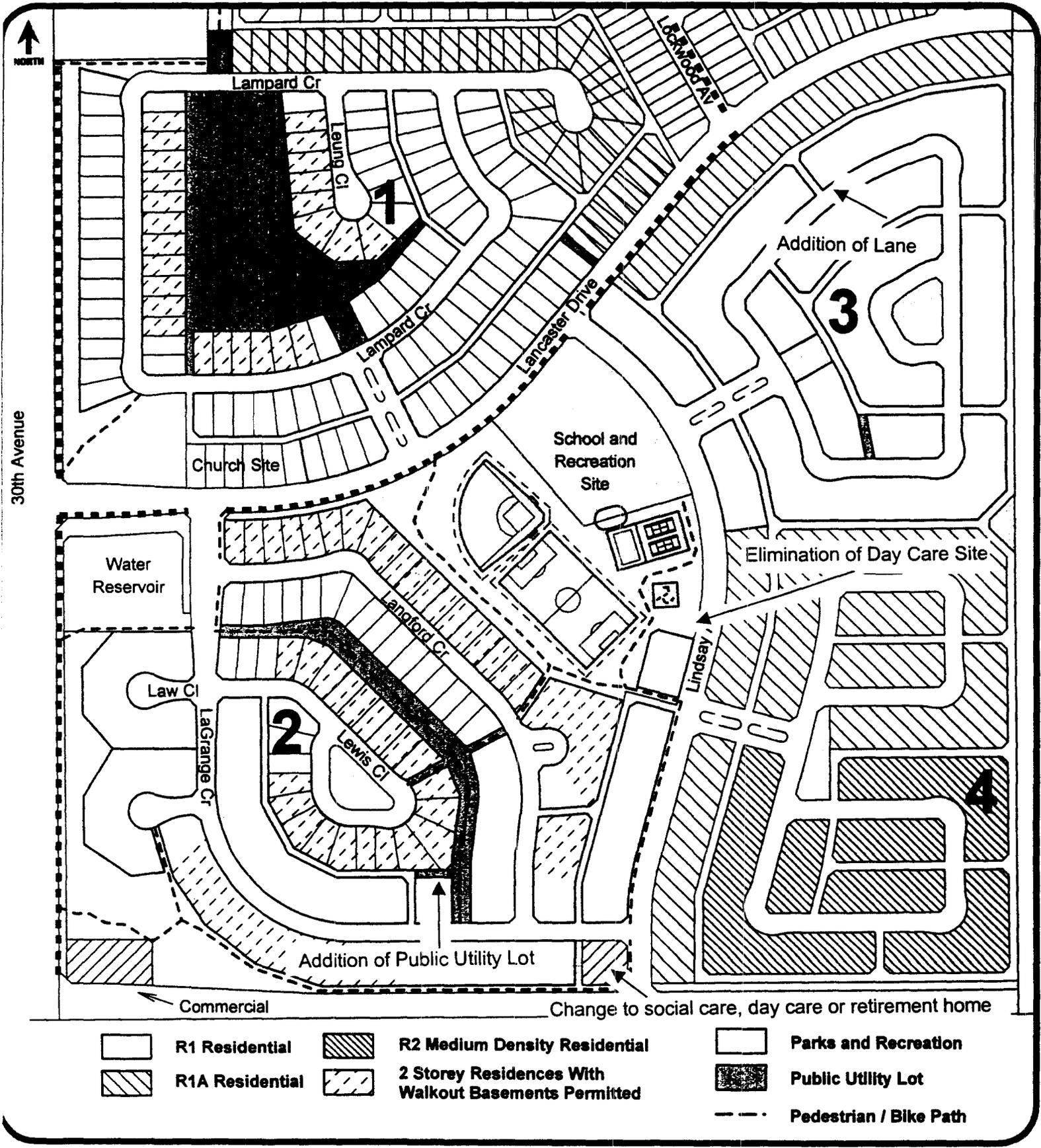
“RESOLVED that the Municipal Planning Commission support and endorse to Red Deer City Council the proposed Lancaster South (Lancaster Green) Neighbourhood Area Structure Plan Amendment.”

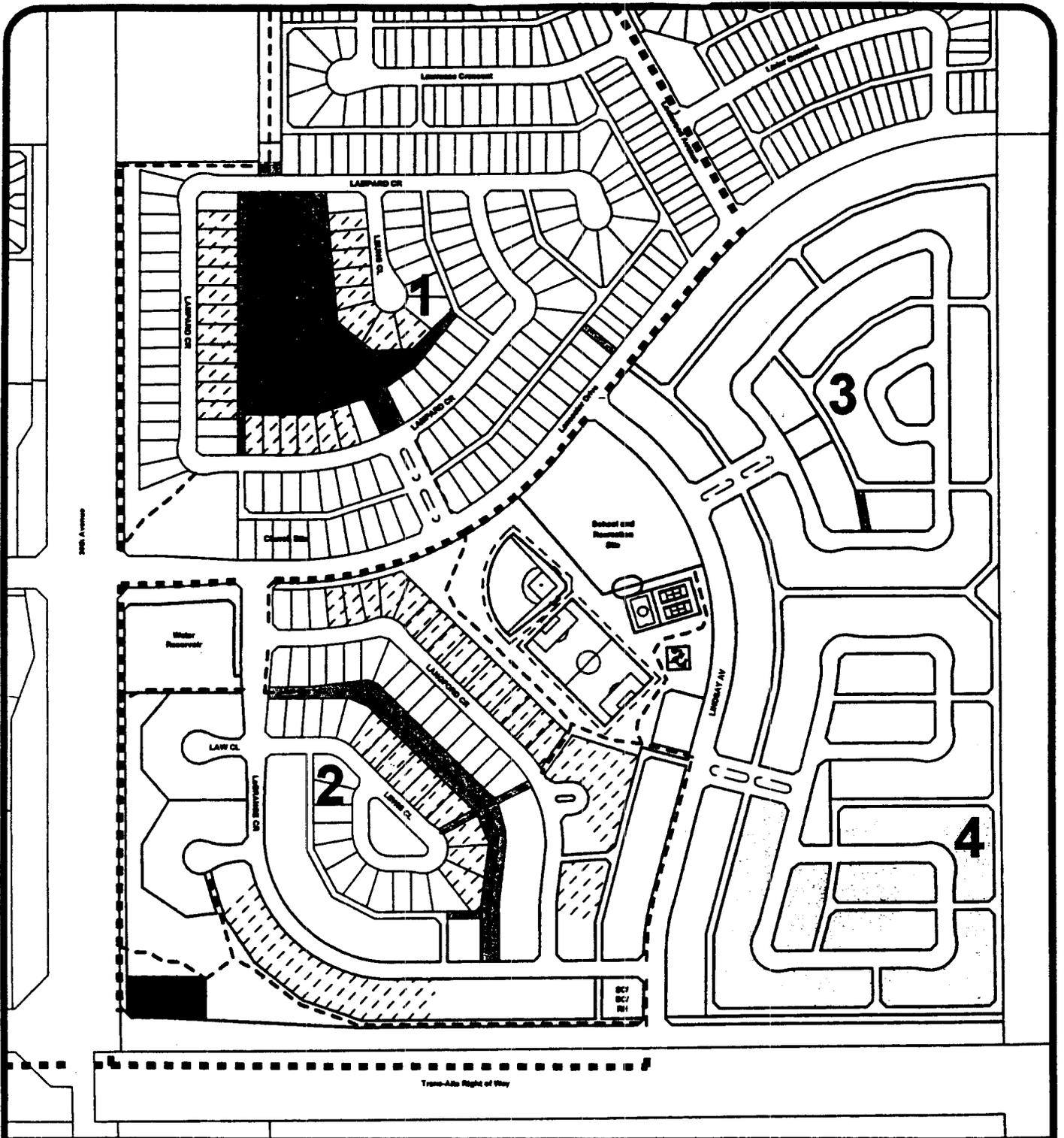
***Recommendation:***

That Council give Bylaw No. 3217/F-2001, the bylaw adopting the Lancaster South (Lancaster Green) Neighbourhood Area Structure Plan Amendment, first reading.

Councillor Bev Hughes, Chairperson  
Municipal Planning Commission

# Proposed Amendment to: Lancaster South Neighbourhood Area Structure Plan





# Lancaster South Neighbourhood Area Structure Plan

Figure 3 - Development Concept & Staging

  
 NORTH  
 OCTOBER 2001  
 Scale in Metres  
 0 50 100 200m

- |   |  |   |  |   |                             |
|---|--|---|--|---|-----------------------------|
|  | R1 Residential                                       |  | Commercial                               |  | 2.5m Pedestrian / Bike Path |
|  | R1 - R1A Residential                                 |  | Parks and Recreation                     |  | 1.5m Pedestrian / Bike Path |
|  | R2 Medium Density Residential                        |  | Public Utility Lot                       | <b>4</b>  | Staging Sequence            |
|  | 2 Storey Residences With Walkout Basements Permitted |  | Social Care / Day Care / Retirement Home |   |                             |

Prepared by:  
The City of Red Deer Engineering Department  
and Fortified Community Planning Services



**DATE:** October 31, 2001  
**TO:** Kelly Kloss, City Clerk  
**FROM:** Nancy Hackett, Parkland Community Planning Services  
**RE:** **Land Use Bylaw Amendment 3156/SS-2001 (Lancaster South)**

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The City of Red Deer is proposing to amend the Lancaster South (Lancaster Green) Neighbourhood Area Structure Plan (NASP) and require rezoning of some lands contained within phase two of their development. The proposal is to redesignate ± 0.14 hectares (0.35 acres) of land from A1 "Future Urban Development District" to PS "Public Service District" in order to permit the development of a larger central school and park site. The site is intended to accommodate a Catholic kindergarten to grade 9 (K-9) school as well as central park site facilities.

This rezoning request is being processed simultaneously with an amendment to the Lancaster South Neighbourhood Area Structure Plan. The proposed NASP amendment would eliminate the current day care site which sits adjacent to the park and school site. That property would then instead be added to the previously designated central school and park site. The site identified within the Neighbourhood Area Structure Plan for a social care facility would then be provided as a social care facility or day care or retirement home site as set out in the Planning and Subdivision Guidelines. This Land Use Bylaw amendment complies with the proposed Lancaster South Neighbourhood Area Structure Plan amendment.

**Recommendation**

Subject to City Council giving first reading to Bylaw 3217/F-2001 (Lancaster South Neighbourhood Area Structure Plan Amendment), planning staff recommend that City Council proceed with first reading of Land Use Bylaw Amendment 3156/SS-2001.

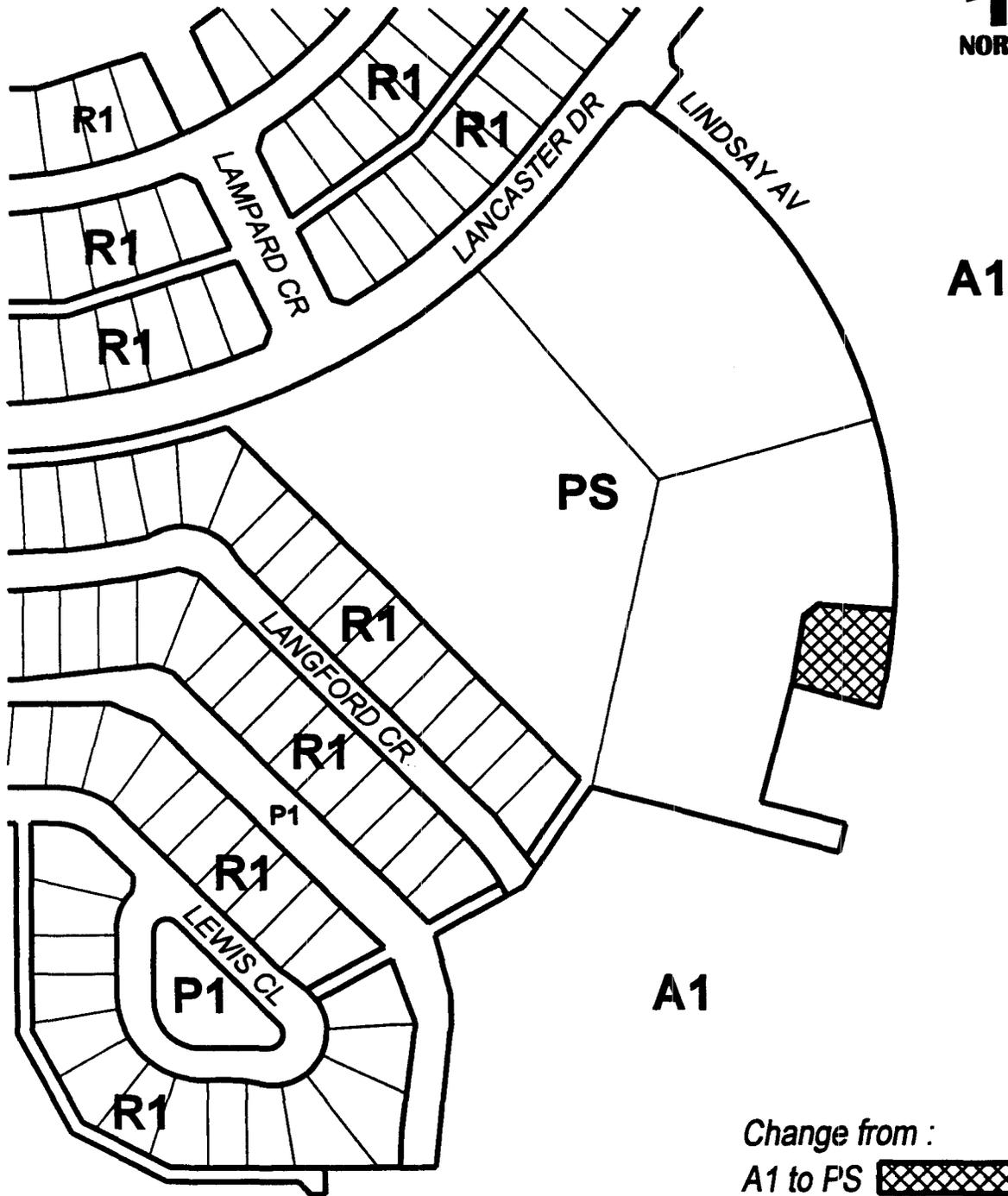
Respectfully Submitted,

Nancy C. Hackett, B.E.S. M.R.M.  
PLANNER

Attachments

# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT



Change from :  
A1 to PS 

### AFFECTED DISTRICTS:

A1 - Future Urban Development

PS - Public Service (Institutional or Governmental)

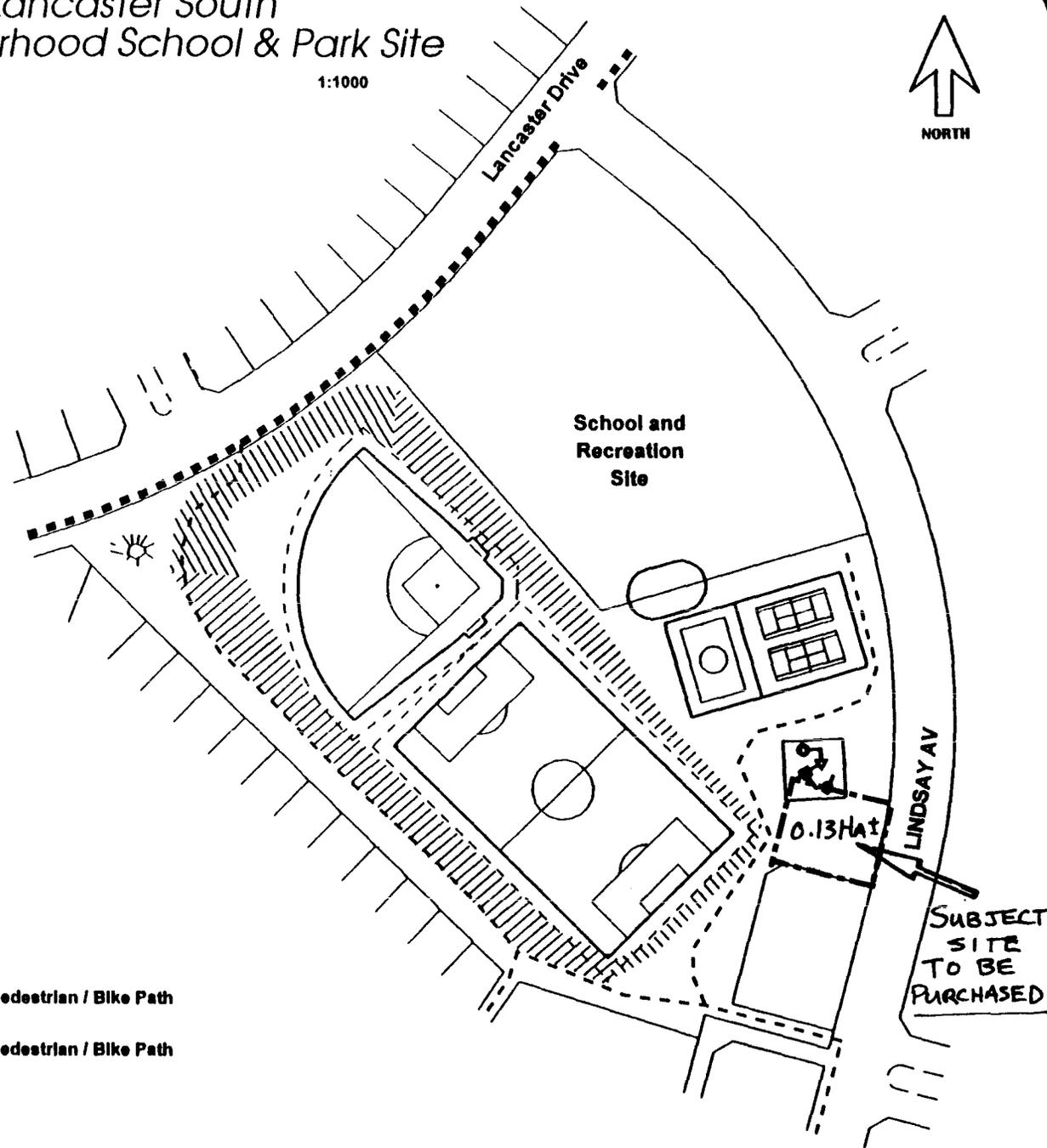
MAP No. 36 / 2001

BYLAW No. 3156 / SS - 2001

# Lancaster South Neighbourhood School & Park Site

Oct. 2001

1:1000



■ ■ ■ ■ 2.5m Pedestrian / Bike Path

- - - - 1.5m Pedestrian / Bike Path

Prepared by:  
The City of Red Deer Engineering Department

BACKUP

3217F/2001

LUB - 3156 SS/2001

LANCASTER SOUTH

# MEMO

**DATE:** October 26, 2001

**TO:** City Clerk

**FROM:** Don Batchelor, Recreation, Parks & Culture Manager  
Howard Thompson, Land & Economic Development Manager

**RE:** Lancaster Green Central Park Site - Land (Municipal Reserve) Purchase  
Part of NW 2-38-27-W4

---

## Background:

In the process of designing the Lancaster Green Central Park site, it became apparent that there was not enough land to properly locate all the standard parks facilities on this 4.6 ± hectare site. This is primarily due to the large area, shape and elevation changes required for the detention pond. When combined with the standard 1.4 hectares allocated to the new Catholic Junior High School site, the remaining area resulted in a very crowded and unattractive park layout. Also, a strip of single family lots and a potential day care site extend into the park site fronting onto Lindsay Avenue that further hampers this site.

In discussions with the Red Deer Regional Catholic Division #39 and Group 2 Architects, their design committee is prepared to work with the City to accommodate the neighborhood community shelter into the school structure and share some parking, which will help alleviate some of the layout problems. However, the optimal design, as shown on the attached revised park facility site plan, recommends the expansion of the park site by purchasing additional land. In order to proceed, City Council's consideration is required to purchase 0.13± hectares from the Lancaster Green Subdivision by the Public Reserve Trust Fund for additional Municipal Reserve. Also, Council approval is required to amend the Lancaster Green Neighborhood Area Structure Plan as presented in the report from Parkland Community Planning Services.

## Financial Implications:

Lancaster Green has already dedicated in excess of 14% to Municipal Reserves, versus the required 10%, to preserve the natural vegetation and green space into the design features of this subdivision. The sale of the remaining developable land in the subdivision will recoup the overall subdivision expenditures, such as land costs, offsite levies and capital costs for services, resulting in a return on investment to the City. In general, once roads and Municipal reserves are taken out of the total area of subdivision, the remaining developable land works out to around 6 average residential lots per hectare. In this case, although the day care site is only 0.13± hectares, however, the subdivision is foregoing potential revenue generation on approximately 2.5 fully serviced average residential lots. On the other hand, the subdivision will save the marginal capital costs from not having to extend services to this site.

.../2

# MEMO

53

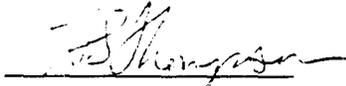
City Clerk  
October 26, 2001  
Page 2

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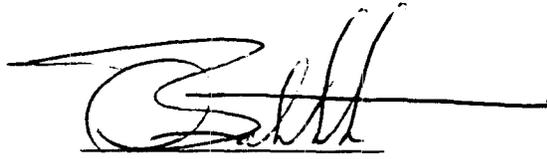
With the above in mind, the purchase price was determined by the administration to be \$46,875.00 plus GST. This amount reflects the current market value of raw land plus the offsite levies and boundary improvement charges for Lindsay Avenue that each of these 2.5 lots would have contributed to the overall subdivision account. The Public Reserve Trust Fund is the recommended funding source for this acquisition, which presently has a balance of \$515,000.00.

Recommendation:

That Council approve the purchase of 0.13± hectares of Part of NW 2-38-27-W4, Lancaster Green Subdivision, by the Public Reserve Trust Fund for additional Municipal Reserve for the purchase price of \$46,875.00 plus GST.



Howard Thompson



Don Batchelor

Attachment

- c. Colleen Jensen, Director of Community Services  
Bryon Jeffers, Director of Development Services

**Comments:**

We agree with the recommendations of the City Administration. A Public Hearing for the Neighbourhood Area Structure Plan Amendment and Land Use Bylaw Amendment will be held on Monday, December 3, 2001 at 7:00 p.m. in Council Chambers.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager



# **LANCASTER SOUTH Neighbourhood Area Structure Plan**

July 1998



**Adopted July 27, 1998  
Amended November 2001**

**Prepared by:**

**Parkland Community Planning Services  
&  
City of Red Deer Engineering Services**

## **LANCASTER SOUTH NEIGHBOURHOOD AREA STRUCTURE PLAN**

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## **1.0 Introduction**

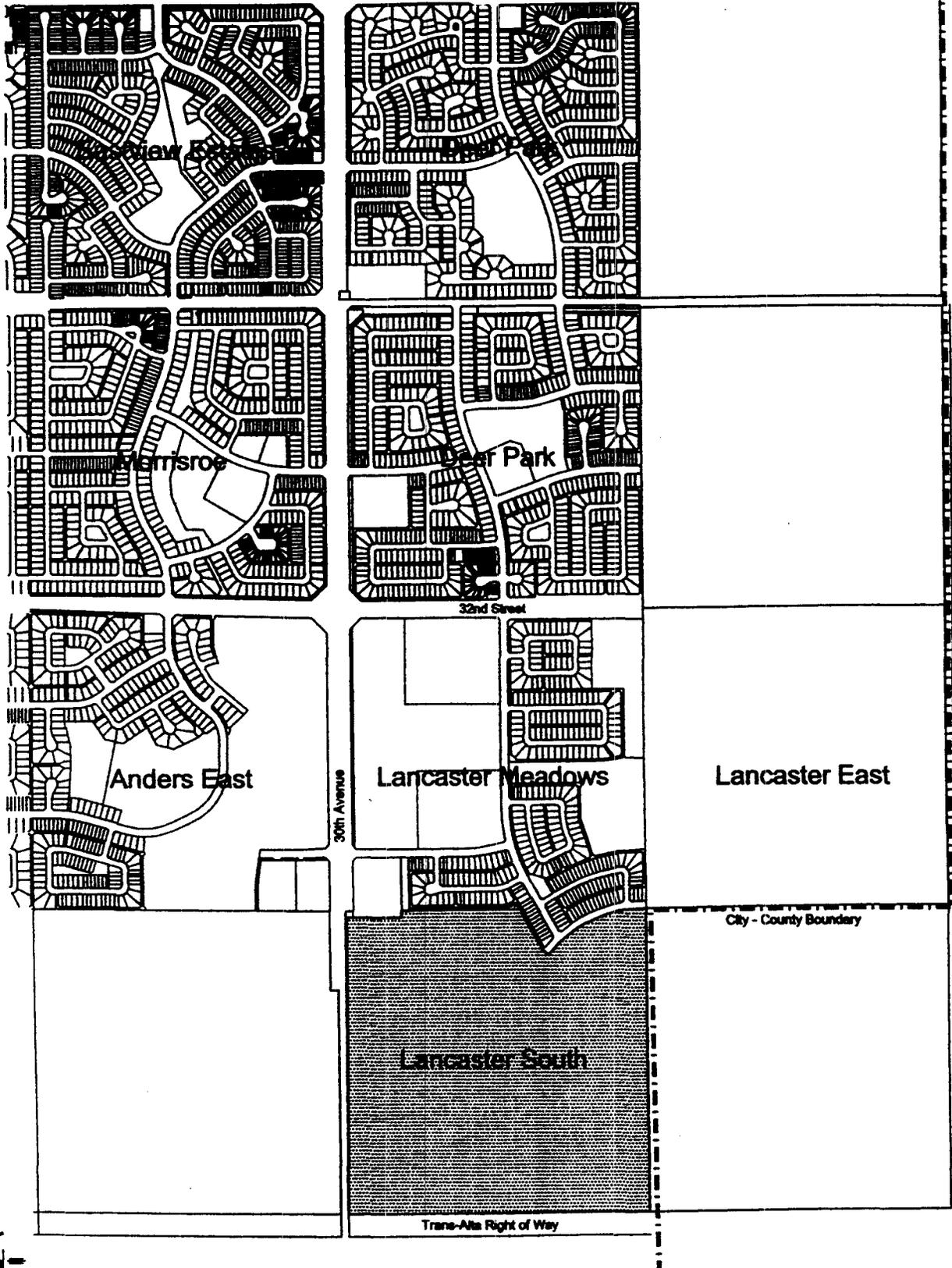
### **1.1 Purpose**

The aim of this Neighbourhood Area Structure Plan is to specify the land use development objectives for the Lancaster South neighbourhood in the City of Red Deer. This development consists of a 61.6 hectare (152.2 acre) parcel located in the Southeast quadrant of the City on 30<sup>th</sup> Avenue. The subject property is situated one quarter section south of 32<sup>nd</sup> Street and one quarter section north of Delburne Road, as illustrated in Figure 1. The property is surrounded primarily by unoccupied agricultural land to the east and south. Also situated to the south is the City of Red Deer Piper Creek Electrical Substation #17. To the north of the property is the existing Lancaster Meadows development, together with Hunting Hills High School and Notre Dame High School. To the west of the property is residential development.

The site falls within and is subject to the East Hill Major Area Structure Plan (MASP). The Neighbourhood Area Structure Plan presented here is intended to augment the MASP by identifying the size, location, and type of land uses found in the Lancaster South area as well as the density of these uses. Moreover, the Neighbourhood Area Structure Plan discusses the natural and cultural features of the site and possible environmental hazards. The Neighbourhood Area Structure Plan submits concepts for transportation design and the development of public and social facilities. The Plan also notes the proposed staging of development and specifies servicing for the area.

### **1.2 Background**

The current East Hill Major Area Structure Plan was adopted in May 2001. It was prepared by Parkland Community Planning Services and Pricewaterhouse Coopers. Previous to this, the March 1998 East Hill Plan was prepared by UMA Engineering Ltd., for the City of Red Deer.



Scale : Not To Scale

Prepared by: RD Engineering Services  
and PCPS

# LANCASTER SOUTH

## Figure 1 - Location

### Neighbourhood Area Structure Plan

This plan area pertains to lands lying in the east and southeast portions of the City and replaces previous Area Structure Plans completed in 1989, 1985, and 1978. The initial 1978 East Hill ASP consisted of 22 quarter sections with a total land area of 1,425 hectares (3,520 acres). Of the 22 quarters, 17 were allotted for residential land use and the remainder for industrial development.

In 1985 the East Hill ASP was updated to reflect city boundary expansion. A 23<sup>rd</sup> quarter section was added bringing the total area of the plan to 1,490 hectares (3,680 acres), and 5 quarter sections, previously allocated for industrial development within the earlier ASP, were reallocated to residential designation. In 1989, although the boundary of the East Hill ASP did not change, the plan was amended to reflect improvements to the transportation network.

The 1998 East Hill ASP provides development guidelines for 29 quarter sections, an area of approximately 1,856 hectares (4,586 acres). The current East Hill Major Area Structure Plan contains approximately 30 quarters sections, 1,942 ha (4800 acres). The East Hill MASP is implemented by way of Neighbourhood Area Structure Plans for specific neighbourhoods including, this, the Lancaster South Neighbourhood Area Structure Plan.

### **1.3 Definition of Plan Area**

The Lancaster South Neighbourhood Area Structure Plan area is situated in the southeast section of Red Deer. It refers to the northwestern quarter of Section 2, Township 38, Range 27, west of the 4<sup>th</sup> Meridian. The area covered by this plan is approximately 61.6 hectares (152.2 acres). It is bound to the north by the existing Lancaster Meadows development, to the east by agricultural land, to the south by the Piper Creek Electrical Substation #17 and agricultural land, and to the west by 30<sup>th</sup> Avenue.

The Neighbourhood Area Structure Plan presented here is consistent with the goals and guidelines of the East Hill Major Area Structure Plan. Its overall objective is to provide a framework and series of guidelines for neighbourhood land use planning leading to well organized and sustainable subdivision and land use development.

## **2.0 Site Context and Development Considerations**

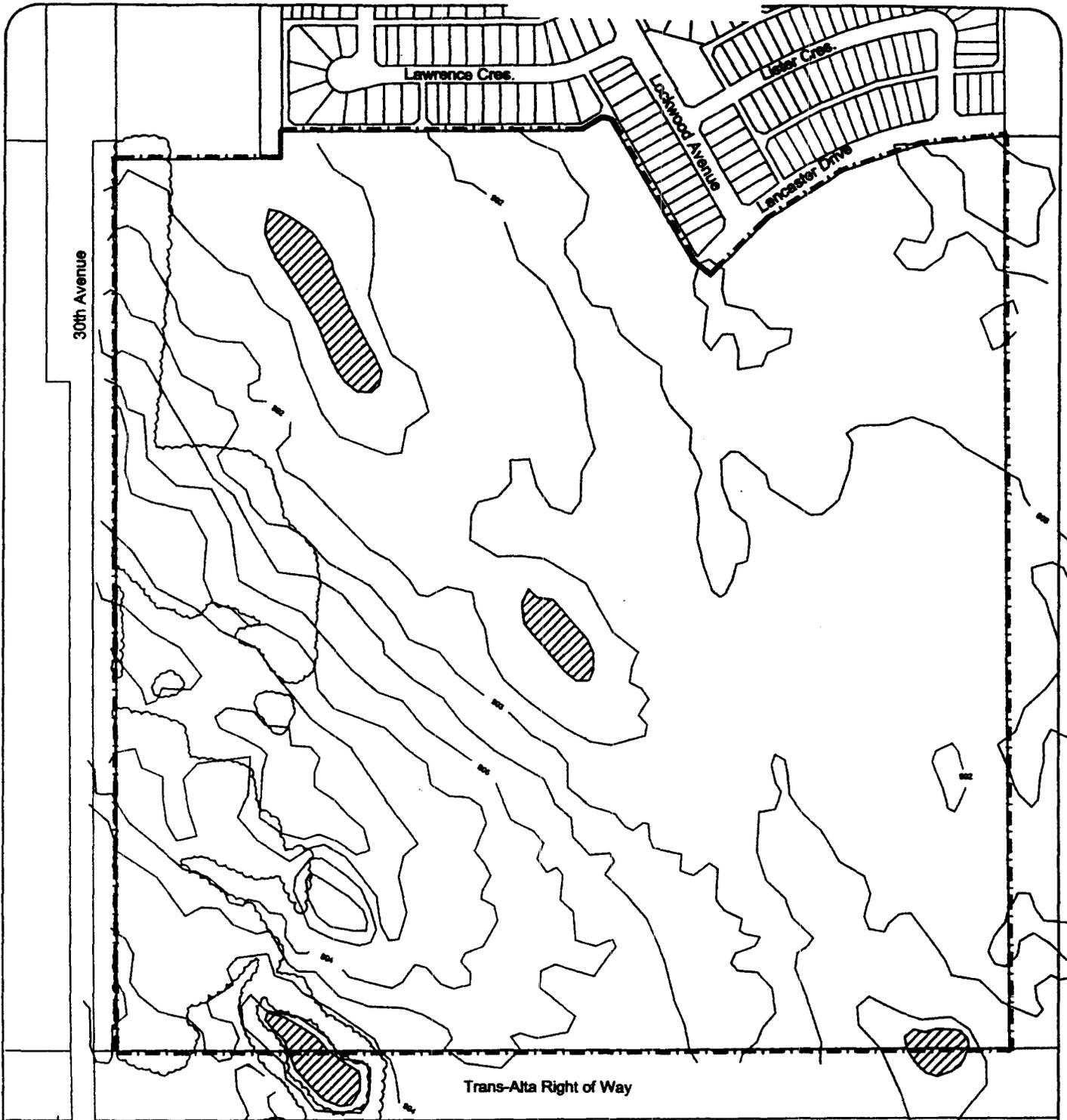
### **2.1 Natural Features**

The lands within the proposed Neighbourhood Area Structure Plan area are bestowed with a blend of topographic features. Although total site elevation rises only from 900 metres to 906.5 metres, as shown in Figure 2, the site does encompass a series of natural wetland and treed areas.

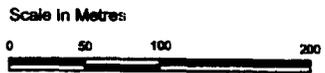
The subject site, also referred to as the Lancaster Meadows Natural Area, was recognized by the City of Red Deer's *Ecological Profile of the Lancaster Meadows Natural Area* as having eight notable environmental zones, shown in Appendix A. The eight zones include: semi-permanent and permanent wetlands, crop land, mixed treed areas, and meadow. The ecological profile strongly recommended that 4 of the zones (zones 4, 5, 7 and 8, as described below) be preserved due to their unique attributes. The specific zones are:

#### *I. Semi-Permanent Wetland*

The semi-permanent wetland sits in the southeastern portion of the natural area. Positioned on the boundary shared with the adjacent quarter to the south, the wetland contains cattail and sedge, as well as numerous willow shoots.



### LANCASTER SOUTH Figure 2 - Existing Features



Prepared by: RD Engineering Services  
and PCPS

-  Study Boundary
-  Existing Treeline
-  Existing Contours
-  Seasonal Wetland

## *II. Crop Land*

The majority of the subject site was cropland. Seasonal crops assisted in stabilizing the surface runoff and drainage on the site. Cropland also provides a host environment for insect and insect predator communities.

## *III. Permanent Wetland*

This wetland zone, positioned in the core of the Lancaster South site, drains into the site's more northerly wetland (zone 4) through a narrow drainage channel. Plant and animal life present within this zone include cattail, sedge, insects, tadpoles, waterfowl, bird species, and deer. A portion of the zone has been used as a snow dump by the City and as a result is experiencing related negative impacts including litter, salt content, and oil residue originating from the snow heap. These impacts specifically affect the northwest portion of the zone, which the ecological profile estimates to be 10% of the wetland area.

## *IV. Permanent Wetland (PRESERVE)*

This wetland located in the southwest corner of the subject site. It is perceived as being a key force in filtering out pollutants in the site's runoff. It is classified by the ecological profile as prime wetland with a mix of numerous aquatic and terrestrial insects, black terns, other bird species, frogs, and a blend of vegetation such as cattails, grasses, and sedges. Both this wetland and that of zone 3 are home to Canada Geese.

## *V. Mixed Poplars and Underbrush (PRESERVE)*

This zone is located in the northwest corner of the subject site. It is made up predominately of aspen poplars with some mountain ashes, wild grasses, and legumes. Underbrush in this area includes wild rose, willow trees, dogwoods, and saskatoon berries. Portions of this zone have been previously cleared to accommodate power lines. The cleared portion contains columbine,

pale coral root orchid, and Canada anemone as well as grasses. The ecological profile suggests some evidence that deer, porcupine, and red-tailed hawks inhabit this zone.

#### *VI. Open Grass Meadow*

Situated in the centre-west area of the site, this zone is a wild grass meadow with a variety of ground cover plants, and a few dispersed trees (e.g. Manitoba Maple, aspens). Several songbirds as well as deer graze/feed within this portion of the subject site.

#### *VII. Semi-Permanent Wetland (PRESERVE)*

This wetland zone, positioned below overhead power lines, is shared with the adjacent quarter to the south. Owls, mule deer, insect species, and songbirds have been observed in this part of the natural area. Vegetation in this zone is similar to that of the site's other wetlands and includes sedge grasses and willows.

#### *VIII. Aspen Poplars (PRESERVE)*

The aspen poplar zone is considered a transition between the natural area's wetlands and the forest/grassland. In addition to the grove of aspen poplars which dominate this zone, mixed underbrush, a white pine spruce, mountain ash, and honeysuckle can be found. This zone was most likely a previous homestead site. Mule deer, mouse, songbird, dragonfly, and hornet populations are present.

## **2.2 Existing Land Uses**

The subject lands are currently districted as **A1 Future Urban Development District**. The site includes forested segments and wetlands.

## **2.3 Existing Transportation Network and Access**

Existing access to the site is provided by 30<sup>th</sup> Avenue, an arterial road. Both collector and local roads are proposed to run through the site.

## **2.4 Environmental Considerations**

A Phase 1 Environmental Site Assessment (ESA) was conducted by *AGRA Earth & Environmental* between January 28 and February 27, 1998. This assessment, commissioned by the City of Red Deer, was undertaken to identify environmental concerns relating to the Lancaster South property and to ascertain if more in depth evaluation or actions were required.

The final ESA report was based on a historical review of the site and adjacent properties, discussion with relevant agencies regarding the site, and a thorough site inspection. The report concluded that there were no environmental issues associated with the Neighbourhood Area Structure Plan area. The land has been farmed since prior to 1950 and therefore Lancaster South is free of historically hazardous or noxious contaminants and clear of typical building related environmental effects such as lead, mercury, or asbestos. Neighbouring lands do house two crude oil well leases, however based on northerly groundwater flow and the distance of these wells from the Lancaster South boundaries, there is a negligible possibility of damage to the subject site. The subject site is deemed low in terms of environmental risk and further inquiry or action was not recommended.

## **2.5 Servicing**

The site can be fully serviced with water, sewer, and storm water utilities, as well as shallow services (e.g. television cable, telephone, gas).

## **3.0 Development Objectives**

In keeping with City policies, an Neighbourhood Area Structure Plan has been prepared for the Lancaster South property. The Neighbourhood Area Structure Plan encompasses information pertaining to: development objectives, proposed land use, density, open space, transportation, servicing and development staging.

### **3.1 Development Objectives**

The central objectives of the Neighbourhood Area Structure Plan are:

- i) to develop a plan consistent with the general goals and intent of the East Hill Area Structure Plan,
- ii) to provide a framework for the delivery of an outstanding quality and comprehensively planned residential neighbourhood; a neighbourhood which integrates built land uses such as housing and school development with parks and open space, community facilities, and collector and local roadways,
- iii) to protect and synthesize the notable natural features of the site, namely the areas of aspen poplar forest and the larger wetlands, in a manner which is both environmentally sustainable and developmentally feasible,
- iv) to arrange for plan implementation in an adept, efficient, and well-staged manner and to initiate a plan with the adaptability to react to changes in marketplace conditions.

The Neighbourhood Area Structure Plan is based fundamentally on the cluster archetype, meaning the proposed concept assembles bands of housing development through the use of a curvilinear roadway pattern.

### **3.2 Development Principles**

Building upon the Neighbourhood Area Structure Plan's central objectives as stated above, several development principles guide the designation of the various land uses proposed within the Lancaster South area:

**Residential**

- i) Facilitate a diversity of housing types including low and medium density development to meet the needs and preferences of the community and to meet municipal standards.
- ii) Integrate a blend of housing types throughout the neighbourhood in a concise, controlled, aesthetically pleasing, well designed and well functioning manner.
- iii) Identify proposed residential area zoning and secure ease of implementation and compatibility of lot sizes and housing forms within the Neighbourhood Area Structure Plan and with regard to existing residential development to the north of the subject site.
- iv) Establish densities compatible with effective provision of educational, recreational, and municipal service facilities including public transit.
- v) Encourage development that makes the best use of natural and cultural features in the area including, but not limited to park space, forested natural spaces, the school site, and recreational trails/pathways.

**Commercial**

- i) Fulfill local convenience shopping and service needs through the provision of a neighbourhood commercial site, while allowing major shopping and service demands to continue to be met by city centre and city centre west commercial, regional and district shopping centres, and major arterial commercial districts found in other parts of the City.

### **Transportation**

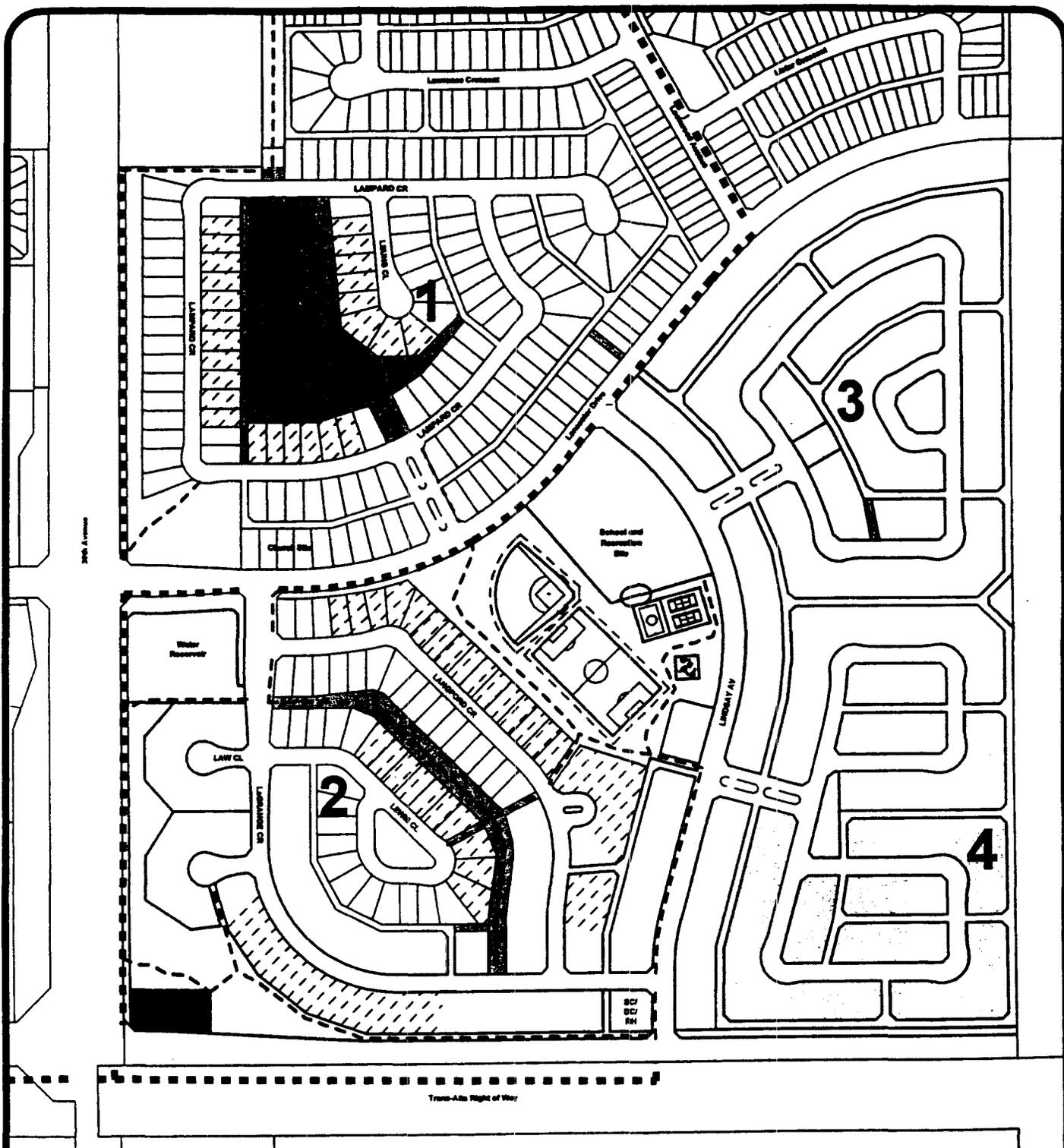
- i) Address transportation needs of residents traveling to, from, and throughout the Neighbourhood Area Structure Plan area in a safe, logical, and efficient manner. Consider the various transportation modes to be utilized in the neighbourhood such as pedestrian, bicycle, public transit buses, and private vehicle.

### **Parks and Open Space**

- i) Preserve the Lancaster South natural forest/wetland areas and synthesize the development of the neighbourhood's park-open space system with these environmental features in a manner which meets the demands of both ecological sustainability and resident recreational use.
- ii) Incorporate neighbourhood parks within the Lancaster South Neighbourhood Area Structure Plan as well as open space linkages to meet the recreational and leisure demands of area residents. These parks may include playing fields, lit trails, some hard surface play areas, children's playgrounds, and community shelters.
- iii) Designate trail systems through the neighbourhood school and park sites and utility easements for use by pedestrians and cyclists. These trails are to meet criteria for safety and ease of movement by all users.

### **Social Facilities**

- i) Allocate firstly, a site for a day care facility, or a social care facility or a retirement home, and secondly a site for a church in suitable locations within the Plan area. These sites are to fulfill the requirements of the *Planning and Subdivision Guidelines*.



# Lancaster South Neighbourhood Area Structure Plan

Figure 3 - Development Concept & Staging

  
 NORTH  
 OCTOBER 2001  
 Scale in Metres  
 0 50 100 200m

- |   |  |   |  |   |                             |
|---|--|---|--|---|-----------------------------|
|  | R1 Residential                                       |  | Commercial                               |  | 2.5m Pedestrian / Bike Path |
|  | R1 - R1A Residential                                 |  | Parks and Recreation                     |  | 1.5m Pedestrian / Bike Path |
|  | R2 Medium Density Residential                        |  | Public Utility Lot                       |  | Staging Sequence            |
|  | 2 Storey Residences With Walkout Basements Permitted |  | Social Care / Day Care / Retirement Home |   |                             |

Prepared by:  
The City of Red Deer Engineering Department  
and Portland Community Planning Services

### **3.3 Development Concept**

The development concept for this plan has been prepared to respond to current residential land requirements within the City of Red Deer and at the same time to acknowledge anticipated market trends. The development concept and staging of development are illustrated in Figure 3. This plan strives to guide development in such a manner that it enhances the natural features of the site and provides an innovative and integrated community design. The Plan has been developed in conformity with the goals and objectives described in the East Hill Major Area Structure Plan.

#### **3.3.1 Neighbourhood Structure**

The Lancaster South Neighbourhood Area Structure Plan presents a strategically designed neighbourhood that promotes a mix of housing options and opportunities. The majority of land within the plan area is designated for residential development. The intent of this development is to provide a blend of low density residential dwelling units including single family and semi-detached homes throughout the development as well as to accommodate medium density multiple family residences within the community.

##### ***i) Residential Low Density District (R1)***

Low density single detached housing, under the R1 designation has been generally located through out the neighbourhood in an effort to allow for full access to neighbourhood parks, open space, recreational trails, recreational pathways, commercial development, the school site, and the variety of other amenities found in the neighbourhood.

##### ***ii) Two Storey Residences with Walkout Basements***

Guided by the site's natural topography, some portions of the R1 area have been proposed to allow two storey residences with walkout basements. Specifically, designation for walkout

basements is intended for the western half of the site in those areas backing onto treed open space, park areas, or public utility lots.

**iii) Residential R1A (Semi-Detached Dwelling)**

As presented in Figure 3, within some portions of the neighbourhood there is the intention of interspersing a limited number of semi-detached homes among single family dwellings at a level not to exceed 15% semi-detached in these sectors and with a minimum mix of at least 10% semi-detached. The proposed semi-detached units are to be of a high quality and must meet architectural standards governing size and elevations. The portions of the neighbourhood targeted to allow the mix of semi-detached and single family homes include: the northern most areas adjacent to the existing Lancaster Meadows development and the southeast section of the plan. The semi-detached homes are to be placed at a maximum of two semi-detached lots (4 units) next to one another in order to achieve the objective of blending the R1A and R1 units.

**iv) Residential R2 (Medium Density) District**

In the Neighbourhood Area Structure Plan, a block of medium density residential units is suggested for the southeast corner of the neighbourhood. This medium density housing block is situated within close proximity to the local commercial site, the school/neighbourhood park, and to the open space and trails system traversing the neighbourhood.

**3.3.2 Density**

The Neighbourhood Area Structure Plan area will supply approximately 119 multi-attached units, 22 to 34 semi-detached units (depending upon how these units are interspersed within the single family housing), and approximately 539 single-family lots. Calculating the above units with the Bylaw standard of 3.4 persons/unit for single family, 3.3 persons/unit for semi-detached unit, and 3.0 persons/multi-attached unit, the total expected population would be approximately

2301 persons (37.4 persons per hectare). This density is within City density standards of 45 persons per hectare.

### ***3.3.3 Commercial (Neighbourhood Convenience) District***

A 0.25 hectare (0.62 acre) commercially zoned site is proposed for the southwest corner of the Neighbourhood Area Structure Plan area. This site is principally expected to cater to local residents of Lancaster South and is designated as neighbourhood convenience commercial. A small walkway has been incorporated into the design to provide pedestrian/bicycle access to this site for residents of the Lancaster South neighbourhood. Uses permitted on the site may include retail sales, rental sales, or services as defined in the City's By-law, and intended for sale/trade to the residents of the local neighbourhood only.

### ***3.3.4 Open Space and Parks***

The proposed park and open space system includes a neighbourhood park/school site, a series of linear park/pathways, several smaller parkettes, and a span of treed/natural open space areas. A detailed park plan is presented in Appendix B.

#### *i. Neighbourhood Park/School Site*

A substantial sized neighbourhood park to be combined with the area's school site is proposed in the centre area of the Lancaster South. The site is 4.75 hectare (11.73 acres). The school site is designated as a Catholic School, to accommodate students in kindergarten to grade 9. This may include a K-5 elementary or K-9 elementary school, or a grade 6-9 middle school, or any grade combination from K-9.

#### *ii. Linear Pathways*

A series of linear pathways and trails are proposed to run through the neighbourhood, linking to the school site, commercial site, and parkettes in the plan area.

*iii. Parkettes*

Several parkettes are proposed in locations throughout the community. These parkettes include a 0.15 hectare (0.38 acre) site to be situated in the mid-southwest portion of the plan area, a 0.16 hectare (0.41 acre) parkette to be located in the mid-southeast area, and a 0.18 hectare (0.45 acre) and a 0.09 hectare (0.23 acre) parkette both proposed for the mid-northeast portion of the neighbourhood. Trail systems are depicted in Figure 3.

*iv. Treed Open Space*

A series of natural treed open spaces are to be preserved within the Lancaster South area. These stretches of trees will provide wildlife and aesthetic benefits to the neighbourhood as well as provide a berm between the neighbourhood and proposed arterial roads bordering the community. The open space treed areas primarily run along the western and southern linear boundaries of the development and will be available for passive recreation use to residents. The area encompassed is approximately 3 hectares (7.3 acres).

**3.3.5 Social Facilities**

Two social facilities sites are proposed for the Neighbourhood Area Structure Plan area. The first is a 0.13 hectare (0.32 acre) social care facility or day care or a retirement home site. It is designated in the south portion of the neighbourhood. This site is situated along the main collector roadway for ease of access. The second site is a 0.3 hectare (0.74 acre) church site to be located in the northwest corner of the plan. This site will provide a convenient approach to the church building as it is situated near the entrance to the neighbourhood's main arterial road (30<sup>th</sup> Avenue). Additionally, proximity to the arterial road is intended to limit the amount of additional traffic traveling through the neighbourhood.

### **3.3.6 Transportation**

A hierarchical system of roads is proposed for the Lancaster South Neighbourhood Area Structure Plan area to provide safe, appropriate, and efficient access for residents as well as others traveling throughout the neighbourhood.

#### *i) Arterial Roadways*

The Lancaster South area has one arterial road, 30<sup>th</sup> Avenue, which borders the in to the west. It serves as the key access point to the neighbourhood in two locations. The central entrance/exit point to and from 30<sup>th</sup> Avenue is to retain several tree stands and to incorporate augmented entrance features to enhance the character of the community.

#### *ii) Collector Roadways*

The Neighbourhood Area Structure Plan area proposes 3 collector roads that will be linked to the above arterial roadway. Collector roads are to include: the extension of the existing Lancaster Drive intended to link to 30<sup>th</sup> Avenue at the entrance point, a roadway bordering the neighbourhood to the south, and a proposed roadway to travel through the centre of the community next to the school/park site.

#### *iii) Local Roadways*

A sequence of local roadways running throughout the Lancaster South community will provide access to individual lots and properties. Local roads have been designed to meet two standards, 16 metres where the medium density homes are planned and 15 metres in the remaining portions of the development.

#### *iv) Laneways*

The Lancaster South neighbourhood has been designed with most of the lots backing onto laneways, however some lots with rear yards adjoining park space or open space treed areas or public utility lots will not have laneways.

v) *Bicycle and Pedestrian Paths*

Several bicycle and pedestrian paths have been identified within Lancaster South. These paths are illustrated in Figure 3. Particularly attractive aspects of these pathways include linkage with the local school/park site, the commercial site, and preserved treed areas. Some trails will encompass mandatory chain link fencing as well as lighting intended to address security and public safety concerns. Lighting and chain link fencing will allow for increased visibility and illumination for evening and day use. Additional planning and implementation of these pathways is expected to take shape based on the input and opinions of future Lancaster South residents.

**3.3.7 *Municipal Reserve***

The municipal reserve dedication for this Neighbourhood Area Structure Plan is as follows:

Natural treed areas	3.00	ha
Central School/Park Site	4.75	ha
Local parkettes	0.58	ha
<b>Total</b>	<b>8.33</b>	<b>ha</b>

**3.3.8 *Neighbourhood Parkettes and Natural Treed Areas***

The neighbourhood parkettes and natural treed areas are expected to provide several amenities to area residents, for instance various playing fields, playgrounds, a multi-use pad, a hockey rink, sliding hills, and shelters.

**4.0 *Municipal Servicing***

The proposed municipal servicing design for the Lancaster South community reflects the site's natural features and responds to the need for efficient service delivery.

**4.1 *Storm Sewer System***

One large storm water detention pond is required to service the neighbourhood. This pond will be located in the northwest portion of the Neighbourhood Area Structure Plan area. The exact volume of the storm water detention pond will be determined during actual construction phases.

Three other smaller ponds, one on the central school and park site, and two others in the TransAlta right-of-way will serve the area. The ponds in the right-of-way will take advantage of the existing natural wetlands and preserve them in part, as is possible. Major drainage is presented in Figure 4 and overall storm servicing is presented in Figure 5.

#### **4.2 Sanitary Sewer System**

The sanitary sewer system that is required to service the Lancaster South area is presented in Figure 6.

#### **4.3 Water Distribution System**

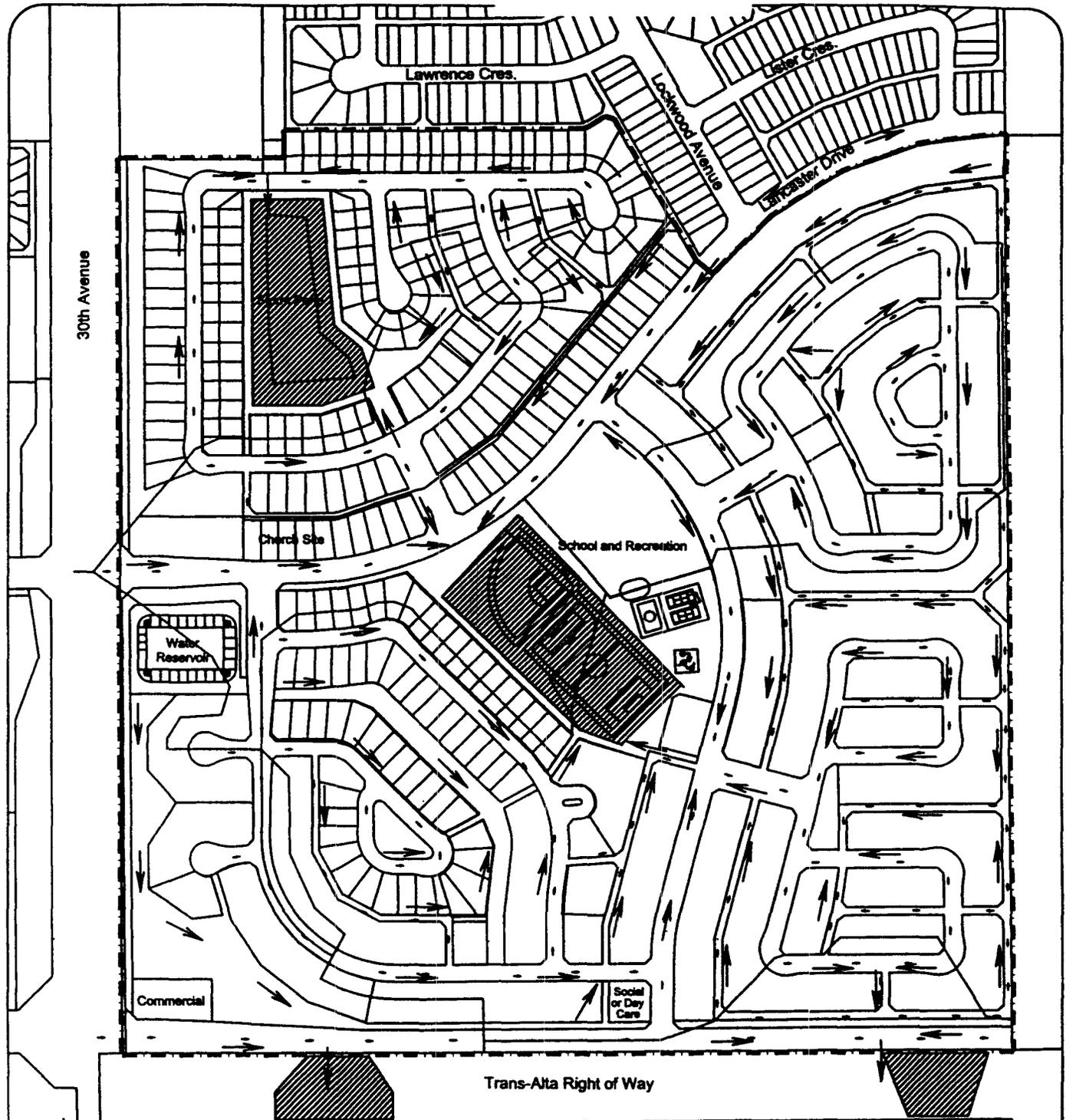
The overall water distribution system that is required to service the Lancaster South area is illustrated in Figure 7. As shown on Figure 7, a water reservoir site is to be located in the west central area of the plan, at the intersection of 30<sup>th</sup> Avenue and the entrance collector roadway into Lancaster South. Trees will be retained around the perimeter of the water reservoir site and the area will be appropriately landscaped to serve as a neighbourhood enhancement and entrance feature.

#### **4.4 Shallow Utilities**

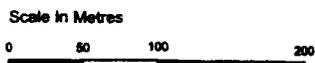
Shallow utility providers, namely the City's Electric Light and Power Department, the telephone, cable, and natural gas companies, have been contacted regarding servicing to the Lancaster South area. There is adequate capacity to provide servicing.

### **5.0 Staging of Development**

As stated previously, Figure 3 delineates the anticipated development staging for the Lancaster South area. The location of utilities will dictate the order of initial phases. Likewise, market conditions may be expected to influence the actual staging of subsequent development.

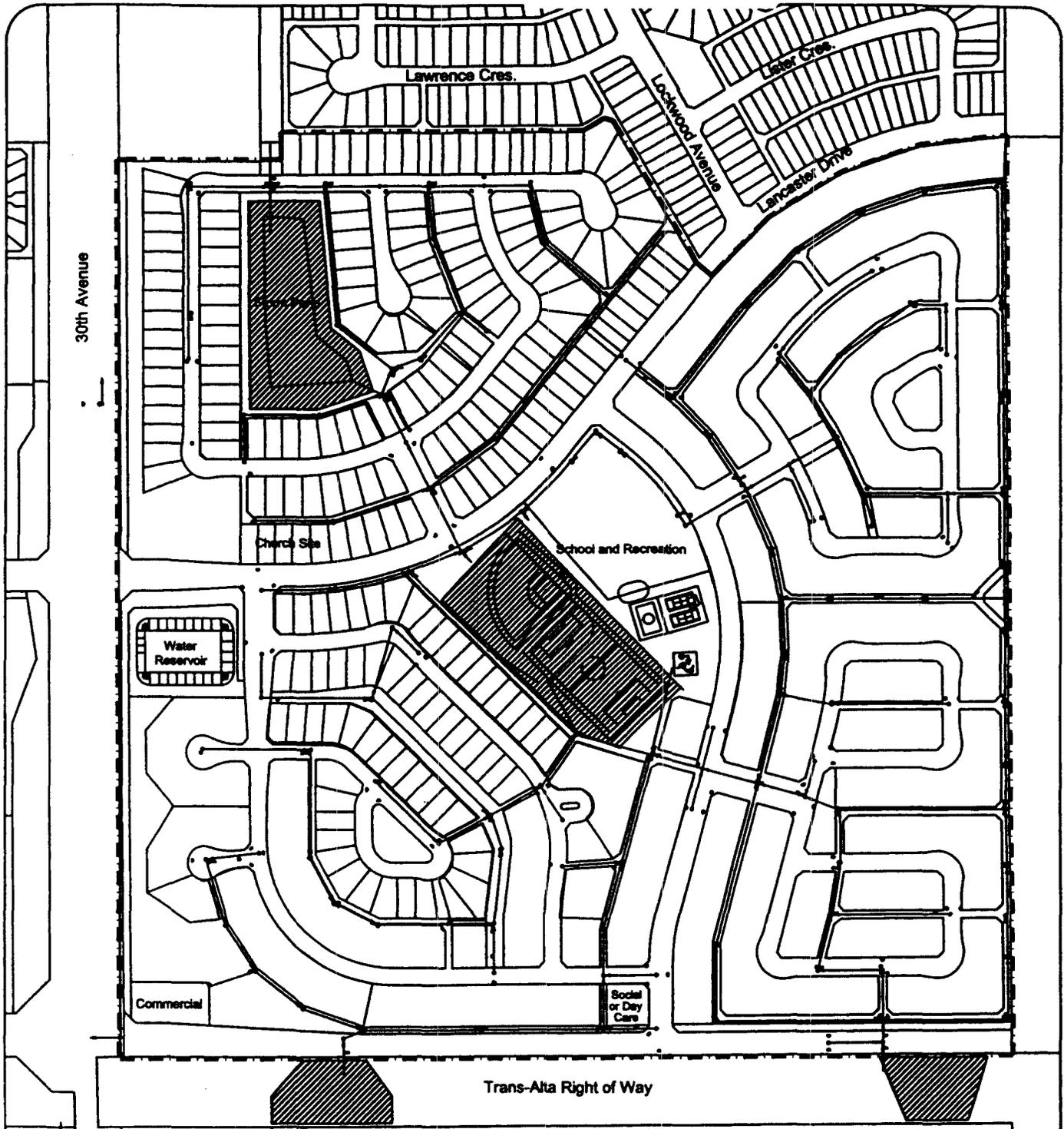


**LANCASTER SOUTH**  
 Neighbourhood Area Structure Plan  
 Figure 4 - Major Drainage



Prepared by: RD Engineering Services  
 and PCPS  
 October, 2001

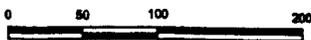
-  Study Boundary
-  Drainage Pattern
-  Detention Pond



**LANCASTER SOUTH**  
Neighbourhood Area Structure Plan  
Figure 5 - Overall Storm Servicing

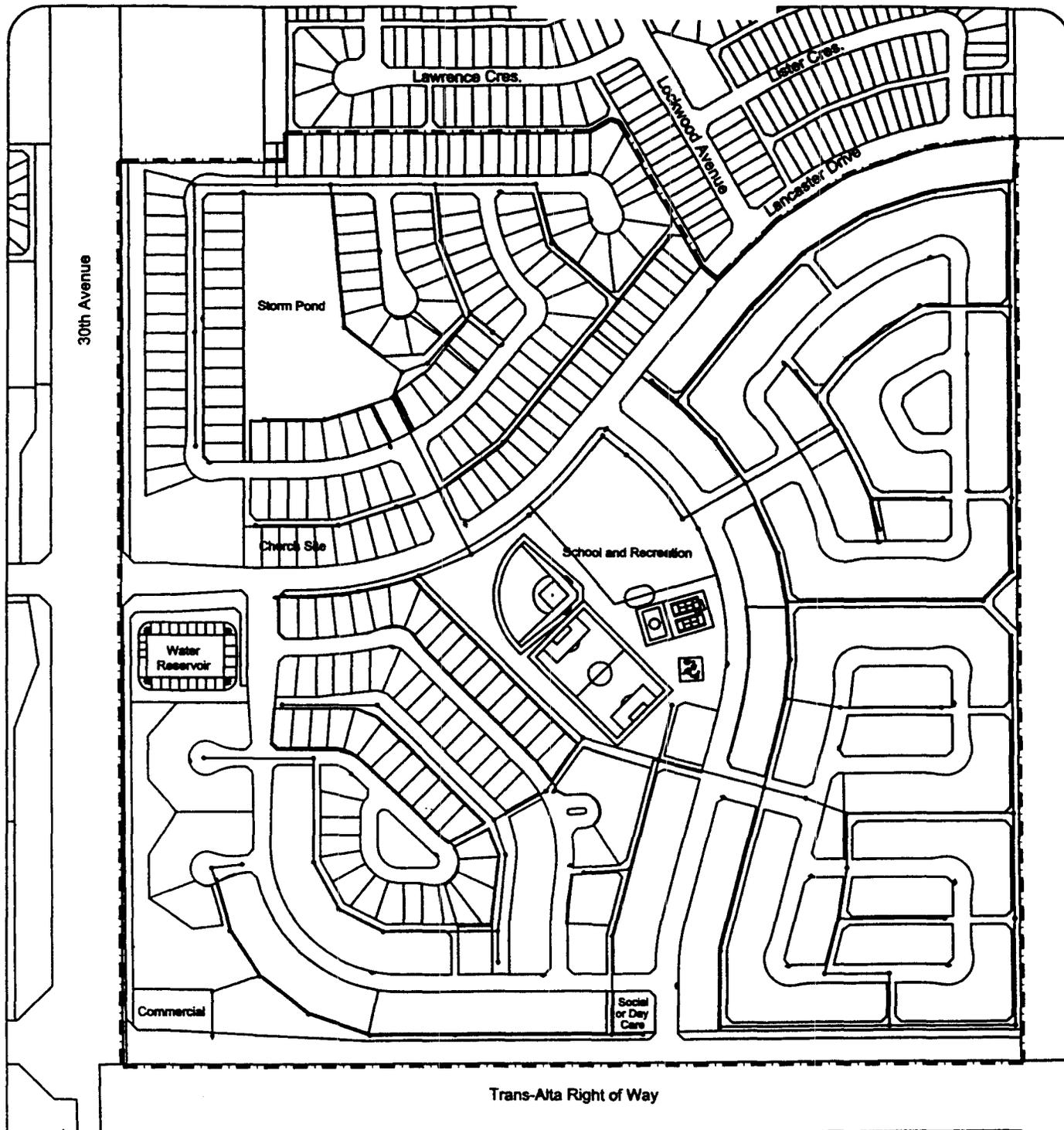


Scale in Metres



-  Study Boundary
-  Storm Utility
-  Detention Pond

Prepared by: RD Engineering Services  
and PCPS  
October, 2001



**LANCASTER SOUTH**  
 Neighbourhood Area Structure Plan  
 Figure 6 - Overall Sanitary Servicing



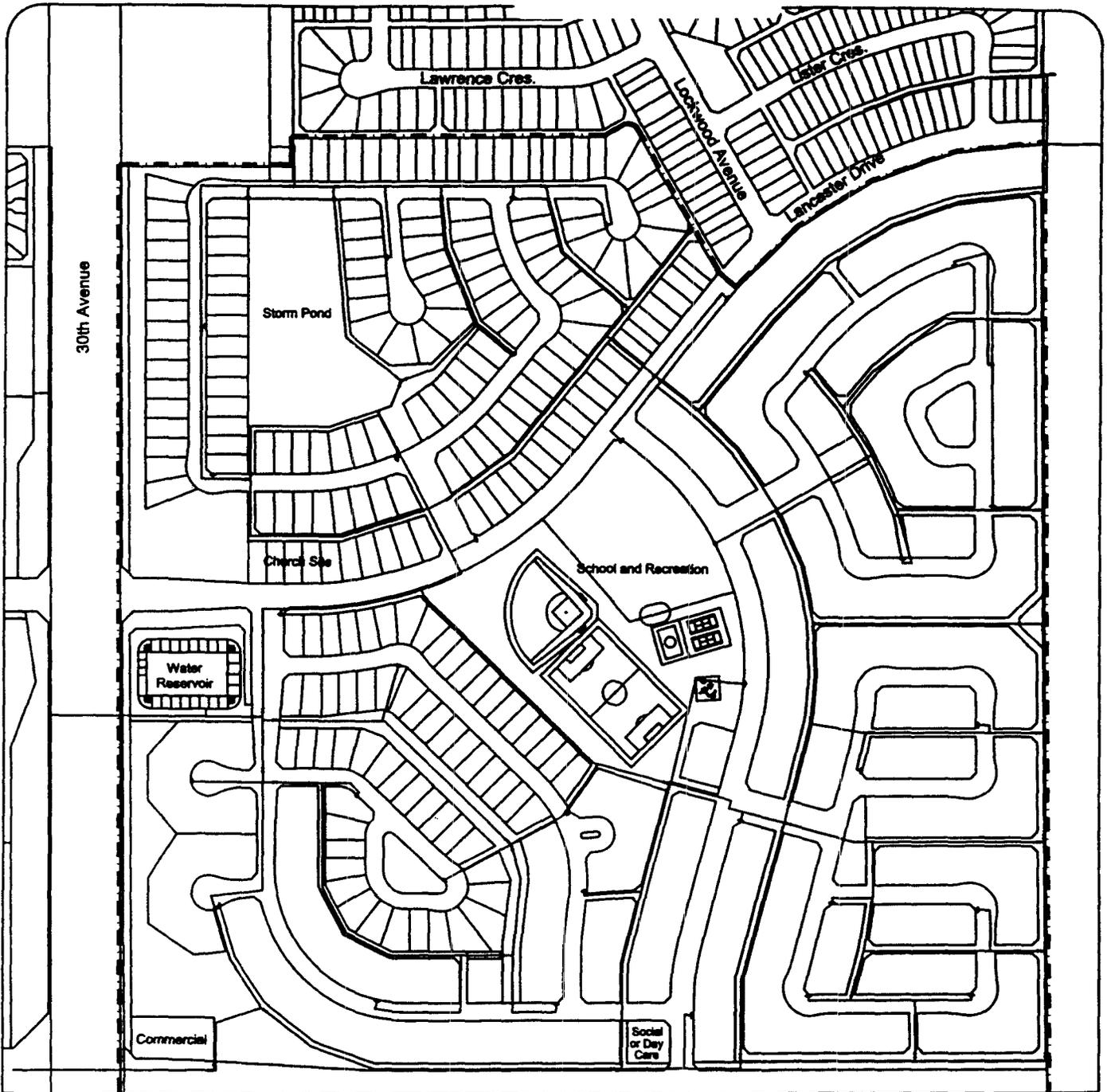
Scale In Metres



-  Study Boundary
-  Sanitary Utility

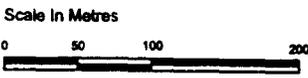
Prepared by: RD Engineering Services  
 and PCPS

October, 2001



Trans-Alta Right of Way

### LANCASTER SOUTH Neighbourhood Area Structure Plan Figure 7 - Overall Water Servicing



- Study Boundary
- Water Utility

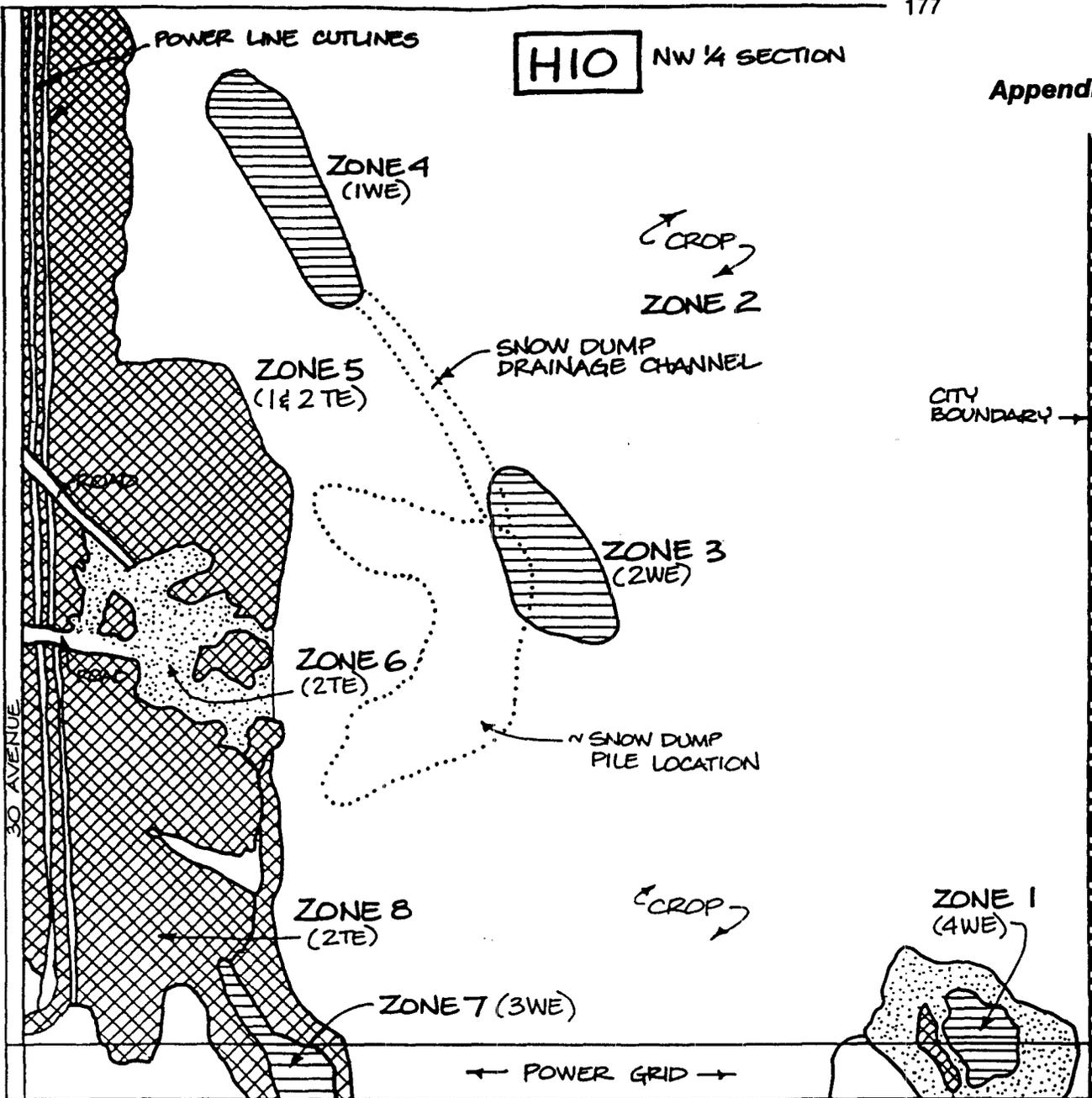
Prepared by: RD Engineering Services  
and PCPS

October, 2001

***Appendices***

**H10** NW ¼ SECTION

Appendix A



LEGEND

-  TREES
-  WETLAND
-  GRASS

----- CITY BOUNDARY

ZONES & HABITAT SITE NUMBER

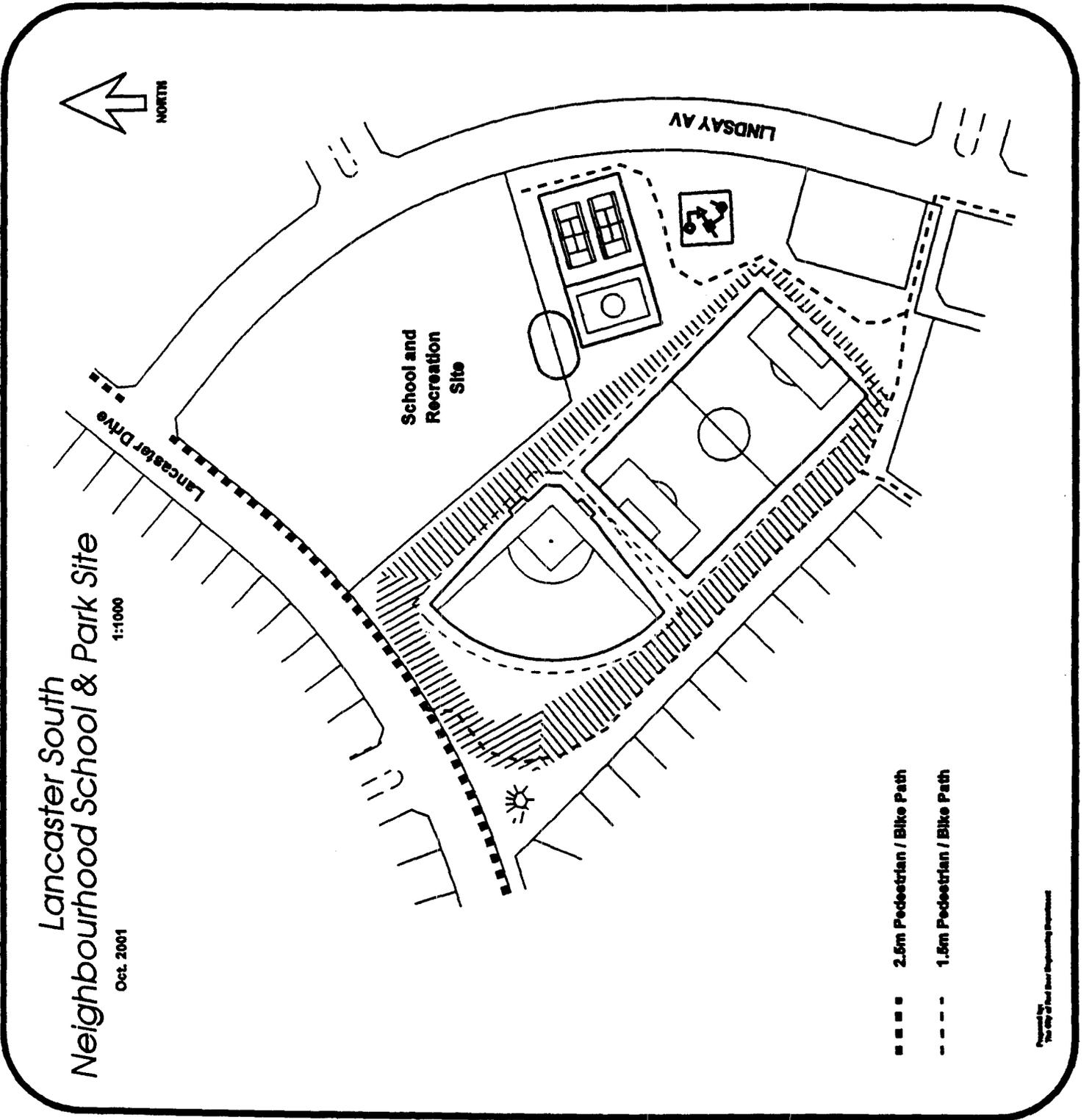
- ZONE 1 (4WE)
- ZONE 2 (CROP)
- ZONE 3 (2WE)
- ZONE 4 (1WE)
- ZONE 5 (1&2TE)
- ZONE 6 (2TE)
- ZONE 7 (3WE)
- ZONE 8 (2TE)

ex) H10 - 2WE

GRID MAP SECTION OF LAND      HABITAT SITE NUMBER      MAPPING CODE  
 W = WETLAND  
 T = TREE  
 E = ECOSPACE



LANCASTER MEADOWS  
 NATURAL (ECOSPACE) AREA



**BYLAW NO. 3156/SS-2001**

Being a bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer.

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

- 1 The "Land Use District Map "K5" contained in "Schedule B" of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map No. 36/2001 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this                      day of                      A.D. 2001.

READ A SECOND TIME IN OPEN COUNCIL this                      day of                      A.D. 2001.

READ A THIRD TIME IN OPEN COUNCIL this                      day of                      A.D. 2001.

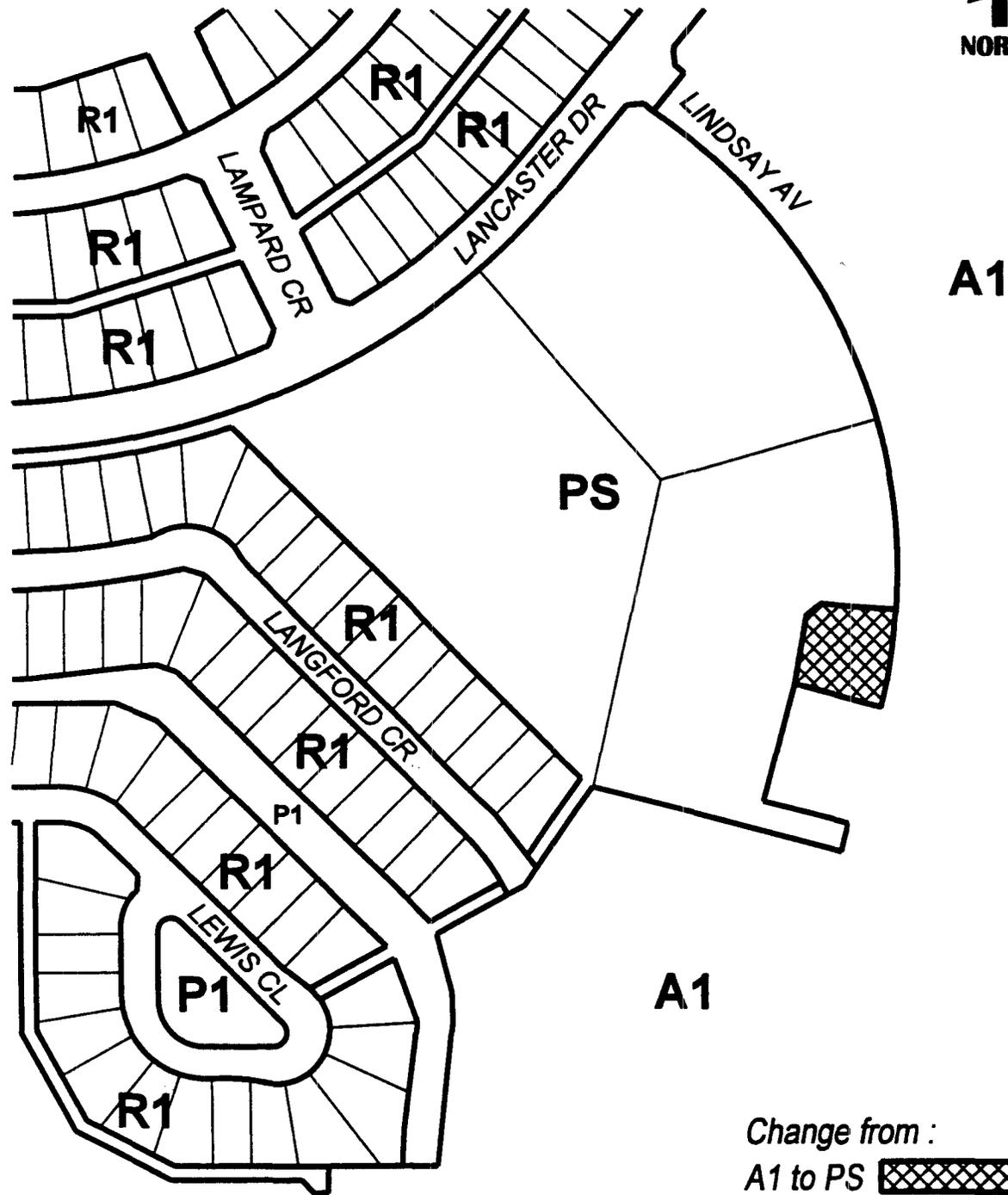
AND SIGNED BY THE MAYOR AND CITY CLERK this                      day of                      A.D. 2001.

\_\_\_\_\_  
MAYOR

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

# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT



**A1**

**PS**

**A1**

Change from :

A1 to PS 

### AFFECTED DISTRICTS:

A1 - Future Urban Development

PS - Public Service (Institutional or Governmental)

MAP No. 36 / 2001

BYLAW No. 3156 / SS - 2001

## Council Decision – Monday November 5, 2001

**DATE:** November 6, 2001

**TO:** Nancy Hackett, Parkland Community Planning Services

**FROM:** City Clerk

**RE:** **Lancaster South Neighbourhood (Lancaster Green):**  
1) Neighbourhood Area Structure Plan Amendment Bylaw 3217/F-2001  
2) Land Use Bylaw Amendment 3156/SS-2001

---

***Reference Report:***

Parkland Community Planning Services , dated October 29 and October 31, 2001

***Bylaw Readings:***

The bylaws were given first reading. A copy of the bylaws are attached.

***Report Back to Council:***

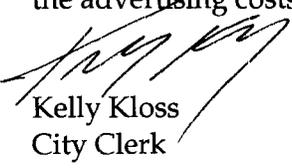
Yes. A Public Hearing will be held on Monday, December 3, 2001 at 7:00 P.M. in Council Chambers during Council's regular meeting.

***Comments/Further Action:***

Lancaster South Neighbourhood Area Structure Plan Amendment Bylaw 3217/F-2001 involves adding one lane, adding one public utility lot, modifying the specific location where two storey residences with walkout basements are allowed, amending the social care site, eliminating the existing, separate day care site and converting the site to park space to allow expansion to the central school and park site, and changes to the location of proposed park facilities within the school and park site.

Land Use Bylaw Amendment 3156/SS-2001 redesignates  $\pm$  0.14 hectares (0.35 acres) of land from A1 Future Urban Development District to PS Public Service District in order to permit the development of a larger central school and park site. The site is intended to accommodate a Catholic kindergarten to grade 9 (K-9) school as well as central park site facilities.

This office will now proceed with the advertising for a Public Hearing. The City will be responsible for the advertising costs in this instance.



Kelly Kloss  
City Clerk  
/chk  
attchs.

c Director of Development Services  
Community Services Director  
Inspections & Licensing Manager  
Land & Economic Development Manager  
C. Adams, Administrative Assistant  
C. Kenzie, Administrative Assistant

## Council Decision – Monday November 5, 2001

**DATE:** November 6, 2001

**TO:** Don Batchelor, Recreation, Parks & Culture Manager  
Howard Thompson, Land & Economic Development Manager

**FROM:** City Clerk

**RE:** Lancaster Green Central Park Site – Land (Municipal Reserve) Purchase  
Part of NW 2-38-27-W4

---

***Reference Report:***

Recreation, Parks & Culture Manager and Land & Economic Development Manager , dated October 26, 2001.

***Resolutions:***

*Resolved* that Council of the City of Red Deer having considered the report from the Land & Economic Development Manager re: Lancaster Green Central Park Site – Land (Municipal Reserve), approves the purchase of 0.13± hectares of part of NW 2-38-27-W4, Lancaster Green Subdivision, by the Public Reserve Trust Fund for additional Municipal Reserve in the amount of \$46,875.00 plus GST subject to the passage of Neighbourhood Area Structure Plan Amendment Bylaw 3217/F-2001 and Land Use Bylaw Amendment 3156/SS-2001.

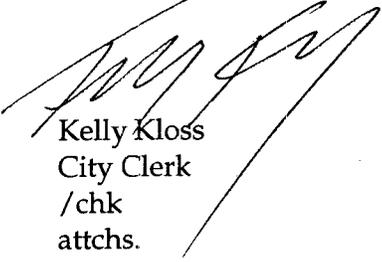
***Bylaw Readings:***

Neighbourhood Area Structure Plan Amendment Bylaw 3217/F-2001 and Land Use Bylaw Amendment 3156/SS-2001 were given first reading.

***Report Back to Council:***

Yes. A Public Hearing will be held on Monday, December 3, 2001 at 7:00 P.M. in Council Chambers during Council's regular meeting.

***Comments/Further Action:***



Kelly Kloss  
City Clerk  
/chk  
attchs.

- c Director of Development Services
- Community Services Director
- Director of Corporate Services
- Inspections & Licensing Manager
- C. Adams, Administrative Assistant
- C. Kenzie, Administrative Assistant

**LANCASTER SOUTH**  
**LUB 3156/SS-2001**

**DESCRIPTION:** Redesignation of 0.14 hectares from A1 Future Urban Development to PS Public Service District to accommodate a larger central school and park site.

**FIRST READING:** November 5, 2001  
**FIRST PUBLICATION:** November 16, 2001  
**SECOND PUBLICATION:** November 23, 2001  
**PUBLI HEARING & SECOND READING:** December 3, 2001  
**THIRD READING:** \_\_\_\_\_

**LETTERS REQUIRED TO PROPERTY OWNERS:** YES  NO

**DEPOSIT?** YES  \$ \_\_\_\_\_ NO  **BY:** CITY

**ACTUAL COST OF ADVERTISING:**

1<sup>ST</sup> \$ 344.40 & 2<sup>ND</sup> \$ 344.40 **TOTAL:** \$ 688.80

**MAP PREPARATION:** \$ N/A

**TOTAL COST:** \$ 688.80

**LESS DEPOSIT RECEIVED:** \$ \_\_\_\_\_

**AMOUNT OWING/ (REFUND):** \$ \_\_\_\_\_

**INVOICE NO.:** \_\_\_\_\_

DATE: December 4, 2001  
TO: Nancy Hackett, Parkland Community Planning Services  
FROM: City Clerk  
RE: Lancaster South Neighbourhood (Lancaster Green)  
(a) Neighbourhood Area Structure Plan Amendment Bylaw 3217/F-2001  
(b) Land Use Bylaw Amendment 3156/SS-2001

---

**Reference Report:**

Parkland Community Planning Services, dated October 29, 2001

**Bylaw Readings:**

Neighbourhood Area Structure Plan Amendment Bylaw 3217/F-2001 and Land Use Bylaw Amendment 3156/SS-2001 were given second & third readings. Copies of the bylaws are attached.

**Resolutions:**

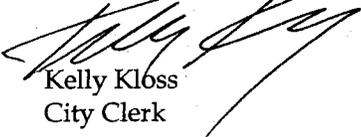
*Resolved* that Council of the City of Red Deer hereby agrees to amend Lancaster South Neighbourhood Area Structure Plan Amendment Bylaw 3217/F-2001 by deleting therefrom the Lancaster South Neighbourhood School & Park Site Plan and substituting in its place the Lancaster South Neighbourhood School & Park Site Plan attached to the November 29, 2001 report from Parkland Community Planning Services.

**Report Back to Council:** NO

**Comments/Further Action:**

Lancaster South Neighbourhood Area Structure Plan Amendment Bylaw 3217/F-2001 involves adding one lane, adding one public utility lot, modifying the specific location where two storey residences with walkout basements are allowed, amending the social care site, eliminating the existing, separate day care site and converting the site to park space to allow expansion to the central school and park site, and changes to the location of proposed park facilities within the school and park site.

Land Use Bylaw Amendment 3156/SS-2001 rezones  $\pm$  0.14 hectares (0.35 acres) of land from A1 Future Urban Development District to PS Public Service District in order to permit the development of a larger central school and park site. The site is intended to accommodate a Catholic kindergarten to grade 9 (K-9) school as well as central park site facilities.

  
Kelly Kloss  
City Clerk

/chk  
attchs.

c Director of Development Services  
Director of Community Services  
Recreation, Parks & Culture Manager  
Land & Economic Development Manager  
Inspections & Licensing Manager  
City Assessor  
D. Kutinsky, Graphics Designer  
C. Adams, Administrative Assistant, City Clerk's  
S. Eklund, Clerk Steno, City Clerk's



Box 5008  
Red Deer, Alberta  
T4N 3T4

The City of Red Deer

## Office of the City Clerk

November 9, 2001

Wayne & Y Eileen Mckee  
Box 441  
RED DEER, AB T4N 5E9

Dear Sir/Madam:

**Re: Land Use Bylaw Amendment 3156/SS-2001 – Lancaster South**

---

Council of the City of Red Deer is considering a change to the Land Use Bylaw, which controls the use and development of land and buildings in the city. As a property owner adjacent to the land in the Lancaster South neighbourhood you have an opportunity to ask questions about the intended use and to let Council know your views.

Council proposes to pass an amendment to the Lancaster South Neighbourhood Area Structure Plan. This amendment involves adding one lane and one utility lot, modifying the specific location for two storey residences with walkout basements, amending the social care site, eliminating the existing separate day care site and converting the site to park space to allow expansion of the central school and park site and changes to the location of the proposed park facilities within the school and park site. It will affect undeveloped areas and is consistent with the City of Red Deer's Planning and Subdivision Guidelines. Council also intends to purchase 0.13 hectares from the Lancaster Green Subdivision to provide for the expansion of the park site.

City Council also proposes to pass Land Use Bylaw Amendment 3156/SS-2001, which provides for redesignation of 0.14 hectares (0.35 acres) of land from A1 Future Urban Development District to PS Public Service District. This amendment will accommodate a Catholic kindergarten to grade 9 (K-9) school as well as a central park site facility.

You can pick up a full copy of the amendment at the office of the City Clerk, 2<sup>nd</sup> Floor of City Hall between 8:00 a.m. and 4:30 p.m. Monday to Friday.

City Council will hear from any person claiming to be affected at a Public Hearing in the Council Chambers, 2<sup>nd</sup> Floor of City Hall on **Monday, December 3, 2001, at 7:00 p.m.** If you want your letter or petition included on the Council agenda you must submit it to the City Clerk by 4:30 p.m. on **Tuesday, November 27, 2001.** Otherwise, you may submit your letter or petition at the City Council meeting or you can simply tell Council your views at the Public Hearing. Your letter or petition will be made available to the public. If you have any questions regarding their use, please contact me at (403) 342-8132.

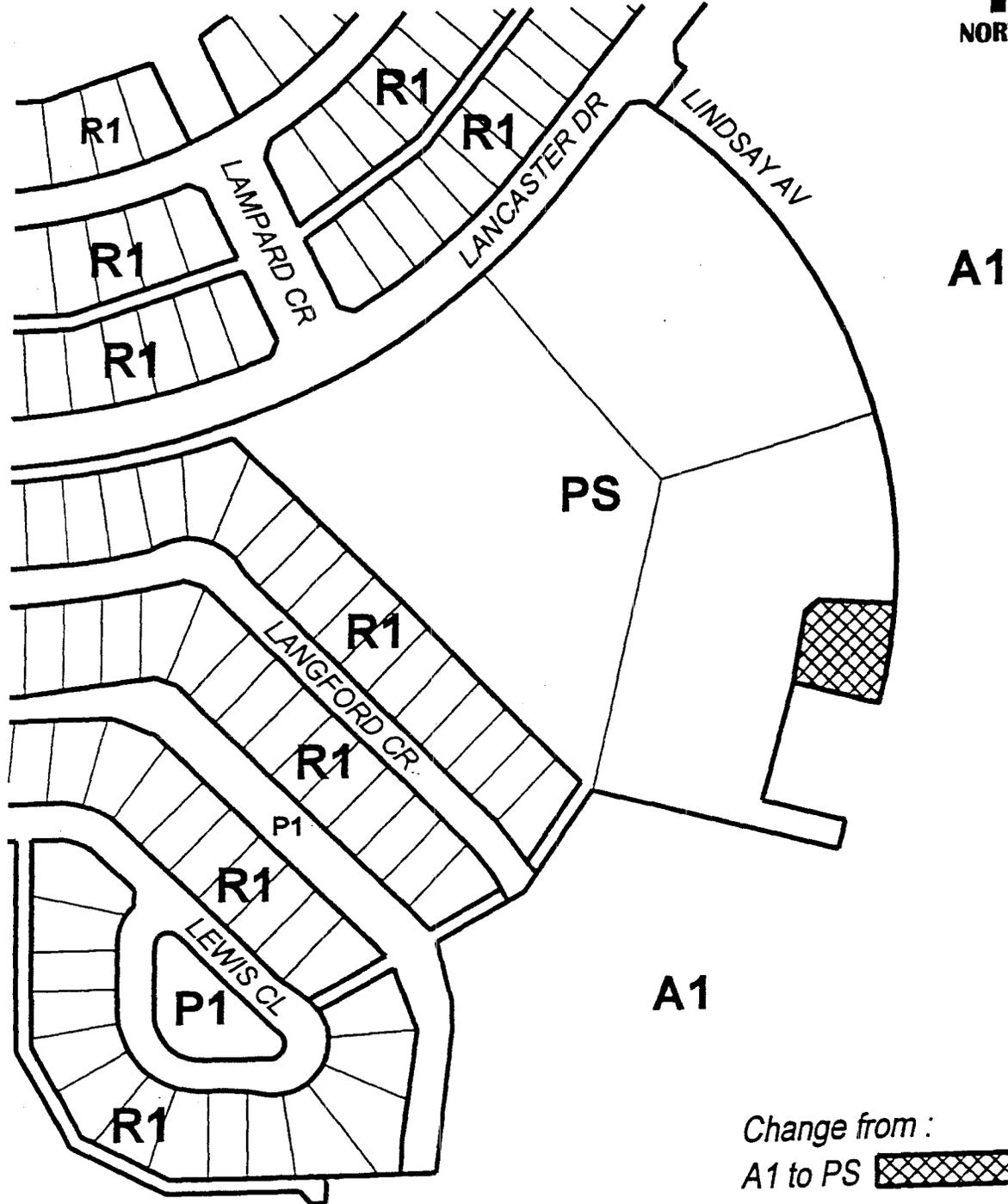
Yours truly,

Jeff Graves  
Deputy City Clerk

Attach.

# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT



A1

PS

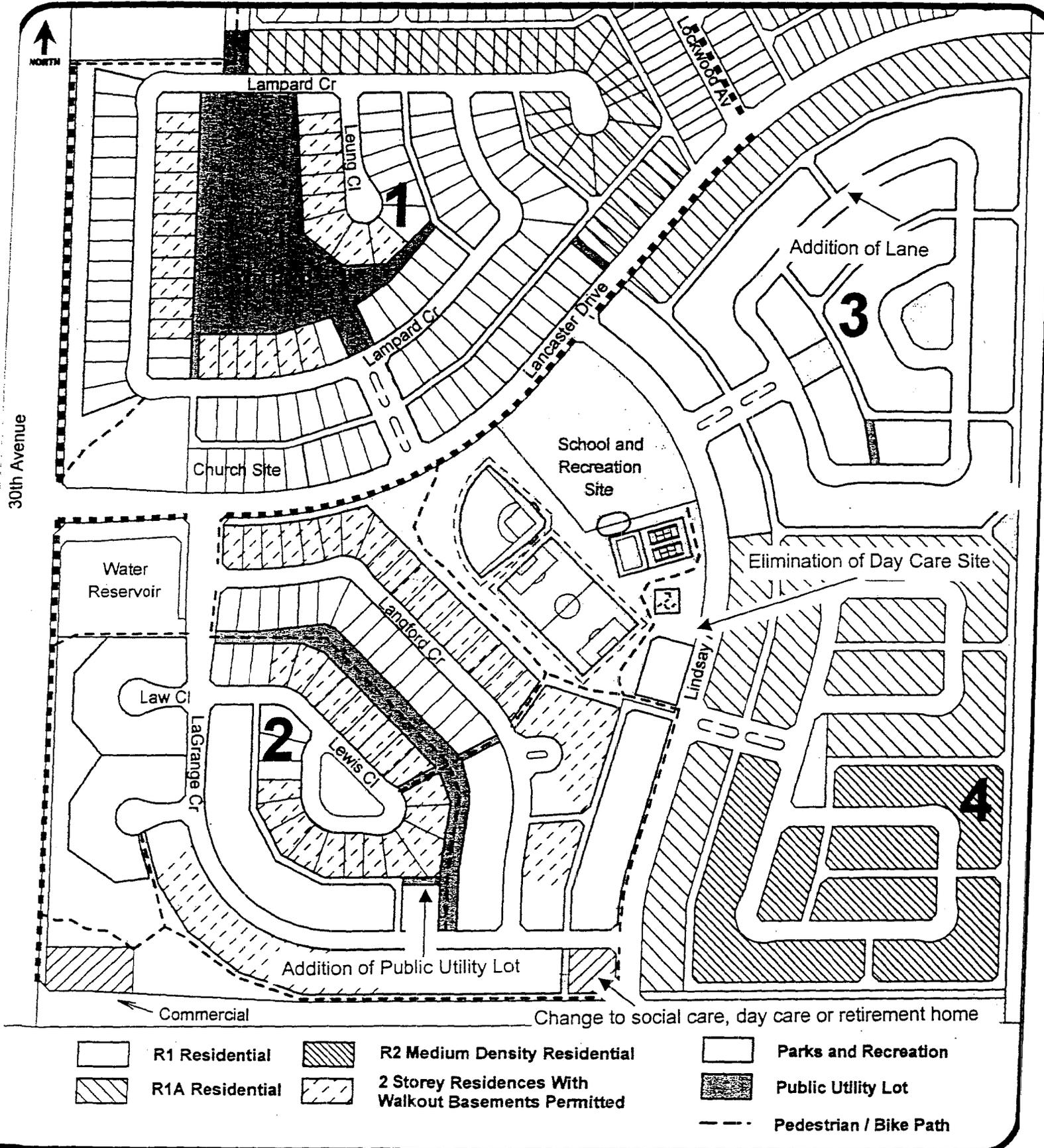
A1

Change from :  
A1 to PS 

**AFFECTED DISTRICTS:**  
A1 - Future Urban Development  
PS - Public Service (Institutional  
or Governmental)

MAP No. 36 / 2001  
BYLAW No. 3156 / SS - 2001

# Proposed Amendment to: Lancaster South Neighbourhood Area Structure Plan

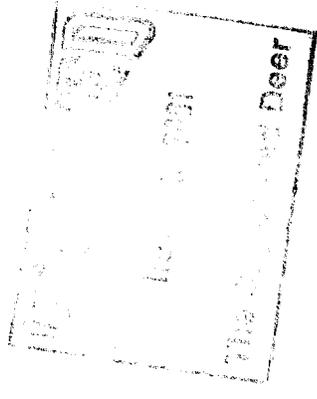
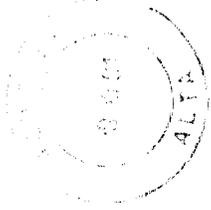


THE CITY OF RED DEER  
PO BOX 5008  
RED DEER AB T4N 3T4

\*

*M. [Signature]*

<b>RETURN TO SENDER</b> <b>REVENIR À L'EXPÉDITEUR</b>
<input type="checkbox"/> Unclaimed Non réclamé
<input type="checkbox"/> Incorrect address Adresse incorrecte
<input type="checkbox"/> Address incomplete Adresse incomplète
<input type="checkbox"/> Address not on file Adresse non au fichier
<input checked="" type="checkbox"/> Return to sender Retourner à l'expéditeur
<input type="checkbox"/> Return to Post Office Retourner au bureau de poste
<input type="checkbox"/> Return to addressee Retourner à l'adresse
<input type="checkbox"/> Return to destination Retourner à destination
Unclaimed <input type="checkbox"/> Non réclamé <input type="checkbox"/>



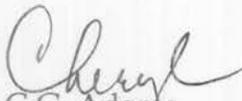
DATE: November 7, 2001  
TO: Norma Lovell, Assessment  
FROM: C.G. Adams,  
City Clerk's Office  
RE: LUB Amendment 3156/QQ-2001 – Deer Park (Davenport)  
LUB Amendment 3156/RR-2001 – South Hill  
**LUB Amendment 3156/SS-2001 – Lancaster South**  
Road Closure Bylaw 3291/2001 – Woodlea

---

Please provide me with the names and addresses of the subject property owners and all contiguous/adjacent property owners as outlined on the attached maps.

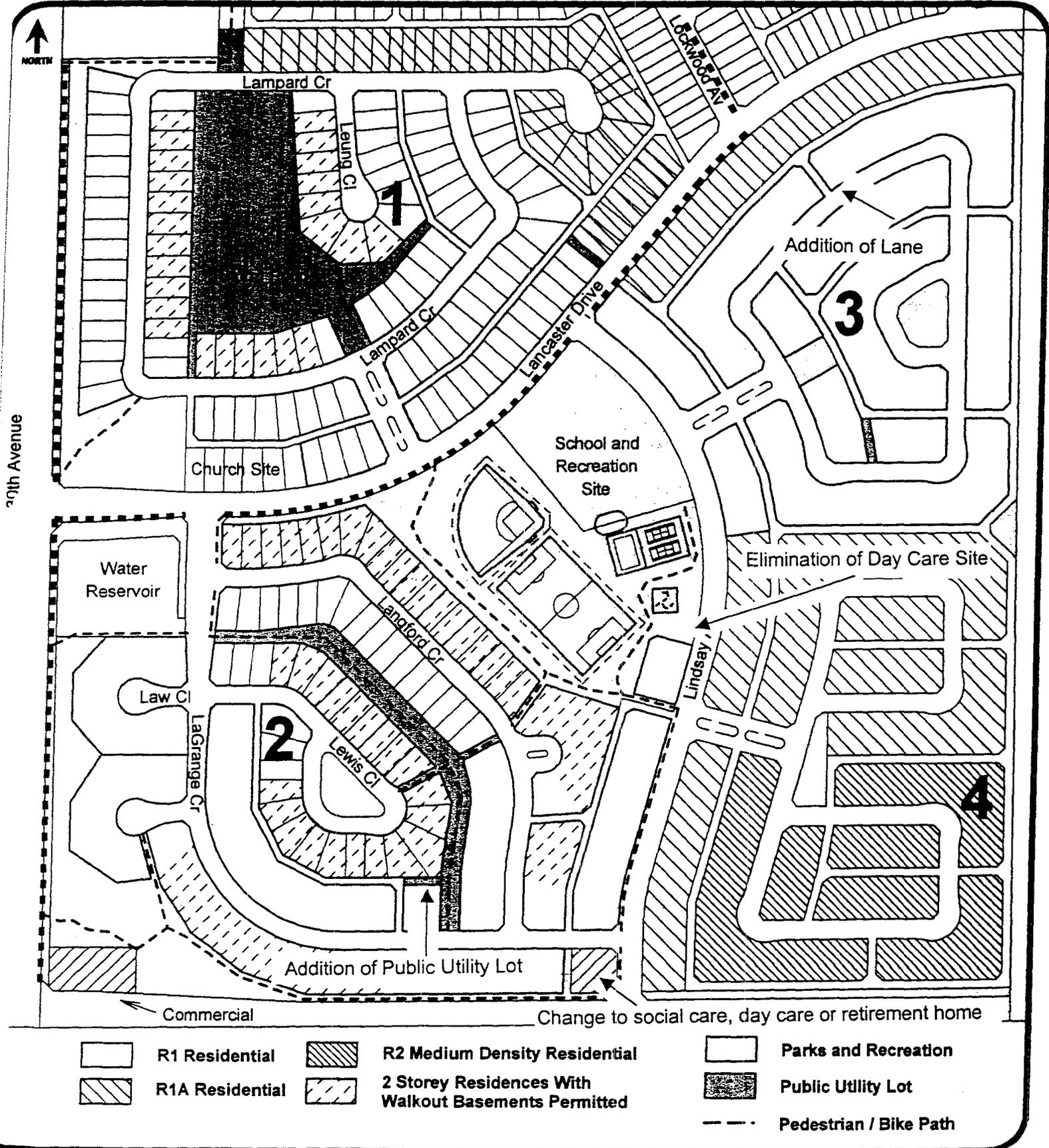
It would be helpful if the lists could be received at your earliest convenience in order to process the letters within the required time period. I have attached the map that appeared on the Council agenda for your reference.

Thanks Norma.

  
C.G. Adams  
City Clerks' Office

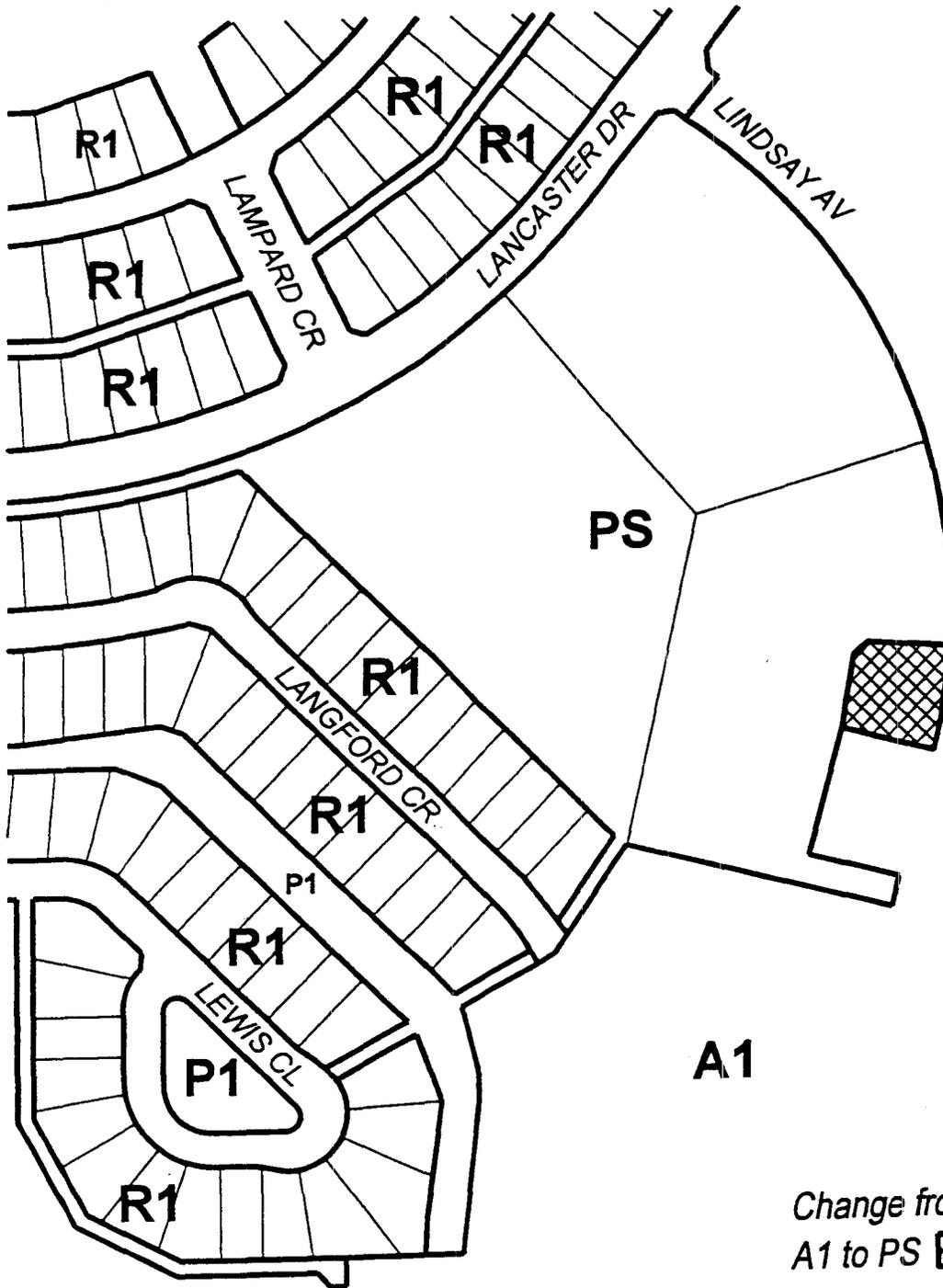
Attach.

# Proposed Amendment to: Lancaster South Neighbourhood Area Structure Plan



# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT



**A1**

**PS**

**A1**

Change from :

A1 to PS 

### AFFECTED DISTRICTS:

A1 - Future Urban Development

PS - Public Service (Institutional or Governmental)

MAP No. 36 / 2001

BYLAW No. 3156 / SS - 2001

***Council Decision – Monday November 5, 2001***

**DATE:** November 6, 2001

**TO:** Don Batchelor, Recreation, Parks & Culture Manager  
Howard Thompson, Land & Economic Development Manager

**FROM:** City Clerk

**RE:** Lancaster Green Central Park Site – Land (Municipal Reserve) Purchase  
Part of NW 2-38-27-W4

---

***Reference Report:***

Recreation, Parks & Culture Manager and Land & Economic Development Manager , dated October 26, 2001.

***Resolutions:***

*Resolved* that Council of the City of Red Deer having considered the report from the Land & Economic Development Manager re: Lancaster Green Central Park Site – Land (Municipal Reserve), approves the purchase of 0.13± hectares of part of NW 2-38-27-W4, Lancaster Green Subdivision, by the Public Reserve Trust Fund for additional Municipal Reserve in the amount of \$46,875.00 plus GST subject to the passage of Neighbourhood Area Structure Plan Amendment Bylaw 3217/F-2001 and Land Use Bylaw Amendment 3156/SS-2001.

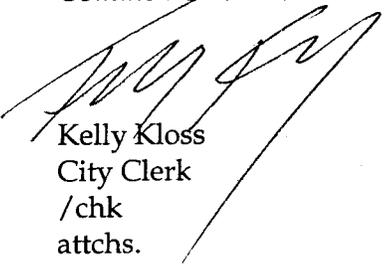
***Bylaw Readings:***

Neighbourhood Area Structure Plan Amendment Bylaw 3217/F-2001 and Land Use Bylaw Amendment 3156/SS-2001 were given first reading.

***Report Back to Council:***

Yes. A Public Hearing will be held on Monday, December 3, 2001 at 7:00 P.M. in Council Chambers during Council's regular meeting.

***Comments/Further Action:***



Kelly Kloss  
City Clerk  
/chk  
attchs.

c Director of Development Services  
Community Services Director  
Director of Corporate Services  
Inspections & Licensing Manager  
C. Adams, Administrative Assistant  
C. Kenzie, Administrative Assistant

## Council Decision – Monday November 5, 2001

**DATE:** November 6, 2001

**TO:** Nancy Hackett, Parkland Community Planning Services

**FROM:** City Clerk

**RE:** Lancaster South Neighbourhood (Lancaster Green):  
1) Neighbourhood Area Structure Plan Amendment Bylaw 3217/F-2001  
2) Land Use Bylaw Amendment 3156/SS-2001

---

***Reference Report:***

Parkland Community Planning Services , dated October 29 and October 31, 2001

***Bylaw Readings:***

The bylaws were given first reading. A copy of the bylaws are attached.

***Report Back to Council:***

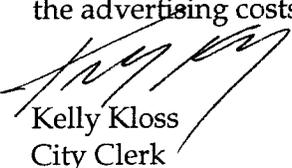
Yes. A Public Hearing will be held on Monday, December 3, 2001 at 7:00 P.M. in Council Chambers during Council's regular meeting.

***Comments/Further Action:***

Lancaster South Neighbourhood Area Structure Plan Amendment Bylaw 3217/F-2001 involves adding one lane, adding one public utility lot, modifying the specific location where two storey residences with walkout basements are allowed, amending the social care site, eliminating the existing, separate day care site and converting the site to park space to allow expansion to the central school and park site, and changes to the location of proposed park facilities within the school and park site.

Land Use Bylaw Amendment 3156/SS-2001 redesignates ± 0.14 hectares (0.35 acres) of land from A1 Future Urban Development District to PS Public Service District in order to permit the development of a larger central school and park site. The site is intended to accommodate a Catholic kindergarten to grade 9 (K-9) school as well as central park site facilities.

This office will now proceed with the advertising for a Public Hearing. The City will be responsible for the advertising costs in this instance.



Kelly Kloss  
City Clerk  
/chk  
attchs.

- c Director of Development Services
- Community Services Director
- Inspections & Licensing Manager
- Land & Economic Development Manager
- C. Adams, Administrative Assistant
- C. Kenzie, Administrative Assistant

**BYLAW NO. 3217/F-2001**

Being a bylaw of The City of Red Deer to amend Bylaw 3217/98, the bylaw adopting The City of Red Deer Neighbourhood Area Structure Plans.

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

1. Bylaw 3217/98, with regard to the Lancaster South Neighbourhood Area Structure Plan, is amended by deleting therefrom the entire Lancaster South Neighbourhood Area Structure Plan and substituting therefore, the attached amended Lancaster South Neighbourhood Area Structure Plan, which forms part of this Bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 5<sup>th</sup> day of ~~November~~ A.D. 2001.

READ A SECOND TIME IN OPEN COUNCIL this day of A.D. 2001.

READ A THIRD TIME IN OPEN COUNCIL this day of A.D. 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of A.D. 2001.

\_\_\_\_\_  
MAYOR

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

**BYLAW NO. 3156/SS-2001**

Being a bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer.

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

- 1 The "Land Use District Map "K5" contained in "Schedule B" of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map No. 36/2001 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 5<sup>th</sup> day of ~~November~~ A.D. 2001.

READ A SECOND TIME IN OPEN COUNCIL this day of A.D. 2001.

READ A THIRD TIME IN OPEN COUNCIL this day of A.D. 2001.

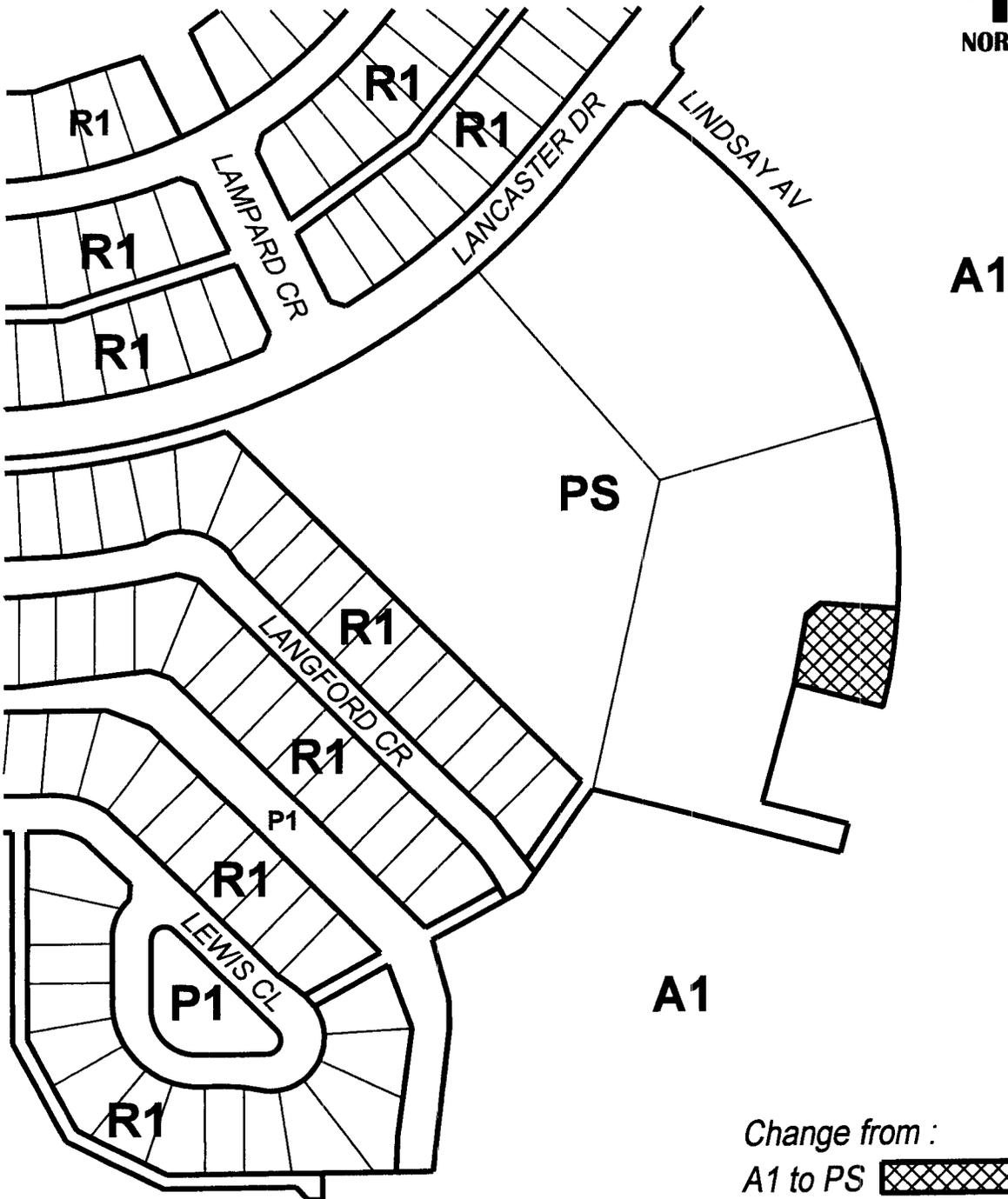
AND SIGNED BY THE MAYOR AND CITY CLERK this day of A.D. 2001.

\_\_\_\_\_  
MAYOR

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

# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT



### AFFECTED DISTRICTS:

- A1 - Future Urban Development
- PS - Public Service (Institutional or Governmental)

Change from :

A1 to PS 

MAP No. 36 / 2001  
BYLAW No. 3156 / SS - 2001



## Office of the City Clerk

November 9, 2001

«OwnerName»

«OwnerAdd1»

«OwnerAdd2»

«OwnerAdd3»

«OwnerAdd4»

Dear Sir/Madam:

**Re: Land Use Bylaw Amendment 3156/SS-2001 – Lancaster South**

Council of the City of Red Deer is considering a change to the Land Use Bylaw, which controls the use and development of land and buildings in the city. As a property owner adjacent to the land in the Lancaster South neighbourhood you have an opportunity to ask questions about the intended use and to let Council know your views.

Council proposes to pass an amendment to the Lancaster South Neighbourhood Area Structure Plan. This amendment involves adding one lane and one utility lot, modifying the specific location for two storey residences with walkout basements, amending the social care site, eliminating the existing separate day care site and converting the site to park space to allow expansion of the central school and park site and changes to the location of the proposed park facilities within the school and park site. It will affect undeveloped areas and is consistent with the City of Red Deer's Planning and Subdivision Guidelines. Council also intends to purchase 0.13 hectares from the Lancaster Green Subdivision to provide for the expansion of the park site.

City Council also proposes to pass Land Use Bylaw Amendment 3156/SS-2001, which provides for redesignation of 0.14 hectares (0.35 acres) of land from A1 Future Urban Development District to PS Public Service District. This amendment will accommodate a Catholic kindergarten to grade 9 (K-9) school as well as a central park site facility.

You can pick up a full copy of the amendment at the office of the City Clerk, 2<sup>nd</sup> Floor of City Hall between 8:00 a.m. and 4:30 p.m. Monday to Friday.

City Council will hear from any person claiming to be affected at a Public Hearing in the Council Chambers, 2<sup>nd</sup> Floor of City Hall on **Monday, December 3, 2001, at 7:00 p.m.** If you want your letter or petition included on the Council agenda you must submit it to the City Clerk by 4:30 p.m. on **Tuesday, November 27, 2001.** Otherwise, you may submit your letter or petition at the City Council meeting or you can simply tell Council your views at the Public Hearing. Your letter or petition will be made available to the public. If you have any questions regarding their use, please contact me at (403) 342-8132.

Yours truly,

Jeff Graves  
Deputy City Clerk

Attach.

4914 - 48<sup>th</sup> Avenue, Red Deer, AB Canada T4N 3T4

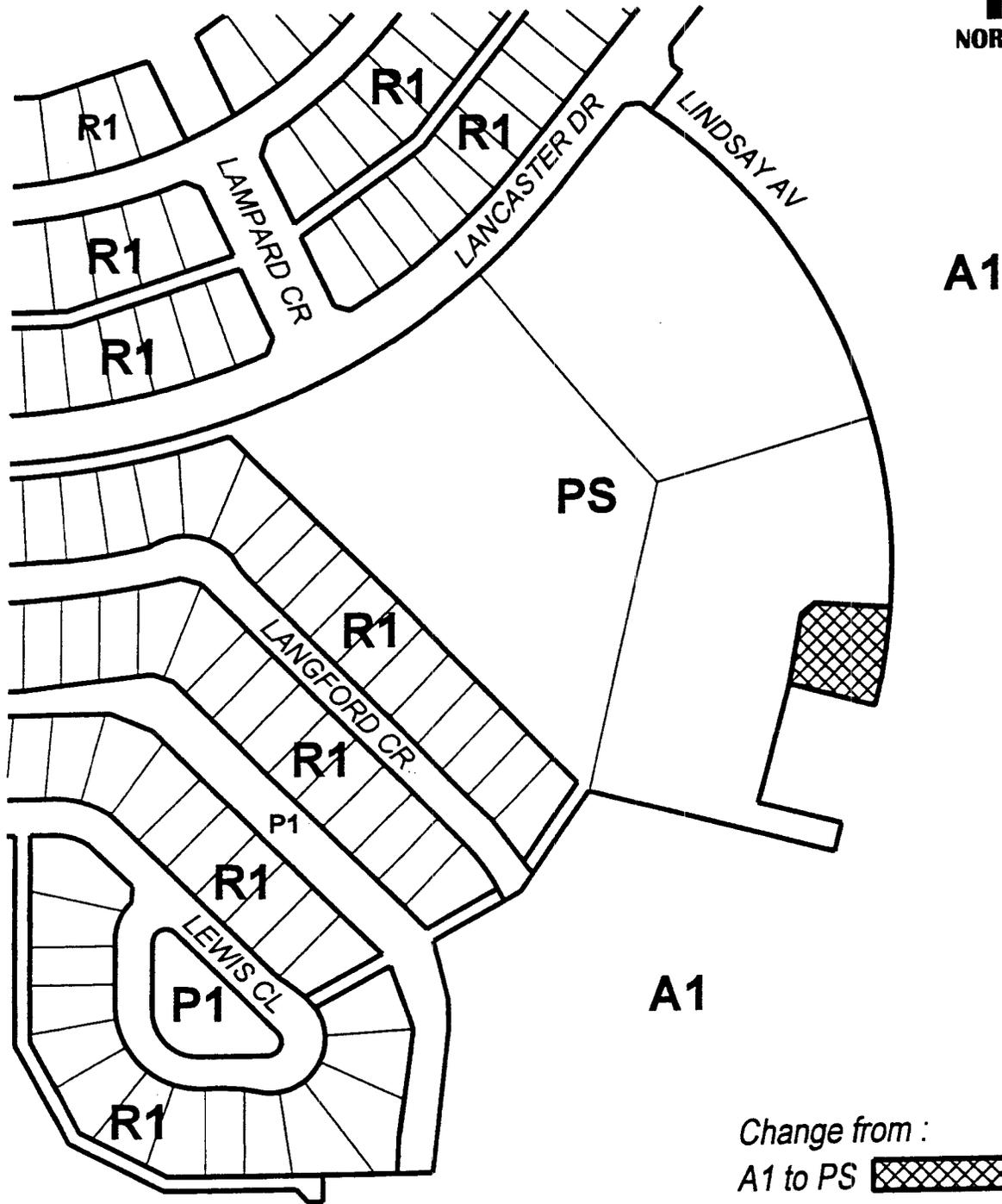
Tel: (403) 342-8132 Fax: (403) 346-6195 E-mail: [cityclerk@city.red-deer.ab.ca](mailto:cityclerk@city.red-deer.ab.ca) Web: <http://www.city.red-deer.ab.ca>

The City of Red Deer

Box 5008  
Red Deer, Alberta  
T4N 3T4

# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT



### AFFECTED DISTRICTS:

A1 - Future Urban Development

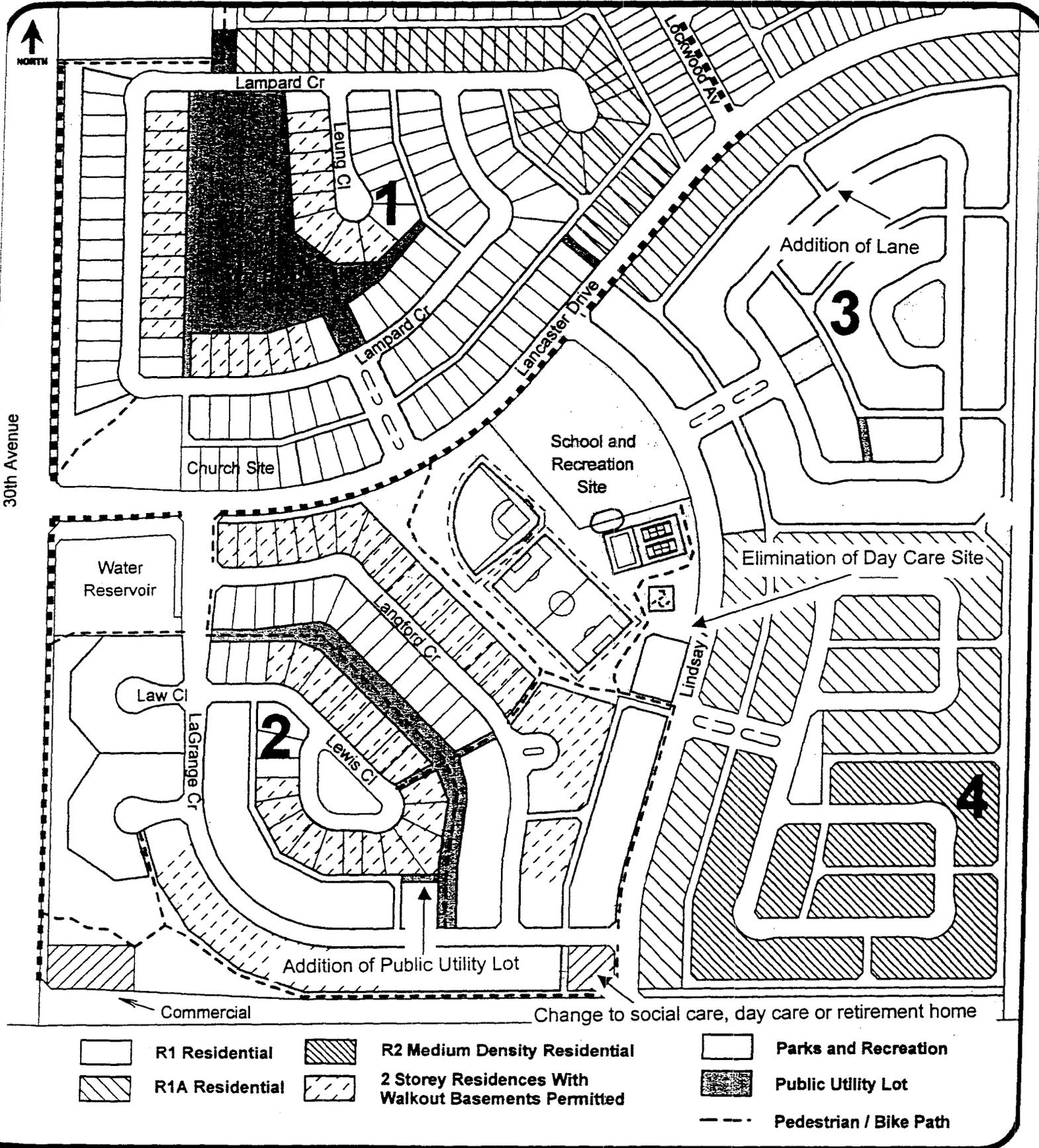
PS - Public Service (Institutional or Governmental)

Change from :

A1 to PS 

MAP No. 36 / 2001  
BYLAW No. 3156 / SS - 2001

# Proposed Amendment to: Lancaster South Neighbourhood Area Structure Plan



**COUNCIL MEETING OF DECEMBER 3, 2001**

**ATTACHMENT**

**DOCUMENT STATUS:**

**PUBLIC**

**REFERS TO:**

**LANCASTER SOUTH  
NEIGHBOURHOOD AREA  
STRUCTURE PLAN AMEMDMENT  
BYLAW 3217/F-2001**

**AMENDMENT OF CENTRAL  
SCHOOL AND PARK SITE PLAN**



**PARKLAND  
COMMUNITY  
PLANNING  
SERVICES**

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Red Deer, Alberta T4N 1X5  
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Date: November 29, 2001  
To: Kelly Kloss, City Clerk  
From: Nancy Hackett, Parkland Community Planning Services  
Re: **Plan Amendment 3217/F-2001**  
**Lancaster South Neighbourhood**

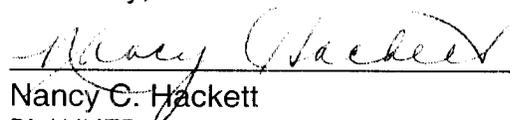
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Attached please find a copy of the revised Central School and Park site plan for the Lancaster South (Lancaster Green) Neighbourhood Area Structure Plan. While there have been no changes in the actual site size or design compared with the plan previously presented to Council for consideration of first reading on November 5, 2001, this new plan does now label each of the park features and indicates the size of the school site at 1.4 hectares as required under the Planning and Subdivision Guidelines. Also under the Planning and Subdivision Guidelines, the plan must indicate the proposed location of topsoil stockpiles. In this instance, the Recreation, Parks, and Culture department has indicated they will not be allowing any stockpiles on the central school and park site other than those required for the actual construction of the school and park facilities to be located on site. Furthermore, the Planning and Subdivision Guidelines require that each neighbourhood contain two playgrounds, which should be placed on the central school and park site. In this instance, only one playground is shown on the central school and park site. The second playground will be developed in Lancaster South, however the Recreation, Parks, and Culture department wishes to discuss with residents, as the neighbourhood develops the most suitable location for the second playground apparatus, as Lancaster Green does have several smaller parkettes which may instead be appropriate for installation of a playground. The Lancaster South park plan has been reviewed by the Joint City/School Planning Committee and the Recreation and Parks Board.

**Staff Recommendation**

Planning Staff ask that the attached Central School and Park site plan be substituted for the previous plan in the Lancaster South Neighbourhood Area Structure Plan and that the proposed amendment, with revised Central School and Park plan, be considered for second and third reading.

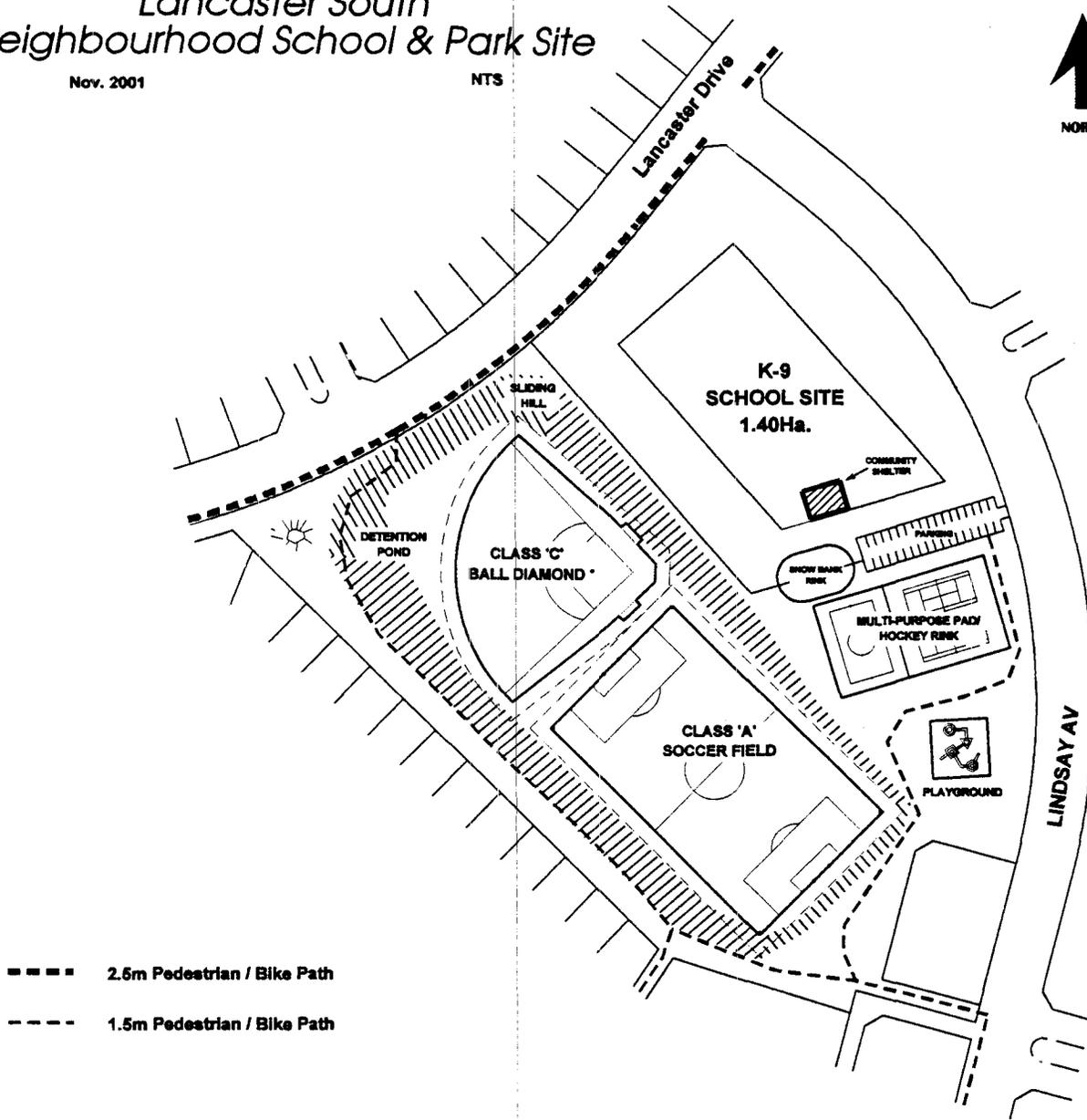
Sincerely,

  
\_\_\_\_\_  
Nancy C. Hackett  
PLANNER

# Lancaster South Neighbourhood School & Park Site

Nov. 2001

NTS



— — — — 2.5m Pedestrian / Bike Path

- - - - 1.5m Pedestrian / Bike Path

DATE: December 4, 2001  
TO: Nancy Hackett, Parkland Community Planning Services  
FROM: City Clerk  
RE: Lancaster South Neighbourhood (Lancaster Green)  
(a) Neighbourhood Area Structure Plan Amendment Bylaw 3217/F-2001  
(b) Land Use Bylaw Amendment 3156/SS-2001

**FILE**

**Reference Report:**

Parkland Community Planning Services, dated October 29, 2001

**Bylaw Readings:**

Neighbourhood Area Structure Plan Amendment Bylaw 3217/F-2001 and Land Use Bylaw Amendment 3156/SS-2001 were given second & third readings. Copies of the bylaws are attached.

**Resolutions:**

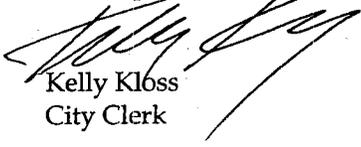
**Resolved** that Council of the City of Red Deer hereby agrees to amend Lancaster South Neighbourhood Area Structure Plan Amendment Bylaw 3217/F-2001 by deleting therefrom the Lancaster South Neighbourhood School & Park Site Plan and substituting in its place the Lancaster South Neighbourhood School & Park Site Plan attached to the November 29, 2001 report from Parkland Community Planning Services.

**Report Back to Council:** NO

**Comments/Further Action:**

Lancaster South Neighbourhood Area Structure Plan Amendment Bylaw 3217/F-2001 involves adding one lane, adding one public utility lot, modifying the specific location where two storey residences with walkout basements are allowed, amending the social care site, eliminating the existing, separate day care site and converting the site to park space to allow expansion to the central school and park site, and changes to the location of proposed park facilities within the school and park site.

Land Use Bylaw Amendment 3156/SS-2001 rezones  $\pm$  0.14 hectares (0.35 acres) of land from A1 Future Urban Development District to PS Public Service District in order to permit the development of a larger central school and park site. The site is intended to accommodate a Catholic kindergarten to grade 9 (K-9) school as well as central park site facilities.

  
Kelly Kloss  
City Clerk

/chk  
attchs.

c Director of Development Services  
Director of Community Services  
Recreation, Parks & Culture Manager  
Land & Economic Development Manager  
Inspections & Licensing Manager  
City Assessor  
D. Kutinsky, Graphics Designer  
C. Adams, Administrative Assistant, City Clerk's  
S. Eklund, Clerk Steno, City Clerk's

**BYLAW NO. 3217/F-2001**

Being a bylaw of The City of Red Deer to amend Bylaw 3217/98, the bylaw adopting The City of Red Deer Neighbourhood Area Structure Plans.

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

1. Bylaw 3217/98, with regard to the Lancaster South Neighbourhood Area Structure Plan, is amended by deleting therefrom the entire Lancaster South Neighbourhood Area Structure Plan and substituting therefore, the attached amended Lancaster South Neighbourhood Area Structure Plan, which forms part of this Bylaw.

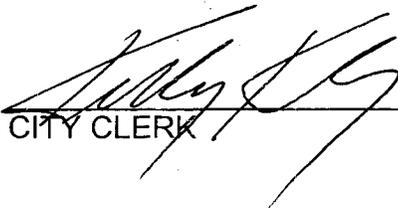
READ A FIRST TIME IN OPEN COUNCIL this ~~5th~~ day of ~~November~~ A.D. 2001.

READ A SECOND TIME IN OPEN COUNCIL this ~~3rd~~ day of ~~December~~ A.D. 2001.

READ A THIRD TIME IN OPEN COUNCIL this ~~3rd~~ day of ~~December~~ A.D. 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this ~~3rd~~ day of ~~December~~ A.D. 2001.

  
\_\_\_\_\_  
MAYOR

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

# **LANCASTER SOUTH**

## **Neighbourhood Area Structure Plan**

July 1998



**Adopted July 27, 1998**  
**Amended November 2001**

**Prepared by:**

**Parkland Community Planning Services  
&  
City of Red Deer Engineering Services**

# LANCASTER SOUTH NEIGHBOURHOOD AREA STRUCTURE PLAN

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## **1.0 Introduction**

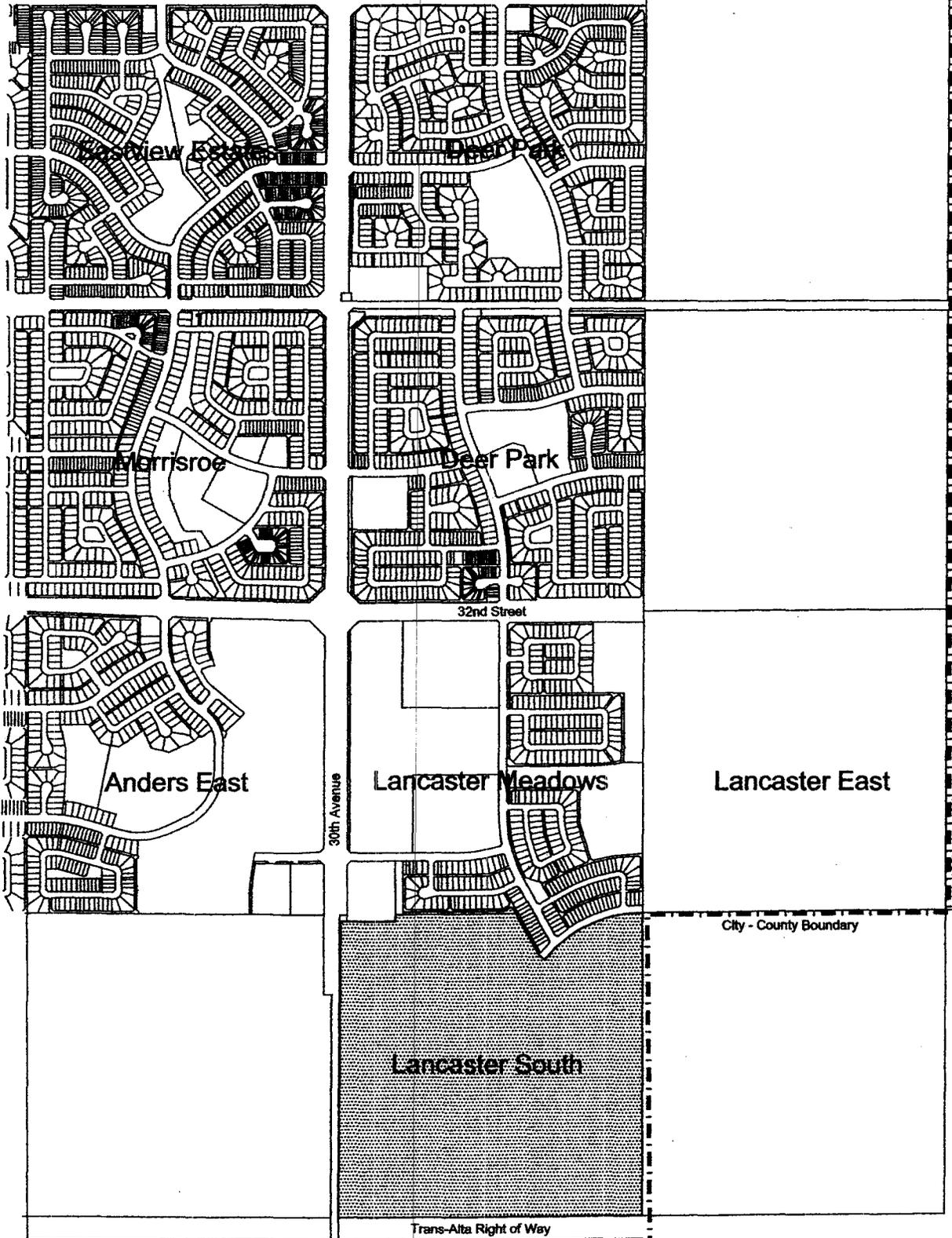
### **1.1 Purpose**

The aim of this Neighbourhood Area Structure Plan is to specify the land use development objectives for the Lancaster South neighbourhood in the City of Red Deer. This development consists of a 61.6 hectare (152.2 acre) parcel located in the Southeast quadrant of the City on 30<sup>th</sup> Avenue. The subject property is situated one quarter section south of 32<sup>nd</sup> Street and one quarter section north of Delburne Road, as illustrated in Figure 1. The property is surrounded primarily by unoccupied agricultural land to the east and south. Also situated to the south is the City of Red Deer Piper Creek Electrical Substation #17. To the north of the property is the existing Lancaster Meadows development, together with Hunting Hills High School and Notre Dame High School. To the west of the property is residential development.

The site falls within and is subject to the East Hill Major Area Structure Plan (MASP). The Neighbourhood Area Structure Plan presented here is intended to augment the MASP by identifying the size, location, and type of land uses found in the Lancaster South area as well as the density of these uses. Moreover, the Neighbourhood Area Structure Plan discusses the natural and cultural features of the site and possible environmental hazards. The Neighbourhood Area Structure Plan submits concepts for transportation design and the development of public and social facilities. The Plan also notes the proposed staging of development and specifies servicing for the area.

### **1.2 Background**

The current East Hill Major Area Structure Plan was adopted in May 2001. It was prepared by Parkland Community Planning Services and Pricewaterhouse Coopers. Previous to this, the March 1998 East Hill Plan was prepared by UMA Engineering Ltd., for the City of Red Deer.



Scale : Not To Scale  
 Prepared by: RD Engineering Services  
 and PCPS

**LANCASTER SOUTH**  
 Figure 1 - Location  
 Neighbourhood Area Structure Plan

This plan area pertains to lands lying in the east and southeast portions of the City and replaces previous Area Structure Plans completed in 1989, 1985, and 1978. The initial 1978 East Hill ASP consisted of 22 quarter sections with a total land area of 1,425 hectares (3,520 acres). Of the 22 quarters, 17 were allotted for residential land use and the remainder for industrial development.

In 1985 the East Hill ASP was updated to reflect city boundary expansion. A 23<sup>rd</sup> quarter section was added bringing the total area of the plan to 1,490 hectares (3,680 acres), and 5 quarter sections, previously allocated for industrial development within the earlier ASP, were reallocated to residential designation. In 1989, although the boundary of the East Hill ASP did not change, the plan was amended to reflect improvements to the transportation network.

The 1998 East Hill ASP provides development guidelines for 29 quarter sections, an area of approximately 1,856 hectares (4,586 acres). The current East Hill Major Area Structure Plan contains approximately 30 quarters sections, 1,942 ha (4800 acres). The East Hill MASP is implemented by way of Neighbourhood Area Structure Plans for specific neighbourhoods including, this, the Lancaster South Neighbourhood Area Structure Plan.

### **1.3 Definition of Plan Area**

The Lancaster South Neighbourhood Area Structure Plan area is situated in the southeast section of Red Deer. It refers to the northwestern quarter of Section 2, Township 38, Range 27, west of the 4<sup>th</sup> Meridian. The area covered by this plan is approximately 61.6 hectares (152.2 acres). It is bound to the north by the existing Lancaster Meadows development, to the east by agricultural land, to the south by the Piper Creek Electrical Substation #17 and agricultural land, and to the west by 30<sup>th</sup> Avenue.

The Neighbourhood Area Structure Plan presented here is consistent with the goals and guidelines of the East Hill Major Area Structure Plan. Its overall objective is to provide a framework and series of guidelines for neighbourhood land use planning leading to well organized and sustainable subdivision and land use development.

## **2.0 Site Context and Development Considerations**

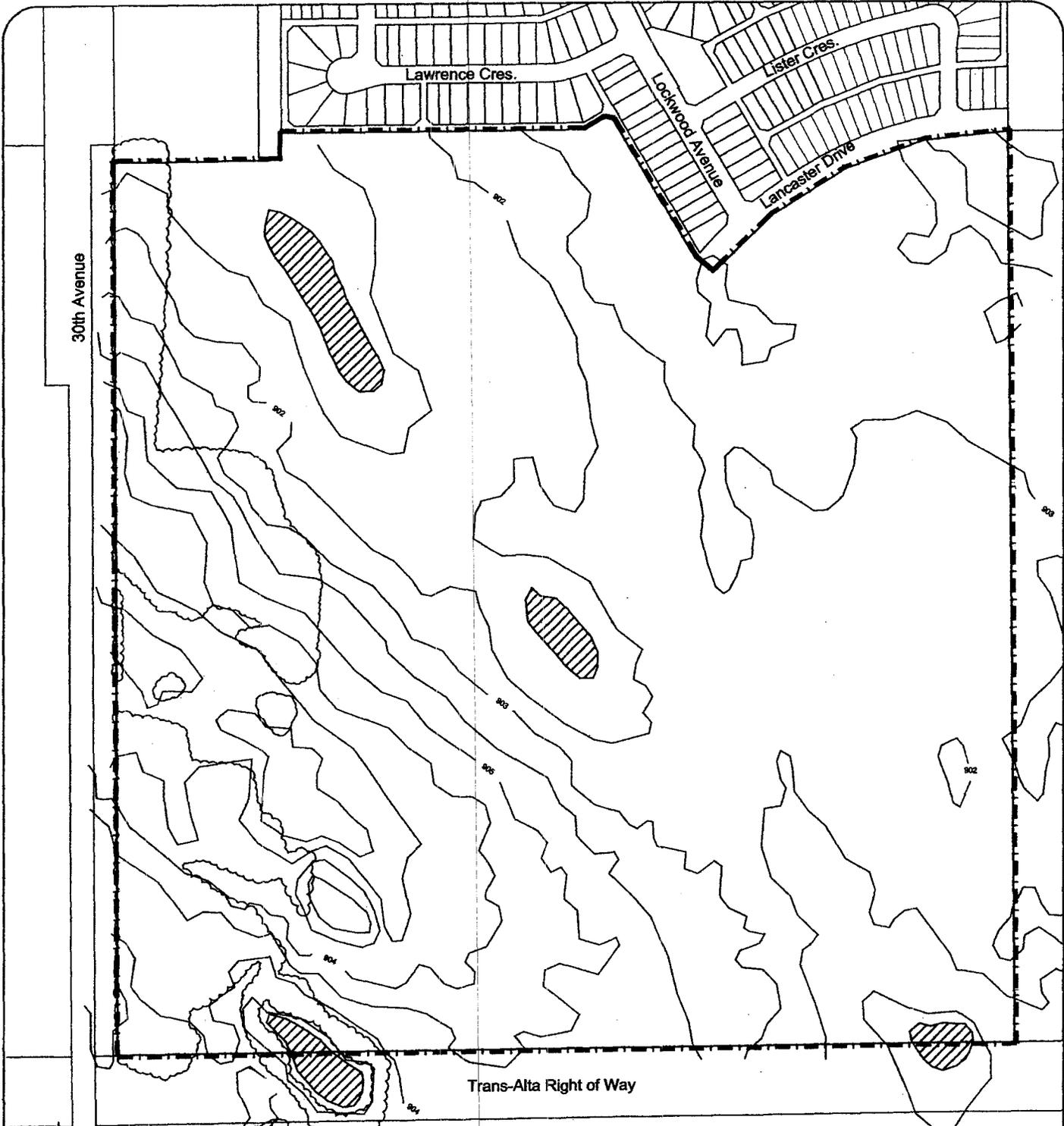
### **2.1 Natural Features**

The lands within the proposed Neighbourhood Area Structure Plan area are bestowed with a blend of topographic features. Although total site elevation rises only from 900 metres to 906.5 metres, as shown in Figure 2, the site does encompass a series of natural wetland and treed areas.

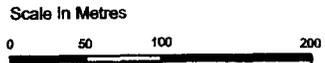
The subject site, also referred to as the Lancaster Meadows Natural Area, was recognized by the City of Red Deer's *Ecological Profile of the Lancaster Meadows Natural Area* as having eight notable environmental zones, shown in Appendix A. The eight zones include: semi-permanent and permanent wetlands, crop land, mixed treed areas, and meadow. The ecological profile strongly recommended that 4 of the zones (zones 4, 5, 7 and 8, as described below) be preserved due to their unique attributes. The specific zones are:

#### *I. Semi-Permanent Wetland*

The semi-permanent wetland sits in the southeastern portion of the natural area. Positioned on the boundary shared with the adjacent quarter to the south, the wetland contains cattail and sedge, as well as numerous willow shoots.



**LANCASTER SOUTH**  
**Figure 2 - Existing Features**



Prepared by: RD Engineering Services  
 and PCPS

-  Study Boundary
-  Existing Treeline
-  Existing Contours
-  Seasonal Wetland

## *II. Crop Land*

The majority of the subject site was cropland. Seasonal crops assisted in stabilizing the surface runoff and drainage on the site. Cropland also provides a host environment for insect and insect predator communities.

## *III. Permanent Wetland*

This wetland zone, positioned in the core of the Lancaster South site, drains into the site's more northerly wetland (zone 4) through a narrow drainage channel. Plant and animal life present within this zone include cattail, sedge, insects, tadpoles, waterfowl, bird species, and deer. A portion of the zone has been used as a snow dump by the City and as a result is experiencing related negative impacts including litter, salt content, and oil residue originating from the snow heap. These impacts specifically affect the northwest portion of the zone, which the ecological profile estimates to be 10% of the wetland area.

## *IV. Permanent Wetland (PRESERVE)*

This wetland located in the southwest corner of the subject site. It is perceived as being a key force in filtering out pollutants in the site's runoff. It is classified by the ecological profile as prime wetland with a mix of numerous aquatic and terrestrial insects, black terns, other bird species, frogs, and a blend of vegetation such as cattails, grasses, and sedges. Both this wetland and that of zone 3 are home to Canada Geese.

## *V. Mixed Poplars and Underbrush (PRESERVE)*

This zone is located in the northwest corner of the subject site. It is made up predominately of aspen poplars with some mountain ashes, wild grasses, and legumes. Underbrush in this area includes wild rose, willow trees, dogwoods, and saskatoon berries. Portions of this zone have been previously cleared to accommodate power lines. The cleared portion contains columbine,

pale coral root orchid, and Canada anemone as well as grasses. The ecological profile suggests some evidence that deer, porcupine, and red-tailed hawks inhabit this zone.

#### *VI. Open Grass Meadow*

Situated in the centre-west area of the site, this zone is a wild grass meadow with a variety of ground cover plants, and a few dispersed trees (e.g. Manitoba Maple, aspens). Several songbirds as well as deer graze/feed within this portion of the subject site.

#### *VII. Semi-Permanent Wetland (PRESERVE)*

This wetland zone, positioned below overhead power lines, is shared with the adjacent quarter to the south. Owls, mule deer, insect species, and songbirds have been observed in this part of the natural area. Vegetation in this zone is similar to that of the site's other wetlands and includes sedge grasses and willows.

#### *VIII. Aspen Poplars (PRESERVE)*

The aspen poplar zone is considered a transition between the natural area's wetlands and the forest/grassland. In addition to the grove of aspen poplars which dominate this zone, mixed underbrush, a white pine spruce, mountain ash, and honeysuckle can be found. This zone was most likely a previous homestead site. Mule deer, mouse, songbird, dragonfly, and hornet populations are present.

### **2.2 Existing Land Uses**

The subject lands are currently districted as **A1 Future Urban Development District**. The site includes forested segments and wetlands.

### **2.3 Existing Transportation Network and Access**

Existing access to the site is provided by 30<sup>th</sup> Avenue, an arterial road. Both collector and local roads are proposed to run through the site.

## **2.4 Environmental Considerations**

A Phase 1 Environmental Site Assessment (ESA) was conducted by *AGRA Earth & Environmental* between January 28 and February 27, 1998. This assessment, commissioned by the City of Red Deer, was undertaken to identify environmental concerns relating to the Lancaster South property and to ascertain if more in depth evaluation or actions were required.

The final ESA report was based on a historical review of the site and adjacent properties, discussion with relevant agencies regarding the site, and a thorough site inspection. The report concluded that there were no environmental issues associated with the Neighbourhood Area Structure Plan area. The land has been farmed since prior to 1950 and therefore Lancaster South is free of historically hazardous or noxious contaminants and clear of typical building related environmental effects such as lead, mercury, or asbestos. Neighbouring lands do house two crude oil well leases, however based on northerly groundwater flow and the distance of these wells from the Lancaster South boundaries, there is a negligible possibility of damage to the subject site. The subject site is deemed low in terms of environmental risk and further inquiry or action was not recommended.

## **2.5 Servicing**

The site can be fully serviced with water, sewer, and storm water utilities, as well as shallow services (e.g. television cable, telephone, gas).

## **3.0 Development Objectives**

In keeping with City policies, an Neighbourhood Area Structure Plan has been prepared for the Lancaster South property. The Neighbourhood Area Structure Plan encompasses information pertaining to: development objectives, proposed land use, density, open space, transportation, servicing and development staging.

### **3.1 Development Objectives**

The central objectives of the Neighbourhood Area Structure Plan are:

- i) to develop a plan consistent with the general goals and intent of the East Hill Area Structure Plan,
- ii) to provide a framework for the delivery of an outstanding quality and comprehensively planned residential neighbourhood; a neighbourhood which integrates built land uses such as housing and school development with parks and open space, community facilities, and collector and local roadways,
- iii) to protect and synthesize the notable natural features of the site, namely the areas of aspen poplar forest and the larger wetlands, in a manner which is both environmentally sustainable and developmentally feasible,
- iv) to arrange for plan implementation in an adept, efficient, and well-staged manner and to initiate a plan with the adaptability to react to changes in marketplace conditions.

The Neighbourhood Area Structure Plan is based fundamentally on the cluster archetype, meaning the proposed concept assembles bands of housing development through the use of a curvilinear roadway pattern.

### **3.2 Development Principles**

Building upon the Neighbourhood Area Structure Plan's central objectives as stated above, several development principles guide the designation of the various land uses proposed within the Lancaster South area:

## **Residential**

- i) Facilitate a diversity of housing types including low and medium density development to meet the needs and preferences of the community and to meet municipal standards.
- ii) Integrate a blend of housing types throughout the neighbourhood in a concise, controlled, aesthetically pleasing, well designed and well functioning manner.
- iii) Identify proposed residential area zoning and secure ease of implementation and compatibility of lot sizes and housing forms within the Neighbourhood Area Structure Plan and with regard to existing residential development to the north of the subject site.
- iv) Establish densities compatible with effective provision of educational, recreational, and municipal service facilities including public transit.
- v) Encourage development that makes the best use of natural and cultural features in the area including, but not limited to park space, forested natural spaces, the school site, and recreational trails/pathways.

## **Commercial**

- i) Fulfill local convenience shopping and service needs through the provision of a neighbourhood commercial site, while allowing major shopping and service demands to continue to be met by city centre and city centre west commercial, regional and district shopping centres, and major arterial commercial districts found in other parts of the City.

## **Transportation**

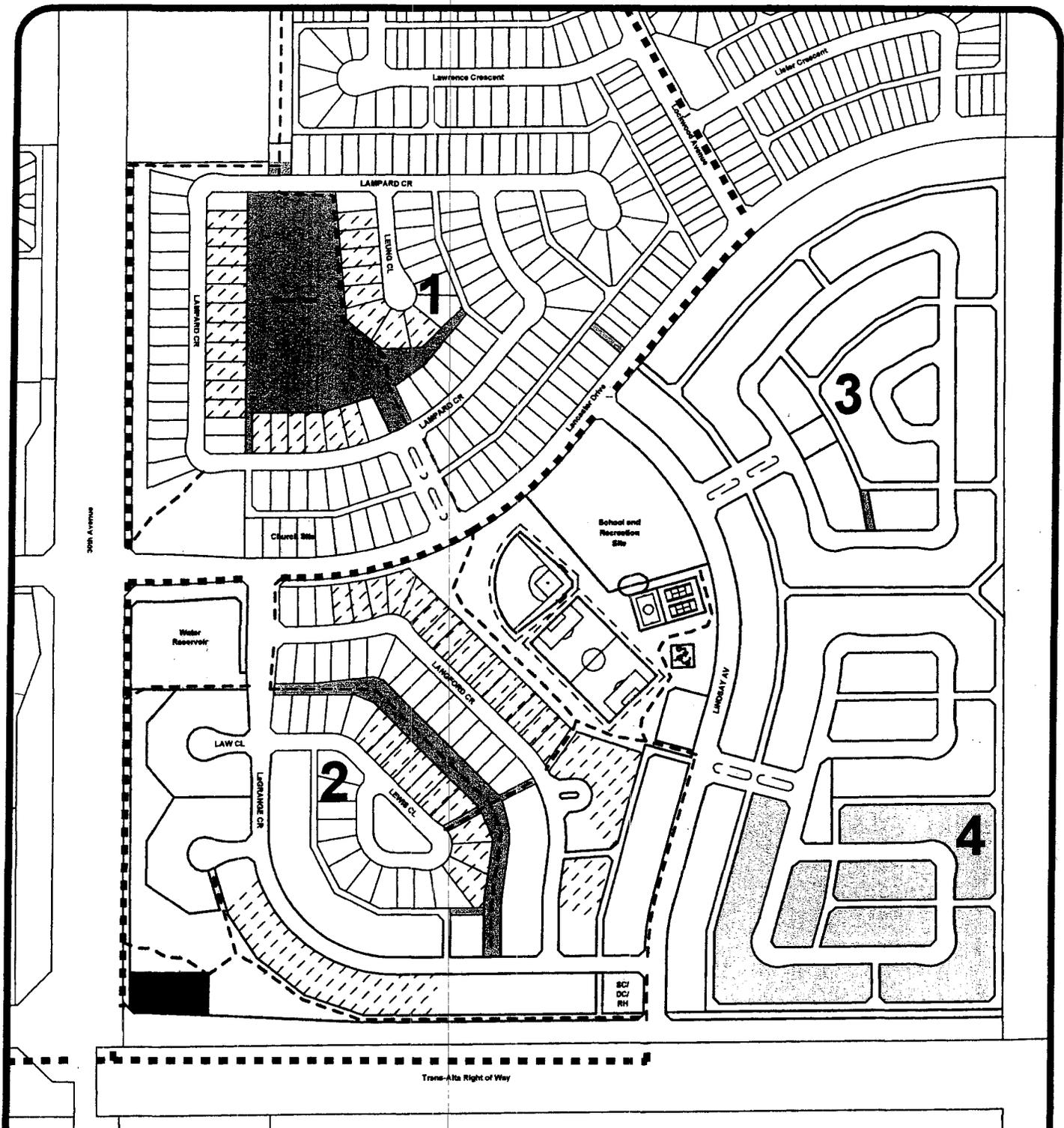
- i) Address transportation needs of residents traveling to, from, and throughout the Neighbourhood Area Structure Plan area in a safe, logical, and efficient manner. Consider the various transportation modes to be utilized in the neighbourhood such as pedestrian, bicycle, public transit buses, and private vehicle.

## **Parks and Open Space**

- i) Preserve the Lancaster South natural forest/wetland areas and synthesize the development of the neighbourhood's park-open space system with these environmental features in a manner which meets the demands of both ecological sustainability and resident recreational use.
- ii) Incorporate neighbourhood parks within the Lancaster South Neighbourhood Area Structure Plan as well as open space linkages to meet the recreational and leisure demands of area residents. These parks may include playing fields, lit trails, some hard surface play areas, children's playgrounds, and community shelters.
- iii) Designate trail systems through the neighbourhood school and park sites and utility easements for use by pedestrians and cyclists. These trails are to meet criteria for safety and ease of movement by all users.

## **Social Facilities**

- i) Allocate firstly, a site for a day care facility, or a social care facility or a retirement home, and secondly a site for a church in suitable locations within the Plan area. These sites are to fulfill the requirements of the *Planning and Subdivision Guidelines*.



# Lancaster South Neighbourhood Area Structure Plan

Figure 3 - Development Concept & Staging

  
 NORTH  
 OCTOBER 2001  
 Scale in Metres  
 0 50 100 200m  
 Prepared by  
 The City of Red Deer Engineering Department  
 and Parkland Community Planning Services

- |   |  |   |  |   |                             |
|---|--|---|--|---|-----------------------------|
|  | R1 Residential                                       |  | Commercial                               |  | 2.5m Pedestrian / Bike Path |
|  | R1 - R1A Residential                                 |  | Parks and Recreation                     |  | 1.5m Pedestrian / Bike Path |
|  | R2 Medium Density Residential                        |  | Public Utility Lot                       |  | Staging Sequence            |
|  | 2 Storey Residences With Walkout Basements Permitted |  | Social Care / Day Care / Retirement Home |   |                             |

### **3.3 Development Concept**

The development concept for this plan has been prepared to respond to current residential land requirements within the City of Red Deer and at the same time to acknowledge anticipated market trends. The development concept and staging of development are illustrated in Figure 3. This plan strives to guide development in such a manner that it enhances the natural features of the site and provides an innovative and integrated community design. The Plan has been developed in conformity with the goals and objectives described in the East Hill Major Area Structure Plan.

#### ***3.3.1 Neighbourhood Structure***

The Lancaster South Neighbourhood Area Structure Plan presents a strategically designed neighbourhood that promotes a mix of housing options and opportunities. The majority of land within the plan area is designated for residential development. The intent of this development is to provide a blend of low density residential dwelling units including single family and semi-detached homes throughout the development as well as to accommodate medium density multiple family residences within the community.

##### ***i) Residential Low Density District (R1)***

Low density single detached housing, under the R1 designation has been generally located through out the neighbourhood in an effort to allow for full access to neighbourhood parks, open space, recreational trails, recreational pathways, commercial development, the school site, and the variety of other amenities found in the neighbourhood.

##### ***ii) Two Storey Residences with Walkout Basements***

Guided by the site's natural topography, some portions of the R1 area have been proposed to allow two storey residences with walkout basements. Specifically, designation for walkout

basements is intended for the western half of the site in those areas backing onto treed open space, park areas, or public utility lots.

**iii) Residential R1A (Semi-Detached Dwelling)**

As presented in Figure 3, within some portions of the neighbourhood there is the intention of interspersing a limited number of semi-detached homes among single family dwellings at a level not to exceed 15% semi-detached in these sectors and with a minimum mix of at least 10% semi-detached. The proposed semi-detached units are to be of a high quality and must meet architectural standards governing size and elevations. The portions of the neighbourhood targeted to allow the mix of semi-detached and single family homes include: the northern most areas adjacent to the existing Lancaster Meadows development and the southeast section of the plan. The semi-detached homes are to be placed at a maximum of two semi-detached lots (4 units) next to one another in order to achieve the objective of blending the R1A and R1 units.

**iv) Residential R2 (Medium Density) District**

In the Neighbourhood Area Structure Plan, a block of medium density residential units is suggested for the southeast corner of the neighbourhood. This medium density housing block is situated within close proximity to the local commercial site, the school/neighbourhood park, and to the open space and trails system traversing the neighbourhood.

**3.3.2 Density**

The Neighbourhood Area Structure Plan area will supply approximately 119 multi-attached units, 22 to 34 semi-detached units (depending upon how these units are interspersed within the single family housing), and approximately 539 single-family lots. Calculating the above units with the Bylaw standard of 3.4 persons/unit for single family, 3.3 persons/unit for semi-detached unit, and 3.0 persons/multi-attached unit, the total expected population would be approximately

2301 persons (37.4 persons per hectare). This density is within City density standards of 45 persons per hectare.

### ***3.3.3 Commercial (Neighbourhood Convenience) District***

A 0.25 hectare (0.62 acre) commercially zoned site is proposed for the southwest corner of the Neighbourhood Area Structure Plan area. This site is principally expected to cater to local residents of Lancaster South and is designated as neighbourhood convenience commercial. A small walkway has been incorporated into the design to provide pedestrian/bicycle access to this site for residents of the Lancaster South neighbourhood. Uses permitted on the site may include retail sales, rental sales, or services as defined in the City's By-law, and intended for sale/trade to the residents of the local neighbourhood only.

### ***3.3.4 Open Space and Parks***

The proposed park and open space system includes a neighbourhood park/school site, a series of linear park/pathways, several smaller parkettes, and a span of treed/natural open space areas. A detailed park plan is presented in Appendix B.

#### *i. Neighbourhood Park/School Site*

A substantial sized neighbourhood park to be combined with the area's school site is proposed in the centre area of the Lancaster South. The site is 4.75 hectare (11.73 acres). The school site is designated as a Catholic School, to accommodate students in kindergarten to grade 9. This may include a K-5 elementary or K-9 elementary school, or a grade 6-9 middle school, or any grade combination from K-9.

#### *ii. Linear Pathways*

A series of linear pathways and trails are proposed to run through the neighbourhood, linking to the school site, commercial site, and parkettes in the plan area.

*iii. Parkettes*

Several parkettes are proposed in locations throughout the community. These parkettes include a 0.15 hectare (0.38 acre) site to be situated in the mid-southwest portion of the plan area, a 0.16 hectare (0.41 acre) parkette to be located in the mid-southeast area, and a 0.18 hectare (0.45 acre) and a 0.09 hectare (0.23 acre) parkette both proposed for the mid-northeast portion of the neighbourhood. Trail systems are depicted in Figure 3.

*iv. Treed Open Space*

A series of natural treed open spaces are to be preserved within the Lancaster South area. These stretches of trees will provide wildlife and aesthetic benefits to the neighbourhood as well as provide a berm between the neighbourhood and proposed arterial roads bordering the community. The open space treed areas primarily run along the western and southern linear boundaries of the development and will be available for passive recreation use to residents. The area encompassed is approximately 3 hectares (7.3 acres).

**3.3.5 Social Facilities**

Two social facilities sites are proposed for the Neighbourhood Area Structure Plan area. The first is a 0.13 hectare (0.32 acre) social care facility or day care or a retirement home site. It is designated in the south portion of the neighbourhood. This site is situated along the main collector roadway for ease of access. The second site is a 0.3 hectare (0.74 acre) church site to be located in the northwest corner of the plan. This site will provide a convenient approach to the church building as it is situated near the entrance to the neighbourhood's main arterial road (30<sup>th</sup> Avenue). Additionally, proximity to the arterial road is intended to limit the amount of additional traffic traveling through the neighbourhood.

### **3.3.6 Transportation**

A hierarchical system of roads is proposed for the Lancaster South Neighbourhood Area Structure Plan area to provide safe, appropriate, and efficient access for residents as well as others traveling throughout the neighbourhood.

#### *i) Arterial Roadways*

The Lancaster South area has one arterial road, 30<sup>th</sup> Avenue, which borders the in to the west. It serves as the key access point to the neighbourhood in two locations. The central entrance/exit point to and from 30<sup>th</sup> Avenue is to retain several tree stands and to incorporate augmented entrance features to enhance the character of the community.

#### *ii) Collector Roadways*

The Neighbourhood Area Structure Plan area proposes 3 collector roads that will be linked to the above arterial roadway. Collector roads are to include: the extension of the existing Lancaster Drive intended to link to 30<sup>th</sup> Avenue at the entrance point, a roadway bordering the neighbourhood to the south, and a proposed roadway to travel through the centre of the community next to the school/park site.

#### *iii) Local Roadways*

A sequence of local roadways running throughout the Lancaster South community will provide access to individual lots and properties. Local roads have been designed to meet two standards, 16 metres where the medium density homes are planned and 15 metres in the remaining portions of the development.

#### *iv) Laneways*

The Lancaster South neighbourhood has been designed with most of the lots backing onto laneways, however some lots with rear yards adjoining park space or open space treed areas or public utility lots will not have laneways.

v) *Bicycle and Pedestrian Paths*

Several bicycle and pedestrian paths have been identified within Lancaster South. These paths are illustrated in Figure 3. Particularly attractive aspects of these pathways include linkage with the local school/park site, the commercial site, and preserved treed areas. Some trails will encompass mandatory chain link fencing as well as lighting intended to address security and public safety concerns. Lighting and chain link fencing will allow for increased visibility and illumination for evening and day use. Additional planning and implementation of these pathways is expected to take shape based on the input and opinions of future Lancaster South residents.

**3.3.7 *Municipal Reserve***

The municipal reserve dedication for this Neighbourhood Area Structure Plan is as follows:

Natural treed areas	3.00	ha
Central School/Park Site	4.75	ha
Local parkettes	0.58	ha
<b>Total</b>	<b>8.33</b>	<b>ha</b>

**3.3.8 *Neighbourhood Parkettes and Natural Treed Areas***

The neighbourhood parkettes and natural treed areas are expected to provide several amenities to area residents, for instance various playing fields, playgrounds, a multi-use pad, a hockey rink, sliding hills, and shelters.

**4.0 *Municipal Servicing***

The proposed municipal servicing design for the Lancaster South community reflects the site's natural features and responds to the need for efficient service delivery.

**4.1 *Storm Sewer System***

One large storm water detention pond is required to service the neighbourhood. This pond will be located in the northwest portion of the Neighbourhood Area Structure Plan area. The exact volume of the storm water detention pond will be determined during actual construction phases.

Three other smaller ponds, one on the central school and park site, and two others in the TransAlta right-of-way will serve the area. The ponds in the right-of-way will take advantage of the existing natural wetlands and preserve them in part, as is possible. Major drainage is presented in Figure 4 and overall storm servicing is presented in Figure 5.

#### **4.2 Sanitary Sewer System**

The sanitary sewer system that is required to service the Lancaster South area is presented in Figure 6.

#### **4.3 Water Distribution System**

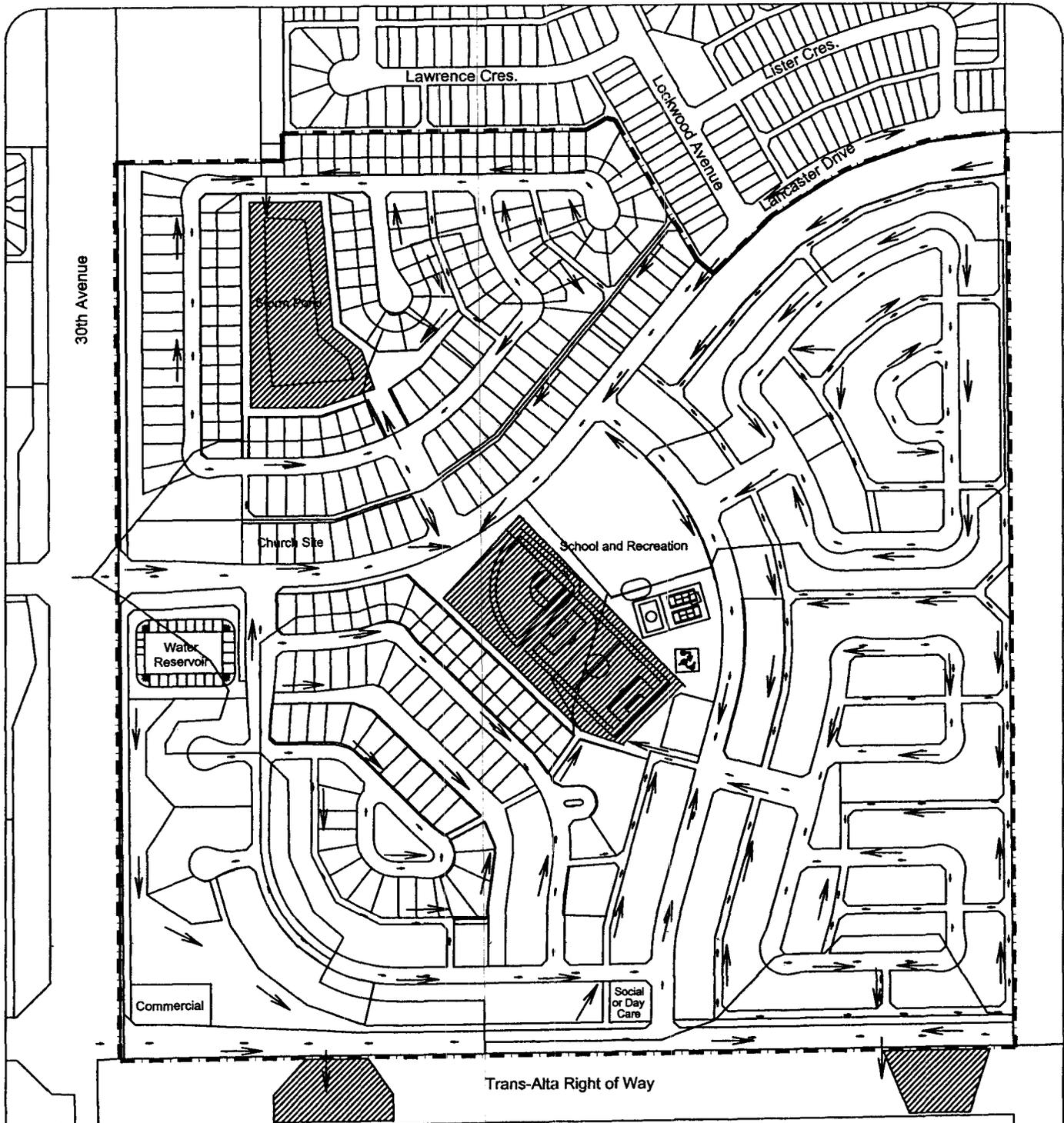
The overall water distribution system that is required to service the Lancaster South area is illustrated in Figure 7. As shown on Figure 7, a water reservoir site is to be located in the west central area of the plan, at the intersection of 30<sup>th</sup> Avenue and the entrance collector roadway into Lancaster South. Trees will be retained around the perimeter of the water reservoir site and the area will be appropriately landscaped to serve as a neighbourhood enhancement and entrance feature.

#### **4.4 Shallow Utilities**

Shallow utility providers, namely the City's Electric Light and Power Department, the telephone, cable, and natural gas companies, have been contacted regarding servicing to the Lancaster South area. There is adequate capacity to provide servicing.

#### **5.0 Staging of Development**

As stated previously, Figure 3 delineates the anticipated development staging for the Lancaster South area. The location of utilities will dictate the order of initial phases. Likewise, market conditions may be expected to influence the actual staging of subsequent development.

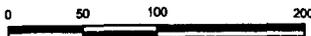


**LANCASTER SOUTH**  
 Neighbourhood Area Structure Plan  
 Figure 4 - Major Drainage

-  Study Boundary
-  Drainage Pattern
-  Detention Pond

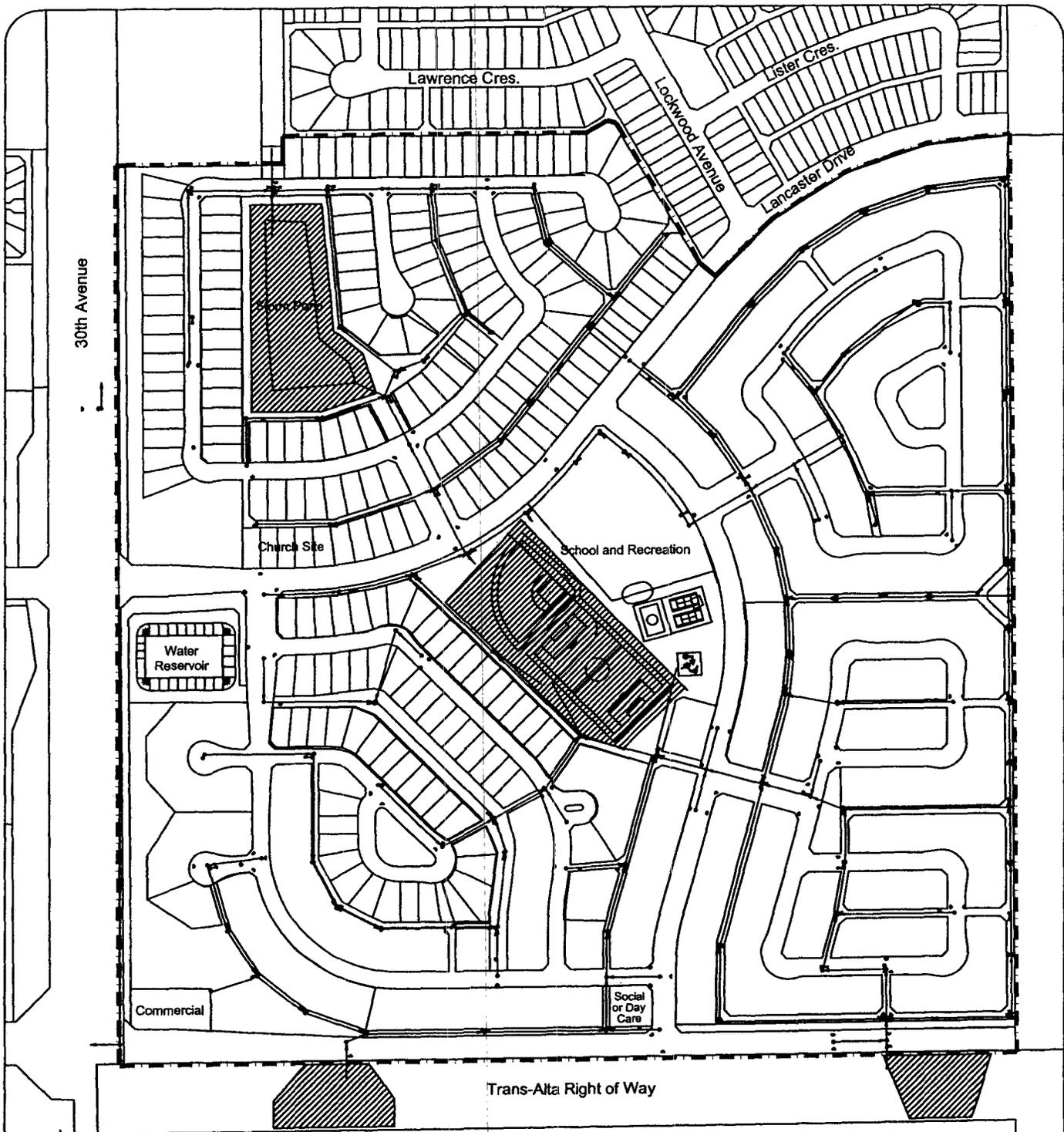


Scale In Metres

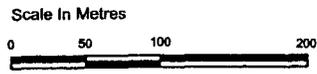
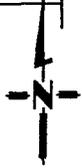


Prepared by: RD Engineering Services  
 and PCPS

October, 2001

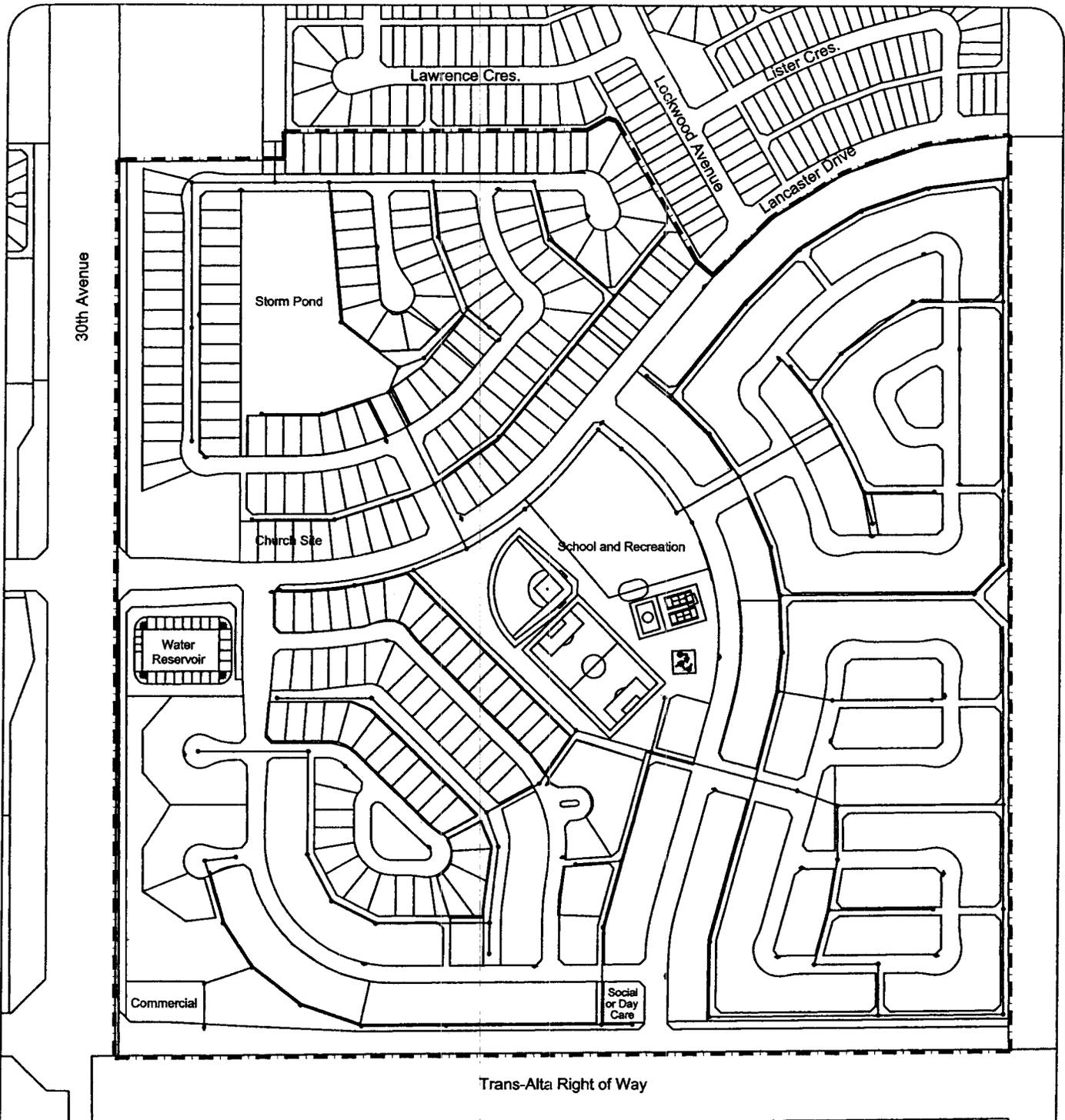


**LANCASTER SOUTH**  
 Neighbourhood Area Structure Plan  
 Figure 5 - Overall Storm Servicing



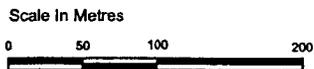
-  Study Boundary
-  Storm Utility
-  Detention Pond

Prepared by: RD Engineering Services  
 and PCPS  
 October, 2001

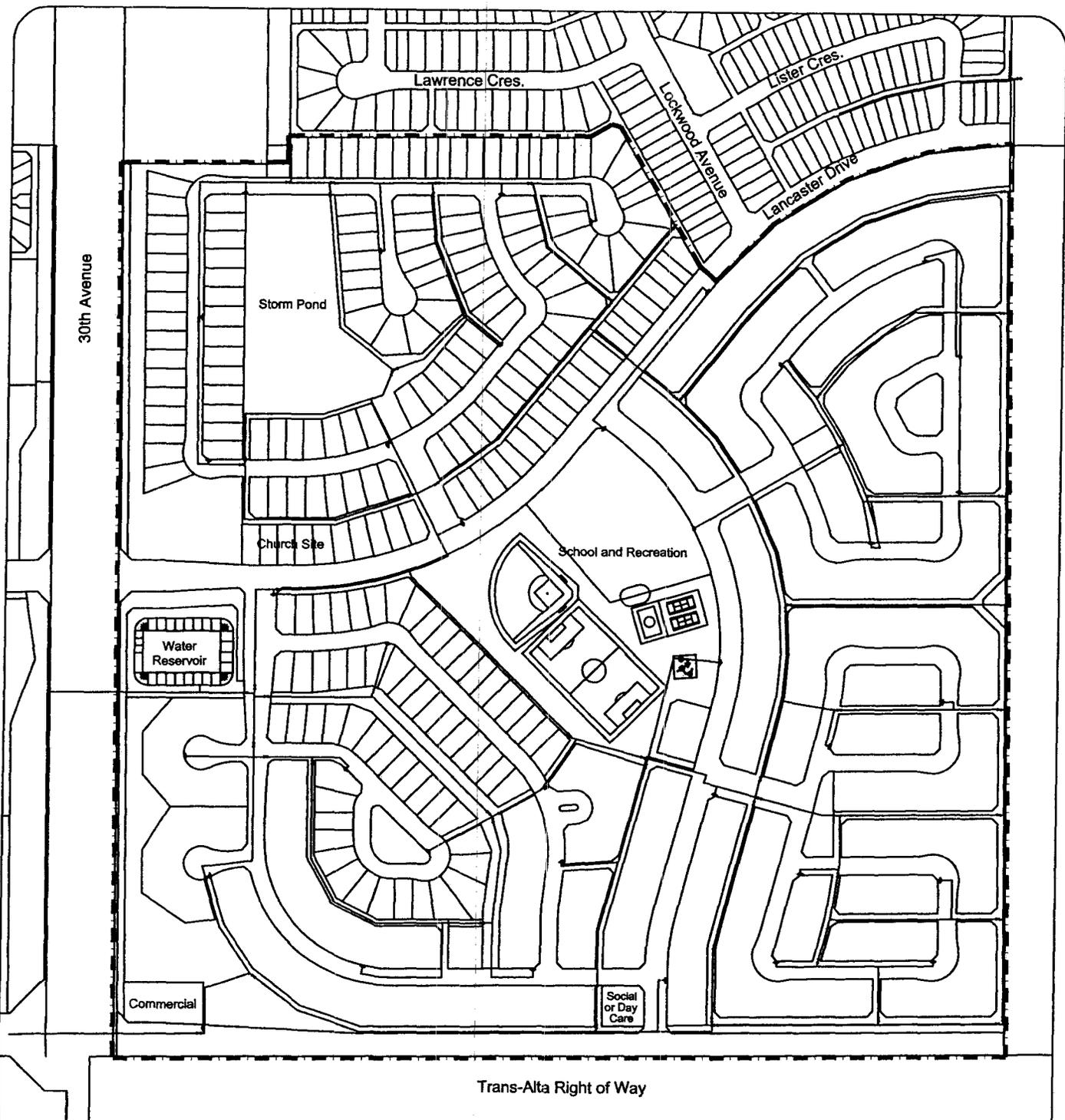


**LANCASTER SOUTH**  
 Neighbourhood Area Structure Plan  
 Figure 6 - Overall Sanitary Servicing

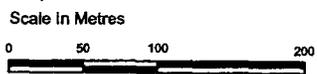
-  Study Boundary
-  Sanitary Utility



Prepared by: RD Engineering Services  
 and PCPS  
 October, 2001



**LANCASTER SOUTH**  
 Neighbourhood Area Structure Plan  
 Figure 7 - Overall Water Servicing

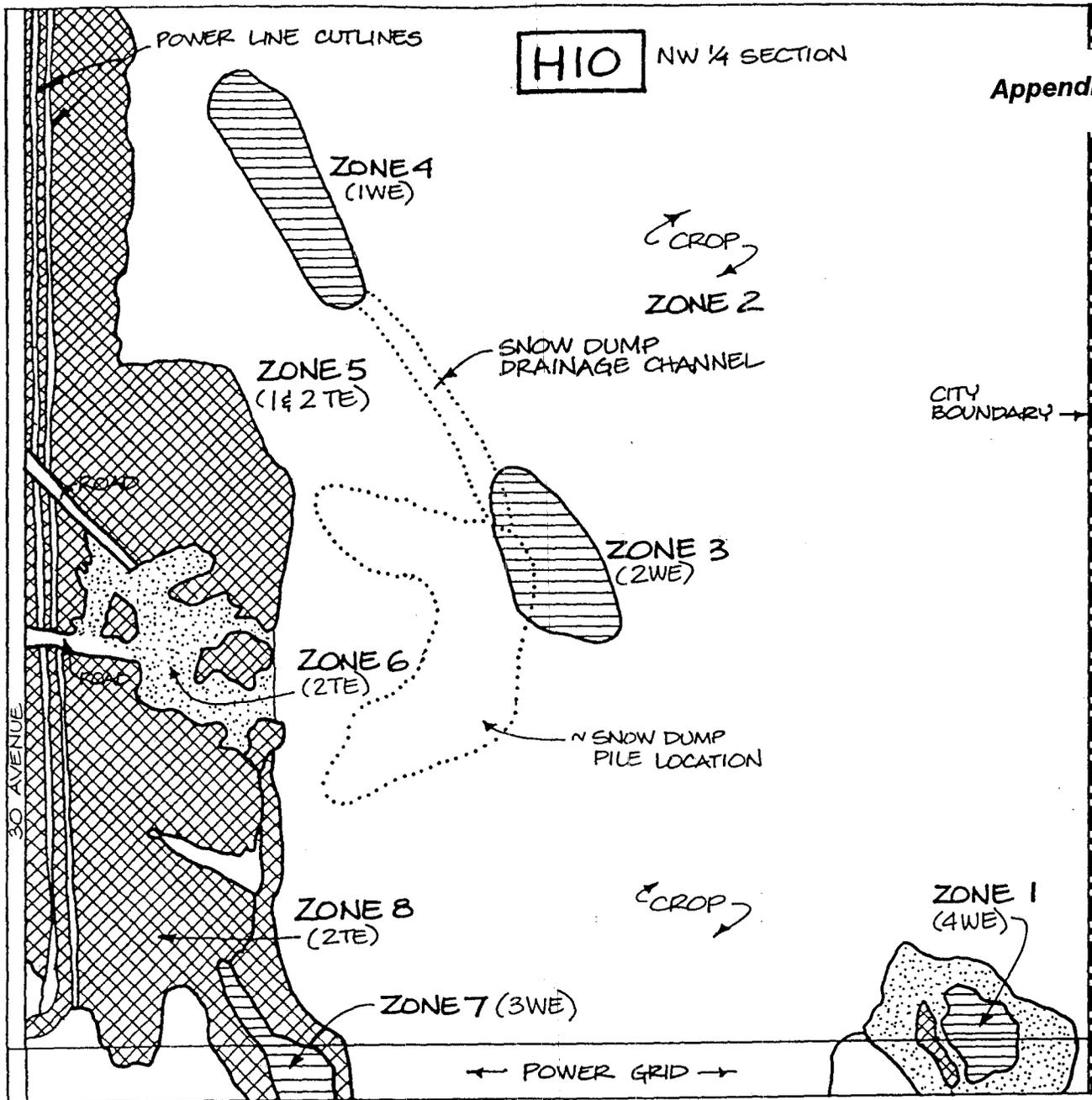


-  Study Boundary
-  Water Utility

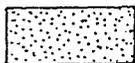
Prepared by: RD Engineering Services  
 and PCPS  
 October, 2001

## ***Appendices***

**H10** NW ¼ SECTION



LEGEND

-  TREES
-  WETLAND
-  GRASS

----- CITY BOUNDARY

ZONES & HABITAT SITE NUMBER

- ZONE 1 (4WE)
- ZONE 2 (CROP)
- ZONE 3 (2WE)
- ZONE 4 (1WE)
- ZONE 5 (1 & 2 TE)
- ZONE 6 (2TE)
- ZONE 7 (3WE)
- ZONE 8 (2TE)

ex) H10 - 2WE

- GRID MAP SECTION OF LAND
- HABITAT SITE NUMBER
- MAPPING CODE
- W = WETLAND
- T = TREE
- E = ECOSPACE

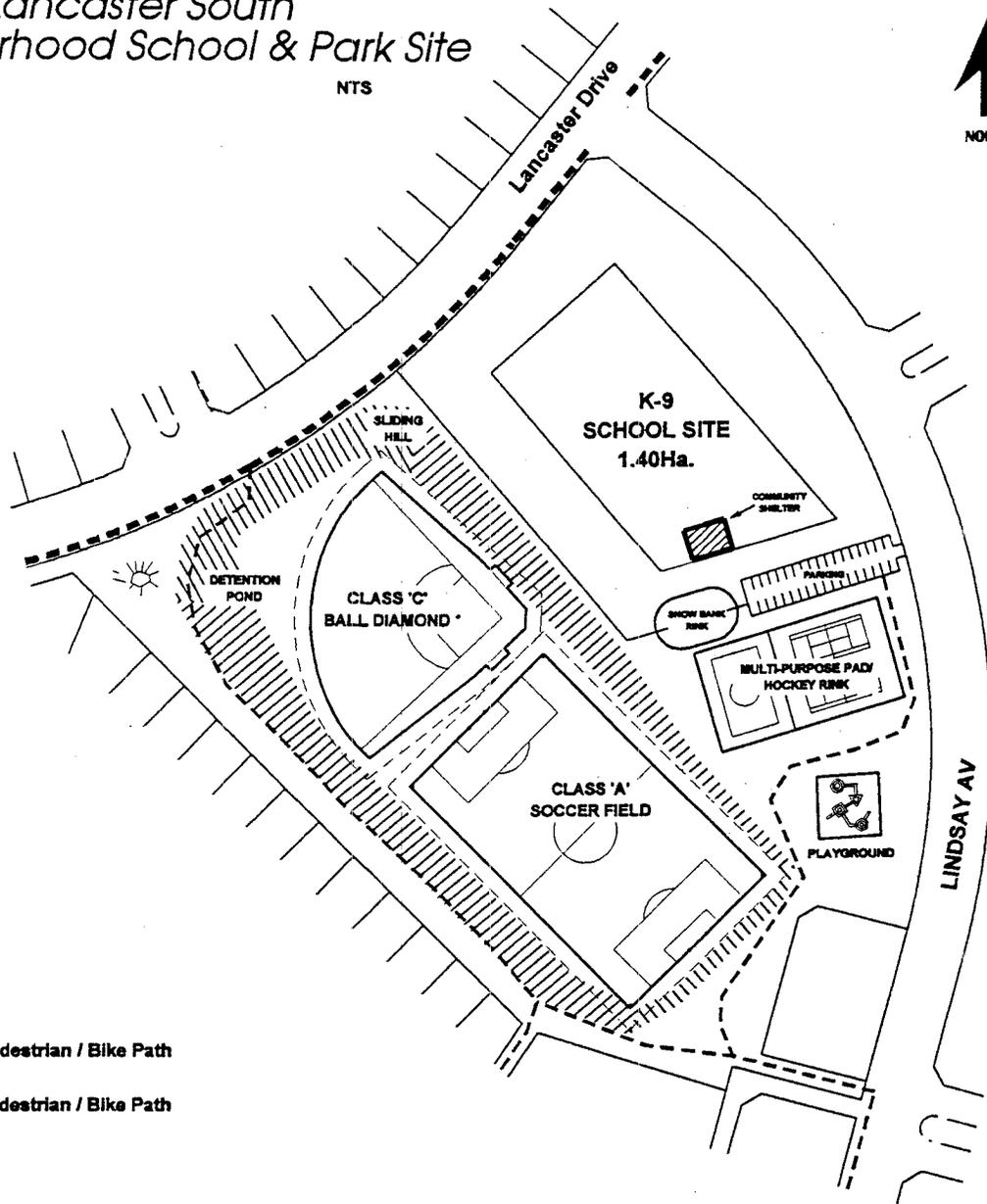


LANCASTER MEADOWS  
NATURAL (ECOSPACE) AREA

# Lancaster South Neighbourhood School & Park Site

Nov. 2001

NTS



- 2.5m Pedestrian / Bike Path
- 1.5m Pedestrian / Bike Path

Prepared by:  
The City of Red Deer Engineering Department

**BYLAW NO. 3156/SS-2001**

Being a bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer.

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

- 1 The "Land Use District Map "K5" contained in "Schedule B" of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map No. 36/2001 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 5<sup>th</sup> day of ~~November~~ A.D. 2001.

READ A SECOND TIME IN OPEN COUNCIL this 3<sup>rd</sup> day of ~~December~~ A.D. 2001.

READ A THIRD TIME IN OPEN COUNCIL this 3<sup>rd</sup> day of ~~December~~ A.D. 2001.

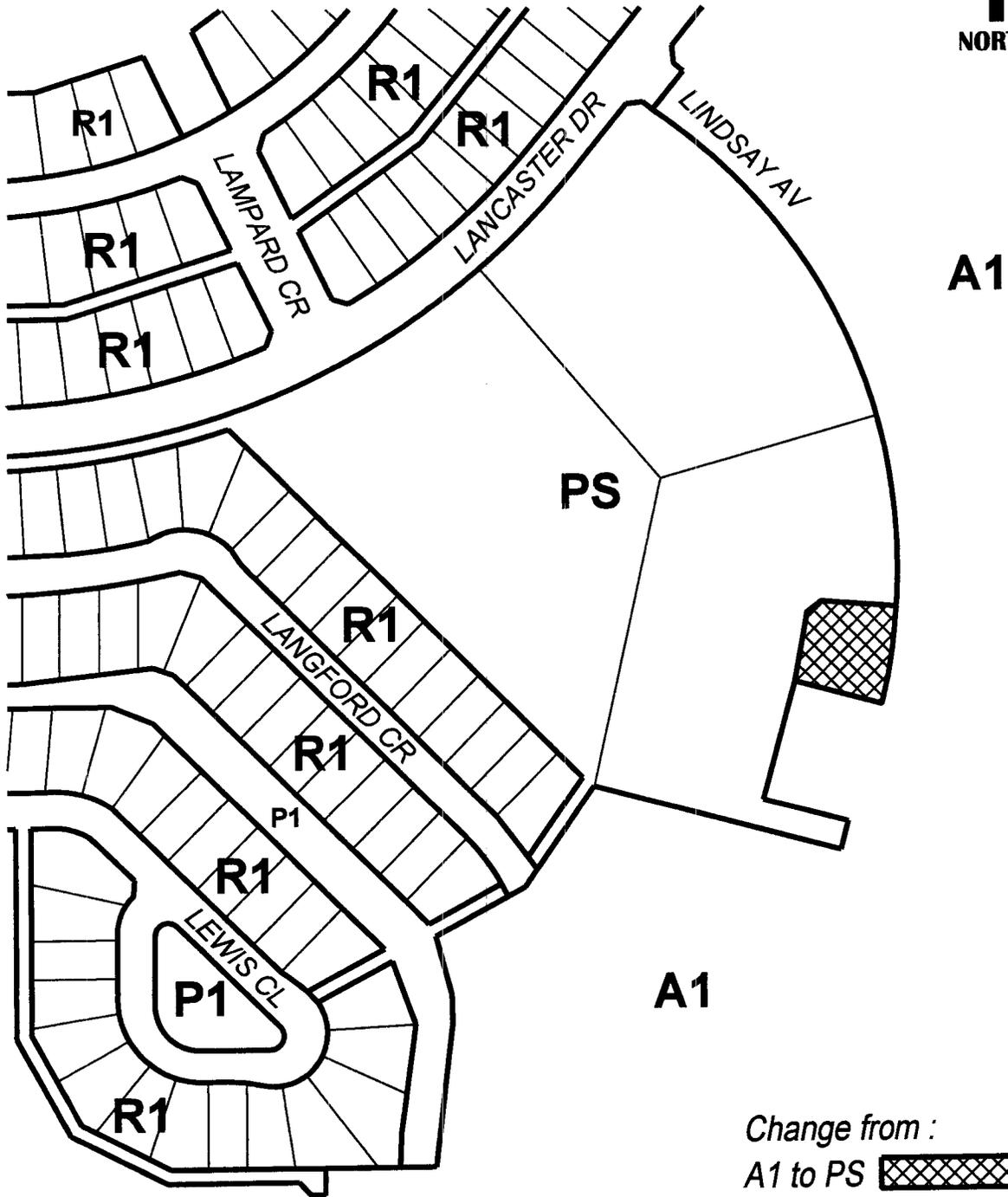
AND SIGNED BY THE MAYOR AND CITY CLERK this 3<sup>rd</sup> day of ~~December~~ A.D. 2001.

  
MAYOR

  
CITY CLERK

# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT



### AFFECTED DISTRICTS:

- A1 - Future Urban Development
- PS - Public Service (Institutional or Governmental)

Change from :

A1 to PS 

MAP No. 36 / 2001  
BYLAW No. 3156 / SS - 2001

Item No. 4

**DATE:** November 6, 2001  
**TO:** City Council  
**FROM:** City Clerk  
**RE:** Central Alberta Women's Emergency Shelter - CAWES  
Request to Lease - Lane Way, Plan 6990 ET  
Road Closure Bylaw 3291/2001

---

### *History*

At the Monday, November 5, 2001 meeting of Council, Road Closure Bylaw 3291/2001 was given first reading.

The Central Alberta Women's Shelter requested a lease of the entire lane adjacent to their property for the purpose of expanding the playground and parking approximately 100 square feet into the lane behind the shelter and to utilize the remainder of the 7,500 ± square foot lane for access as a private driveway.

### *Public Consultation Process*

A Public Hearing has been advertised for the above noted bylaw to be held on Monday, December 3, 2001 at 7:00 p.m. in the Council Chambers, during Council's regular meeting. The owners of the properties bordering the site have been notified by letter of the Public Hearing.

### *Recommendations*

That following the Public Hearing, Council may proceed with 2<sup>nd</sup> and 3<sup>rd</sup> readings of the bylaw.



Kelly Kloss  
City Clerk

/chk

## MEMO

DATE: October 31, 2001

TO: Kelly Kloss, City Clerk

FROM: Howard Thompson, Land & Economic Development Manager

RE: **Central Alberta Women's Emergency Shelter – CAWES  
Request to Lease – Lane Way, Plan 6990 ET**

---

Background:

Ray McBeth, Chairperson CAWES Expansion / Renovation Committee, submitted the attached letter on behalf of the Central Alberta Women's Emergency Shelter, requesting to lease the entire lane adjacent to their property for a term of 100 years at a nominal rate. CAWES owns the whole block of land adjacent to the lane, consisting of Lots 4-8, Block 48, Plan 6990 ET, fronting onto 47<sup>th</sup> Avenue, north of 53<sup>rd</sup> Street and south of the Boy Scout lot. The newly expanded Women's Shelter is located on lots 6 to 8, while lots 4 and 5 have older single-family residences that are being rented out. The intent of the lease is to be able to expand the playground and parking approximately 100 square feet into the lane behind the shelter, as shown on the attached plan, and to utilize the remainder of the 7,500 ± square foot lane for access as a private driveway.

The request was circulated for comments with all departments having no objection to leasing the entire lane to accommodate CAWES, subject to the passing of a Lane Closure Bylaw. As a note, the unconstructed lane does not contain any utilities; however, the development of the playground and parking must not impact the adjacent escarpment forming part of the Waskasoo Park system. Also, as garbage trucks will no longer be able to use the lane, the tenants in the two single-family residences must agree to either switch to front yard pick-up, or preferably, to utilize the CAWES dumpster located off of 53<sup>rd</sup> Street.

Financial Implications:

With regard to the lease, the City's standard practice is to lease land at an annual rate of 10% of the market value of the land plus GST. However, on occasion City Council has chosen to establish lower lease rates previously for non-profit organizations. For example, the City has existing leases with the Boy Scouts of Canada and the Red Deer & District SPCA for a lease rate of \$1.00 per year plus standard terms and conditions. City Council first approved these agreements in 1964 and 1980 respectively and has continued to renew the agreements due to the benefits and service that these organizations contribute to the City of Red Deer.

In this case, the Administration supports the same reduced lease rate to accommodate the

## MEMO

Kelly Kloss

Page 2

Women's Shelter because the actual area that they can readily utilize for the playground and additional parking is only 100 ± sq. ft. Also, the up front costs to close the lane and ongoing maintenance for the remainder of the lane would become CAWES responsibility.

Regarding the terms and conditions of the lease, the Lessee would be responsible for any costs related to the lane closure bylaw, lane signage indicating 'no exit', lane maintenance and also they must maintain liability insurance in the amount of \$1 million, naming the City as additional insured. The maximum term that would be prudent for the City would be a ten-year term with the option to renew subject to further Council approval. In order to minimize internal costs to administer a lease file on an annual basis, we recommend that CAWES prepay the annual lease rate of \$1.00 per year plus GST for the entire ten-year term. Either party would be able to cancel the lease within sixty days notice for whatever reason. For example, the City may want to cancel the lease if the land use or ownership changed which may require the lane to be re-opened. Upon termination of the lease, CAWES would be responsible for the costs to re-open the lane and return it to its original condition.

It is my understanding that the Central Alberta Women's Emergency Shelter wishes to make a brief presentation to City Council to explain their operations and request for the lease.

Recommendation:

That City Council approve:

1. A Lane Closure Bylaw for "All of Lane, Block 48, Plan 6990 ET", and
2. Entering into a Lease Agreement for the lane in Block 48, Plan 6990 ET with the Central Alberta Women's Emergency Shelter, subject to the following:
  1. The prepaid annual lease rate to be \$1.00 plus GST for a ten-year term of the lease.
  2. The use of the lane to be limited to the playground and parking directly behind the shelter and the remainder of the lane to be for private access only.
  3. The Lessee to be responsible for any costs related to the lane closure bylaw, lane signage indicating 'no exit', lane maintenance and also they must maintain liability insurance in the amount of \$1 million, naming the City as additional insured.
  4. Either party may cancel the lease within sixty days notice for whatever reason. Upon termination, the Lessee is responsible for the costs to re-open the lane and return it to its original condition.

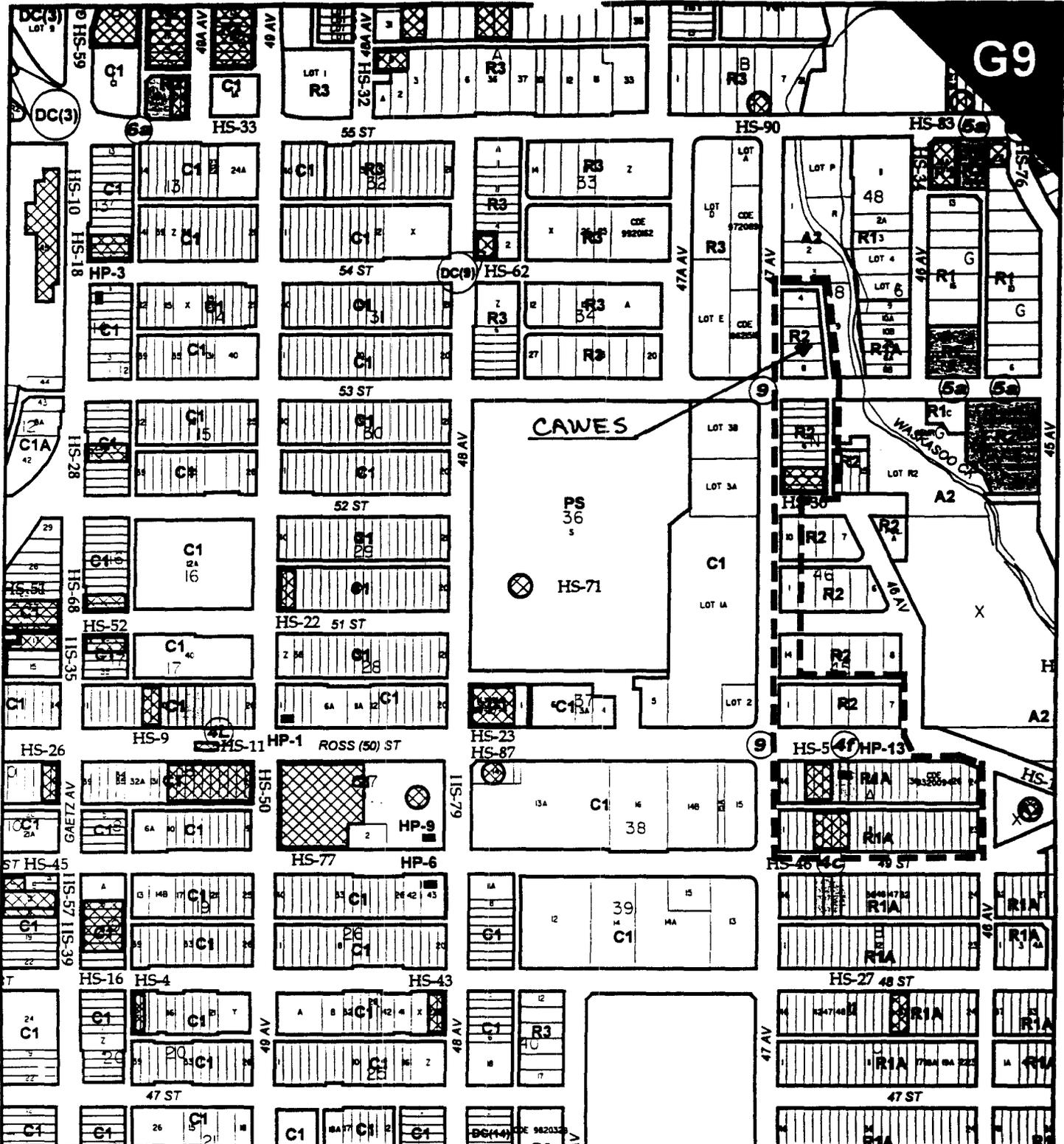


Howard Thompson

Att.

- c. Bryon Jeffers, Director of Development Services

G9



Part Six of the Bylaw outlines the Land Use District Definitions

refer to the Index Map for the Legend



NORTH  
Scale 1:5,000

## The City of Red Deer Land Use Bylaw 3156/96

Amendments to NW¼ Sec 16  
3156 / F-99 Mar 29, 1999  
3156 / LL-2001 Sept 24, 2001



NW¼ Sec 16  
Twp 38- Rge 27 - W4th



Edward Thompson P.O.  
42-8200

Helping  
Women  
and  
Children  
in  
Crisis

July 19, 2001

To: Her Worship Mayor Gail Surkan and Members of Council  
Box 5008  
Red Deer City Hall  
Red Deer, AB T4N 3T4

Dear Mayor Surkan and Members of Council:

On behalf of the Central Alberta Women's Emergency Shelter Society and their Expansion/Renovation Committee I am making a request for City Council's consideration.

The Central Alberta Women's Emergency Shelter Society would greatly benefit from the donation of the rear alley behind the properties now owned by CAWES on 47<sup>th</sup> Avenue. This would enable the Shelter to provide the additional play ground area needed to accommodate the expected increase of children.

I am, therefore, requesting that City Council consider providing a hundred year lease to CAWES at a token price for this particular piece of city owned land.

Your consideration of this request is greatly appreciated and I look forward to your response at your earliest convenience.

Sincerely,



Ray McBeth  
Chairperson  
CAWES Expansion/ Renovation Committee

SUPPORTED BY:

- Diamond Willow Child and Family Services Authority
- Red Deer and District FCSS
- Public/Private Donations

P.O. BOX 561, RED DEER, ALBERTA T4N 5G1  
TELEPHONE: (403) 346-5643 FAX: (403) 341-3510 E-MAIL: cawes@telusplanet.net  
TOLL FREE: 1-888-346-5643

**Comments:**

We agree with the recommendations of the Land & Economic Development Manager. We believe there is merit in leasing this land to the Central Alberta Women's Emergency Shelter for a nominal fee for 10 years. There are costs associated with creating such a lease, however, with the costs being paid up front including that of the \$10 lease cost, we avoid annual administrative time and costs.

When this lease expires in ten years, Council will then consider a new lease and an appropriate term.

We do not recommend that Council consider a 100 year lease as requested by the applicant. A hundred-year time frame would see many changes that could not be anticipated in a lease document. The ten years is reasonable to deal with changes should they arise.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager

BACKUP  
3291/2001  
ROAD CLOSURE  
C.A.W.E.S.

Item No. 12

**BYLAW NO. 3291/2001**

Being a bylaw to close portions of road and lane in the City of Red Deer, as described herein.

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

1 The following portion of laneway in the City of Red Deer is hereby closed:

“All of Lane, Block 48, Plan 6990 ET”

READ A FIRST TIME IN OPEN COUNCIL this	day of	2001.
READ A SECOND TIME IN OPEN COUNCIL this	day of	2001.
READ A THIRD TIME IN OPEN COUNCIL this	day of	2001.
AND SIGNED BY THE MAYOR AND CITY CLERK this	day of	2001.

\_\_\_\_\_  
MAYOR

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

**Council Decision – Monday November 5, 2001**

DATE: November 6, 2001  
TO: Howard Thompson, Land & Economic Development Manager  
FROM: City Clerk  
RE: Central Alberta Women's Emergency Shelter – CAWES  
Request for License to Occupy – Lane Way, Plan 6990 ET  
Road Closure Bylaw 3291/2001

**FILE**

**Reference Report:**

Land & Economic Development Manager, dated October 31, 2001.

**Bylaw Readings:**

Road Closure Bylaw 3291/2001 was given first reading. A copy of the bylaw is attached.

**Resolutions:**

**Resolved** that Council of the City of Red Deer having considered the report from the Land & Economic Development Manager re: Central Alberta Women's Emergency Shelter – Request to Lease – Lane Way, Plan 6990 ET, hereby agrees to enter into a License to Occupy for the lane in Block 48, Plan 6990 ET with the Central Alberta Women's Emergency Shelter, subject to the approval of Road Closure Bylaw 3291/2001 and subject to the following:

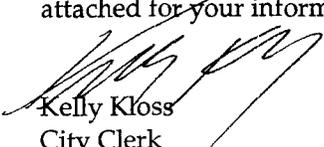
1. The prepaid annual license to occupy rate to be \$1.00 plus GST for a ten-year term of the lease.
2. The use of the lane to be limited to the playground and parking directly behind the shelter and the remainder of the lane to be for private access only.
3. The Applicant to be responsible for any costs related to the lane closure bylaw, lane signage indicating "no exit", lane maintenance and also they must maintain liability insurance in the amount of \$1 million, naming the City as additional insured.
4. Either party may cancel the License to Occupy within sixty days notice for whatever reason. Upon termination, the Applicant is responsible for the costs to re-open the lane and return it to its original condition.

**Report Back to Council:**

Yes. A Public Hearing will be held on Monday, December 3, 2001 at 7:00 p.m. in the Council Chambers during Council's regular meeting.

**Comments/Further Action:**

This office will now proceed with the advertising for a Public Hearing. The Central Alberta Women's Emergency Shelter will be responsible for the advertising costs in this instance and a copy of the letter forwarded to them is attached for your information.

  
Kelly Kloss  
City Clerk  
/chk  
attchs.

c Director of Development Services  
Community Services Director  
Director of Corporate Services  
Inspections & Licensing Manager  
C. Adams, Administrative Assistant  
C. Kenzie, Administrative Assistant

**BYLAW NO. 3291/2001**

Being a bylaw to close portions of road and lane in the City of Red Deer, as described herein.

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

1 The following portion of laneway in the City of Red Deer is hereby closed:

“All of Lane, Block 48, Plan 6990 ET”

READ A FIRST TIME IN OPEN COUNCIL this 5th day of November 2001.

READ A SECOND TIME IN OPEN COUNCIL this day of 2001.

READ A THIRD TIME IN OPEN COUNCIL this day of 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2001.

\_\_\_\_\_  
MAYOR

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



**Office of the City Clerk**

**FILE**

November 6, 2001

Fax: 341-3510

Mr. R. McBeth  
Central Alberta Women's Emergency Shelter  
P.O. Box 561  
Red Deer, AB T4N 5G1

Dear Mr. McBeth:

**Re: Central Alberta Women's Emergency Shelter - CAWES  
Request to Lease - Lane Way, Plan 6990 ET  
Road Closure Bylaw 3291/2001**

At the City of Red Deer's Council meeting held on Monday, November 5, 2001, first reading was given to Road Closure Bylaw 3291/2001. A copy of the bylaw is attached for your information. Council also passed the following resolution:

*Resolved* that Council of the City of Red Deer having considered the report from the Land & Economic Development Manager re: Central Alberta Women's Emergency Shelter - Request to Lease - Lane Way, Plan 6990 ET, hereby agrees to enter into a License to Occupy for the lane in Block 48, Plan 6990 ET with the Central Alberta Women's Emergency Shelter, subject to the approval of Road Closure Bylaw 3291/2001 and subject to the following:

1. The prepaid annual license to occupy rate to be \$1.00 plus GST for a ten-year term of the lease.
2. The use of the lane to be limited to the playground and parking directly behind the shelter and the remainder of the lane to be for private access only.
3. The Applicant to be responsible for any costs related to the lane closure bylaw, lane signage indicating "no exit", lane maintenance and also they must maintain liability insurance in the amount of \$1 million, naming the City as additional insured.
4. Either party may cancel the License to Occupy within sixty days notice for whatever reason. Upon termination, the Applicant is responsible for the costs to re-open the lane and return it to its original condition.

This office will now proceed with the advertising for a Public Hearing for the Road Closure Bylaw to be held on Monday, December 3, 2001 at 7:00 p.m. in the Council Chambers of City Hall during Council's regular meeting.

4914 - 48<sup>th</sup> Avenue, Red Deer, AB Canada T4N 3T4

Tel: (403) 342-8132 Fax: (403) 346-6195 E-mail: [cityclerk@city.red-deer.ab.ca](mailto:cityclerk@city.red-deer.ab.ca) Web: <http://www.city.red-deer.ab.ca>

*The City of Red Deer*

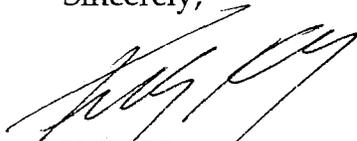
Box 5008  
Red Deer, Alberta  
T4N 3T4

Central Alberta Women's Emergency Shelter  
November 6, 2001  
Page 2

In accordance with the Land Use Bylaw, you are required to deposit with the City Clerk, prior to public advertising, an amount equal to the estimated costs of advertising, which in this instance is \$400.00. We require this deposit by no later than Wednesday, November 14, 2001, in order to proceed with the advertising. Once the actual cost of advertising is known, you will either be invoiced for or refunded the difference.

If you have any questions or require additional information, please do not hesitate to contact Howard Thompson, Land & Economic Development Manager at 342-8364.

Sincerely,



Kelly Kloss  
City Clerk

KK/chk  
/attach.

c: Land & Economic Development Manager  
C. Adams, City Clerk's

**BYLAW NO. 3291/2001**

Being a bylaw to close portions of road and lane in the City of Red Deer, as described herein.

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

1 The following portion of laneway in the City of Red Deer is hereby closed:

“All of Lane, Block 48, Plan 6990 ET”

READ A FIRST TIME IN OPEN COUNCIL this 5th day of November 2001.

READ A SECOND TIME IN OPEN COUNCIL this day of 2001.

READ A THIRD TIME IN OPEN COUNCIL this day of 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2001.

\_\_\_\_\_  
MAYOR

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

**WOODLEA  
Road Closure Bylaw 3291/2001**

**DESCRIPTION:** Closure of the lane adjacent to the Women's Shelter to be used as a private drive and expanded playground & parking

**FIRST READING:** November 5, 2001

**FIRST PUBLICATION:** November 16, 2001

**SECOND PUBLICATION:** November 23, 2001

**PUBLI HEARING & SECOND READING:** December 3, 2001

**THIRD READING:** Dec. 3, 2001

**LETTERS REQUIRED TO PROPERTY OWNERS:** YES  NO

**DEPOSIT?** YES  \$ 400. NO  BY: Women's Shelter

**ACTUAL COST OF ADVERTISING:**

1<sup>ST</sup> \$ 292.74 & 2<sup>ND</sup> \$ 292.74 TOTAL: \$ 585.48

**MAP PREPARATION:** \$ 36.60

**TOTAL COST:** \$ 622.08

**LESS DEPOSIT RECEIVED:** \$ (400.)

**AMOUNT OWING/ (REFUND):** \$ 222.08

**INVOICE NO.:** 151 131980

(Account No. 59.5901)

**Council Decision – Monday December 3, 2001**

DATE: December 4, 2001  
TO: Howard Thompson  
Land & Economic Development Manager  
FROM: City Clerk  
RE: Central Alberta Women's Emergency Shelter (CAWES)  
Request to Lease – Lane Way, Plan 6990 ET  
Road Closure Bylaw 3291/2001

---

**Reference Report:**

Land & Economic Development Manager, dated October 31, 2001

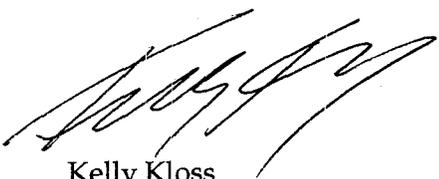
**Bylaw Readings:**

Road Closure Bylaw 3291/2001 was given second & third readings. A copy is attached.

**Report Back to Council:** NO

**Comments/Further Action:**

The Central Alberta Women's Shelter requested a lease of the entire lane adjacent to their property for the purpose of expanding the playground and parking approximately 100 square feet into the lane behind the shelter and to utilize the remainder of the 7,500 ± square foot lane for access as a private driveway. A certified copy of Road Closure Bylaw 3291/2001 is attached.



Kelly Kloss  
City Clerk

/chk  
attchs.

c Director of Development Services  
Director of Community Services  
Inspections & Licensing Manager  
City Assessor  
D. Kutinsky, Graphics Designer  
C. Adams, Administrative Assistant, City Clerk's  
S. Eklund, Clerk Steno, City Clerk's

**BYLAW NO. 3291/2001**

Being a bylaw to close portions of road and lane in the City of Red Deer, as described herein.

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

1 The following portion of laneway in the City of Red Deer is hereby closed:

“All of Lane, Block 48, Plan 6990 ET”

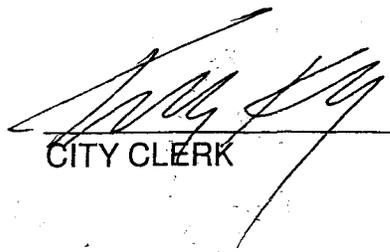
READ A FIRST TIME IN OPEN COUNCIL this 5th day of November 2001.

READ A SECOND TIME IN OPEN COUNCIL this 3rd day of December 2001.

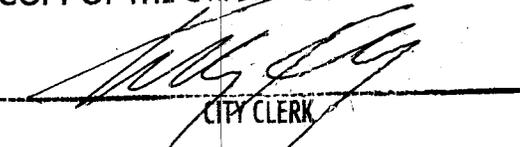
READ A THIRD TIME IN OPEN COUNCIL this 3rd day of December 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this 3rd day of December 2001.

  
MAYOR

  
CITY CLERK

CERTIFIED TO BE A TRUE AND CORRECT  
COPY OF THE ORIGINAL BYLAW.

  
CITY CLERK



**THE CITY OF RED DEER**  
City Clerk's Department Payment Receipt

6 | 1 | 1 | 13  
Year Month Day

Name: C.A.W.E.S. Reference: LUB ADVERT - RD CLOSURE  
3291/2001

NOT VALID UNLESS MACHINE PRINTED HERE

ITEM	Account Number (Cost Centre.Object.Subsidiary)	Subledger	T	Asset ID No.	Amount
L.U.B. Advert	59.5901				400.00
D.A.B. Fee	54.5722				
D.A.B. Advert	54.5901				
				<b>TOTAL</b>	400.00

GST. REGISTRATION # R119311785

11/17/01 3:29PM 20181435 \$400.00  
SUNDRY  
CHECK \$400.00

DATE: November 7, 2001  
TO: Norma Lovell, Assessment  
FROM: C.G. Adams,  
City Clerk's Office  
RE: LUB Amendment 3156/QQ-2001 – Deer Park (Davenport)  
LUB Amendment 3156/RR-2001 – South Hill  
LUB Amendment 3156/SS-2001 – Lancaster South  
**Road Closure Bylaw 3291/2001 – Woodlea**

---

Please provide me with the names and addresses of the subject property owners and all contiguous/adjacent property owners as outlined on the attached maps.

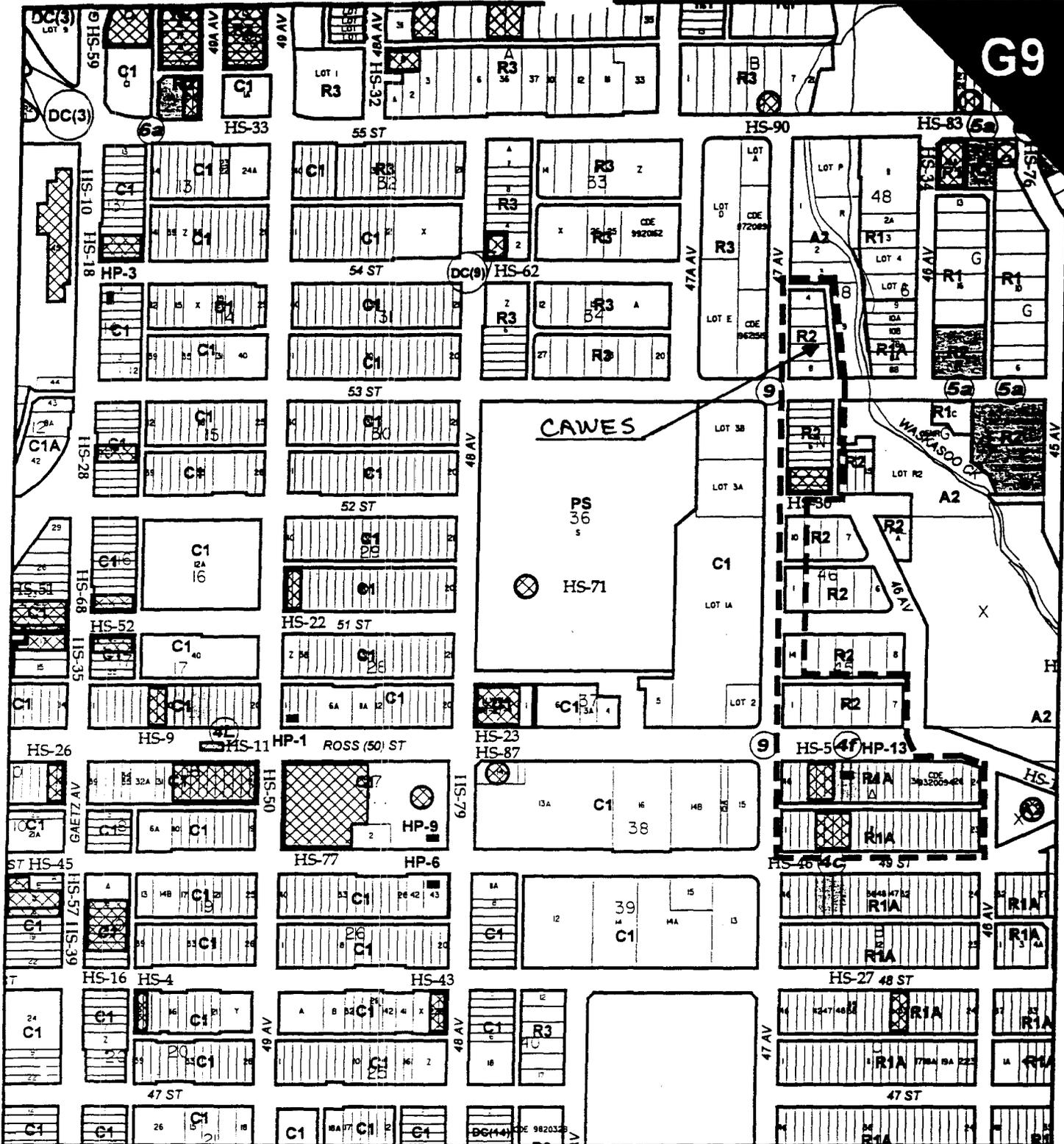
It would be helpful if the lists could be received at your earliest convenience in order to process the letters within the required time period. I have attached the map that appeared on the Council agenda for your reference.

Thanks Norma.

  
C.G. Adams  
City Clerks' Office

Attach.

G9



Part Six of the Bylaw outlines the Land Use District Definitions

refer to the Index Map for the Legend



NORTH Scale 1:5,000

© The City of Red Deer, Engineering Department

# The City of Red Deer Land Use Bylaw 3156/96

Amendments to NW 1/4 Sec 16  
3156 / F-99 Mar 29, 1999  
3156 / LL-2001 Sept 24, 2001

P11	G10	C
P	G9	C
P	C	C

NW 1/4 Sec 16 Twp 38- Rge 27 - W4th

printed on September 26, 2001

November 9, 2001

«OwnerName»  
«OwnerAdd1»  
«OwnerAdd2»  
«OwnerAdd3»  
«OwnerAdd4»

Dear Sir/Madam:

**Re: Road Closure Bylaw 3291/2001 – Woodlea**

---

Council of the City of Red Deer is considering passing Road Closure Bylaw 3291/2001. As a property owner adjacent to the land in the Woodlea neighbourhood you have an opportunity to ask questions about the intended use and to let Council know your views.

City Council proposes to pass Bylaw 3291/2001, which provides for closure of the lane adjacent to the property fronting onto 47 Avenue, north of 53 Street. The closure will provide for the lease of the lane for access as a private driveway and expanded private playground and parking. You can pick up a full copy of the amendment at the office of the City Clerk, 2<sup>nd</sup> Floor of City Hall between 8:00 a.m. and 4:30 p.m. Monday to Friday.

City Council will hear from any person claiming to be affected at a Public Hearing in the Council Chambers, 2<sup>nd</sup> Floor of City Hall on **Monday, December 3, 2001, at 7:00 p.m.** If you want your letter or petition included on the Council agenda you must submit it to the City Clerk by 4:30 p.m. on **Tuesday, November 27, 2001.** Otherwise, you may submit your letter or petition at the City Council meeting or you can simply tell Council your views at the Public Hearing.

Your letter or petition will be made available to the public. If you have any questions regarding their use, please contact me at (403) 342-8132.

Yours truly,



Jeff Graves  
Deputy City Clerk

Attach.



**ROAD CLOSURE** 

**Date:** November 7, 2001  
**To:** Tony Woods, Graphics Administrator  
**From:** Cheryl Adams  
**Re:** Road Closure Bylaw 3291/2001 – Woodlea

---

Tony, could you please provide me with a map appropriate for advertising the above noted road closure at the Women's Shelter site on 47 Avenue north of 53 Street.

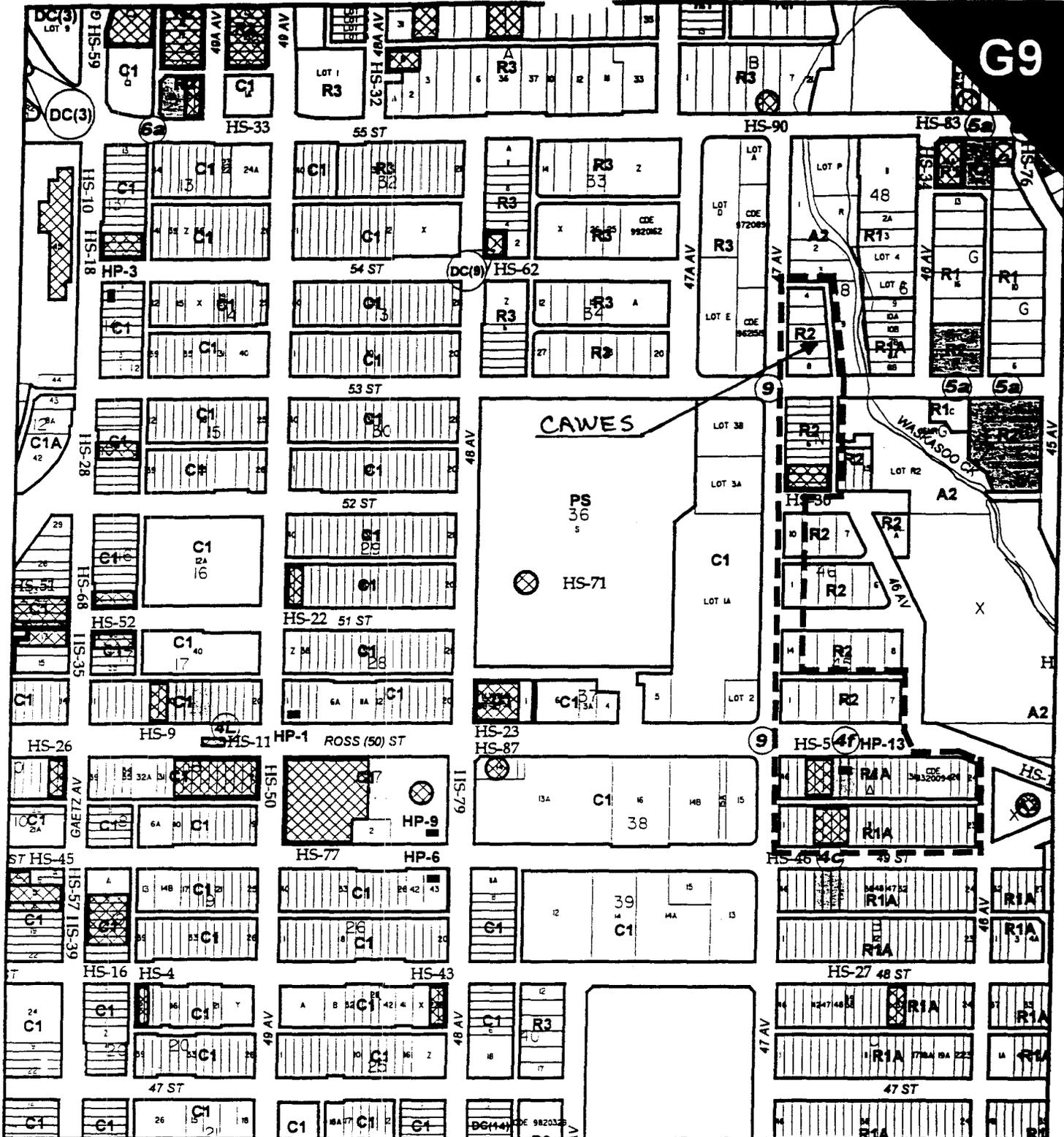
It would be helpful if I could receive the above at your earliest convenience. I have attached the maps that appeared on the Council agenda, for your reference.

Thanks Tony.

  
Cheryl Adams  
City Clerk's Office

Cost of Map: 36.60

attach.



Part Six of the Bylaw  
 outlines the Land Use  
 District Definitions

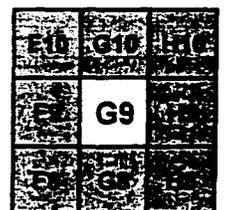
refer to the Index Map  
 for the Legend



**NORTH**  
 Scale 1:5,000

## The City of Red Deer Land Use Bylaw 3156/96

Amendments to NW¼ Sec 16  
 3156 / F-99 Mar 29, 1999  
 3156 / LL-2001 Sept 24, 2001



**NW¼ Sec 16**  
 Twp 38- Rge 27 - W4th

printed on  
 September 26, 2001

## **Council Decision – Monday November 5, 2001**

**DATE:** November 6, 2001  
**TO:** Howard Thompson, Land & Economic Development Manager  
**FROM:** City Clerk  
**RE:** Central Alberta Women's Emergency Shelter – CAWES  
Request for License to Occupy – Lane Way, Plan 6990 ET  
Road Closure Bylaw 3291/2001

---

**Reference Report:**

Land & Economic Development Manager, dated October 31, 2001.

**Bylaw Readings:**

Road Closure Bylaw 3291/2001 was given first reading. A copy of the bylaw is attached.

**Resolutions:**

*Resolved* that Council of the City of Red Deer having considered the report from the Land & Economic Development Manager re: Central Alberta Women's Emergency Shelter – Request to Lease – Lane Way, Plan 6990 ET, hereby agrees to enter into a License to Occupy for the lane in Block 48, Plan 6990 ET with the Central Alberta Women's Emergency Shelter, subject to the approval of Road Closure Bylaw 3291/2001 and subject to the following:

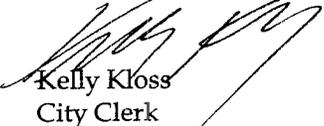
1. The prepaid annual license to occupy rate to be \$1.00 plus GST for a ten-year term of the lease.
2. The use of the lane to be limited to the playground and parking directly behind the shelter and the remainder of the lane to be for private access only.
3. The Applicant to be responsible for any costs related to the lane closure bylaw, lane signage indicating "no exit", lane maintenance and also they must maintain liability insurance in the amount of \$1 million, naming the City as additional insured.
4. Either party may cancel the License to Occupy within sixty days notice for whatever reason. Upon termination, the Applicant is responsible for the costs to re-open the lane and return it to its original condition.

**Report Back to Council:**

Yes. A Public Hearing will be held on Monday, December 3, 2001 at 7:00 p.m. in the Council Chambers during Council's regular meeting.

**Comments/Further Action:**

This office will now proceed with the advertising for a Public Hearing. The Central Alberta Women's Emergency Shelter will be responsible for the advertising costs in this instance and a copy of the letter forwarded to them is attached for your information.

  
Kelly Kloss  
City Clerk  
/chk  
attchs.

c     Director of Development Services  
       Community Services Director  
       Director of Corporate Services  
       Inspections & Licensing Manager  
       C. Adams, Administrative Assistant  
       C. Kenzie, Administrative Assistant



**Office of the City Clerk**

November 6, 2001

Fax: 341-3510

Mr. R. McBeth  
Central Alberta Women's Emergency Shelter  
P.O. Box 561  
Red Deer, AB T4N 5G1

Dear Mr. McBeth:

**Re: Central Alberta Women's Emergency Shelter – CAWES  
Request to Lease – Lane Way, Plan 6990 ET  
Road Closure Bylaw 3291/2001**

At the City of Red Deer's Council meeting held on Monday, November 5, 2001, first reading was given to Road Closure Bylaw 3291/2001. A copy of the bylaw is attached for your information. Council also passed the following resolution:

*Resolved* that Council of the City of Red Deer having considered the report from the Land & Economic Development Manager re: Central Alberta Women's Emergency Shelter – Request to Lease – Lane Way, Plan 6990 ET, hereby agrees to enter into a License to Occupy for the lane in Block 48, Plan 6990 ET with the Central Alberta Women's Emergency Shelter, subject to the approval of Road Closure Bylaw 3291/2001 and subject to the following:

1. The prepaid annual license to occupy rate to be \$1.00 plus GST for a ten-year term of the lease.
2. The use of the lane to be limited to the playground and parking directly behind the shelter and the remainder of the lane to be for private access only.
3. The Applicant to be responsible for any costs related to the lane closure bylaw, lane signage indicating "no exit", lane maintenance and also they must maintain liability insurance in the amount of \$1 million, naming the City as additional insured.
4. Either party may cancel the License to Occupy within sixty days notice for whatever reason. Upon termination, the Applicant is responsible for the costs to re-open the lane and return it to its original condition.

This office will now proceed with the advertising for a Public Hearing for the Road Closure Bylaw to be held on Monday, December 3, 2001 at 7:00 p.m. in the Council Chambers of City Hall during Council's regular meeting.

Central Alberta Women's Emergency Shelter

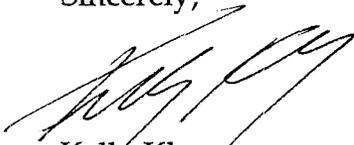
November 6, 2001

Page 2

In accordance with the Land Use Bylaw, you are required to deposit with the City Clerk, prior to public advertising, an amount equal to the estimated costs of advertising, which in this instance is \$400.00. We require this deposit by no later than Wednesday, November 14, 2001, in order to proceed with the advertising. Once the actual cost of advertising is known, you will either be invoiced for or refunded the difference.

If you have any questions or require additional information, please do not hesitate to contact Howard Thompson, Land & Economic Development Manager at 342-8364.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kelly Kloss', written over a horizontal line.

Kelly Kloss  
City Clerk

KK/chk

/attach.

c: Land & Economic Development Manager  
C. Adams, City Clerk's

**BYLAW NO. 3291/2001**

Being a bylaw to close portions of road and lane in the City of Red Deer, as described herein.

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

1 The following portion of laneway in the City of Red Deer is hereby closed:

“All of Lane, Block 48, Plan 6990 ET”

READ A FIRST TIME IN OPEN COUNCIL this 5th day of ~~November~~ 2001.

READ A SECOND TIME IN OPEN COUNCIL this day of 2001.

READ A THIRD TIME IN OPEN COUNCIL this day of 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2001.

\_\_\_\_\_  
MAYOR

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

**Council Decision – Monday December 3, 2001**

DATE: December 4, 2001  
TO: Howard Thompson  
Land & Economic Development Manager  
FROM: City Clerk  
RE: Central Alberta Women's Emergency Shelter (CAWES)  
Request to Lease – Lane Way, Plan 6990 ET  
Road Closure Bylaw 3291/2001

---

**FILE**

**Reference Report:**

Land & Economic Development Manager, dated October 31, 2001

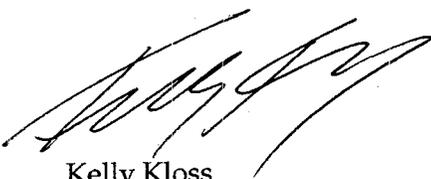
**Bylaw Readings:**

Road Closure Bylaw 3291/2001 was given second & third readings. A copy is attached.

**Report Back to Council:** NO

**Comments/Further Action:**

The Central Alberta Women's Shelter requested a lease of the entire lane adjacent to their property for the purpose of expanding the playground and parking approximately 100 square feet into the lane behind the shelter and to utilize the remainder of the 7,500 ± square foot lane for access as a private driveway. A certified copy of Road Closure Bylaw 3291/2001 is attached.



Kelly Kloss  
City Clerk

/chk  
attchs.

- c Director of Development Services
- Director of Community Services
- Inspections & Licensing Manager
- City Assessor
- D. Kutinsky, Graphics Designer
- C. Adams, Administrative Assistant, City Clerk's
- S. Eklund, Clerk Steno, City Clerk's

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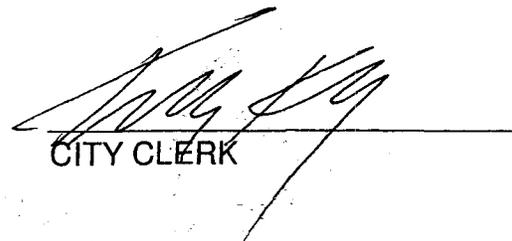
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MAYOR

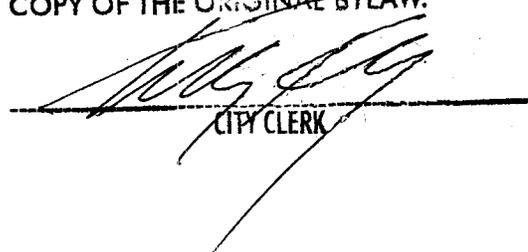


CITY CLERK



**CERTIFIED TO BE A TRUE AND CORRECT  
COPY OF THE ORIGINAL BYLAW.**

CITY CLERK





Office of the City Clerk

**FILE**

December 4, 2001

Mr. R. McBeth  
Central Alberta Women's Emergency Shelter  
P.O. Box 561  
Red Deer, AB T4N 5G1

Dear Mr. McBeth:

**Re: Central Alberta Women's Emergency Shelter - CAWES  
License to Occupy - Lane Way, Plan 6990 ET  
Road Closure Bylaw 3291/2001**

At the City of Red Deer's Council meeting held on Monday, December 3, 2001, a Public Hearing was held with respect to Road Closure Bylaw 3291/2001. Following the Public Hearing, Road Closure Bylaw 3291/2001 was given second and third readings, a copy of which is attached.

The Central Alberta Women's Shelter requested the use of the entire lane adjacent to their property for the purpose of expanding the playground and parking approximately 100 square feet into the lane behind the shelters and to utilize the remainder of the 7,500 ± square foot lane for access as a private driveway. Closure of this lane was one condition of the license to occupy as I had outlined in my letter of November 6, 2001.

Please contact me should you have any questions or require further clarification.

Sincerely,

Kelly Kloss  
City Clerk

KK/chk  
/attach.

c H. Thompson, Land & Economic Development Manager

*The City of Red Deer*

Box 5008  
Red Deer, Alberta  
T4N 3T4

**BYLAW NO. 3291/2001**

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

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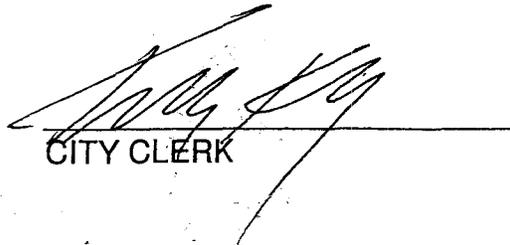
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AND SIGNED BY THE MAYOR AND CITY CLERK this 3rd day of December 2001.

MAYOR

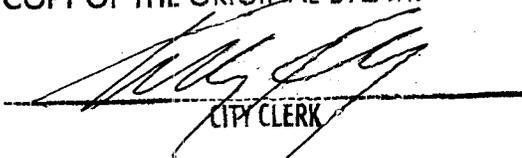


CITY CLERK



CERTIFIED TO BE A TRUE AND CORRECT  
COPY OF THE ORIGINAL BYLAW.

CITY CLERK



**DATE:** November 20, 2001

**TO:** Mayor and City Council  
Red Deer County Council

**FROM:** Don Batchelor, Recreation, Parks & Culture Manager, City of Red Deer  
Gary Buchanan, Director of Community and Planning Services, Red Deer County

**RE:** Partnership – Recreation Fees

---

Red Deer County and The City of Red Deer have been fortunate to have partnered on a number of projects (e.g., Collicutt Centre), and planning initiatives over the past several years. With this same spirit in mind, administration from both the County and The City have been preparing a proposal that would have tangible benefits to Red Deer County residents while streamlining City recreation fees.

The City of Red Deer recreation and culture facilities and programs have always been available to Red Deer County residents. County residents have been encouraged to register in City recreation, culture and art programs, and book arenas, pools, meeting rooms for their use, but a surcharge of 20% to County residents has always been applied. This surcharge was in lieu of The City tax subsidy that is provided to assist in the operation of recreation facilities. The City tax subsidy to recreation facility operations varies 20-50 percent dependent on the facility.

With the partnership between Red Deer County and The City of Red Deer in the Collicutt Centre, several things have transpired:

- Red Deer County is a Platinum Partner at the Collicutt Centre.
- There is one admission, facility booking and program registration fee for all programs, facilities and services at the Collicutt Centre, regardless of your place of residence (county of Red Deer or city of Red Deer).
- As of September 1, 2001, the 20% surcharge to Red Deer County residents in other facilities (e.g. G.H. Dawe, Arenas, Recreation Centre), and for recreation and culture programs has been cancelled.

The latter was initiated based on discussions between County Manager, Wes Stambaugh and City Manager, Norbert Van Wyk, where this partnership was envisioned. An annual partnership contribution from Red Deer County to The City of Red Deer would ensure that:

- Red Deer County residents pay the same fees as city of Red Deer residents for all recreation services, and consequently they save 20% from previous fees paid.
- The City of Red Deer fees and charges will be simplified such that only those residents who do not reside in Red Deer County or the city would pay a surcharge (e.g. Penhold).
- There is consistency in all fees and charges for all recreation parks and culture services taken by Red Deer County and city residents.
- Consistency with the one fee structure regardless of place of residence, which exists at the Collicutt Centre, would also apply to other recreation facilities.

Based on the number of registrations and bookings by Red Deer County residents as tracked through The City's computer registration system (C.L.A.S.S.), and averaged over the past three years (1999-2001), the following partnership is proposed:

Service	Red Deer County Portion of Total	Total Fees Collected from Red Deer County Residents	Previous or Hypothetical Surcharge	Red Deer County Contribution
General Admissions	10.75%	\$35,470	20%	\$7,100
Program Registrations	12%	\$28,000	20%	\$5,600
Facility Bookings	1.9%	\$11,000	Variable 20-50%	<u>\$3,800</u>
Annual Proposed Recreation Partnership Contribution from Red Deer County				\$16,500
Note: Excludes the Collicutt Centre				

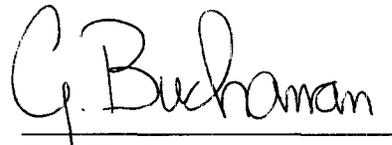
The City may use the funds received from the County for any recreation purpose the City determines appropriate – programming, repairs to facilities, renovations, or other recreation capital work. A 3-year review clause is included in the agreement.

Administration from both the Red Deer County and The City of Red Deer are in favour of this partnership and contribution.

### Recommendation

That Red Deer County and Council of The City of Red Deer approve the Recreation Fees Partnership as outlined above, and in the attached agreement, to commence January 1, 2002.

  
 Don Batchelor

  
 Gary Buchanan

:jb  
 Att.

- c. Colleen Jensen, Community Services Director  
 Harold Jeske, Recreation Facilities Superintendent  
 Ed Morris, Recreation Development Superintendent  
 Norbert Van Wyk, City Manager  
 Wes Stambaugh, County Manager

THIS AGREEMENT MADE EFFECTIVE AS OF THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002

**BETWEEN:**

CITY OF RED DEER  
(herein after called the "the City")

and

RED DEER COUNTY  
(herein after called "the County")

**WHEREAS** the Municipal Government Act allows municipalities to enter into agreements

**AND WHEREAS**, the City and County desire to enter into an agreement regarding recreation issues

**AND WHEREAS**, the use of The City of Red Deer recreation services over the three (3) years previous to the signing of this agreement (1999 – 2001) by Red Deer County residents, has been averaged at 10.75% general admissions; 12% program registrations and 1.9% facility bookings

**AND WHEREAS**, the use by Red Deer County residents (1999-2001) has been used to determine an agreed annual contribution

**NOW THEREFORE THE CITY AND COUNTY AGREE TO THE FOLLOWING:**

1. The County shall make an annual contribution to the City of \$16,500.00, payable by August 31 of each and every calendar year.
2. In exchange for the \$16,500.00 (Sixteen Thousand Five Hundred Dollars) the City shall eliminate all recreation surcharges to any County resident using any existing or future City recreation facilities and shall eliminate all recreation surcharges to any County resident participating in any current or future City recreation program.
3. This Agreement shall remain in force and effect from the effective date hereof until renegotiated by the City and County.
4. This agreement will be reviewed, every three (3) years with the first review effective January 1, 2005.

**IN WITNESS WHEREOF** the City and County hereunto set their corporate seals duly attested to by the hands of their properly authorized officers.

**CITY OF RED DEER**

**RED DEER COUNTY**

Per \_\_\_\_\_

Per \_\_\_\_\_

Per \_\_\_\_\_

Per \_\_\_\_\_

**Comments:**

We concur with both The City of Red Deer and County of Red Deer staff recommendations and thank them for their work in establishing this agreement as a foundation for co-operation in the future.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager

**Council Decision – Monday December 3, 2001**

DATE: December 4, 2001  
TO: Director of Community Services  
FROM: City Clerk  
RE: Partnership – Recreation Fees

---

**FILE**

**Reference Report:**

City of Red Deer Recreation, Parks & Culture Manager and Red Deer County Director of Community and Planning Services, dated November 20, 2001

**Resolutions:**

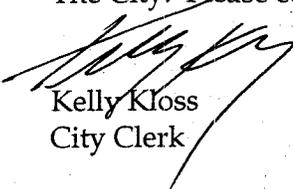
*Resolved* that Council of the City of Red Deer having considered the report from the City of Red Deer Recreation, Parks & Culture Manager and the Red Deer County Director of Community and Planning Services, dated November 20, 2001, hereby agrees to enter into an agreement regarding recreation issues, subject to the following:

1. The County shall make an annual contribution to the City of a minimum of \$16,500.00 payable by August 31 of each and every calendar year.
2. In exchange for a minimum of \$16,500.00, the City shall eliminate all recreation surcharges to any County resident using any existing or future City recreation facilities and shall eliminate all recreation surcharges to any County resident participating in any current or future City recreation program.
3. This Agreement shall remain in force and effect from the effective date hereof until renegotiated by the City and County.
4. This Agreement will be reviewed, every three years with the first review effective January 1, 2005.

**Report Back to Council:** NO

**Comments/Further Action:**

It is Council's understanding that Red Deer County Council may have increased their contribution to The City. Please confirm this and extend our thanks to Red Deer County.

  
Kelly Kloss  
City Clerk

/chk

c Director of Corporate Services  
H. Jeske, Recreation, Parks & Culture Manager

Item No. 2

Date: November 19, 2001

To: City Clerk

From: Director of Development Services

**Re: Chiles Development - SW 3-39-27-W4  
Extension of Time on Conditions of Agreement Pertaining to  
Sewer Connections**

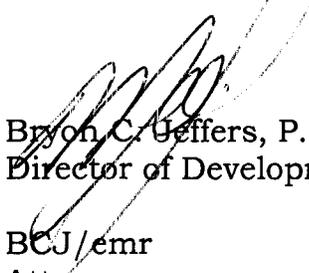
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Attached is a letter from Mr. Chiles requesting a one-year extension to a resolution of Council dated September 26, 2000. That resolution extended the time for concluding the terms of an Agreement pertaining to servicing a proposed development Mr. Chiles was undertaking north of the City of Red Deer. We have attached the copy of the original resolution of Council dated October 8, 1996. A copy of this resolution is attached for Council's information. Since that time, the approval has been extended to allow time to satisfy the terms of the approval. The last extension granted was to October 7, 2001.

This issue has not proceeded as originally anticipated because Red Deer County would like to amend some of the conditions contained in the original Agreement.

When these conditions have been finalized between City and County staff, we will be bringing back a report to Council for your consideration and direction.

In the interim, we would respectfully recommend that Council extend the time for servicing Mr. Chiles on the conditions outlined in the original resolution of October 8, 1996. We would recommend that this extension be to December 31, 2002.

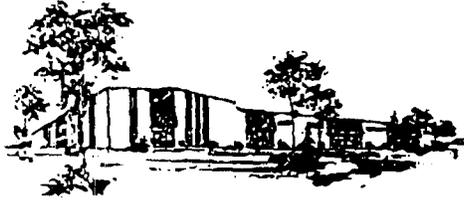


Bryon C. Jeffers, P. Eng.  
Director of Development Services

BCJ/emr

Att.

c. Mr. N. Chiles, Chiles Development Corporation  
Mr. W. Stambaugh, Red Deer County

*Chiles*403C CHILES INDUSTRIAL PARK  
39015 HIGHWAY 2A  
RED DEER COUNTY, ALBERTA T4S 2A3

DEVELOPMENT CORPORATION LTD.

PHONE: (403) 341-4040 • FAX: (403) 340-3800

Via fax to; 342 8211

SEP - 5 2001

*2*  
*Bryon*

September 5, 2001

City of Red Deer  
Engineering Dept.  
Box 5008  
Red Deer, Ab. T4N 3T4Attn: Bryon C. Jeffers, P. Eng.  
Director of Development ServicesRE: Storm Line Up the Hill - SE 1/4 3-39-27-W4Re your letter of October 5, 2000, copy attached, your file  
400-043.Yesterday I talked to Frank Peck of the Red Deer County and  
I was lead to understand that there are ongoing negotiations  
between the County and the City ( Mr. Goranson) with regards  
to servicing of county property north of the city limits.Would you please ask council for a one year extension of my  
approval to cross city property to join in the sewer line.

Yours truly,

*Norman E. Chiles*Norman E. Chiles, CMA  
President

Att.

NC/mc

cc: Frank Peck

Wes Stambough

Brenda Hoskins

**Council Resolution Passed On October 7, 1996:**

"RESOLVED that Council of The City of Red Deer, having considered report from the Principal Planner and Engineering Services Manager dated October 1, 1996, re: Chiles Development Corporation: Request to Tie a Proposed Mobile Home Park Located in the County of Red Deer Into the City Sewage Treatment Plant, hereby approves said request subject to the following conditions:

1. An agreement with the Waskasoo Services Board making service conditional upon all of the following conditions:
  - (a) Approval is based on the premise that Mr. Chiles is a customer of the County of Red Deer, who is in turn a customer of the Waskasoo Regional Services Board. The City of Red Deer would have no contractual arrangement with either the County or Mr. Chiles. The City would continue to invoice the Board as in the past and the Board in turn would collect from the County/Mr. Chiles.
  - (b) The City agreement with the Board would remain the same as in the past; the sewage treatment plant capacity used by Chiles Development Corporation would form part of the County's capacity as assigned by the Waskasoo Services Board.
  - (c) The City of Red Deer's Engineering Department would work with the Board / County / Chiles to determine a mutually acceptable alignment for the sewage main running from Mr. Chiles' development to the City sewerage system. Location of this main would involve the negotiation of easements across City lands.
  - (d) As with the existing regional line, the City must review and approve the detailed design drawings and construction methods prior to commencement.
  - (e) Escarpment stability should be assured through all surface disturbances from excavations for road construction, basements and underground utilities.
  - (f) Submission of a geotechnical evaluation of the escarpment and river bank area as it relates to this

development proposal and a suitable top-of-bank setback area and resolution of any concerns.

- (g) The acceptance of a connection to the Wastewater Treatment Plant be on the condition of a mutually agreeable alignment for the line, inclusive of the design, all construction methods, restoration work and necessary easements. The disturbed area is to be hydroseeded to prevent erosion and a landscaping plan must be approved by the City's Recreation, Parks and Culture Department.
  - (h) That the integrity of Lot R2 (Municipal Reserve) contained in Waskasoo Park, zoned A2 Environmental Preservation District, not be jeopardized in terms of tree loss or escarpment protection.
  - (i) Any further development on the site beyond the Mobile Home Park be referred to Alberta Environmental Protection for the determination of an environmental impact assessment study.
  - (j) The design, construction and maintenance of any new lines would be the responsibility of the Waskasoo Regional Services Board.
  - (k) Construction of a shale/gravel trail 2.5 metres wide along the alignment for service vehicles, complete with post and cable access control.
  - (l) Identification of a service basin which corresponds with the development site of the proposed 70 unit mobile home park. No development outside of this basin would receive service without the City's permission.
  - (m) Receipt of a satisfactory drainage plan.
2. An amendment of the Joint General Municipal Plan, incorporating the following principles:
- (a) That development be allowed only above the escarpment; and

- (b) That recreational and agricultural uses be allowed in the river valley below the escarpment; and
  - (c) That the escarpment itself be retained in its natural state.
3. A review by Alberta Transportation and Utilities and the County of the need for traffic controls at the Highway 2A intersection.
  4. If the above conditions are not met within a period of three years from October 7, 1996, approval of the said request will be rescinded.

Council further agrees that this resolution shall take precedence over any previous Council resolutions outlining conditions of approval for the above sewage service, and as presented to Council October 7, 1996."

**Comments:**

We concur with the recommendations of the Director of Development Services.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager



**THE CITY OF RED DEER**

P. O. BOX 5008, RED DEER, ALBERTA T4N 3T4

FAX: (403) 346-6195

City Clerk's Department  
(403) 342-8132 FAX (403) 346-6195

OCT 10 1996

October 8, 1996

*BACKUP  
IF NEEDED FOR  
CHILES DEVELOPMENT*

Chiles Development Corporation  
R. R. 1, Site 15, Box 10  
Red Deer, AB T4N 5E1

Dear Mr. Chiles:

**RE: CHILES DEVELOPMENT CORPORATION: REQUEST TO TIE INTO  
CITY SEWAGE TREATMENT PLANT**

At the City of Red Deer's Council Meeting held October 7, 1996, consideration was again given to the above request. At that meeting the following resolution was passed:

"RESOLVED that Council of The City of Red Deer, having considered report from the Principal Planner and Engineering Services Manager dated October 1, 1996, re: Chiles Development Corporation: Request to Tie a Proposed Mobile Home Park Located in the County of Red Deer Into the City Sewage Treatment Plant, hereby approves said request subject to the following conditions:

1. An agreement with the Waskasoo Services Board making service conditional upon all of the following conditions:



*a delight to discover!*

- (a) Approval is based on the premise that Mr. Chiles is a customer of the County of Red Deer, who is in turn a customer of the Waskasoo Regional Services Board. The City of Red Deer would have no contractual arrangement with either the County or Mr. Chiles. The City would continue to invoice the Board as in the past and the Board in turn would collect from the County/Mr. Chiles.
- (b) The City agreement with the Board would remain the same as in the past; the sewage treatment plant capacity used by Chiles Development Corporation would form part of the County's capacity as assigned by the Waskasoo Services Board.
- (c) The City of Red Deer's Engineering Department would work with the Board/County/Chiles to determine a mutually acceptable alignment for the sewage main running from Mr. Chiles' development to the City sewerage system. Location of this main would involve the negotiation of easements across City lands.

- (d) As with the existing regional line, the City must review and approve the detailed design drawings and construction methods prior to commencement.
- (e) Escarpment stability should be assured through all surface disturbances from excavations for road construction, basements and underground utilities.
- (f) Submission of a geotechnical evaluation of the escarpment and river bank area as it relates to this development proposal and a suitable top-of-bank setback area and resolution of any concerns.
- (g) The acceptance of a connection to the Wastewater Treatment Plant be on the condition of a mutually agreeable alignment for the line, inclusive of the design, all construction methods, restoration work and necessary easements. The disturbed area is to be hydroseeded to prevent erosion and a landscaping plan must be approved by the City's Recreation, Parks and Culture Department.
- (h) That the integrity of Lot R2 (Municipal Reserve) contained in Waskasoo Park, zoned A2 Environmental Preservation District, not be jeopardized in terms of tree loss or escarpment protection.

- (i) Any further development on the site beyond the Mobile Home Park be referred to Alberta Environmental Protection for the determination of an environmental impact assessment study.
  - (j) The design, construction and maintenance of any new lines would be the responsibility of the Waskasoo Regional Services Board.
  - (k) Construction of a shale/gravel trail 2.5 metres wide along the alignment for service vehicles, complete with post and cable access control.
  - (l) Identification of a service basin which corresponds with the development site of the proposed 70 unit mobile home park. No development outside of this basin would receive service without the City's permission.
  - (m) Receipt of a satisfactory drainage plan.
2. An amendment of the Joint General Municipal Plan, incorporating the following principles:
- (a) That development be allowed only above the escarpment; and
  - (b) That recreational and agricultural uses be allowed in the river valley below the escarpment; and

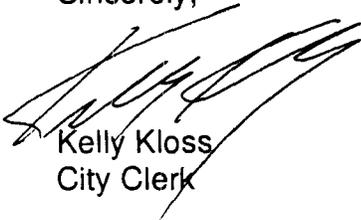
- (c) That the escarpment itself be retained in its natural state.
- 3. A review by Alberta Transportation and Utilities and the County of the need for traffic controls at the Highway 2A intersection.
- 4. If the above conditions are not met within a period of three years from October 7, 1996, approval of the said request will be rescinded.

Council further agrees that this resolution shall take precedence over any previous Council resolutions outlining conditions of approval for the above sewage service, and as presented to Council October 7, 1996."

I trust you will now be in contact with the City's Engineering Department Manager, Mr. Ken Haslop, to discuss the next steps to be taken in complying with the conditions outlined above.

If you have any questions, please do not hesitate to contact the undersigned.

Sincerely,



Kelly Kloss  
City Clerk

KK/clr

c Director of Community Services  
~~Engineering Services Manager~~  
Principal Planner

400 045

**Council Decision – Monday, September 25, 2000**

**DATE:** September 26, 2000  
**TO:** Director of Development Services  
**FROM:** City Clerk  
**RE:** Chiles Development - SW 3-39-27-W4  
Extension of Time on Conditions of Agreement  
Pertaining to Sewer Connections

SEP 26 2000

*Bugon*  
*Kerr*  
*Fane*  
*Eva*

**Reference Report:**

Director of Development Services  
dated September 20, 2000

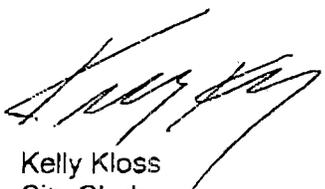
**Resolution:**

**Resolved that** Council of the City of Red Deer having considered the report from the Director of Development Services, dated September 20, 2000, re: Chiles Development - SW 3-39-27-W4, hereby extends the time on conditions approved by Council on October 12, 1999, pertaining to the sewer connection for the Chiles Development, to October 7, 2001.

**Report Back to Council Required:** No

**Comments/Further Action:**

Please advise Mr. Chiles of Council's decision in this instance.



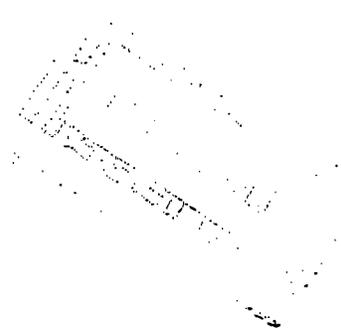
Kelly Kloss  
City Clerk  
/chk

c City Planner

400-043

**Development Services Division**

October 5, 2000



Box 5008  
Red Deer, Alberta  
T4N 3T4

Ms. Brenda Hoskins  
Red Deer County  
4758-32 Street  
Red Deer, Alberta T4N 0M8

Dear Ms. Hoskins:

**Re: Chiles Development - SW 3-39-27-W4**

Attached you will find a copy of Red Deer City Council's resolution with respect to the extension of time on the conditions of agreement pertaining to sewer connections for the above development.

By copy of this letter, we are also advising Mr. Chiles of Council's decision.

Yours truly,

Bryan C. Jeffers, P. Eng.  
Director of Development Services

lemr

Att.

c. Mr. N. Chiles  
City Clerk

*The City of Red Deer*

Council further agrees to bring forward consequential amendments to Utility Bylaw No. 3215/98 to incorporate the above two items, without further change, prior to January 1, 2001.

MOTION CARRIED

Council considered a report from the Director of Development Services dated September 20, 2000, **Re: Chiles Development – SW 3-39-27-W4**. Following discussion the motion as set out hereunder was introduced and passed.

Moved by Councillor Volk, seconded by Councillor Pimm

**Resolved that** Council of the City of Red Deer having considered the report from the Director of Development Services, dated September 20, 2000, re: Chiles Development - SW 3-39-27-W4, hereby extends the time on conditions approved by Council on October 12, 1999, pertaining to the sewer connection for the Chiles Development, to October 7, 2001.

MOTION CARRIED

Council considered a report from the City Clerk dated September 19, 2000, **Re: 2000 AUMA Convention Resolutions**. The report, AUMA resolutions and administrative comments were provided to Council for information and it was agreed that they be filed.

A report from the Municipal Planning Commission dated September 19, 2000, **Re: Kentwood West Neighbourhood Area Structure Plan, Bylaw Amendment No. 3217/H-2000** was provided to Council for information and it was agreed that it be filed.

A report from the Parkland Community Planning Services dated September 18, 2000, **Re: Land Use Bylaw Amendment No. 3156/JJ-2000 / Kentwood West – Stage 2** was provided to Council for information and it was agreed that it be filed.

A report from the Engineering Services Manager dated September 19, 2000, **Re: Proposed Speed Limit Changes on 30 Avenue** was provided to Council for information and it was agreed that it be filed.

3.	A. Municipal Planning Commission - Re: <b>Kentwood West Neighbourhood Area Structure Plan Amendment 3217/H-2000</b> / (Consideration of 1 <sup>st</sup> Reading of the Bylaw)	. .62
	B. Parkland Community Planning Services - Re: <b>Land Use Bylaw Amendment No. 3156/JJ-2000/</b> Kentwood West - Stage 2 / (Consideration of 1 <sup>st</sup> Reading of the Bylaw)	. .69
4.	Engineering Services Manager - Re: <b>Traffic Bylaw Amendment No. 3186/E-2000</b> / Proposed Speed Limit Changes on 30 <sup>th</sup> Avenue / (Consideration of 3 Readings of the Bylaw)	. .72
5.	E.L. & P. Manager - Re: <b>Regulated Rate Option Tariffs - Effective January 1, 2001</b>	. .77
6.	Recreation, Parks & Culture Board - Re: <b>Central Alberta Theatre Loan Request / Bylaw 3270/2000</b> / (Consideration of 1 <sup>st</sup> Reading of the Bylaw)	. .85
7.	Director of Development Services - Re: <b>Chiles Development - SW 3-39-27-W4</b> / Extension of Time on Conditions of Agreement Pertaining to Sewer Connections	. .93
(5)	<b>CORRESPONDENCE</b>	
(6)	<b>PETITIONS AND DELEGATIONS</b>	
(7)	<b>NOTICES OF MOTION</b>	
(8)	<b>WRITTEN INQUIRIES</b>	
(9)	<b>BYLAWS</b>	
1.	<b>3156/GG-2000</b> - Land Use Bylaw Amendment / Glendale - Phase 10 (Skyscape Management Inc.)/ - 2 <sup>nd</sup> & 3 <sup>rd</sup> Readings	. .96 . .48
2.	<b>3156/JJ-2000</b> - Land Use Bylaw Amendment / Kentwood West - Stage 2 / -1 <sup>st</sup> Reading	. .98 . .69
3.	<b>3186/E-2000</b> - Traffic Bylaw Amendment / Proposed Speed Limit Changes on 30 <sup>th</sup> Avenue / - 3 Readings	. .100 . .72
4.	<b>3217/G-2000</b> - Neighbourhood Area Structure Plan Amendment / Glendale Northwest / - 2 <sup>nd</sup> & 3 <sup>rd</sup> Readings	. .104 . .43

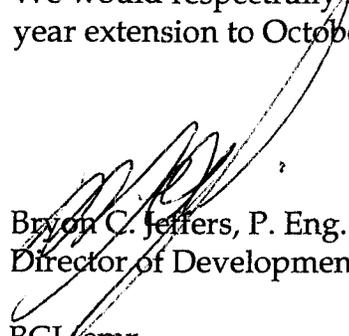
Date: September 20, 2000  
To: City Clerk  
From: Director of Development Services  
Re: Chiles Development - SW 3-39-27-W4

---

On October 12, 1999, Council passed a resolution granting a one-year extension to an Agreement that contemplated The City of Red Deer providing sewage capacity to a development in Red Deer County north of the City. A copy of this resolution is attached for Council's information.

During the course of this past year The City, The County, and Mr. Chiles have attempted to resolve to everyone's satisfaction, the conditions of the Agreement. With the one-year extension period due to expire on October 7, 2000, it is unlikely that all the issues will have been satisfactorily resolved. Some of the issues to be addressed are between The County and The City, and do not directly relate to the conditions Mr. Chiles must satisfy.

We would respectfully recommend to Council that Mr. Chiles be granted a further one-year extension to October 7, 2001.



Bryan C. Jeffers, P. Eng.  
Director of Development Services

BCJ/emr  
Att.

- c. Mr. Norm Chiles  
Ms. Brenda Hoskins, Development Officer, Red Deer County  
Tom Warder, Streets and Utilities Engineer

***Resolved that*** Council of the City of Red Deer, having considered report from the Engineering Services Manager dated September 21, 1999, re: Proposed Mobile Home Development by Norman Chiles North of Highway 11A and East of Highway 2A (SE 3-39-27-4), hereby extends the time on conditions approved by Council on October 7, 1996 pertaining to the sewer connection for the Chiles Development, to October 7, 2000.

**Comments:**

We concur with the report from the Director of Development Services dated September 20, 2000.

"G.D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager

**Development Services Division**

October 5, 2000

Ms. Brenda Hoskins  
Red Deer County  
4758-32 Street  
Red Deer, Alberta T4N 0M8

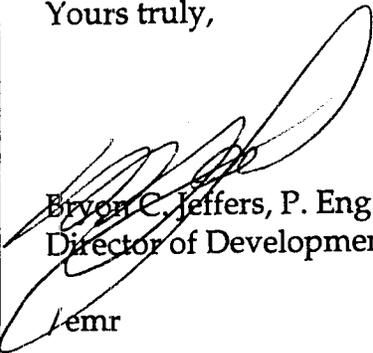
Dear Ms. Hoskins:

**Re: Chiles Development - SW 3-39-27-W4**

Attached you will find a copy of Red Deer City Council's resolution with respect to the extension of time on the conditions of agreement pertaining to sewer connections for the above development.

By copy of this letter, we are also advising Mr. Chiles of Council's decision.

Yours truly,



Bryon C. Jeffers, P. Eng.  
Director of Development Services

/emr

Att.

c. Mr. N. Chiles  
City Clerk

Box 5008  
Red Deer, Alberta  
T4N 3T4

*The City of Red Deer*



**Council Decision – Monday, September 25, 2000**

DATE: September 26, 2000  
TO: Director of Development Services  
FROM: City Clerk  
RE: Chiles Development - SW 3-39-27-W4  
Extension of Time on Conditions of Agreement  
Pertaining to Sewer Connections

SEP 26 2000

*Bugon*  
*Kent*  
*Fern*  
*Eva*

**Reference Report:**

Director of Development Services  
dated September 20, 2000

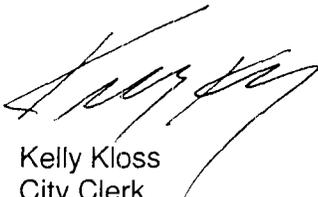
**Resolution:**

**Resolved that** Council of the City of Red Deer having considered the report from the Director of Development Services, dated September 20, 2000, re: Chiles Development - SW 3-39-27-W4, hereby extends the time on conditions approved by Council on October 12, 1999, pertaining to the sewer connection for the Chiles Development, to October 7, 2001.

**Report Back to Council Required:** No

**Comments/Further Action:**

Please advise Mr. Chiles of Council's decision in this instance.



Kelly Kloss  
City Clerk  
/chk

c City Planner

Consideration was given to a report from the Downtown Planning Committee dated September 18, 1996, and a report from the Engineering Department Manager dated September 4, 1996, **re: Parade Event Approval Policy**. Following discussion, the motion as set out hereunder was introduced and passed.

Moved by Councillor Flewwelling, seconded by Councillor Watkinson-Zimmer

"RESOLVED that Council of The City of Red Deer, having considered report from the Downtown Planning Committee dated September 18, 1996 and the report from the Engineering Department Manager dated September 4, 1996, re: Parade Event Approval Policy, hereby approves a new Council Policy entitled, "*Parade/Special Event Approval*" , and as submitted to Council October 7, 1996."

MOTION CARRIED

#### UNFINISHED BUSINESS

Council gave consideration to a report from the Personnel Manager dated September 30, 1996, **re: Performance Assessment for The City Manager**. Following discussion, the motion as set out hereunder was introduced and passed.

Moved by Councillor Moffat, seconded by Councillor Dawson

"RESOLVED that Council of The City of Red Deer, having considered report from the Personnel Manager dated September 30, 1996, re: Performance Assessment For The City Manager, hereby approves the document entitled 'Performance Assessment For The City Manager', as submitted to Council October 7, 1996."

MOTION CARRIED

#### REPORTS

Consideration was given to a report from the Principal Planner and Engineering Services Manager dated October 1, 1996, **re: Chiles Development Corporation: Request to Tie a Proposed Mobile Home Park Located in the County of Red Deer into the City Sewage Treatment Plant**. Following discussion, the motion as set out hereunder was introduced and passed.

Moved by Councillor Dawson, seconded by Councillor Flewwelling

"RESOLVED that Council of The City of Red Deer, having considered report from the Principal Planner and Engineering Services Manager dated October 1, 1996, re: Chiles Development Corporation: Request to Tie a Proposed Mobile Home Park Located in the County of Red Deer Into the City Sewage Treatment Plant, hereby approves said request subject to the following conditions:

1. An agreement with the Waskasoo Services Board making service conditional upon all of the following conditions:
  - (a) Approval is based on the premise that Mr. Chiles is a customer of the County of Red Deer, who is in turn a customer of the Waskasoo Regional Services Board. The City of Red Deer would have no contractual arrangement with either the County or Mr. Chiles. The City would continue to invoice the Board as in the past and the Board in turn would collect from the County/Mr. Chiles.
  - (b) The City agreement with the Board would remain the same as in the past; the sewage treatment plant capacity used by Chiles Development Corporation would form part of the County's capacity as assigned by the Waskasoo Services Board.
  - (c) The City of Red Deer's Engineering Department would work with the Board / County / Chiles to determine a mutually acceptable alignment for the sewage main running from Mr. Chiles' development to the City sewerage system. Location of

this main would involve the negotiation of easements across City lands.

- (d) As with the existing regional line, the City must review and approve the detailed design drawings and construction methods prior to commencement.
- (e) Escarpment stability should be assured through all surface disturbances from excavations for road construction, basements and underground utilities.
- (f) Submission of a geotechnical evaluation of the escarpment and river bank area as it relates to this development proposal and a suitable top-of-bank setback area and resolution of any concerns.
- (g) The acceptance of a connection to the Wastewater Treatment Plant be on the condition of a mutually agreeable alignment for the line, inclusive of the design, all construction methods, restoration work and necessary easements. The disturbed area is to be hydroseeded to prevent erosion and a landscaping plan must be approved by the City's Recreation, Parks and Culture Department.
- (h) That the integrity of Lot R2 (Municipal Reserve) contained in Waskasoo Park, zoned A2 Environmental Preservation District, not be jeopardized in terms of tree loss or escarpment protection.

- (i) Any further development on the site beyond the Mobile Home Park be referred to Alberta Environmental Protection for the determination of an environmental impact assessment study.
  - (j) The design, construction and maintenance of any new lines would be the responsibility of the Waskasoo Regional Services Board.
  - (k) Construction of a shale/gravel trail 2.5 metres wide along the alignment for service vehicles, complete with post and cable access control.
  - (l) Identification of a service basin which corresponds with the development site of the proposed 70 unit mobile home park. No development outside of this basin would receive service without the City's permission.
  - (m) Receipt of a satisfactory drainage plan.
2. An amendment of the Joint General Municipal Plan, incorporating the following principles:
- (a) That development be allowed only above the escarpment; and
  - (b) That recreational and agricultural uses be allowed in the river valley below the escarpment; and
  - (c) That the escarpment itself be retained in its natural state.

3. A review by Alberta Transportation and Utilities and the County of the need for traffic controls at the Highway 2A intersection.
4. If the above conditions are not met within a period of three years from October 7, 1996, approval of the said request will be rescinded.

Council further agrees that this resolution shall take precedence over any previous Council resolutions outlining conditions of approval for the above sewage service, and as presented to Council October 7, 1996."

MOTION CARRIED

Consideration was given to a report from the Downtown Planning Committee dated September 18, 1996, re: **Festivals, Parades and Events in Downtown Red Deer/City Internal Costs for Road Closures**. Following discussion, the motion as set out hereunder was introduced and passed.

Moved by Councillor Flewwelling, seconded by Councillor Watkinson-Zimmer

"RESOLVED that Council of The City of Red Deer, having considered report from the Downtown Planning Committee dated September 18, 1996, re: Festivals, Parades and Events in Downtown Red Deer/City Internal Costs for Road Closures, hereby agrees as that the Administration present for consideration during the 1997 budget deliberations, an estimate of the City's internal costs associated with providing City services for the Westerner Parade, First Night Festival and Towne Centre Band Extravaganza, and as presented to Council October 7, 1996."

MOTION CARRIED

#### NOTICES OF MOTION

There were no Notices of Motion submitted at this meeting.

#### WRITTEN INQUIRIES

There were no written inquiries submitted at this meeting.

**Resolved that** the motion re: Request for City Contribution to Kerry Wood Nature Centre Addition 2000 Project, be amended by deleting the figure \$50,000.00 and substituting therefore the figure \$75,000.00.

Councillors Dawson, Flewwelling, Hughes, Hull, Moffat and Volk, and Mayor Surkan registered dissenting votes.

MOTION TO AMEND DEFEATED

The original motion as presented was voted on at this time and passed by Council.

MOTION CARRIED

## **REPORTS**

Council considered a report from the Engineering Services Manager dated September 21, 1999, **Re: Proposed Mobile Home Development by Norman Chiles, North of Highway 11A and East of Highway 2A.** Following discussion the motion as set out hereunder was introduced and passed.

Moved by Councillor Dawson, seconded by Councillor Volk

**Resolved that** Council of the City of Red Deer, having considered report from the Engineering Services Manager dated September 21, 1999, re: Proposed Mobile Home Development by Norman Chiles North of Highway 11A and East of Highway 2A (SE 3-39-27-4), hereby extends the time on conditions approved by Council on October 7, 1996 pertaining to the sewer connection for the Chiles Development, to October 7, 2000.

MOTION CARRIED

Council considered a report from the City Clerk dated October 5, 1999, **Re: Census 2000.** Following discussion the motion as set out hereunder was introduced and passed.

Moved by Councillor Moffat, seconded by Councillor Pimm

**Resolved that** Council of the City of Red Deer, having considered report from the City Clerk dated October 5, 1999, re: Census 2000, hereby agrees as follows:

**Council Decision – Monday December 3, 2001**

DATE: December 4, 2001  
TO: Director of Development Services  
FROM: City Clerk  
RE: Chiles Development – SW 3-39-27-W4  
Extension of Time on Conditions of Agreement Pertaining to Sewer Connections

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**FILE**

**Reference Report:**

Director of Development Services, dated November 19, 2001

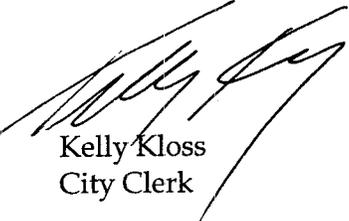
**Resolutions:**

*Resolved* that Council of the City of Red Deer having considered the report from the Director of Development Services, dated November 19, 2001, re: Chiles Development – SW 3-39-27-W4, hereby extends the time on conditions approved by Council on October 7, 1996, pertaining to the sewer connection for the Chiles Development, to December 31, 2002.

**Report Back to Council:** NO

**Comments/Further Action:**

This office will be conveying this decision to Chiles Development, a copy of which is attached.

  
Kelly Kloss  
City Clerk

/chk

c W. Stambaugh, Red Deer County



Office of the City Clerk

FILE

December 4, 2001

Mr. N. Chiles  
Chiles Development Corporation Ltd.  
403 C Chiles Industrial Park  
39015 Highway 2A  
Red Deer County, AB T4S 2A3

Dear Mr. Chiles:

**Re: Chiles Development - SW 3-39-27-W4  
Extension of Time on Conditions of Agreement Pertaining to Sewer  
Connections**

At the Monday, December 3, 2001 Council Meeting, Council passed the following resolution:

*Resolved* that Council of the City of Red Deer having considered the report from the Director of Development Services, dated November 19, 2001, re: Chiles Development - SW 3-39-27-W4, hereby extends the time on conditions approved by Council on October 7, 1996, pertaining to the sewer connection for the Chiles Development, to December 31, 2002.

A copy of the resolution approved by Council on October 7, 1996 is attached for your information.

Please contact me if you have any questions or require further clarification.

Sincerely,

Kelly Kloss  
City Clerk  
KK/chk  
/attach.

c Director of Development Services

The City of Red Deer

Box 5008  
Red Deer, Alberta  
T4N 3T4

**Council Resolution Passed On October 7, 1996:**

"RESOLVED that Council of The City of Red Deer, having considered report from the Principal Planner and Engineering Services Manager dated October 1, 1996, re: Chiles Development Corporation: Request to Tie a Proposed Mobile Home Park Located in the County of Red Deer Into the City Sewage Treatment Plant, hereby approves said request subject to the following conditions:

1. An agreement with the Waskasoo Services Board making service conditional upon all of the following conditions:
  - (a) Approval is based on the premise that Mr. Chiles is a customer of the County of Red Deer, who is in turn a customer of the Waskasoo Regional Services Board. The City of Red Deer would have no contractual arrangement with either the County or Mr. Chiles. The City would continue to invoice the Board as in the past and the Board in turn would collect from the County/Mr. Chiles.
  - (b) The City agreement with the Board would remain the same as in the past; the sewage treatment plant capacity used by Chiles Development Corporation would form part of the County's capacity as assigned by the Waskasoo Services Board.
  - (c) The City of Red Deer's Engineering Department would work with the Board / County / Chiles to determine a mutually acceptable alignment for the sewage main running from Mr. Chiles' development to the City sewerage system. Location of this main would involve the negotiation of easements across City lands.
  - (d) As with the existing regional line, the City must review and approve the detailed design drawings and construction methods prior to commencement.
  - (e) Escarpment stability should be assured through all surface disturbances from excavations for road construction, basements and underground utilities.
  - (f) Submission of a geotechnical evaluation of the escarpment and river bank area as it relates to this

development proposal and a suitable top-of-bank setback area and resolution of any concerns.

- (g) The acceptance of a connection to the Wastewater Treatment Plant be on the condition of a mutually agreeable alignment for the line, inclusive of the design, all construction methods, restoration work and necessary easements. The disturbed area is to be hydroseeded to prevent erosion and a landscaping plan must be approved by the City's Recreation, Parks and Culture Department.
  - (h) That the integrity of Lot R2 (Municipal Reserve) contained in Waskasoo Park, zoned A2 Environmental Preservation District, not be jeopardized in terms of tree loss or escarpment protection.
  - (i) Any further development on the site beyond the Mobile Home Park be referred to Alberta Environmental Protection for the determination of an environmental impact assessment study.
  - (j) The design, construction and maintenance of any new lines would be the responsibility of the Waskasoo Regional Services Board.
  - (k) Construction of a shale/gravel trail 2.5 metres wide along the alignment for service vehicles, complete with post and cable access control.
  - (l) Identification of a service basin which corresponds with the development site of the proposed 70 unit mobile home park. No development outside of this basin would receive service without the City's permission.
  - (m) Receipt of a satisfactory drainage plan.
2. An amendment of the Joint General Municipal Plan, incorporating the following principles:
- (a) That development be allowed only above the escarpment; and

- (b) That recreational and agricultural uses be allowed in the river valley below the escarpment; and
  - (c) That the escarpment itself be retained in its natural state.
3. A review by Alberta Transportation and Utilities and the County of the need for traffic controls at the Highway 2A intersection.
  4. If the above conditions are not met within a period of three years from October 7, 1996, approval of the said request will be rescinded.

Council further agrees that this resolution shall take precedence over any previous Council resolutions outlining conditions of approval for the above sewage service, and as presented to Council October 7, 1996."

**DATE:** November 20, 2001  
**TO:** Kelly Kloss, City Clerk  
**FROM:** Colleen Jensen, Community Services Director  
Don Batchelor, Recreation, Parks & Culture Manager  
**RE:** River Bend Golf and Recreation Society Development Needs

---

### **Background**

The River Bend Golf and Recreation Society has been working together with The City of Red Deer in developing a River Bend Development Needs Strategy and Business Plan, based on a Position Paper that was jointly prepared. Drafts of the Position Paper and Development Needs Strategy have been shared with members of Council and the Society through meetings this summer and fall.

One of the development needs identified in the above process, was the need to replace a retaining wall at hole #5 which failed over the summer of 2001 and is felt to be a significant public safety concern.

Other development needs were also identified, with the suggestion that a timeline and funding approach be put forward to Council, along with a fully developed Business Plan for River Bend. The budget and Business Plan are in process of being developed and will be presented to Council in January 2002 during budget deliberations.

The purpose of this report is to:

- Obtain approval from Council to proceed with the repair/replacement of the retaining wall at hole #5.

### **Replacement of Retaining Wall**

As noted above, this retaining wall is felt to be a significant public safety concern and therefore, administration is recommending that necessary work be done to address that issue as soon as possible. The original construction appears to have been deficient and therefore, it is also suggested by administration that The City be responsible for the cost of the repair.

The total cost of the work is \$59,000, of which \$39,000 will be covered by a charitable donation from Border Paving for the supply and delivery of the riprap. The balance of \$20,000 is recommended to be funded by The City. The source of the funding will be The City/ River Bend Capital Reserve, which will have sufficient funds following the 2001 contribution from River Bend, as per our current agreement (see overview of funding available).

The work on the retaining wall must be undertaken during frozen winter conditions to provide access for equipment and vehicles across the golf course and lake. It is likely work will proceed in December 2001.

### Overview of Immediate Funding Needs (including the retaining wall)

The retaining wall is recommended for funding as outlined below:

Retaining wall on hole #5 (2001)	\$20,000
----------------------------------	----------

### Overview of Funding Available

The River Bend Golf and Recreation Society has done an exemplary job in 2001 in terms of course conditions, customer service, marketing, promotions, financial management and maintenance. As a result, the total income derived by the golf course and River Bend Recreation area will be approximately \$1.8m, resulting in a 2001 contribution to The City/River Bend Capital Reserve of approximately \$40,000. This is beyond the \$140,000 that is contributed annually to The City's general funding base. Therefore the funding available for work at River Bend is as follows:

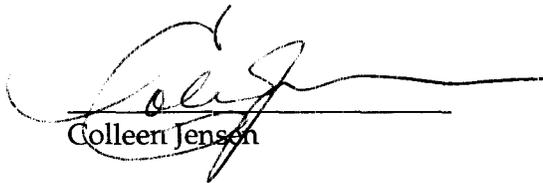
2001 balance in City/River Bend Reserve	\$29,000
2001 estimated contribution to City/River Bend Capital Reserve	\$40,000
2001 payment to River Bend for Washrooms as per Council budget	<u>(\$30,000)</u>
	\$39,000

As can be seen, there is sufficient funding to cover the cost of the work on the retaining wall.

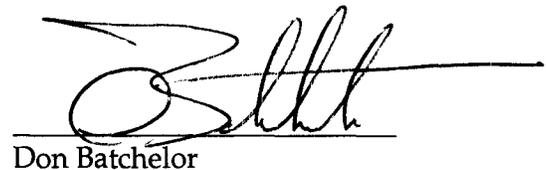
### Recommendations:

The Council for The City of Red Deer:

- Approve the expenditure of \$20,000, to be taken from The City/River Bend Capital Reserve to undertake work on the retaining wall at hole #5.



Colleen Jensen



Don Batchelor

:jb

- c. Cor Ouwerkerk, River Bend Golf and Recreation Society  
 Hugh Lockhart, River Bend Golf and Recreation Society  
 Harold Jeske, Recreation Facilities Superintendent  
 Ed Clermont, Community Services Financial Officer  
 Gary Mullin, Treasury Services Manager

**Comments:**

We concur with the recommendations of the Community Services Director and the Recreation, Parks & Culture Manager.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager

**Council Decision – Monday December 3, 2001**

DATE: December 4, 2001

TO: Community Services Director  
Recreation, Parks & Culture Manager

FROM: City Clerk

RE: (1) River Bend Golf & Recreation Society Development Needs  
(2) Thank You Letter to Border Paving Re Donation

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**FILE**

**Reference Report:**

Community Services Director & Recreation, Parks & Culture Manager , dated November 20, 2001

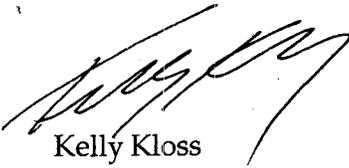
**Resolutions:**

*Resolved* that Council of the City of Red Deer having considered the report from the Community Services Director and the Recreation, Parks & Culture Manager, dated November 20, 2001, re: River Bend Golf and Recreation Society Development Needs, hereby approves the expenditure of \$20,000, to be taken from The City/River Bend Capital Reserve, to undertake work on the retaining wall at hole #5.

**Report Back to Council:** NO

**Comments/Further Action:**

On a separate point, during discussion of this item, it was noted that a donation was given by Border Paving to River Bend. Council asks that the Mayor send a thank you letter to Border Paving. Please draft this thank you letter for the Mayor's signature with a copy to my office.

  
Kelly Kloss  
City Clerk

/chk

c Director of Corporate Services  
River Bend Golf & Recreation Society  
E. Clermont, Community Services Financial Officer

**Date:** November 29, 2001

**To:** Kelly Kloss  
City Clerk

**From:** Colleen Jensen  
Community Services Director

**Re:** 2001 RCMP Budget Issues

---

The following report regarding 2001 RCMP budget issues has been prepared for Council's consideration in addressing a projected budget deficit for 2001 year-end.

### **BACKGROUND**

- Over the past number of years, City Council has had a concern with ensuring adequate police coverage for Red Deer. In order to address this issue, Council has approved a police complement of 88 members for Red Deer. While we have had an approved complement of 88 members, experience has shown that it has been very difficult to recruit this number of members, partly due to the fact that the RCMP training school was closed for a time and, therefore, no recruits were being produced. In response to the situation of consistently being understaffed, Council has chosen to budget for a lesser number of members than the approved complement. In 2000, budget approval was given for 84 members and, for 2001, that number was lowered to 83 members.

Because of this understaffing, The City has found itself, in the position of having a significant surplus, in the amount of \$500,000-\$700,000 in the RCMP budget at year-end. This has occurred for a number of years. To illustrate the situation, in 2000, the Red Deer City Detachment had an average of 78 members, as opposed to the 84 members as budgeted.

- In determining the budget, the RCMP, at the federal level, provides an estimated cost per member for the upcoming three years.

The 2001 budget is for 83 members, at a cost of \$86,350/member (annualized), based on information provided to us by the RCMP. We will have a year-end average of 81 members, which is the first time for several years that we have come close to our budgeted complement.

- It is also the practice of the RCMP to make adjustments at the end of March for the previous year's charges to any given municipality. This is in keeping with the standard agreement that is signed by municipalities. The primary agreement is signed between the Province and the federal government. We have always signed the agreement; however, it has never been an issue that we have had difficulty addressing because of our consistent year-end surpluses.

Page 2

November 29, 2001

- For many years, the amount budgeted for fine revenue recovery has been \$775,000. Actual recoveries have been significantly less than this amount. The closest we have come was in 1995, when recovery was \$770,679. In 2000, the recovery was \$573,632. Again, while the reality was a significant shortfall of revenues, this never was apparent in the bottom line because of the year-end surpluses. The collection of these fines is out of our hands, as it is done through the provincial justice system.
- Lastly, The City had a reserve of \$300,000 set aside to address the fiscal year-end adjustments that were levied by the RCMP and, also, to use as a transition fund in case we were actually able to recruit more members than budgeted for. In 2001, this reserve was eliminated, again, based on the fact that it had never been used since we had always been in a surplus situation at year-end.

### THE SITUATION IN 2001

- a) In August 2001, we were informed by the RCMP of the following:
- Firstly, that they had undercharged us for their 2000/2001 fiscal year. On October 22, 2001, we were finally informed that the specific amount of this adjustment would be \$321,583. This is an unanticipated expense.
  - Secondly, that they would be increasing the per-officer charge for 2001 to \$90,080, from the amount of \$86,350 previously given at the time of the 2001 budget preparation.
- b) Once again, the \$775,000 in fine revenues will not be realized. It is projected that revenue collection will be approximately \$650,000, a shortfall of \$125,000.
- c) The projected average number of members for 2001 is 81 members, which is very close to our budgeted target of 83. This means that, even if the cost per member had not increased, there would be a limited year-end surplus.

### OVERALL IMPACT FOR 2001

Item	2001 Approved Budget	2001 Projected Year End Expenditure and Revenue	2001 Projected Year end Deficit
Cost to cover adjusted billing	\$ 0	\$ 321,583	\$ 321,583
Cost for 83 members (budget), 81 (projected year end average)	\$ 7,167,050	\$ 7,306,286	\$ 139,236
Revenue recovery	\$ 775,000	\$ 650,000	\$ 125,000
<b>Total</b>	<b>\$ 6,392,050</b>	<b>\$ 6,977,869</b>	<b>\$ 585,819</b>

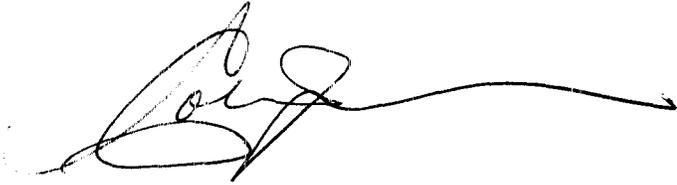
Page 3

November 29, 2001

It is not anticipated that revenues or expenditures in other parts of the RCMP budget will offset this deficit in any significant way.

While this situation is beyond our control, it is, nonetheless, very serious. A letter has been sent to the Assistant Commissioner of the RCMP, expressing our deep concern over how this matter has been handled and the significant impact that it has on us as a municipality.

The memo from the Corporate Services Director outlines a strategy to address this projected deficit of \$585,819 in the RCMP budget in 2001.

A handwritten signature in black ink, appearing to read 'Colleen Jensen', with a long horizontal flourish extending to the right.

Colleen Jensen

:dmg

c. Supt. Jim Steele, RCMP

**Date:** November 28, 2001  
**To:** City Clerk  
**From:** Director of Corporate Services  
**Subject:** Police Department Budget Variance

---

### **Background**

A Budget Variance Report just completed, projected to December 31, 2001, shows a favorable variance (surplus) of about \$200,000 in the Tax Supported Operating Budget.

It has been the objective of The City to generate a surplus each year of at least \$750,000, which could be rolled forward to the following year to mitigate the need for additional tax revenue. That was the case in the 2001 Budget, and as such, if a surplus is not generated in 2001, this loss of revenue would have an impact on the 2002 Budget.

The Budget Variance Report also shows that the Police Department budget will be overspent by about \$586,000. The details of the over budget situation have been set out in a report to Council from the Director of Community Services.

The financial projections also indicate that there will be a favorable variance (surplus) in the Electric, Light & Power utility budget currently forecasted at \$5,000,000. The surplus in the EL&P budget results from a number of different issues that are not expected in the future, such as Alberta Energy & Utilities Board decisions pertaining to the year 2000 accounts, when EL&P reported a deficit of \$1,500,000.

### **Discussion**

As it stands now, it is not expected that the required surplus of \$750,000 will be generated in the Tax Supported Operating Budget for 2001. The option exists for Council to approve a transfer of surplus from Electric Light & Power Department to cover off the expected deficit in the Police budget. This would ensure that the desired \$750,000 surplus would be available for use in the 2002 Budget.

### **Requested Action**

That Council approval be given for a transfer of \$586,000 from the Electric, Light & Power Utility surplus to the Tax Supported Operating budget in the 2001 fiscal year, to offset the deficit in the Police Department budget.



Rod Burkard  
Director of Corporate Services

**Comments:**

We concur with the recommendations of the Director of Corporate Services.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager

**Council Decision – Monday December 3, 2001**

DATE: December 4, 2001  
TO: Community Services Director  
Director of Corporate Services  
FROM: City Clerk  
RE: 2001 RCMP Budget Issues

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**FILE**

**Reference Report:**

Community Services Director, dated November 29, 2001 and Director of Corporate Services, dated November 28, 2001

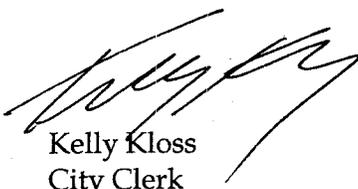
**Resolutions:**

*Resolved* that Council of the City of Red Deer having considered the report from the Community Services Director, dated November 29, 2001 re: 2001 RCMP Budget Issues and the report from the Director of Corporate Services, dated November 28, 2001, re: Police Department Budget Variance, hereby approves a transfer of \$586,000 from the Electric, Light and Power Utility surplus to the Tax Supported Operating budget in the 2001 fiscal year to offset the deficit in the Police Department Budget.

**Report Back to Council:** NO

**Comments/Further Action:**

As discussed at the Council Meeting, please provide a breakdown to Council Members of what makes up the unanticipated extra expense.

  
Kelly Kloss  
City Clerk

/chk

c Supt. J. Steele, RCMP

**DATE:** November 26, 2001  
**TO:** City Council  
**FROM:** City Clerk  
**RE:** Written Inquiry - Councillor Moffat  
Gasoline Prices within Red Deer

---

At the Council meeting of November 19, 2001 the following Written Inquiry was submitted by Councillor Moffat:

*Whereas* gasoline prices within Alberta do fluctuate from community to community, and

*Whereas* gasoline prices in Red Deer tend to be higher than other communities even those within close proximity to Red Deer, and

*Whereas* the repercussions of higher gasoline prices to the budget of the City of Red Deer are large, and

*Whereas* this inequity continues to puzzle every driver in Red Deer,

*Now therefore be it resolved* that the City Manager investigate and provide a report to Council as to any reasons or rationale for higher gasoline prices at the pump within Red Deer in comparison to other Alberta communities.

Attached is a report from City Administration for Council's consideration.



Kelly Klöss  
City Clerk

KK/chk

Date: November 26, 2001  
To: City Clerk  
From: Director of Development Services  
**Re: Written Enquiry - Councillor Moffat  
Gasoline Prices within Red Deer**

---

Administration has considered possible methods of responding to the Written Inquiry from Councillor Moffat.

The City of Red Deer, as a municipality, is not able to impose any form of controls on the price of gasoline. While we could certainly write to the various companies selling gas in the city and ask them to provide rationale for pricing within the city, they are not obligated to respond.

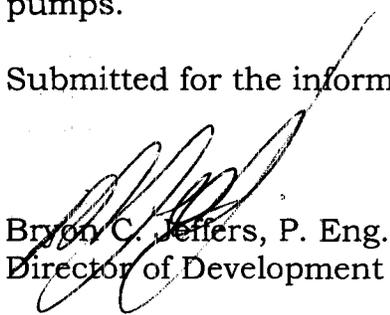
We appreciate the concerns raised by Councillor Moffat, but believe that such an inquiry should be directed to the Provincial (Consumer Information Centre) or Federal Governments.

If Council directs the Administration to further investigate the matter, we would propose the following actions:

1. Write the various gas companies doing business in Red Deer and ask for an explanation of their pricing policies.
2. Write to both senior levels of government and ask for comments on this issue.

The City of Red Deer tenders for its fuel requirements. Typically, we receive prices that average about five cents per litre less than the retail price at the pumps.

Submitted for the information and direction of Council.

  
Bryon C. Jeffers, P. Eng.  
Director of Development Services

BCJ/emr

**Comments:**

We empathize with Council's concerns regarding gas prices in our community. However, we cannot recommend that staff resources be spent on further researching this issue given that such research is unlikely to resolve the issue in any effective way.

For Council's information we have acquired the report prepared by the Minister of Consumer and Commercial Relations in Ontario for the use of the Ontario Government entitled: "Ontario Gas Prices Review Task Force Report – Fairness at the Pump" dated June 29, 2000. The report is available in the City Clerk's office for Council's review.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager

# **Ontario Gas Prices Review Task Force Report**

## **Fairness at the Pump**

**Presented to**

**The Hon. R.W. Runciman**

**Minister of Consumer and Commercial Relations**

**29 June 2000**

## **A Message from the Task Force**

This report is based on the input from a wide range of individuals and organizations from across Ontario. All of the people who participated in the consultation process had a common concern for the economic well being of our province.

Few could have predicted the magnitude of the increase in gasoline prices in Ontario over the past year. This spike has led to a sense that we must more closely examine the influences on gasoline prices, help the people of Ontario know the facts and determine what can be done to ensure we have a more transparent and understandable system for setting gas prices.

To that end, the Gas Prices Review Task Force was established to investigate the gas-pricing situation in Ontario. As such, the Task Force represents a first step in efforts by the Ontario government to ensure a fair deal for Ontario consumers.

Although there was a diversity of opinion presented before the Task Force, there were some common threads within some of the key stakeholder groups, among them:

- ⊕ Consumers are very frustrated with the high price of gas and believe that this can be attributed, at least in part, to a perceived lack of competition in the gasoline industry.
- ⊕ Independent retailers believe they are the victims of unfair competitive practices by the integrated oil companies (those that both refine and retail gasoline).
- ⊕ The oil companies assert that Ontarians are well served by a competitive retail market for gasoline.

The Task Force has made 14 recommendations, which are aimed at the provincial government, the federal government or the oil companies.

We believe there are a number of steps the Ontario government could take that would help to educate consumers and produce a more informed marketplace. Similarly, the report outlines a number of steps the oil companies could take voluntarily that would increase the transparency of their pricing practices.

We believe, however, that the heart of the solution to high and volatile gas prices lies in a more competitive marketplace. Only the federal government has the jurisdiction to address the competition issue by strengthening the provisions of the *Competition Act* and by ensuring that the Competition Bureau has the resources it needs to enforce those provisions.

The message from the public is clear – action is needed both to protect and inform the consumer. Across Canada, provincial and territorial governments, consumers and the transportation industry have been calling upon the federal government to act. It is our hope that the federal government will use this report, as well as the report they have already received from their own MPs, to take concrete action to ensure fair fuel prices for consumers.

We hereby submit this report to the Minister of Consumer and Commercial Relations.

29 June 2000

*John O'Toole, MPP, Co-Chair*

*Joe Tascona, MPP, Co-Chair*

*Ted Chudleigh, MPP, Task Force Member*

*(Hon. Dan Newman, MPP, was also a Task Force Member until 7 March 2000)*

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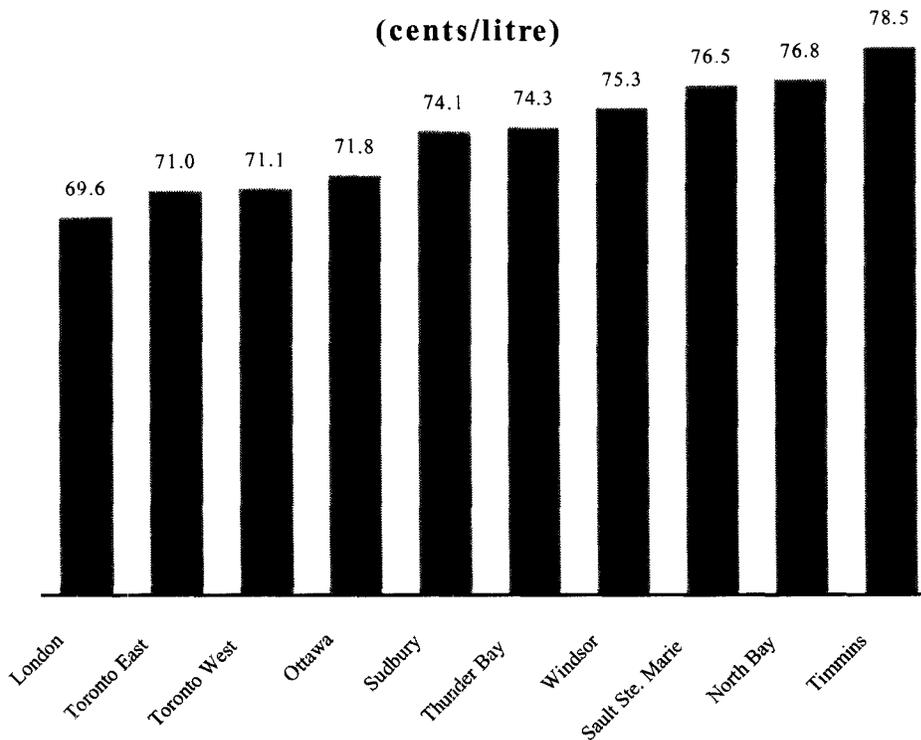
## About Our Task Force

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In July 1999, consumers in Ontario were shocked by sudden gas price increases, such as the early July 10 cent increase that saw pump prices in parts of the province increase from 49.9 to 59.9 cents per litre overnight.<sup>1</sup> Since then, the provincial government's Gas Busters Hotline has received over 4,000 complaints from consumers on the price of gas.

**"The Ontario government shares drivers' concerns about high gas prices."  
Speech from the Throne**

**Average Price at the Pump  
in Cities Across Ontario  
March 22, 2000  
(cents/litre)**



**"I don't know whose fault it is. I don't care whose fault it is. All I know is that we can't afford these prices."**

**Bob Tindall  
(Thunder Bay  
Consultation Session)**

Source: Ontario Ministry of Energy, Science and Technology

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<sup>1</sup> See for example, "Dime a litre gas hike has drivers crying foul," *The Globe and Mail*, July 8, 1999 at A9; " 'Price cycle' at pumps continues its course," *The National Post*, July 8, 1999 at B4.

By March 2000, world crude oil prices had risen to \$34 U.S. per barrel, resulting in most Ontario consumers paying well over 70 cents<sup>2</sup> for one litre of regular unleaded gasoline at a self-serve pump. However, depending on the community, there could be up to a 10 cent a litre difference in the price Ontario consumers were paying for gas.

After mounting consumer outrage about the rising price of gas during the summer of 1999, the Government of Ontario announced in the fall of 1999 that it would establish the Gas Prices Review Task Force. The purpose of the Task Force was detailed in the Speech from the Throne on the opening of the First Session of the Thirty-Seventh Parliament of the Province of Ontario:

*“To help identify an appropriate solution, your government will establish its own full investigative review of gasoline pricing, and share the results with the Canadian government....”*

On November 17, 1999 Consumer and Commercial Relations Minister Bob Runciman announced the creation of the Gas Prices Review Task Force, which was mandated to:

- ⊕ invite the participation and input from representatives of consumer groups, industry and other identified stakeholders;
- ⊕ conduct policy options research, including consideration of the effectiveness of market competition in regulating gas prices to ensure fair prices for Canadians and the experiences in other jurisdictions with regulatory mechanisms;
- ⊕ examine what regulatory or legislative initiatives, under the federal Competition Act, would best protect consumers from volatile and high gas prices; and,
- ⊕ submit a report to the Minister of Consumer and Commercial Relations.<sup>3</sup>

**“Consumers are fed up with having to pay more for gas every time they go to work, the supermarket or visit relatives. The Ontario government is launching this review because the federal government is ignoring the concerns of Ontarians about gas. It’s our hope the review will help spur the federal government to take action.”**

**Hon. Bob Runciman  
Minister of Consumer &  
Commercial Relations**

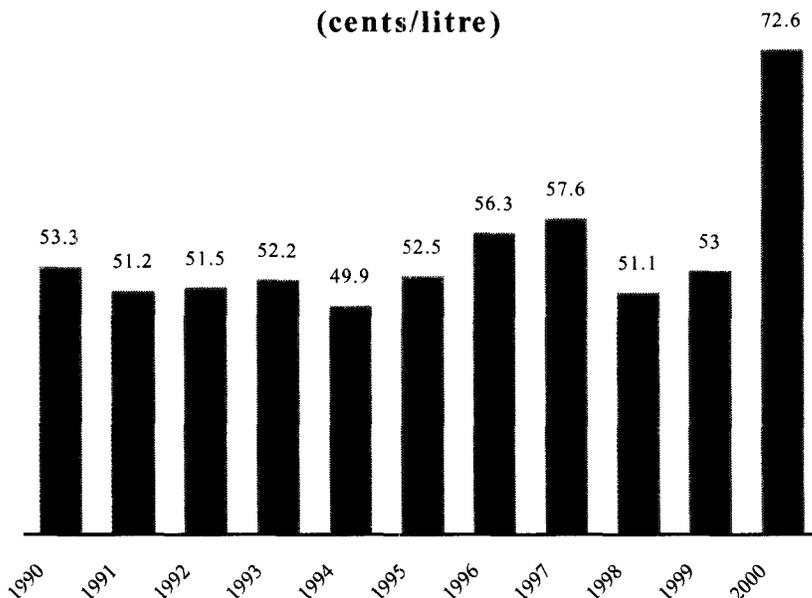
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<sup>2</sup> Source: Ontario Ministry of Energy, Science and Technology.

<sup>3</sup> Source: MCCR, Backgrounder, Ontario review of gasoline prices seeks to spur federal government into action, November 17, 1999.

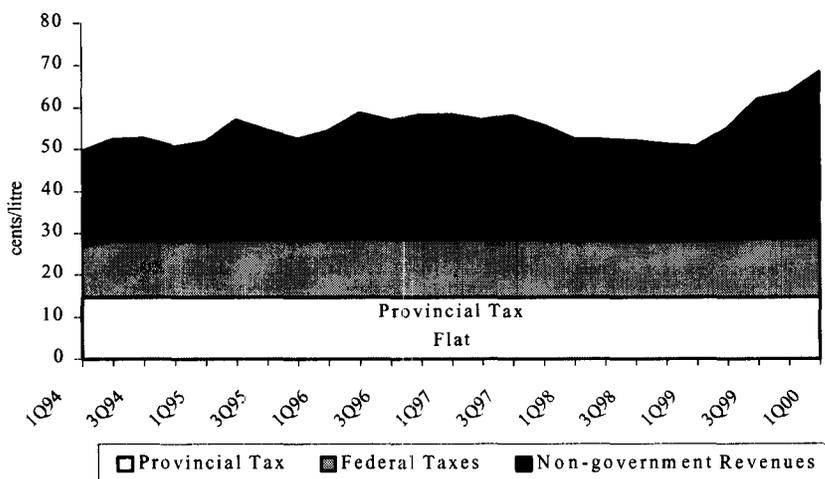
**MARKET TRENDS**

**Your Price at the Pump  
Every March in Ontario  
(cents/litre)**



**The price of gasoline this year has broken all the records.**

**Gasoline Pump Price Components  
Ontario (1994-2000)**



**With the exception of the federal GST, the federal and provincial taxes on gasoline are flat.**

**Volatility in the price of gasoline is directly attributable to the industry and its suppliers.**

Sources: Ministry of Energy, Science and Technology

## Summary of Recommendations

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1. That the Ontario government forward all submissions received by the Task Force to the federal Competition Bureau for immediate investigation into allegations made to the Task Force of anti-competitive business practices, including the use of “price zones”.
2. That the Ontario government undertake a review of current tax collection legislation (i.e. “tax collector status”) and remove unnecessary financial barriers which may discourage the establishment of independent gasoline retailers. The presence of independent gasoline retailers is an important component of a truly competitive marketplace, which ensures the consumer fair gasoline prices.
3. That the Ontario government expand its price monitoring of retail gasoline prices during the peak driving season to better assess pricing behaviour before long weekends. The timing of the surveys should not be disclosed in advance.
4. That the Ontario government consider whether a statutory requirement that gasoline retailers provide advance notification of price changes at the point of sale could benefit consumers without creating opportunities for price manipulation and price “signaling” that would make enforcement of competition laws difficult.
5. That vertically integrated oil companies voluntarily produce segmented earnings reports in order to allow for a transparent understanding of the actual profits made at the pump. If the companies are unwilling to undertake this voluntary measure, the Ontario government should consider requiring segmented earnings reporting by vertically integrated oil companies
6. That gasoline retailers voluntarily initiate a policy of “ownership transparency” where retail locations partly or wholly owned by another oil company would have on their sign or receipt “...wholly [or partly] owned by \_\_\_\_\_” so that ownership relationships are clear and competition transparent. If gasoline retailers are unwilling to undertake this voluntary measure, the Ontario government should require this measure, using the powers already available to the Minister of Consumer and Commercial Relations.
7. That the big oil companies do a better job of explaining the causes of price volatility and pricing levels to their own customers.
8. That the federal government act to shift the burden of proof for investigations under the *Competition Act* to the person/organization accused of anti-competitive business practices.
9. That the federal government act to allow for private right of action under the *Competition Act* through the courts to effectively and immediately launch injunctions and to sue for three times the damages resulting from anti-

competitive business practices, such as price discrimination and predatory pricing.

10. That the federal government take action in order to make offenses such as price discrimination and predatory pricing which are criminal offenses under the *Competition Act*, civil prohibited conduct similar to US anti-trust law.
11. That the federal government provide the Competition Bureau with sufficient resources to enable it to effectively enforce a strengthened *Competition Act*.
12. That the federal government use its current consultation process on amendments to the *Competition Act* to consider the inclusion of “divorcement” legislation nationally, which would prohibit companies from being both a refiner and retailer of gasoline.
13. That the federal government increase investments in Ontario’s highway infrastructure, given the substantial revenues derived from federal taxes on gasoline.
14. That the federal government act on the recommendation of the *Report of the Liberal Committee on Gasoline Pricing in Canada* to “remove the GST from other taxes and apply it only to the wholesale price for gasoline plus the retailer margin.”

## **Listening to Ontarians**

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It was appropriate and timely that, with the price of gasoline in Ontario at a then all-time high in February and March of 2000, the Task Force received comments and feedback from stakeholders across the province on the issue of gasoline pricing.

In order to collect the full range of consumer and stakeholder opinion, a two-part consultation process was initiated. First, the Task Force members traveled to communities across Ontario to gather information and formal feedback from consumers, retailers and interested industry stakeholders in February and March 2000.

Second, individuals unable to participate directly in the public consultations were encouraged to provide their input by sending a written submission to the Task Force by mail, fax or electronic mail.

A wide range of stakeholders, including concerned taxpayers; small businesspeople; truckers; independent gasoline retailers; public interest groups and; the oil and gas companies, made submissions. For a full list of the individuals and organizations that made submissions during the consultation sessions, please refer to **List of Participants**.

Overall, the Task Force hosted eight public consultations sessions across Ontario during the months of February and March 2000.

Toronto	February 14
Chatham and Sarnia	February 15
Thunder Bay	February 21
Sault Ste. Marie	February 22
Clarington	March 1
Ottawa	March 3
Barrie	March 7

### **Public Participation**

- ✓ **eight consultation sessions across Ontario**
- ✓ **80+ formal submissions**
- ✓ **over 4,000 messages with consumer feedback at the Gas Busters Toll-free Line**
- ✓ **300+ e-mail messages and letters**

All of the input received through the public hearings or by written submissions was reviewed and analyzed by the Task Force and forms the basis for this report and the recommendations it contains.

## **What Consumers Told Us**

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If there is one word which best characterizes the feelings of consumers relating to the gas price issue it is frustration. Whether one commutes to work by car or operates a driving school or a trucking business, gas is a basic necessity.

Ontarians consume over 13.2 billion litres of retail gasoline every year.<sup>4</sup> The jump of only a few cents in the cost of fuel has a tremendous impact on our economy.

The Task Force was impressed by the scope and depth of knowledge on the part of the public when it came to issues related to gasoline. It highlighted to the Task Force the degree to which the public monitored the various aspects of the gasoline issue.

One issue raised by the public, which was not directly related to the mandate of the Task Force, was the use of additives in gasoline and the level of certain pollution related components in gasoline. The Ontario Ministry of the Environment is looking into these and other issues that relate to air quality.

Many consumers who made presentations before the Task Force expressed concern with both the high and volatile price of gasoline and the way in which the oil companies appear to set prices. Participants described their perception that they were being gouged, that prices were fixed, and that the oil companies were insensitive to the situation.

Consumers expressed confusion about how the industry operates and how the price of gas is set on a day-to-day basis. Following, are the thematic highlights of the feedback collected from across the province.

***“I’m totally dependent on my car and gas stations and I’m very upset when representatives from the oil companies say Canadians are a bunch of whiners.”***

**Chris Cosby  
(Thunder Bay  
Consultation Session)**

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<sup>4</sup> Statistics Canada, Estimated Total Retail Sales Volume, 1999.

## Setting the Price

Consumers were upset with the rapid and seemingly coordinated way in which the price of gas can change. Numerous submissions noted the way in which all gasoline retailers in a given municipality would raise their prices apparently in sync. These increases could range from a few cents to nine or 10 cents per litre. Several presenters went to great lengths to explain how they had tried to monitor the timing and reasons for these increases in an attempt to better understand the forces at play. The Task Force heard how these efforts sometimes raised more questions than they answered for consumers – ultimately leading to even greater suspicions about the pricing practices in the industry.

Similar sentiments were expressed by organizations that track the price of gas across the province. For example, an Internet-based organization known as Stop4Gas Enterprise Ltd. reports on the price of gas across the Greater Toronto Area. In Stop4Gas Enterprise Ltd's formal submission before the Task Force, David Ge stated,

*“We notice that when price rises, all major-brand gas stations, namely Petro-Canada, Esso, Shell, will do so at the same time, to the same amount, and throughout the GTA area. However, when price drops, each station will drop it at a different rate. It will be very interesting to know how those major oil companies decide their prices and why all their gas stations raise prices simultaneously.”*

## Price Differences Between Communities

Many consumers were also very concerned about the large price discrepancies between communities. For example, during the Task Force consultation session in Sarnia, one submitter questioned why the price of gas was higher in Sarnia than in Toronto. The submitter wished to know how the differential could be justified, since gasoline was refined in Sarnia, and transportation costs for Sarnia gas stations would presumably be lower than for other markets such as Toronto.

***“I have been told that gas is higher in the North because of higher transportation costs of delivery. I see no reason for this justification.”***

**Don Edwards (Sault Ste. Marie Consultation Session)**

Similar statements were heard at other consultation sessions, especially those in northern Ontario. In Thunder Bay, Patrick Sayeau, President of McLeod Transportation (Red Lake) Ltd., told the Task Force that he believed the gas pricing structure in Northern Ontario was detrimentally affected by insufficient competition. Based on his observation of prices in different communities in northwestern Ontario and their respective distances from the common refinery gate (in Winnipeg), he said that that he did not believe transportation costs in Northern Ontario could adequately explain variations in price.

The Thunder Bay Chamber of Commerce was very concerned about the negative impact of high gas prices on the local economy. The Chamber proposed voluntary pooling of distribution costs by the industry:

*“One avenue worth exploring is an approach outlined by the Northern Ontario Transportation Coalition (NOTC) in May 1995. That group examined the issue of fuel pricing and suggested that fuel companies voluntarily agree to pool their distribution costs so that regardless of where the pump is located, the dealer is charged the same per litre as any other dealer across the province.... We do it for beer; WAL-MART and the Future Shop do it for their products; as do Sears and Zellers, not to mention Canada Post.... That is not to say that the pump price itself is equal. There will still be the realistic requirement for the operator to base his or her price on the volume of fuel sold at that location.”*

Submissions consistently emphasized that the reasons for price fluctuations in general or for price differentials between communities were difficult to determine and those explanations, when provided by the oil companies, were inadequate.

### **The Competition Act**

The Task Force repeatedly heard that the federal competition legislation and the Federal Competition Bureau were ineffective, toothless and slow to respond. As one presenter noted:

*A government agency (the Competition Bureau) that takes ten months to investigate one small complaint is clearly ineffective. Perhaps we need*

*an agency that won't try to buy time to hope that the problem goes away or gets stale.*<sup>5</sup>

Similarly, the Task Force heard from consumers that there was a perceived lack of competition between the major retailers and that the market was dominated by a handful of oil companies. Submitters felt that the Competition Bureau lacked teeth or did not have sufficient resources to act quickly and effectively.

The Task Force was left with the general sense that Ontarians were not well served by the Competition Bureau and that the current *Competition Act* did not provide the tools needed to ensure fair competition.

The Task Force was especially concerned with the current ability of the *Competition Act* to address allegations of the following:

- Price discrimination (where different retailers are charged different prices by the same supplier);
- Predatory pricing (where one company temporarily charges a low price to deter, reduce or punish competition);
- Price maintenance (maintaining a set price, either alone or in collusion with competitors) ; and
- Abuse of dominance (where a company with a strong presence in a market can maintain prices at a set level to reduce competition, or undertake other anti-competitive practices).

A complete description of these practices can be found in Appendix III, in the excerpt from *Anticompetitive Pricing Practices and the Competition Act: Theory, Law and Practice*.

The Task Force noted that the federal government is well aware of the shortcomings of the current *Competition Act*, especially as it relates to the gasoline retail industry.

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<sup>5</sup> Submission by Mike Crombez, Chatham Consultation Session.

The Report of the Liberal Committee on Gasoline Pricing in Canada (the McTeague Report) was released in June 1998 and raised a broad range of consumer concerns in the area of gasoline pricing. It called upon the federal government to strengthen the *Competition Act*.

Industry Canada provided a detailed response to the McTeague Report on June 10, 1998. At the time, Industry Canada maintained that the *Competition Act*, as currently drafted, was sufficient to deal with many of the issues raised. The Task Force agrees with the conclusions of the McTeague Report, which contends that the *Competition Act* needs to be strengthened to provide better tools to gather evidence of violations, and that the federal government should appoint a special investigator to enforce a revised *Competition Act*, in order to better protect consumers.

The McTeague Report resulted from a Liberal caucus committee created in the fall 1997 to examine gas pricing. The committee, chaired by MP Dan McTeague, held hearings involving consumer groups, oil industry representatives and government officials. Industry officials were called to the hearings on November 19, 1997, and denied that the industry is conspiring to fix prices.

Industry Canada has until recently opposed adoption of proposals contained in the McTeague Report. However, Industry Canada has now announced that it has incorporated these proposals, as well as other proposals that would improve competition in the gasoline retail industry, into a package of four Liberal private member's bills, which it will consider as amendments to the federal *Competition Act*.

Aspects of the proposed amendments that would assist in improving competition in the gasoline retail market include improved definitions of and penalties for collusion, the ability for private citizens to take legal action against anti-competitive practices, and stronger powers for the Competition Bureau to deal with anti-competitive practices. In addition, new definitions of practices that discourage the entry of new retailers into a market, or push out or punish existing retailers would be included in the *Competition Act*.

## **Infrastructure and Taxes**

Although there was a general consensus that taxes collected on gas should be used primarily to invest in and maintain our road infrastructure, there was no consensus on the issues of tax relief. Many of the respondents, including business representatives, clearly understood that the taxes were necessary, as stated by the Thunder Bay Chamber of Commerce.

*“First of all, the Chamber does not believe that a reduction in fuel taxes is the answer, at least not in the long term. Our preference is that the existing taxes be dedicated to highway construction and maintenance. We do not mind paying for services we use, as long as we can see that revenue is going to directly enhance those specific services.”*

Other groups, such as the Ontario Trucking Association and Canadian Federation of Independent Business (CFIB), recommended that the Ontario government extend relief on fuel taxes. The CFIB also supported the concept of the federal government removing the tax-on-tax treatment of the GST on fuel excise taxes and provincial taxes.

During the course of the consultations, it was clear that many members of the public believed that as the price of gasoline increased, the amount of money that went to the provincial and federal governments also increased. Task Force members took the opportunity to explain that both the federal excise tax and provincial consumption tax on fuel are flat taxes (fixed at 10 cents per litre and 14.7 cents per litre respectively). Therefore, the rising price of gasoline adds no additional government revenues from these taxes. Only the amount of money

that goes to the federal government through the GST increases with the price of a litre of gas. Some individuals commented that the taxes were portrayed as a percentage by the oil companies and the media, which created confusion.

The Ontario government has already taken steps to remove some of the taxes related to the cost of driving. Through the recent Ontario budget, the Retail Sales Tax rate on motor vehicle insurance premiums was immediately reduced to 4%, with further yearly 1% reductions until the Retail Sales Tax is totally eliminated in 2004. In addition, the Retail Sales Tax rate on vehicle repairs and replacements made under warranty was immediately reduced to 6%, with future reductions yearly until it is fully eliminated in 2004.

While the Ontario government had many requests to lower the tax on fuel, the government is concerned consumers might not receive the full benefit of such a decrease (For a full explanation of the New Brunswick experience in this regard, please see page 31). The reduction to the Retail Sales Tax rate on these automobile related items ensures that consumers receive the full benefit from the tax reduction.

## **What Independent Gas Retailers Told Us**

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Whereas consumers are frustrated about the price of gas, independent gas retailers believe that they have been the “victims” of alleged unfair competitive practices by the oil companies. For the independents, the best means of ensuring fair prices to consumers is to bring transparent and fair competition to the marketplace. The Task Force wishes to be clear that the focus of representations by independents was not that oil companies had broken the law, but rather that the existing law (i.e. the federal *Competition Act*) does not provide an adequate legislative framework or sufficient tools to the Competition Bureau (which must enforce the *Act*) to guarantee a healthy, fair and competitive market.

The lead advocate for this group is the Independent Retail Gasoline Marketers Association (IRGMA). The following synopsis of opinion was based on the submissions provided by IRGMA and individual independent gas retailers from across Ontario.

### **Level the Playing Field**

According to IRGMA, an alleged lack of competition in the Canadian petroleum industry is the underlying reason for unfair gasoline prices. They are concerned that in Ontario as few as four major petroleum companies control a large majority of the volume of gasoline sold at wholesale and at retail gasoline stations.<sup>6</sup>

***“Different stakeholders have offered a variety of recommendations to resolve this ongoing consumer problem - some believe the solution is reduced taxes and others believe it is regulation of the industry. It is our opinion, that neither solution will benefit the consumer in the long run.”***

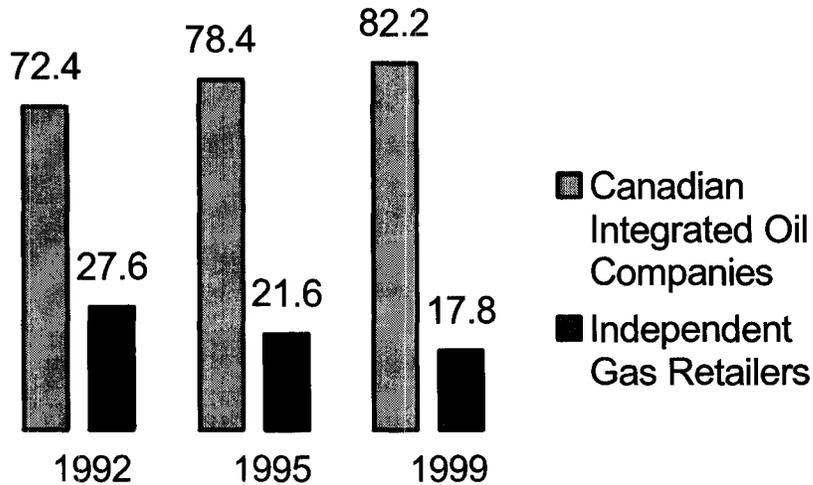
**Independent Retail Gasoline Marketers Association of Canada (from supplementary, written submission, “Gasoline Industry Needs Competition”)**

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<sup>6</sup> Presentation to the Gas Prices Task Force on behalf of the Independent Retail Gasoline Marketers’ Association of Canada with respect to Strengthening the Federal Competition Act to Address Unfair Gasoline Prices” (Ottawa, M.A. Kelen).

## THE DECLINING INDEPENDENT GASOLINE INDUSTRY

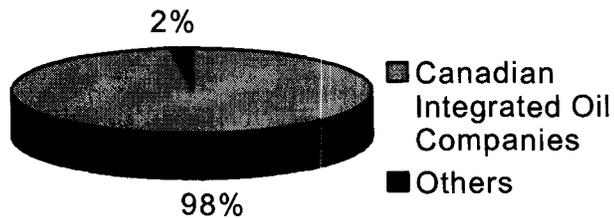
### Percentage Market Share Retail Gas Sold in Ontario



**Since 1992, the market share of true independent gas stations has dropped by one-third.**

**Independents are not owned or controlled by integrated oil companies (i.e. Esso, Shell, Petro-Canada and Sunoco).**

### Who Produces the Gasoline Sold in Ontario?



Sources: Ministry of Energy, Science and Technology

IRGMA argues that the playing field can be leveled to the benefit of consumers by toughening the federal *Competition Act* so that the federal Competition Bureau has the ability to adequately pursue, investigate and prosecute companies that engage in discriminatory business practices.

The presence of independent gasoline retailers is an important component of a truly competitive marketplace, which ensures the consumer fair gasoline prices.

Investigations carried out in both Canada and the United States, examples of which include the *Report of the Liberal Committee on Gasoline Pricing in Canada* and the *Report on Gasoline Pricing in California* by the Attorney General of California, have stressed the linkage between a healthy and competitive independent gasoline retail market and lower gasoline prices. Changes to the federal *Competition Act* would ensure that the independent retailers have a fair opportunity to compete.

To date, the Government of Canada has not been responsive to the requests made by IRGMA or even to the *Report of the Liberal Committee on Gasoline Pricing in Canada*. As a result, IRGMA has asked that the province consider a series of recommendations to improve competition and to advocate for changes to the federal *Competition Act*.

### **A Tougher Canadian Competition Act**

IRGMA cites the U.S. *Clayton Anti-Trust Act* as the model for ensuring fair competition in the market place and uses the U.S. legislation as the basis for its recommended changes to the Canadian *Competition Act*. The key changes to the federal *Competition Act* requested by IRGMA include:

1. *That criminal competition offences, such as price discrimination and predatory pricing, under the current Competition Act be made civil prohibited conduct (as under US anti-trust law)*
2. *That the onus of proof for proving such prohibited conduct shift to the alleged offender upon a prima facie case being presented by the complainant (as under US anti-trust law)*
3. *That any person who is injured in business by any prohibited conduct under the amended Competition Act, such as price discrimination or*

***“Mergers approved by the Competition Bureau over the last two decades have led to a considerable concentration in the Canadian industry.”***

**Independent Retail  
Gasoline Marketers  
Association of Canada**

*predatory pricing, may sue in any superior court for three-fold damages and/or an injunction (as under US anti-trust law)*

4. *That any Attorney General for any province may bring a legal action in any superior court with respect to prohibited conduct under the amended Competition Act (as under US anti-trust law)*
5. *That “anti-competitive acts” as defined under the current section 78 of the Competition Act be converted from “reviewable trade practices” to prohibited anti-competitive conduct.*

## **Tax Collector Status**

A number of independent gasoline retailers commented that the provincial Ministry of Finance is inflexible in the issuance of Tax Collector Licences. These licences are issued to retail organizations to allow them to collect provincial tax and then remit it to the province. If a retailer does not have a licence, then the retailer must pay the taxes to the gas wholesaler when the gas is delivered.

Payment of the tax at the time of gasoline delivery places a cash flow problem on the small independent retailer, as they must pay the tax prior to collecting it. Combined with the need to have sufficient financial resources to pay for the fuel in advance, this was seen both as a further barrier to new independent retailers entering the market and a potential factor in forcing existing independent gasoline retailers out of business.

A number of presenters argued that the Ontario Ministry of Finance should have a more thorough and flexible application process that also examines an applicant’s financial position and track record.

**“Bureaucrats want it easy. They don’t care whether they give it (the tax licence) out – they don’t ask for financials.”**

**Richard Hammond  
VP, GRA-HAM Energy  
(Chatham Consultation  
Session)**

## Segmented Earnings

IRGMA also proposed that the Ontario government instruct the Ontario Securities Commission to require segmented earnings reports for integrated oil companies. The proposal would involve having the integrated oil companies segment their report by showing the earning for the crude and natural gas production (resource recovery), refining (manufacturing), and marketing (wholesale vs. retail). This change, according to IRGMA, would improve customer understanding of marketing and refining operations, enhance price transparency and also result in consistent reporting guidelines. Currently, Petro-Canada and Sunoco voluntarily segment their earnings reports in this fashion.

***“Without your [the Task Force’s] support, and that of the Ontario Government, the Independents will become nothing more than a fond memory. And we all know who will pay the price then – the Consumer”***

**Allan MacEwen  
President  
MacEwen Petroleum  
(Ottawa Consultation  
Session)**

## Infrastructure

There was considerable concern among independent retailers regarding this issue. Allan MacEwen, the President of MacEwen Petroleum Inc. told the Task Force:

*“The majors now control all Terminals and product supply in Ottawa. When there was an Independent Supplier (Coastal), the larger Independent customers had opportunities to negotiate storage, thrupt, credit and price. With any of the Majors (Esso, Shell, Petro-Canada, Sunoco, Ultramar) there are no negotiations. They set the deal – take it or leave it. Wholesale terms, rack, prices, credit terms, etc., are virtually identical 365 days/year amongst all the Majors...”<sup>7</sup>*

IRGMA has asked the provincial government to consider investment in or support of terminals to address the concentration of control over the wholesale side of the industry in Ontario. Some of the submissions received by stakeholders were critical of the Competition Bureau’s role in allowing the specific concentration of control over the wholesale infrastructure that has developed in Ontario.

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<sup>7</sup> Written submission from Allan MacEwen, Ottawa Consultation Session.

## Zone Pricing

Zone pricing is the practice of providing dealers with a delivered price within a defined geographic market. Most oil companies in Ontario operate either zone pricing or some variation of this practice. Each of these zones may have a different delivered wholesale price for gas.

A preliminary report to the Attorney General of California, dated November 1999, was submitted by IRGMA to support their position on zone pricing. In May 2000, the *Report on Gasoline Pricing in California* was released by the Attorney General of California. On the issue of zone pricing, the report noted:

*“Zone pricing is a gasoline marketing practice by which refiners establish different DTW (Dealer Tank Wagon) prices among ‘zones’ within the same geographic area due to the nature of competition in each area. Zone pricing also results in a wide price disparity among cities that are served out of the same terminal.*

*Today, refiners often establish numerous price zones within a large city, even though the entire city is served from a single terminal and the cost of delivery to dealers in each zone is nearly identical. Some Task Force members noted that a zone can consist of a single street corner. It is common for DTW (Dealer Tank Wagon) prices in different zones to differ by as much (sic) 10 cpg (cents per gallon), with dealers located near independents receiving lower prices than dealers further removed from the influence of independents. Through zone pricing, refiners may fine-tune pricing in specific areas and isolate the impact of low-price independent retailers and other brands. Some Task Force members claim that this practice is fairly unique to refiners and would be considered an unusual practice in other industries.”<sup>8</sup>*

Independents would assert that this pricing strategy effectively allows individual integrated oil companies who control both the wholesale and retail market to squeeze the margins of independents by narrowing the difference between the wholesale and retail price. Any losses by these integrated companies at the retail level could be offset by profits made at the wholesale level. The assertion is that

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<sup>8</sup> *Report on Gasoline Pricing in California*, May 2000, Office of the Attorney General

in price zones where there are few or no independents the difference between the wholesale and retail price is greater, thus allowing the integrated oil companies to make more profits in the zones they control.

For example, the owner of Wanamaker's General Store in Seagrave, Ontario also operates a small gas station and buys gas from an integrated oil company with whom he also has to compete. Wayne Wanamaker explains,

*"I am a totally independent gas retailer in that I am not affiliated with any major oil companies. I purchase my gas, both regular and premium from an independent fuel wholesaler who in turn buys the fuel from Esso...Over the past months I have been taking note of the price of gas in Port Perry and I have found that for the majority of the time, my (wholesale) purchase price is the same or higher than the retail price at the Pioneer and Esso stations in Port Perry. For example, on Monday February 21<sup>st</sup> I paid 67 cents/litre and the price in town was 66.9 cents/litre...Therefore the bottom line is that I cannot afford to sell gas under these conditions nor can I afford not to sell gas...I am a very small player in the very big game but I feel I'm just as important as the Pioneer or Esso station in Port Perry."*<sup>9</sup>

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<sup>9</sup> Submission by Wayne Wanamaker, Clarington Consultation Session

## What the Oil Companies Told Us

The lead stakeholder representing the major refiner-marketers of gasoline in Canada was the Canadian Petroleum Products Institute (CPPI). Representatives from CPPI attended every consultation session held by the Task Force across Ontario. Likewise, a number of their members including Petro-Canada, Imperial Oil, Sunoco, and Shell made presentations and assisted the Task Force in better understanding the gasoline retailing industry by providing explanations of various industry practices, such as zone pricing.

The CPPI membership includes:

ARCO Products Company  
Canadian Tire Corporation Ltd.  
Chevron Canada Limited  
Imperial Oil Limited  
Nova Chemicals (Canada) Ltd.  
Parkland Industries Ltd.

Pennzoil Products Canada  
Petro-Canada  
Safety-Kleen Canada Inc.  
Shell Canada Products Limited  
Sunoco Inc.  
Ultramar Canada Ltée

CPPI noted that in Ontario there are:

- ⊕ 5 gasoline producing refineries
- ⊕ approximately 3500 retail gas outlets
- ⊕ approximately 180 bulk sales outlets
- ⊕ 40,000 direct employees and another 30,000 indirect employees

In attempting to describe the factors that influence gasoline prices, the CPPI stated:

*“there are three independent but concurrent markets that affect the retail price of gasoline:*

- *Over the longer term, there is a direct correlation between the cost of crude oil and the pump price of gasoline. Crude is bought and sold on world commodity markets at world prices.*
- *Over the medium term, the wholesale price of gasoline obviously has a direct influence over the retail price consumers pay for it.*

***“People recognize that the Canadian gasoline marketplace – and particularly the Ontario market – is highly competitive and that consumers are well served by that competition.”***

**Bob Clapp  
Canadian Petroleum  
Products Institute  
Written Submission  
March 6, 2000**

***“When prices are high, we are accused of gouging customers. When prices are low, we are accused of predatory pricing and when prices remain stable, we are accused of collusion with other companies. Clearly, these perceptions make it challenging for us.”***

**Margaret Kelsch  
Imperial Oil (Toronto  
Consultation Session)**

*Ontario's gasoline is priced competitively with North American wholesale markets.*

- *The day-to-day price of gasoline is set, however, by the market forces at work in local retail markets.*<sup>10</sup>

This last point was the subject of much discussion in the presentations by CPPI. After an April 27, 2000 meeting with Mr. Joe Tascona, MPP and Co-Chair of the Gas Prices Review Task Force, CPPI responded to the question of why prices vary from city to city, and from region to region in Ontario.

*"Prices vary for three reasons. First, retail sites with higher volume sales, or throughput, normally need a smaller retail operating margin than low volume sites. So volume affects prices.*

*Second, the level and efficiency of local competition in one market vs. another.*

*Third, the cost of transportation and municipal property taxes varies between regions.*<sup>11</sup>

The oil companies describe the market as fiercely competitive and extremely efficient. This is reflected in the main recommendation presented by CPPI on behalf of its members:

*"In conclusion, I will offer our main recommendation to the task force: Do not take any steps that would adversely affect the competitive nature of Ontario's gas market or industry efficiency. Invariably, government regulation of the oil industry leads to higher prices on average at the pumps for consumers. And no one wants that, I am sure."*<sup>12</sup>

**"This is an industry in transition, driven by customer needs and those that do not respond to these demands face an uncertain future."**

**Mark Russill  
VP Retail  
Sunoco Inc. (Ottawa  
Consultation Session)**

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<sup>10</sup> CPPI Submission, March 6, 2000.

<sup>11</sup> Letter from Bob Clapp (CPPI) to Joe Tascona, MPP, May 7, 2000.

<sup>12</sup> CPPI Submission, March 6, 2000.

As a result, CPPI and its members focused more on responding to the comments and claims of other stakeholders. The oil companies, led by CPPI did make the following observations and proposals:

*“Because such allegations (of gouging, predatory pricing and collusion) are extremely serious and injurious to our (the petroleum industry) reputation, if the task force has any evidence whatsoever of gouging, predatory pricing, or collusion, I would urge you to table it now and also to forward it to the Competition Bureau in Ottawa for investigation.*

*That Ontarians are paying more for gas because refiners are paying more for their raw material: crude oil. Canadians should be upset with an international cartel that is openly manipulating the price of a commodity that drives so much of our economy. Consumers should not be upset with the Canadian petroleum industry.*

*That the gasoline market is ‘resoundingly’ competitive. Twenty separate investigations across Canada have reached this conclusion.*

*That there is no recommendation on taxes whatsoever.*

*That the industry would welcome the extension of tax licences to more independent gas retailers.*

*That the industry would co-operate fully with any proposed reduction in the excise tax on gas to ensure it was passed on to consumers.*

*That the industry is committed to providing the information that people need to understand retail prices. This includes continuing the recently launched FuelFax, continuing to provide information to journalists who write about gas prices as well a continuation of the CPPI media information tours.*

*That the industry will co-operate with any study or investigation.”<sup>13</sup>*

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<sup>13</sup> CPPI Submission, March 6, 2000.

## **Fair Gas Pricing Across Canada**

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As part of the Task Force's deliberations, members reviewed the activities and investigations of other jurisdictions across Canada. The general consensus among many stakeholders and government decision-makers across Canada is that regulation is not the answer but fair competition is.

The question still remains, however, "Why so many investigations into gas pricing?" Part of the answer is that Canadians have been asking many questions about volatile prices and skyrocketing fuel costs. To date, no adequate explanations have been found.

Ontario is not alone in reviewing the pricing and competitive practices of the gas industry. To follow is a brief synopsis of investigations and approaches across Canada. A review will quickly indicate that, like the Ontario Gas Prices Review Task Force, other jurisdictions across Canada are united with a desire to fight for fairness at the pump.

### **Newfoundland & Labrador**

Newfoundland does not regulate the gasoline industry. Following a provincially mandated examination, Newfoundland released the *Consumer Advocate's Report on Gasoline Prices* in December 1997. No evidence was found to support price regulation. It did find that, "the most cost-effective public policies are those designed to utilize market forces instead of using government's legislative powers to regulate price."

The province acted on recommendations in the *Consumer Advocate's Report* and established a provincial monitoring body, which reports regularly to the public on pricing information.

## **Nova Scotia**

Nova Scotia does not regulate the gasoline industry. Until July 1991, distribution and sale of gasoline in Nova Scotia was regulated under the provisions of the *Gasoline Fuel and Licensing Act*. In 1991, the province deregulated after adopting a recommendation from a study prepared for the Nova Scotia Department of Mines and Energy.

An assessment of pricing history in Nova Scotia following deregulation (*Canadian Retail Petroleum Market Study*, MJ Ervin & Associates: 1997) concluded that, “[regulation] was likely responsible for the historically high pump prices that existed in this market until late 1992. Since then, pump prices have fallen to reflect market conditions . . .”

## **Prince Edward Island**

PEI is the only province in Canada that currently regulates both wholesale and retail prices of petroleum products. The result of these regulations is price stability -- price jumps prior to holidays and price wars have been eliminated. There seems to be public satisfaction with regulation on the island.

PEI regulates all aspects of gasoline fuel pricing on the Island. They also regulate the price of other petroleum products such as diesel and furnace oil.

*Wholesalers* are normally given six opportunities each year to file for pricing adjustments that are crude oil cost-related. If the Commission’s monitoring of crude oil costs indicates that prices should be reduced and applications have not been received, the Commission will initiate an investigation and/or hearing into this matter and order prices to be decreased if this is determined to be necessary. Wholesalers may apply for non-crude related adjustments once a year. Applications may be made at any other time due to extraordinary circumstances. Each refiner must sell at a uniform price (for example, it is not possible to offer volume discounts).

The Commission also has the responsibility for determining *retailers'* minimum and maximum mark-ups from the price of the wholesale gasoline they purchase. There is a 1.5-cent spread between the maximum and minimum mark-up. Retailers may adjust their selling price within this spread without applying for approval. Thus, in the general course of events, retail sellers of gasoline would not apply for approval for changes in the selling price of gasoline. The wholesale price would dictate the retail price, with each retailer maintaining a 1.5-cent range of discretion in setting the pump price. They would, however, be free to make representations to the provincial government in respect of recommending changes in the prescribed minimum or maximum mark-ups. The minimum and maximum mark-ups were last set in April 1991, by order of the Commission.

PEI regulates a range of other factors relating to petroleum products. For example, PEI regulates a maximum difference between the selling price of premium and regular grades of gasoline.

Some studies have concluded that the price of gasoline in PEI has historically been high compared to prices across Canada. The 1997 Canadian Retail Petroleum Markets Study found that: "Charlottetown has perhaps the consistently highest ex-tax pump price of any urban market in Canada." Despite this trend, over the last year gasoline prices in PEI have been lower than the national average. This may be due to the regulatory structure, which has the effect of creating a lag in pricing changes of about three months.

It may also be important to note that, with a relatively small market and limited wholesale purchase options, there are a number of factors that make PEI's gasoline sector relatively unique compared to most other provinces.

## **New Brunswick**

New Brunswick does not regulate the gasoline industry. In March 1997 New Brunswick released the *Final Report of the Select Committee on Gasoline Pricing*, a comprehensive review of gasoline pricing issues in the province. The Report found: “The maintenance of competition in the oil industry is the key to protecting consumers. The maintenance of fair competition and efficient markets is a federal Government responsibility.”

The Final Report included a section on the impact of a two-cent per litre reduction in gasoline tax effected by New Brunswick in 1992. The Report found that during a period of two to four years after the tax decrease, gasoline prices in New Brunswick did not fall as much as in other jurisdictions. The lower rate of gasoline tax in the province thus did not produce correspondingly lower gas prices, relative to other jurisdictions. The Committee was of the opinion that for this period New Brunswick consumers did not receive the full benefit of the tax decrease.

More generally, the Report recommended not to directly regulate prices, but that increased monitoring and transparency in gasoline pricing were the best ways to ensure consistently low prices in the provinces. In order to increase transparency, amendments were made to their *Gasoline Diesel Oil and Home Heating Oil Pricing Act* to widen provincial powers relating to the gathering of information from oil companies.

A provincial body continues to monitor gasoline pricing in New Brunswick and neighbouring jurisdictions.

## **Québec**

Since 1996, Québec has had a regulatory scheme that entails both retail and wholesale margin regulation. Since 1996, Québec has set regional, *minimum* prices for retail gasoline every week. The primary goal of government regulation

**“...The lower rate of gasoline tax in New Brunswick has not then produced correspondingly lower gas prices, relative to other jurisdictions. ...The Committee is of the opinion that [based on a longer term assessment of the period of two to four years after the tax decrease] New Brunswick consumers did not receive the full benefit of the tax decrease.”**

**Report of the Select Committee on Gasoline Pricing NB**

is to prevent predatory (below cost) pricing, a practice that can be particularly damaging to smaller marketplace operators such as the independent retail gasoline sector.

In 1996, gasoline price wars in Québec brought the pump price of gasoline to as low as 20 cents/litre, prompting the government to intervene. For approximately one year, the Québec Ministry of Natural Resources fixed minimum weekly prices for retail gasoline. By December 1997, an administrative authority, la Régie de l'énergie, had been established and took over the function of setting regional, minimum weekly prices for retail gasoline.

The Québec Ministry of Natural Resources has the power to set *maximum* prices for retail gasoline but has indicated they would only do so under extraordinary circumstances.

Analysts have indicated that current regulatory practices have likely not had any ancillary effect on the volatility of retail gasoline prices in Québec. In other words, the price of retail gasoline remains volatile.

## **Manitoba**

Manitoba does not regulate the gasoline industry. Gasoline price levels are a concern to the government of Manitoba, and the province's Minister of Consumer and Corporate Affairs has recently proposed the establishment of a national organization to respond to gasoline price issues on behalf of the provincial and federal governments. Manitoba has suggested that the federal and provincial governments should work together on gas price issues and that the federal government must take a leadership role.

## **Saskatchewan**

Saskatchewan does not regulate the gasoline industry.

## **Alberta**

Alberta does not regulate the gasoline industry.

## **British Columbia**

British Columbia does not regulate the gasoline industry. In 1996, a report was released in British Columbia by the Jaccard *Commission of Inquiry* into gasoline pricing. The report recommended that the government not pursue market regulation or direct intervention in the gasoline industry, but that it focus on improving wholesale price competition.

In April 1999, the province announced a non-partisan committee was to review the issue of gasoline pricing in the province and report by September 1999. The results of this review were publicly released in a paper entitled, *Report on Gasoline Prices in British Columbia* in February 2000. The committee concluded that, “robust competition in the marketplace is preferable to direct government intervention in setting prices or enacting other regulatory controls.”

## **Fairness at the Pump – An Action Plan**

As could be expected with any complex issue, our investigation raised as many questions as it answered. Through the course of the hearings it became quickly evident that there is a fundamental “disconnect” between the companies that control the gas industry in Ontario and their customers. If the industry could better explain the price of gas to its consumers, the Task Force would not need to exist.

The fact of the matter is that the gasoline retail industry is made up of a handful of large, very powerful companies that exert significant influence. To say that this level of influence is, to quote the integrated oil companies, “resoundingly competitive” is to overstate the point. To say that it is “extremely efficient” (again, the oil companies words) is likely closer to reality. The question that remains is “To whose benefit does this efficiency accrue?”

Although the industry claims that 20 investigations have found no evidence of collusion or price fixing under federal competition legislation, the reality is that the industry is seen as having done a poor job in adequately justifying and explaining the volatile price of gas to the public. With the exception of the federal GST, taxes on gas are flat and have remained stable for some time – it is the job of the industry, first and foremost, therefore, to justify the volatility to their own customers – the people of Ontario.

In the opinion of the Task Force, it is the industry’s responsibility to defend its own pricing strategies and business practices. However, responsibilities related to fair and free competition in the marketplace fall within the public domain. On this point, the feedback from stakeholders makes it apparent that the federal *Competition Act* does not give the Competition Bureau the tools necessary to ensure the marketplace operates in a fair and transparent fashion. A recent report by the Global Competition Review was critical of some aspects of the work of the Canadian Competition Bureau. This underlines the need to take action to improve public confidence in the Competition Bureau.

Ontarians would be better served by a tougher, more effective, federal *Competition Act*. The issues related to this industry cross provincial and national borders. Likewise, a renewed federal *Competition Act*, more consistent with the US federal legislation, would effectively harmonize the US and Canadian competitive rules and would level the playing field to the benefit of Canadian consumers. To address this issue, the Task Force has proposed a series of recommendations to improve the federal legislation.

Several of the recommendations contained in the report are consistent with the *Report of the Liberal Committee on Gasoline Pricing in Canada*. The Government of Canada could take a positive step by accepting the recommendations of its own caucus committee. (See Appendices I and II)

The Government of Ontario should continue to strongly press the federal government to respond to the concerns of consumers in Ontario.

Based on the evidence and submissions presented and a review of the activities in other jurisdictions, the Task Force respectfully submits the following recommendations to help promote consumer fairness at the pump, transparent competition to benefit Ontario consumers and provide more information to the consumer on how gasoline is priced and why.

**Recommendation 1**  
**Forwarding of all Submissions to the Competition Bureau with a Request for Investigation**

It was the Canadian Petroleum Products Institute that strongly urged the Task Force to present any evidence of gouging, predatory pricing and collusion to the Competition Bureau. The Task Force, therefore, recommends that the Ontario government forward to the federal Competition Bureau all submissions received by the Gas Prices Review Task Force. Specifically, we request that an investigation take place into the use of “price zones” to determine if they are a vehicle which unfairly influences prices and drive independent gas retailers out of business.

## **Recommendation 2**

### **The Provincial Tax Collection Process**

The Task Force recommends that the Ontario government, in consultation with the independent gasoline retailers, undertake a review of the current tax collection legislation and remove unnecessary financial barriers which may discourage the establishment of independent gasoline retailers.

The presence of independent gasoline retailers is an important component of a truly competitive marketplace, which ensures the consumer of fair gasoline prices. Investigations carried out in both Canada and the United States have stressed the linkage between a healthy and competitive independent gasoline retail market and lower gasoline prices.

Currently, the *Ontario Gasoline Tax Act* restricts the licensing of collectors to those who have at least 51% of their gasoline sale at the wholesale level. This excludes most retailers, be they independent or part of an integrated oil company, from being licensed as tax collectors.

However, those retailers who operate within an integrated oil company, which is a licensed tax collector, become tax collectors by default, as they act on behalf of the licensed company. This is as a result of their corporate structure, not due to Ontario's tax legislation.

In addition, due to changes in the *Ontario Gasoline Tax Act*, those companies that became tax collectors after 1991 must post a bond of either three months tax or one million dollars, whichever is the greater. Wholesalers who were licensed tax collectors prior to 1991 do not have to post security.

As a result of this legislation and its administration, retailers affiliated with an integrated oil company receive a cash flow advantage over independent retailers because they purchase gasoline without the tax and

are only required to pay the tax to their supplier (their parent company) when they sell the gasoline to the final consumer.

Independent retailers must pay the tax at the same time they pay for their gasoline from the wholesaler. Depending upon the contract with the wholesaler, this may be at time of delivery, or a longer period of time as may be specified in the contract. Depending when the independent retailer must pay for the gasoline, a cash flow problem may occur. However, the independent retailer is not required to complete tax collection paperwork required of licensed collectors.

### **Recommendation 3 Provincial Monitoring of Gas Prices**

The rapid rise in gas prices since late 1999 has spurred many private individuals to use the Internet as a tool to collect and post gas prices. This has provided the consumer with valuable information. However, these efforts rely on voluntary reporting by consumers and are often limited to specific areas in the province. In addition, the information is often only able to report pricing for a small period in time, thus not providing the ability for consumers to see how gas prices have been set over a long period of time, especially over the peak summer driving season.

To ensure that all consumers have the ability to see both the current and historic levels of gas prices in their area, the Task Force recommends that the Ontario government should expand its monitoring of retail gasoline prices during the peak driving season to better assess pricing behaviour before long weekends. The timing of the surveys should not be disclosed in advance.

### **Recommendation 4 Notice of Price Increase**

The Task Force heard a number of submitters suggest that the oil companies should give advance notification of price increases. This

would allow the consumer the ability to buy prior to the price of gasoline rising. It would also help identify when prices are changed, and by how much. This would compel the integrated oil companies to better explain the rationale for ongoing price volatility.

The Ontario government should consider whether a statutory requirement that gasoline retailers provide advance notification of price changes at the point of sale could benefit consumers without creating opportunities for price manipulation and price “signaling” that would make enforcement of competition laws difficult.

## **Recommendation 5**

### **Corporate Accountability**

The Task Force recommends that vertically integrated oil companies voluntarily produce segmented earnings reports in order to allow for a transparent understanding of the actual profits made at the pump. If the companies are unwilling to undertake this voluntary measure, the Ontario government should consider requiring segmented earnings reporting by vertically integrated oil companies.

Adoption of this recommendation would create greater transparency in the shifting of profits between crude oil production, refining and retailing. Petro-Canada and Sunoco already engage in this transparent financial reporting practice. Consumers and shareholders deserve a system where integrated oil companies are clearly accountable, as they are in the United States, regarding the true profits they are making separately at the refining, wholesale and retail levels. Acceptance of this recommendation would effectively put profits at the pump on the public record.

## **Recommendation 6**

### **Transparent Competition and Ownership**

There is considerable confusion in the marketplace as to the true nature of competition. For example, a number of retail gas chains such as Beaver and Pioneer are either wholly or partly owned by other major competitors in the market (referred to by some in the industry as the “gray market”). As a result of this gray market presence, consumers may think that there is more independent competition than is the case. Therefore, the Task Force recommends that retail locations partly or wholly owned by another oil company would have on their sign or receipt “wholly [or partly] owned by \_\_\_\_”.

If gasoline retailers are unwilling to undertake this voluntary measure, the Ontario government should require this measure, using the powers already available to the Minister of Consumer and Commercial Relations.

## **Recommendation 7**

### **Fair, Accurate and Clear Information for Consumers**

A major concern of the Task Force is that the industry is not taking adequate steps to explain why fuel prices are volatile and what consumers are paying for when they buy a litre of gas. For example, Petro-Canada on March 24, 2000 launched a decal program that represented the federal and provincial tax portion at 51 per cent of the cost of a litre of gas. Indeed the same week that they made their announcement the true proportion of taxes on gas was not 51per cent but 41per cent.<sup>14</sup>

The Task Force noted throughout the consultation process, that a number of consumers believed that tax revenue increased as the price of gas rose (while in fact the federal excise and the provincial consumption taxes on

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<sup>14</sup> The average Ontario price per litre of gas on March 22, 2000 was 71.7 cents (federal tax collected, including GST, 14.7 cents; provincial tax collected, 14.7 cents; balance of all non-government portion, 42.3 cents).

gasoline are both flat, and only the federal GST rises if the price of gas rises). Portraying the tax portion as a percentage does not assist consumers in understanding the volatility of prices. Fundamentally, flat taxes have no impact whatsoever on the volatility of the price of gas. As a result, Petro-Canada has missed an opportunity to properly educate their customers on the causes of volatility.

Another example relates to one of the common reasons offered by the industry for recent increases in the cost of diesel. In some cases, explanations included references to cold winter temperatures, which increased demand for diesel heating oil, and thus effected the price of diesel fuel. Yet, according to the most recent data, temperatures this winter in much of Ontario were the fourth warmest since 1948. In the US Northeast, it was also one of the warmer winters on record, with the overall winter temperature this year 3.4 degrees (F) higher than the average for the area. While there may be other weather related factors that remain unstated, for the average consumer, this lack of fit between what they experience and what they hear from industry spokespersons can be confusing.

Given these concerns, the Task Force recommends that the oil industry voluntarily make greater efforts to fairly, accurately and clearly inform their customers of the reasons for increases in prices and for price volatility.

**Recommendation 8**  
**Put Violators on the Defensive**  
**Shift the Burden of Proof**

The Task Force recommends that upon *prima facie* proof being provided at any hearing on a complaint regarding price discrimination (under the *Competition Act*), it becomes the burden of the person/organization charged with the violation to rebut the *prima facie* proof. This would be similar to the *US Clayton Anti-Trust Act* where oil companies have to prove that they do not price discriminate (once a *prima facie* case has

been presented). This could be accomplished by amending the federal *Competition Act* and would effectively force any company perceived to be engaged in unfair business practices, such as gouging or collusion, to justify their pricing policies.

**Recommendation 9**  
**Speed up Injunctions**  
**Allow for Private Right of Action**

The Task Force recommends that the federal *Competition Act* be amended to allow for a private right of action. This would effectively allow a private or injured party to apply to the courts for an injunction and/or to sue for three times the amount of damages resulting from anti-competitive business practices, such as price discrimination and predatory pricing. Red tape would be reduced and any anti-competitive behaviour would immediately stop through a court injunction.

**Recommendation 10**  
**Improve the Ability to Prosecute Offenders**

The Task Force recommends that anti-competitive offences such as price discrimination and predatory pricing, which are criminal offenses under the *Competition Act*, become prohibited conduct subject to civil review, similar to US anti-trust law. The current criminalization of pricing offences under the *Competition Act* makes it virtually unenforceable. Currently this is a contributing factor to the inability of the federal Competition Bureau to effectively investigate and prosecute companies that engage in unfair and discriminatory business practices.

**Recommendation 11**  
**New Resources for the Competition Bureau**

Since improvements to the Competition Act alone cannot ensure that the act will be enforced, the Task Force recommends that the federal government provide the Competition Bureau with sufficient resources to allow it to effectively enforce an improved *Competition Act*.

**Recommendation 12**  
**Federal Divorcement Legislation**

In a number of jurisdictions in the United States, legislation is in place that prohibits gasoline refineries and gasoline retail outlets from being owned by the same parent company. The term given to this is

“divorcement”, which results in the retail gasoline outlet no longer being directly owned by the integrated oil companies that own the refineries. This reduces the control that the integrated oil companies have on the retail market by removing their ability to directly set the retail price for gasoline.

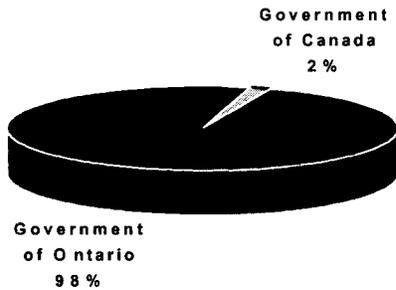
The Task Force believes that, given the national reach of the major players that control the vast majority of gasoline retail outlets, the federal government should use its current consultation process on amendments to the *Competition Act*, to consider the inclusion of “divorcement” legislation nationally, which would prohibit companies from being both a refiner and retailer of gasoline.

### **Recommendation 13**

#### **Federal Spending on Highway Infrastructure**

A number of stakeholders were unsure as to whether the tax revenue collected on gas actually went into roads. In 1998/99 the budget of the Ontario Ministry of Transportation alone accounted for about 75 cents out of every provincial dollar collected from gasoline tax.

## Breakdown of Ontario Transportation Expenditures



**Both the federal and provincial governments each collect about \$2 billion in taxes on gasoline in Ontario.**

**In 1998/99, the Ontario Government allocated \$1.5 billion to transportation, of which only \$31 million was federal money for roads.**

In the same year, the federal government's investment in the provincial road infrastructure was a fraction of that invested by the province, despite the fact that both levels of government collected about the same amount. In view of the substantial revenues derived by the federal government from taxes on gasoline, and the importance of highways to economic activity and growth, the Task Force recommends that the Ontario government encourage the federal government to make more substantial investments in Ontario's highway infrastructure.

### **Recommendation 14 Remove the Tax on a Tax**

The Task Force recommends that the federal government accept the recommendation of its own Liberal Caucus Committee and "remove the GST from other taxes and apply it only to the wholesale price for gasoline plus the retailer margin". The GST is levied on the federal excise tax and provincial motor fuels tax and is effectively a "tax on a tax". This is also the only variable tax portion on gas. As the price of gas increases so does the GST collected.

## **Conclusion**

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Industry Canada has recently announced a new study to be conducted by the Conference Board of Canada to examine the Canadian gasoline industry. In addition, the Competition Bureau has announced that it will hold public consultation on proposed changes to the *Competition Act*.

During consultation across Ontario, the Task Force heard many concerns raised with regard to the current inability of the *Competition Act* to deal with the state of competition in the gasoline retail industry. The Task Force would encourage all those with concerns to contact the Competition Bureau (<http://strategis.ic.gc.ca/SSG/ct01753e.html>), the Public Policy Forum (<http://ppforum.com/english/index.html>), the body which is carrying out the consultation, or to their local member of federal parliament. The deadline for comments is June 30, 2000.

Although these announcements by the federal government are welcome, they appear to simply be reactions to the anger the people of Canada have expressed over high gasoline prices. The proposed changes to the *Competition Act* are in fact private members bills from the federal government's own caucus. These bills, especially those proposed by Dan McTeague, have been allowed to languish for months while the price of gasoline rose to record levels.

The most urgent priority of the federal government should be not simply to review the federal *Competition Act*, but to act immediately to give the *Competition Act* and the Competition Bureau both the power and resources necessary to investigate and prosecute discriminatory and anti-competitive behaviour.

The reality is that the federal government already has reports and suggested actions from its own caucus and from numerous provincial governments including, now, the Ontario Gas Prices Review Task Force Report. Under the

current federal legislation, a continuing concentration of the wholesale market has occurred and there has been a decline in the number of independent gas retailers.

It is interesting to note that in California, the price of gasoline has been steadily declining over the last two months, despite the increase in the world price of oil.

<sup>15</sup> There is no indication that taxes in California have been lowered, or that the refiners have been able to buy oil priced below the current world market price.

At the same time, the price in Ontario has risen steadily over the last four weeks, after an initial decline in late March and early April. When the integrated oil companies have been asked to explain the reason for the increase in Ontario, they have pointed to higher world oil prices.

One possible reason for this differing price regime may lie with the actions of the Office of the Attorney General of California, which has aggressively pursued the issue of gasoline pricing with the support of strong federal competition legislation.

It is the hope of the Ontario Task Force that this report and the opinions of concerned Ontarians spur the federal government to similar action.

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<sup>15</sup> California Gasoline Prices & Diesel Fuel Updates,  
[www.energy.ca.gov/fuels/gasoline](http://www.energy.ca.gov/fuels/gasoline)

## **Appendices**

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### **APPENDIX 1**

#### **Excerpt from Report of the Liberal Committee on Gasoline Pricing in Canada - Pages 27 to 30**

### **VIII. GOVERNMENT INVOLVEMENT IN THE OIL INDUSTRY**

#### **A Canada - United States Comparison**

The current environment in the Canadian oil industry has been shaped by government policies of the past and present. Compared to the United States, Canada has considerably different government regulations to monitor the oil industry at both the federal and provincial level. However, it is clear to the Committee that federal and state involvement in the US oil industry, both historically and present day, has been on a much higher scale than what has transpired in Canada.

#### **Federal Involvement in the US Oil Industry**

For the most part, government intervention in the United States has been proactive due to consumer concern over the potential lack of price competition and too few alternative offerings in the retailing and wholesaling of gasoline. The American governmental view is that insufficient competitive rivalry could result from too high a degree of vertical integration which would result in too much market power for the refinery-marketer at both the wholesale and retail level.

Early in the 1900's the US federal government moved to break up the power and absolute control of some element of the petroleum infrastructure of the emerging oil companies, principally the Rockefeller Trust, and laid the groundwork for today's participants in the industry.

The Clayton Anti-Trust Act of 1914 (in conjunction with the Robinson-Patman Price Discrimination Act of 1936 and the Hart-Scott-Rodino Anti-Trust Improvements Act of 1976) is the underlying legislation that is comparable, in some ways, to Canada's federal Competition Act. However, the US Act does differ in some very significant ways, primarily in the admission of prime-facie evidence with the burden of rebuttal placed on the party charged with the violation. This civil onus, as stated in Section 13 of the Act, deals with discrimination in price, services or facilities. The Canadian Competition Act contrasts sharply with American law as it relies more on a criminal, rather than civil, redress model to prosecute certain anti-competitive activities.

The result of US legislation has been a petroleum refining/marketing sector very different from the Canadian scene. No single organization has a dominant market share and the distribution infrastructure, terminals and pipelines, has a spectrum of participants – from straight terminal or pipeline operators with third party access to their facilities, to proprietary storage and pipelines.

At the market level in the US, both wholesale and retail, there are a wide variety of participants as well. Approximately 40% of the retail gasoline market in the US is in the hands of non-refiners that operate under their own name or have chosen to fly a major's brand - sometimes several major brands.

## **Federal Involvement in the Canadian Oil Industry**

Governmental involvement in the Canadian oil industry has been characterized for the most part as being primarily aimed at nurturing and growing a Canadian producing, refining and marketing sector. Given the relative size, climate and geography of Canada in comparison to the United States, this industry is of vital importance to Canada's very being, let alone its development.

Early on, the National Oil Policy line protected Canadian oil producers. In the 1980's, a review of Canadian energy issues led the federal government to institute a National Energy Program. While that policy was to have some political repercussions and foster feelings of alienation in the west, it drove home the growing reliance of eastern Canada for access to a reliable supply of petroleum products.

The creation by the federal government of Crown-owned Petro-Canada was partly devised to enable Canada to move toward oil self-sufficiency and no longer have to rely on foreign oil companies and governments to meet its petroleum needs. However, establishing Petro-Canada, as a so-called "window into the industry" and an instrument of public policy, contributed to a sharp reduction in the number of refiners and marketers in Canada. Petro-Canada's birth brought about the removal of Petrofina, British Petroleum, Gulf, Pacific Petroleum and Cities Service from the Canadian oil industry.

The federal Competition Bureau further constricted the industry by approving a number of mergers and acquisitions while also allowing for the exit from the market of Supertest Petroleum, Canadian Oil, Turbo Resources, and Texaco Canada - a major market player and a large supplier to independent retailers.

In the case of Imperial's acquisition of Texaco Canada however, the Competition Bureau did however step in to protect existing supply contracts between Texaco and independent retailers by placing a provision that required Imperial to honour those contracts for ten years.

These contracts are however due to expire in 1999 and there are no guarantees they will be extended. To further complicate matters with respect to supply for independents, federal approval from the Competition Bureau is currently being sought for the proposed joint venture between Petro-Canada and Ultramar.

Over the years, the federal government endorsed the actions of Canada's oil industry in order to provide strong market participants with good economies of scale. Unfortunately, it also helped to establish powerful refiner-marketers who acquired large market shares and virtually total control on the distribution structure from well head to the pump.

These developments have proven costly for consumers and for the competitive climate in the industry. Measures taken by the federal government are in stark contrast to those taken south of the border to ensure a truly competitive marketplace in the US oil industry. As little was done to foster the development of a strong independent retail gasoline base, the oil industry in Canada today cannot offer the same amount of competitive forces as the US market.

## **State Involvement in the US Oil Industry**

Approximately half of the states in the US have implemented what is widely referred to as "Fair Price" legislation to protect independent retailers from predatory pricing – a pricing tactic used by companies with market power to severely reduce and/or eliminate competition within the market. Introduction of this type of legislation by US states is particularly remarkable as no vertically integrated marketer has a market share close to the large portions enjoyed by their counterparts in Canada.

Independent retailers, small dealers and distributors of gasoline are vital components to a healthy and competitive market. Given the uniqueness of the oil industry where independents compete against their

supplier daily, independents in Canada, or even those in the United States, would not be able to survive subsidized below-cost pricing at the retail level by refiner-marketers.

Refiner-marketers have many other sources of income to subsidize any losses they suffer at the pumps when the retail price is below the wholesale price. While fair and healthy competition in marketing gasoline provides maximum benefits to the consumer, the practice of below-cost selling or discriminatory pricing impairs competition and is not in the best interest of the consumer.

Fair Price legislation is under civil law and is commonly seen in two forms: Divorcement and Below-Cost Selling Laws. There are 19 states that have some form of below cost selling legislation to prevent refiner-marketers from below cost gasoline sales to injure competition, to prevent discriminatory motor fuel allocation and rebates, and to provide for enforcement and penalties if such practices do occur.

At present, 8 states have divorcement laws to prohibit refiners from operating major brand, secondary brand, or unbranded retail outlets. Divorcement legislation can also prohibit refiners from selling gasoline at retail through employees, commissioned agents, subsidiary companies, or by persons who have a contractual fee arrangement with the refiner.

Vertically integrated refiners enjoy two principal advantages over non-integrated competitors in retail petroleum markets: the refiner is sheltered from the vagaries of wholesale markets; and the refiner can pass along to its retail arm any economies it has realized in its upstream business operations. The purpose of divorcement is to limit the abusive use of that advantage that vertically integrated marketers have over independent retailers in the petroleum market and to prevent the control and concentration of power at retail.

Opponents of fair price legislation warn that it will result in higher prices for consumers. However, there is a lack of evidence to support this view. The 27 US states that have some form of fair price legislation in place, either divorcement or below-cost selling, remain highly competitive markets. In fact, other states are planning to introduce similar legislation in the near future.

### **Provincial Involvement in the Canadian Oil Industry**

Over the years, regulatory involvement by provincial governments in the Canadian oil industry has been minimal. In fact, only Prince Edward Island has an extensive regulatory framework involving all aspects of retail gasoline, including pricing and margins. It is the only province in Canada today that maintains government control over prices, margins and structures. The result is that while PEI does not have volatile roller coaster prices at the pumps, consumers get no bargains either. Gasoline prices tend to be set at a higher level than in most other parts of the country.

Several provincial governments, both in the past and recently, have taken an interest with respect to the oil industry and gasoline pricing in their jurisdictions. While the degree of involvement varies, provincial governments are becoming more concerned today about how the oil industry conducts its business.

While none of the provinces have gone so far as to completely regulate the industry like PEI, they are no longer ignoring public demands that the industry be investigated and that consumer interests be given a higher priority. A number of provincial governments have taken a closer look at the oil industry and are taking steps to further protect consumers and promote fairness in the industry.

## **APPENDIX II**

### **Excerpt from Report of the Liberal Committee on Gasoline Pricing in Canada - Pages 36 to 41**

#### **IX. THE FEDERAL COMPETITION ACT**

##### **Ensuring the Protection of Consumers and Fostering True Competition**

As discussed in Section VIII, there is a role for federal and provincial governments in Canada's oil industry. That role however should not be as of a heavy-handed regulator. A more appropriate role is to protect consumers and foster true competition in the industry. The Committee was told the industry did not require severe government intervention. With respect to pricing, there were no requests for governments to regulate gasoline prices. Many presenters felt governments have the necessary tools to protect consumers and improve the industry and that only a few key adjustments are required.

The Committee accepts the view that the primary role of governments in the oil industry should be to protect the interests of consumers and enhance competitiveness. To fulfill these goals, it became apparent to the Committee that legislative changes are required in certain areas. These changes can be brought about in a manner that would not unduly disrupt the operations of the industry.

One concern the Committee did hear was that whatever legislative actions come from either the federal or provincial governments, they must not be hindered by jurisdiction disputes, duplication and overlap. It is important that both levels of government act to address problems in the oil industry in a coordinated and effective manner.

Some provincial governments have taken steps to review how the oil industry operates in their jurisdictions. As well, some have enacted legislation to deal with problems they believe exist in the industry. For its part, the federal government enacted legislation in the past to protect the interests of consumers and industry participants alike. However, as far as the Committee is concerned, while the objectives of the federal government are laudable and must be retained, the ability to achieve them has been somewhat lacking.

##### **The Competition Act and the Need for Amendments**

The Committee believed it was important to examine existing federal legislation and determine what could be done to better reinforce the goals of protecting consumer interests and fostering a truly competitive oil industry. The legislation primarily concerned with these two objectives is the federal Competition Act.

The Committee recognized early on that at the heart of public concern about the oil industry and how it prices petroleum products was the commonly held belief that the federal Competition Act is a toothless tiger. Virtually every consumer organization and independent retailer appearing before the Committee shared this sentiment. Some provincial studies on gasoline pricing also concluded that the Act needs amendment. It is to the noted deficiencies in the Act that the Committee devoted considerable attention.

##### **Predatory Pricing and the Competition Act**

According to the Bureau of Competition Policy, predatory pricing is a situation where a dominant business charges low prices over a long enough time so as to drive a competitor from the market or deter others from entering the market. Having accomplished that, the company raises prices to recoup losses. The activity must have the effect of substantially lessening competition or eliminating a competitor to be viewed as being anti-competitive.

In 1986, The Restrictive Trade Practices Commission, in its report Competition in the Canadian Petroleum Industry, recommended to the federal government that the then Competition Tribunal should apply the following guidelines to determine the limits of appropriate pricing in the dual distribution context petroleum industry:

1. Independents should not be required to pay more, at any time, than the lowest retail priced charged in the independents' market area by the supplier (i.e. at outlets where the supplier sets the pump price), less reasonable product transportation cost.
2. A refiners' net return from retail sales should be no less than the net return on its sales to either branded dealers or independents in any market area.

The Committee believes these guidelines would assist in combating predatory pricing. In Ontario for example, four refiner-marketers hold approximately 80-85% of the gasoline market. That domination impacts on the level of competition and provides a framework that can permit control over wholesale and retail gasoline pricing.

Independent retailers are a major source of competition in the oil industry and help provide consumers with access to lower gasoline prices. However, the Committee believes that measures in the current Competition Act are unable to react effectively to, and defend against, certain anti-competitive acts.

The Committee believes that if predatory pricing occurs in the oil industry, the Act, as it is currently stands, is unable to effectively combat against it. The Committee supports the view of the New Brunswick Select Committee that the Act "has little effect in preventing discriminatory pricing or predatory pricing". The federal government has to address this concern and take immediate steps along the lines of those recommendations outlined in the 1986 Restrictive Trade Practices Commission's report.

**The Committee recommends that the Competition Act be amended to provide better protection for purchasers of products from integrated suppliers, and who also compete with that supplier at the retail level. A fair opportunity to make similar profits from the retail sale of a product must be afforded to a purchaser as that already enjoyed by a supplier.**

#### **Criminal versus Civil Model in the Competition Act**

Under the Competition Act, the burden of proof in several anti-competitive acts is one where the illegal activity must be proven beyond a reasonable doubt. According to New Brunswick's Select Committee, "in large part, because this burden of proof is so difficult to satisfy, Industry Canada indicated there are very few cases extant in this area". In fact, only one or two cases have gone to court and the provision itself is not used very often.

The Consumers Association of Canada suggested to the Committee that revisions to the Competition Act placing some provisions under civil law could make for more effective legal instruments for ensuring a greater level of competition in the market. The CAC believes there are aspects of the market that discriminate against the activities of independent retailers. If relevant portions of the Act were under civil law, it could help reduce these distortions and abuses.

The New Brunswick Select Committee recommended to the provincial government that it "urge the federal government conduct a fundamental review and assessment of the Competition Act to determine whether its criminal law model effectively serves the public policy goal of preventing discriminatory or predatory pricing to substantially lessen competition".

The Select Committee proposed that the alternative model to consider would be based on providing civil remedies to consumers and victims of discriminatory or predatory pricing. It is the opinion of the Select Committee that this type of a system could afford more protection to consumers.

As the Select Committee cautions that a review could take time, it suggests that the New Brunswick Government enact provisions within its jurisdiction to address the risk that predatory or price discrimination could reduce competition in the industry to the detriment of consumers. The provisions would prohibit wholesalers from charging wholesale prices higher than retail prices at their customer stations in the same area, and require public posting of wholesale price schedules according to purchase volumes and terms at all wholesale racks in the province.

The Committee believes that based on the evidence it has received, a review would indeed be time consuming. A delay in amending the Act would not in the best interest of consumers or independent retailers. Measures to improve provisions dealing with predatory and discriminatory pricing have to be taken at the earliest opportunity in order to prevent more independent retailers having to exit the market.

**The Committee therefore recommends that the federal government immediately act to replace the criminal burden of proof model currently used in sections of the Competition Act dealing with predatory pricing and price discrimination.**

#### **Whistle Blowing Provisions for the Competition Act**

The Committee is very disturbed that persons with information on anti-competitive acts have no protection under the Competition Act to enable them to provide such information without fear of future consequences.

If the Act endeavours to protect consumers and industry participants from anti-competitive activities, it should also protect employees who refuse to participate in an illegal activity or who want to provide information to the Competition Bureau.

The Act should provide protection for individuals in any industry who wish to provide anonymous information that will assist in evidence gathering and the prosecution of anti-competitive activities in the Canadian market.

With respect to the oil industry, protection should be afforded to employees or independent contractors who, upon receiving orders from company officials to raise or lower prices, refuses to do so because they believe an anti-competitive act is being committed.

There is a need for the Competition Act to better protect consumers from those who deliberately violate Canada's competition laws. There is also a need to protect those who wish to report, or refuse to participate in, an anti-competitive act by their employer.

The Committee believes that if the Competition Act had a whistle blowing provision, the Bureau of Competition Policy may have been more successful in prosecuting some of the cases it had before it of alleged anti-competitive activity.

**The Committee therefore recommends that the Competition Act be amended to provide provisions to permit a person to report an offence under the Act to the Bureau of Competition Policy anonymously, and permit a person to refuse to take action for an employer that constitutes an offence under the Act.**

**The Committee further recommends that any employer who dismisses or disciplines an employee for either reporting an anti-competitive act or refusing to comply with an order to do so, is guilty of a**

**criminal offence and liable to a fine or imprisonment, or both. Dismissed or disciplined employees would also have recourse to civil remedies against a culpable employer, including reinstatement.**

### **Price Fixing and Collusion**

The Bureau of Competition Policy has investigated numerous allegations of price fixing and collusion in the Canadian oil industry. To this date, it has found little evidence to support these claims.

The Committee is concerned that deficiencies in the methodologies used to obtain evidence, and the restrictive parameters of provisions in the current Competition Act, are such that investigations are doomed to failure. Some industry participants believe that regardless of whether price fixing or collusion actually takes place, the Bureau's investigative techniques along with deficiencies in the Competition Act make it virtually impossible to uncover sufficient evidence to prosecute these anti-competitive acts. Moreover, the Committee believes the burden of proof criminal model, as discussed previously, sets too high a standard for achieving the necessary evidence to convict.

Notwithstanding the concerns noted above, the Committee is of the opinion that price fixing and collusion does not occur in the oil industry for the reason that it doesn't have to. The Committee accepts the view that price signs on retail outlets can be an easy way for market participants to achieve the same results that price fixing and collusion are supposedly said to bring without having to resort to any illegal activity.

The Committee heard evidence that suggested price increases and decreases are set by a recognized price leader in a given region. Some presenters added that as long as there are price leaders and price followers, the market would continue to display the commonly seen uniform, lock step, pricing mentality that it currently displays.

In a truly competitive market, prices should not go up or down based solely on the actions of one participant. If the market sets pump price based on supply and demand, and if that market has a high level of competition and price volatility, no one retailer could effectively dictate pricing over an extended period of time. Nevertheless, that is exactly what Canadian consumers see happening in the oil industry. If true competition existed in the industry, sustained price increases would not ordinarily occur. They certainly would not occur as often as they do today in some Canadian markets.

Consumers point out that gasoline prices do not come down as fast as they went up. The Committee has yet to hear a rational explanation for this phenomenon, beyond the public perception that oil companies are trying to get as much out of high prices as they can. In a highly competitive market, prices should be challenged on a daily basis, as is the case in some urban markets where there are a significant number of independent retailers.

The Committee believes price fixing and collusion does not take place in Canada's oil industry. However, given the current measures at its disposal, if such anti-competitive acts did occur, the Bureau of Competition Policy has little chance of discovering, let alone prosecuting, them.

### **Price Discrimination and the Competition Act**

According to the Bureau of Competition Policy, price discrimination is being party to a sale that discriminates against the competitors of a purchaser of an article by granting a discount or other advantage to that purchaser which is not available to competitors at the time of sale.

There are examples of price discrimination in the Canadian oil industry. New Brunswick's Select Committee was told of cases where specified retailers were charged more for gasoline than the retail price at outlets displaying the brand of their supplier.

In the view of the Select Committee, "it is clear that price discrimination has occurred such that different outlets in the same market area are paying substantially different wholesaler prices from the same supplier".

The Committee agrees with the Select Committee that price discrimination threatens competition in a given region and that it can force both branded and unbranded independent retailers out of the market or, at least, out of the price setting process.

The Committee believes that little has been done to combat such activity and hopes a strengthened Competition Act will assist the Competition Bureau in investigating this matter with greater vigour in the future.

The Committee believes that the addition of a whistle blowing provision in the Act and the implementation of a civil model to prosecute anti-competitive activities will assist the Bureau in its investigations of price discrimination cases.

Eliminating price discrimination would benefit competition and consumers. Independent retailers would have equal and fair access to similar priced product as their refiner-marketer competitors, and consumers would benefit with independents being able to compete effectively at the retail level with their branded competitors.

## APPENDIX III

### Excerpt from Anticompetitive Pricing Practices and the Competition Act Theory, Law and Practice - Pages 22 to 24

By: J. Anthony VanDuzer, Gilles Paquet, University of Ottawa

October 22, 1999

## PART II *Competition Act Provisions Dealing with Anticompetitive Pricing*

### Statutory Scheme of the *Competition Act*

#### Introduction

There are a variety of provisions of the *Competition Act* dealing with the three types of anticompetitive pricing addressed in this study: price discrimination, predatory pricing and price maintenance. Some are criminal offences. Others are contained in Part VI, the civil part of the *Act*. Where there is a contravention of a civil provision, the Commissioner may apply to the Competition Tribunal for an order prohibiting the person engaged in the anticompetitive behaviour from continuing it. The main requirement for the Tribunal to make such an order is that there be some specified effect on competition. In the following sections of this Part, the law as interpreted by the courts as well as the Bureau's *Price Discrimination Enforcement Guidelines* and *Predatory Pricing Enforcement Guidelines* is set out.

We begin with a general overview of all the relevant provisions of the *Act*. The more detailed discussion which follows is confined to the three criminal provisions dealing directly with price discrimination, predatory pricing and price maintenance and the abuse of dominance provision.

#### Price Discrimination

The *Act* contains a variety of provisions dealing with situations in which different prices are charged to different customers. Some of these refer to such pricing practices as "discrimination" even though the economic requirements for true discrimination discussed in Part I may not be present. In the following discussion, we will use discrimination in this broader sense as referring to all situations in which differential pricing is used.

The general price discrimination provision is section 50(1)(a) of the *Competition Act*. Price discrimination by a seller in its sales of articles to buyers purchasing the same quality and quantity and who compete in the same market is a criminal offence in certain circumstances. As well, section 61, the general price maintenance provision, which makes it a criminal offence to refuse to supply a person because of the person's low pricing policy, also makes it an offence to "otherwise discriminate" against a person for that reason. Otherwise discriminating for the purposes of section 61 may include price discrimination.

Several provisions dealing with price discrimination appear in the civil part of the *Act*. Outright refusal to deal with a customer, the ultimate discriminatory act, is specifically addressed in section 75. Relief is available, however, only in certain circumstances, including the inability of the customer to obtain supply from other sources in the market. Under section 76, the Competition Tribunal may order that a seller discontinue a practice of consignment selling where it finds that the practice has been introduced for the purpose of price discriminating. Section 76, unlike section 50(1)(a), extends to "products", not just articles. Under the *Act*, "products" includes services.

Discrimination in the form of "delivered pricing" may also be subject to an application to the Tribunal under section 80. Delivered pricing means refusing to deliver articles at a particular location on the same trade terms as the supplier delivers the article to other customers at the same location.

Section 77 of the *Act* deals with certain practices which may involve price discrimination. The Competition Tribunal may make an order prohibiting the practice of granting price concessions to induce a customer to deal exclusively in a particular product or refrain from dealing with a particular product, if certain requirements are met, including the requirement that competition is or is likely to be lessened substantially. Also, where discrimination in the pricing of one product by a supplier is used as an inducement for a buyer to acquire some other product, the supplier is engaged in tied selling and the Tribunal may make an order prohibiting the discrimination where the same competitive effect test is met.

Discrimination may also take the form, not of price differences, but of differential access to promotional allowances. Section 51 makes such discrimination a criminal offence in some circumstances.

### **Predatory Pricing**

Predatory pricing is addressed in section 50(1)(c), which prohibits "unreasonably low pricing" having the effect or tendency of substantially lessening competition or eliminating a competitor or designed to have either effect. Where price discrimination is practised by a seller in connection with its sales in different regions of the country with the same predatory consequences, an offence is committed under section 50(1)(b).

### **Price Maintenance**

Price maintenance is a criminal offence under section 61. The offence is committed regardless of whether the activity designed to maintain prices is engaged in horizontally by one competitor against another or vertically by a supplier in relation to a customer. Refusal to supply because of a person's low pricing policy is also prohibited though certain defences are available. Under section 61(6), any person who attempts to induce a supplier to refuse to supply by imposing such refusal as a condition of doing business with the supplier is also guilty of an offence. Under section 76, the Competition Tribunal may order that a seller discontinue the practice of consignment selling where it finds that the practice has been introduced for the purpose of resale price maintenance.

### **Abuse of dominance**

Price discrimination, predation and price maintenance may also be addressed under the abuse of dominance provision, section 79, where the requirements of that provision are met. The conduct must be found to be an abuse of market power by a dominant firm with the effect or tendency of substantially lessening competition. Section 78 sets out a non-exhaustive list of acts which may be found to be an abuse of dominant position, some of which refer to pricing practices.

### **Other Provisions**

Certain other provisions of the *Act* are relevant to a discussion of anticompetitive pricing practices, though they are not within the terms of reference of this study. Agreements to fix prices among competitors are prohibited under section 45 where the result is an undue lessening of competition. As noted above, horizontal price fixing may also be addressed under section 61. It was suggested in Part I that market power is required before most pricing practices will have anticompetitive effects. Mergers may create the structural requirements for the exercise of market power and are regulated under the *Competition Act*. Abuse of market power by merging entities in the form of anticompetitive pricing practices might be considered in relation to whether the Commissioner would seek to challenge a merger.<sup>77</sup>

Under section 36 of the *Act*, all the criminal offences under sections 50, 51 and 61 may be the subject of private civil proceedings by anyone who has suffered damages as a result of the commission of the offence. Breaches of the civil provisions, sections 75, 76, 77, 79 and 80, may not be the subject of private action.<sup>78</sup>

## **APPENDIX IV**

### **Excerpt from Report on Gasoline Pricing In California - Page 26**

**California Department of Justice, Attorney General Bill Lockyer**

**May 2000**

#### **Zone Pricing**

Zone pricing is a gasoline marketing practice by which refiners establish different DTW prices among "zones" within the same geographic area due to the nature of competition in each area. For example, a refiner may sell to Dealer A at a lower price than it sells to Dealer B in the same city when Dealer A has a low-price independent competitor nearby (and Dealer B does not). Zone pricing also results in a wide price disparity among cities that are served out of the same terminal. ARCO, in a presentation to the Task Force, noted, however, that differences in DTW prices within a zone often do not directly translate into retail price differences. ARCO presented a survey to the Task Force showing that differences in retail prices at ARCO stations in San Diego were not explained solely by differences in DTW prices.

Historically, refiners typically sold to their dealers throughout an entire city or major geographic area at the same price, with allowances for volume. Accordingly, if a refiner desired to match the prices set by low-price independents, it would have to lower its price to all dealers in the city, rather than just to those dealers with low-price independents nearby.

Today, refiners often establish numerous price zones within a large city, even though the entire city is served from a single terminal and the cost of delivery to dealers in each zone is nearly identical. Some Task Force members noted that a zone can consist of a single street corner. It is common for DTW prices in different zones within the same city to differ by as much 10 cpg, with dealers located near independents receiving lower prices than dealers further removed from the influence of independents. Through zone pricing, refiners may fine-tune pricing in specific areas and isolate the impact of low-price independent retailers and other brands. Some Task Force members claim that this practice is fairly unique to refiners and would be considered an unusual practice in other industries. The Utility Consumers Action Network (UCAN) noted the price of a Big Gulp soft drink is typically the same across stations in a metropolitan area, yet the price of gasoline may vary more than 10 cpg for a given brand.

## APPENDIX V

### Excerpt from Report on Gasoline Pricing In California – Pages 31 to 33

California Department of Justice, Attorney General Bill Lockyer

May 2000

#### 2. Zone Pricing Prohibitions

The Task Force considered whether elimination of zone pricing would reduce wholesale and retail prices, particularly in relatively higher priced areas within the state. One method, called fair wholesale pricing, prohibits refiners from establishing price zones and requires them to charge the same price to all dealers supplied by a given terminal, except that the refiner could add the actual cost of delivery.

#### **Arguments in Favor of Zone Pricing Prohibitions**

Proponents contend that prohibiting zone pricing would increase competition and lower retail prices in certain areas. The prohibitions could also prevent refiners from having *de facto* control over dealer margins. For example, a refiner would not be able to raise the wholesale price charged to dealers in areas that support higher pump prices as a way to capture incremental profit in those areas. Likewise, retailers contend, a refiner would not be able to adjust wholesale prices downward in a certain area in order to drive a rival from that market and reduce competition. Prohibiting refiners from adjusting prices based on local conditions would prevent them from setting the retail margins that lessee-dealers earn. Since dealers then would pay the same cost for supplies adjusted for transportation cost differences, dealers in high price areas may be able to reduce prices at the pump and increase market share without eroding their profit margin.

Petroleum companies claim that zone pricing enables the brand to maintain market share in a specific area by reducing prices in response to price competition from other brands in that area. Some Task Force members noted that petroleum companies receive information on their competitors' pump prices through various reporting services, such as Lundberg. Petroleum companies responded that adjusting prices downward in response to competition in certain areas helps lessee dealers maintain margins and volume sold. In its presentation, ARCO stated that price zones enable the company to meet the standards of the Robinson-Patman Act, which require refiners to sell gasoline of the same grade and quality at the same price to all of their stations in direct competition with each other.<sup>39</sup>

Retailers argue that petroleum companies create zones not based upon geography but instead upon undisclosed criteria, citing as evidence that different prices are charged to retailers in close proximity to one another and that zones may contain only one station. Zone pricing may enable petroleum companies to adjust DTW prices upward in targeted areas so they can extract higher prices from those dealers and their customers. Retailers thus claim that the objective of zone pricing is to limit competition, arbitrarily increase prices to consumers in certain areas, and fix dealer margins, essentially determined to be the difference between pump and DTW prices. Retailers suggest that by setting dealers' margins, a refiner could effectively increase profit.

#### **Arguments Against Zone Pricing Prohibitions**

WSPA contends that prohibitions on zone pricing will lead to higher prices and less competition in certain areas. For example, if the wholesale price charged to dealers in one area could not be lowered in response to

market conditions, price competition in the area would be limited. Petroleum companies suggest those dealers would lose retail margins and market share to competitors and consumer prices would be higher.<sup>40</sup>

Additionally, CIOMA claims that fair wholesale pricing may lead to elevated price levels at the rack. For example, a refiner may choose not to set a market price that reflects its cost of production, but instead may chose a higher price that maintains the same total wholesale margins as it earned with zone pricing. A high market price would disadvantage dealers and jobbers in low-cost areas, high-volume jobbers that could no longer receive volume discounts, and all of their customers. However, it is unclear whether uniform pricing across regions could be a viable strategy for refiners since they would stand to lose sales to competitors.

WSPA also expressed concern about price adjustments to different dealers that could only reflect the relative cost of doing business. In particular, petroleum companies stated, "there would be a great deal of difficulty in precisely identifying these various costs."<sup>41</sup> Petroleum companies specifically point to their practice of subsidizing rents charged to lessee-dealers, with the understanding they would recoup lost rent through sales to their dealers.<sup>42</sup> Petroleum companies fear the adjustments allowed under Fair Wholesale Pricing may not enable them to fully recover their costs, and possibly deter them from future station investments.

Petroleum companies also noted that federal and state laws explicitly forbid price fixing or zone pricing that lessens competition,<sup>43</sup> making zone pricing prohibitions unnecessary.<sup>44</sup>

Others on the Task Force expressed concern that refiners may attempt to increase their non-fuel charges, such as rent to lessee-dealers, in order to fully recoup all profits lost under fair wholesale pricing. Potential competitive benefits from zone pricing prohibitions would then not be realized.

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<sup>39</sup> ARCO Products Company presentation to the Task Force on February 9, 2000.

<sup>40</sup> ARCO Products Company presentation to the Task Force on February 9, 2000.

<sup>41</sup> Letter from John Geoghegan regarding the legislative proposal circulated by Tim Hamilton, dated March 29, 2000.

<sup>42</sup> Letter from John Geoghegan, dated March 29, 2000.

<sup>43</sup> California Business & Professions Code, section 21200.

<sup>44</sup> Letter from John Geoghegan, dated March 29, 2000.

## **List of Participants**

---

Consultant/Session Facilitator – Nikita Nanos (SES Canada Research Inc.)

### **Consultation Participants**

#### **Organization/Name**

CAA Ontario ( David Leonhardt)  
Canadian Federation of Independent Business (Judith Andrew)  
Canadian Petroleum Products Institute (Bob Clapp)  
Canadian Renewable Fuels Ass. (Jim Johnson)  
Citizens Coalition for Fair Prices at the Pump (Bernard J. Muzeen)  
Competition Bureau (Loretta Mahoney)  
Industry Canada (Don Mercer)  
Consumers Association of Canada (Ontario) (Peter Dyne)  
Dennis Crockford  
Deck-Way Services Limited (David Hawke)  
Development Thunder Bay (Nancy Creighton)  
Digitize Solutions Inc. (Dan Kent)  
Donald Edwards  
Durham Federation of Agriculture (Karen Yellowlees)  
Herman Eisel  
Fair Price Gas Committee  
Fill 'N Go Gas Bars (Mike Crombez)  
Les Fisher  
Roger Gallaway, MP  
General Motors (Tayce Wakefield)  
Mr. Gorski  
Gra-Ham Energy Group (Richard Hammond)  
Greater Ottawa Truckers Ass. (Dwayne Mosley)  
Mac Harb, MP  
Imperial Oil (Margaret Kelsch)  
Independent Driver Educators Assoc. (Amir Kanji)

## Consultation Participants Continued

### **Organization/Name**

Independent Retail Gasoline Assoc. of Canada (Michael Kelen)  
Independent Retail Gasoline (R. Nozick)  
Industry Canada (Loretta Mahoney, Consultant)  
Industry Canada (Don Mercer)  
International Treasures (Malcolm Martin)  
Kenora Fair Price Committee (Don Stitt)  
Lambton County Federation of Labour  
Lambton Federation of Commerce (Don McGugan)  
Legg's Historical General Store  
James R. MacKenzie, MD  
MacLeod Transportation (Red Lake) Ltd. (Patrick Sayeau)  
Marketers Association of Canada Norman Marsh  
Norman Marsh  
McEwen Petroleum Inc. (Allan McEwen, Don McEwen)  
Dan McTeague, MP  
Mr. Gas Ltd. (Andre Gagnon)  
Mr. Logick - Rob Smith  
NGV Union Gas Limited (Ry Smith)  
National Freight Systems Inc. (Mary L. Rieger)  
Northwest Ontario Development Network ( Harold Wilson)  
Northwestern Ontario Associated Chamber of Commerce (John Christianson)  
Northwestern Ontario Municipal Association (Ron Nelson)  
Phoenix Transportation (Archie Groth)  
Ontario Federation of Agriculture (Peter Jeffrey)  
Ontario Fuel Association (Randy Turner)  
Ontario School Bus Association (Richard Donaldson)  
Ontario Trucking Association  
Oshawa Chamber of Commerce (Bob Malcolmson)

## Consultation Participants Continued

### **Organization/Name**

Petro-Canada (Donna Hildebrant)

Pioneer Petroleum (Tim Hogarth \*<sup>16</sup>)

Quantum Lighting & Electric Co. (Miro Fratic)

Shell Canada (Patrick Creaghan, V-P Ont. Markets)

Simcoe County School Bus Operators Association

Sinton's Esso

Elwood Smith

Stop4Gas Enterprises (David Ge)

Sunoco Inc. (Mike Russill, V-P Retail)

Tall Trees Trucking Co. (Arnold Portt)

Thunder Bay Chamber of Commerce - Transportation Committee (Iain Angus, Bob Tindall)

Triple 'S' Sanitation

Norm Tufts

Paul Varty

Noble A. Villeneuve, Consultant

Wanamaker's General Store

Wilson Fuel Company Ltd. (Dave Collins)

---

<sup>16</sup> Did not provide consent to share submission

**Written Submissions Only**

**Organization/Name**

Florence E. Bremner

Kirstin Cooke

Ken Deyette

B. Elsworthy

Environment North (John N. Boutler)

In-Touch Software Corp. (Ian Wyder)

Ken Irvine

Mr. & Mrs. Robert McPeak

Parry Sound Area Chamber of Commerce (Phil Harrison)

Reduce Gas Pains (Wally Moran)

Sault Ste. Marie Chamber of Commerce (Arthur Taylor)

Timmins, City of (Mayor Vic Power)

Timmins Economic Development Corp. (Kathy Keast)

Patricia Ann White

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29 June 2000 - 500

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MCCR Web Site: <http://www.ccr.gov.on.ca>

DATE: November 20, 2001  
TO: Director of Development Services  
FROM: City Clerk  
RE: Written Enquiry - Councillor Moffat  
Gasoline Prices within Red Deer  
Request for Comments

---

At the Council Meeting of November 19, 2001 the following Written Enquiry was submitted by Councillor Moffat:

*Whereas* gasoline prices within Alberta do fluctuate from community to community, and

*Whereas* gasoline prices in Red Deer tend to be higher than other communities even those within close proximity to Red Deer, and

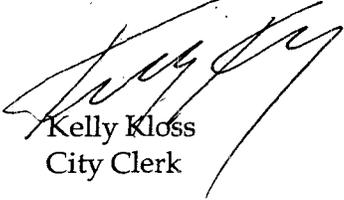
*Whereas* the repercussions of higher gasoline prices to the budget of the City of Red Deer are large, and

*Whereas* this inequity continues to puzzle every driver in Red Deer,

*Now therefore be it resolved* that the City Manager investigate and provide a report to Council as to any reasons or rationale for higher gasoline prices at the pump within Red Deer in comparison to other Alberta communities.

Before Council votes on this they wanted to obtain information on what scope and the time/costs that would be required to obtain the information requested in the enquiry.

Please provide your comments to this office by NOVEMBER 26, 2001 for the Council Agenda of December 3, 2001.

  
Kelly Kloss  
City Clerk

KK/chk

c Land & Economic Development Manager

BACKUP

Written Enquiry

**Council Decision – Monday December 3, 2001**

DATE: December 4, 2001  
TO: Director of Development Services  
FROM: City Clerk  
RE: Written Inquiry – Councillor Moffat  
Gasoline Prices within Red Deer

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**FILE**

**Reference Report:**

Director of Development Services, dated November 26, 2001

**Resolutions:**

*Whereas* gasoline prices within Alberta do fluctuate from community to community, and

*Whereas* gasoline prices in Red Deer tend to be higher than other communities even those within close proximity to Red Deer, and

*Whereas* the repercussions of higher gasoline prices to the budget of the City of Red Deer are large, and

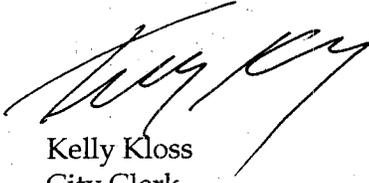
*Whereas* this inequity continues to puzzle every driver in Red Deer,

*Now therefore be it resolved* that the City Manager send correspondence to representatives of local oil and gas companies inquiring about gasoline prices in Alberta and how they relate to Red Deer pricing.

**Report Back to Council:** NO

**Comments/Further Action:**

Please draft a letter for the City Manager's signature, with a copy to my office. Once a response has been received, a report should be drafted for presentation back to Council.

  
Kelly Kloss  
City Clerk

/chk

c City Manager

**BYLAW NO. 3217/E-2001**

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

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

- 1 Bylaw 3217/98 with regard to the Deer Park Northeast (Ratzke/Davenport) Neighbourhood Area Structure Plan, is amended by deleting therefrom Figures 1, 3, 4, 4b, 6-10 and pages 3, 10, 12 and substituting therefore the attached amended Figures 1, 3, 4, 4b, 6-10 and pages 3, 10 and 12 which forms part of this Bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 5<sup>th</sup> day of ~~November~~ , A.D. 2001.

READ A SECOND TIME IN OPEN COUNCIL this            day of            , A.D. 2001.

READ A THIRD TIME IN OPEN COUNCIL this            day of            , A.D. 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this            day of            , A.D. 2001.

\_\_\_\_\_  
MAYOR

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

DAVENPORT OUTLINE PLAN

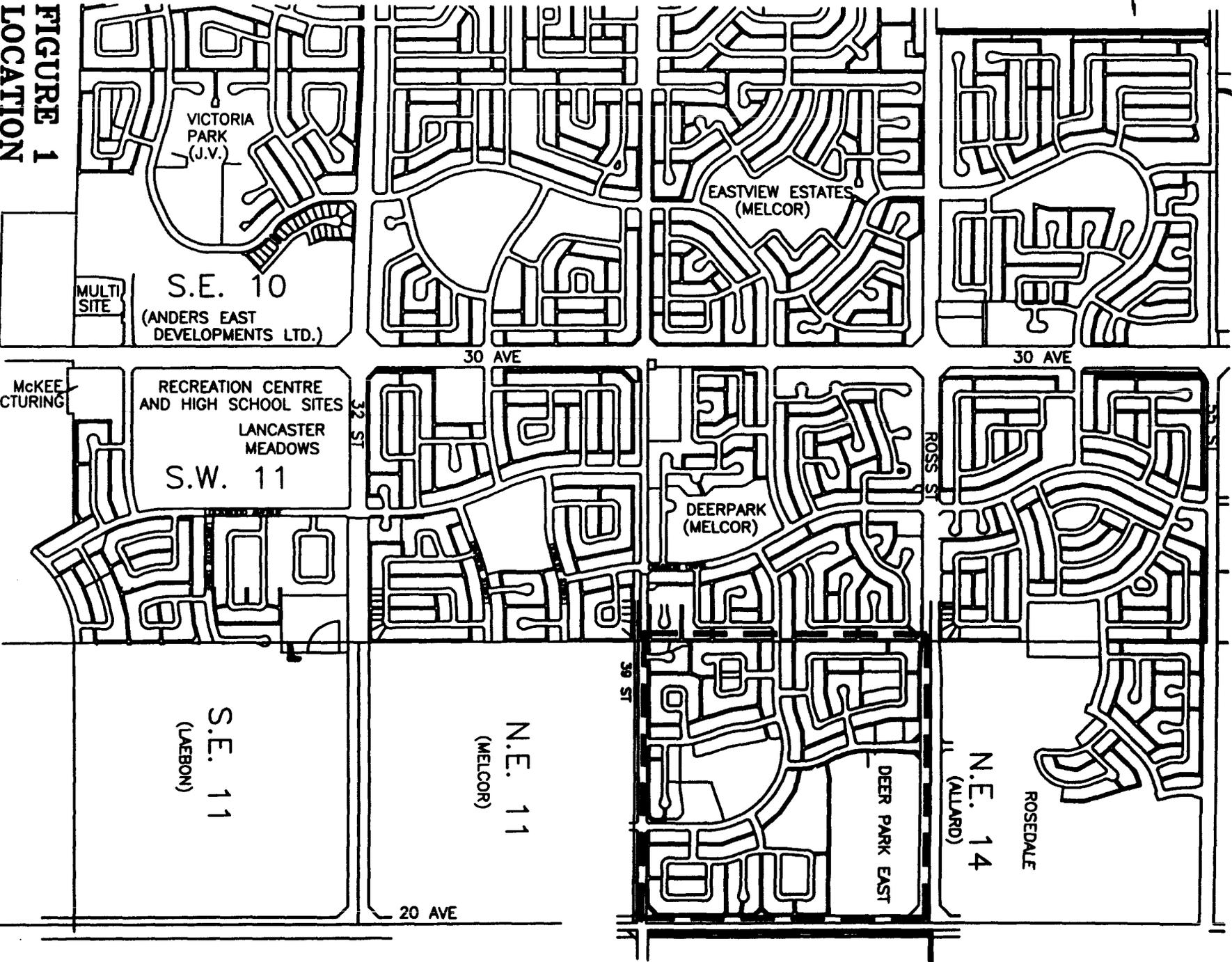
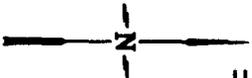


FIGURE 1  
LOCATION

SCALE 1:15000

REVISED SEPT 24/01

McKEE  
MANUFACTURING

MULTI  
SITE

S.E. 10  
(ANDERS EAST  
DEVELOPMENTS LTD.)

RECREATION CENTRE  
AND HIGH SCHOOL SITES

LANCASTER  
MEADOWS

S.W. 11

S.E. 11  
(LAEBON)

N.E. 11  
(MELCOR)

EASTVIEW ESTATES  
(MELCOR)

DEERPARK  
(MELCOR)

DEER PARK EAST

N.E. 14  
(ALLARD)

ROSEDALE

PREPARED BY:

**AL-TERRA**

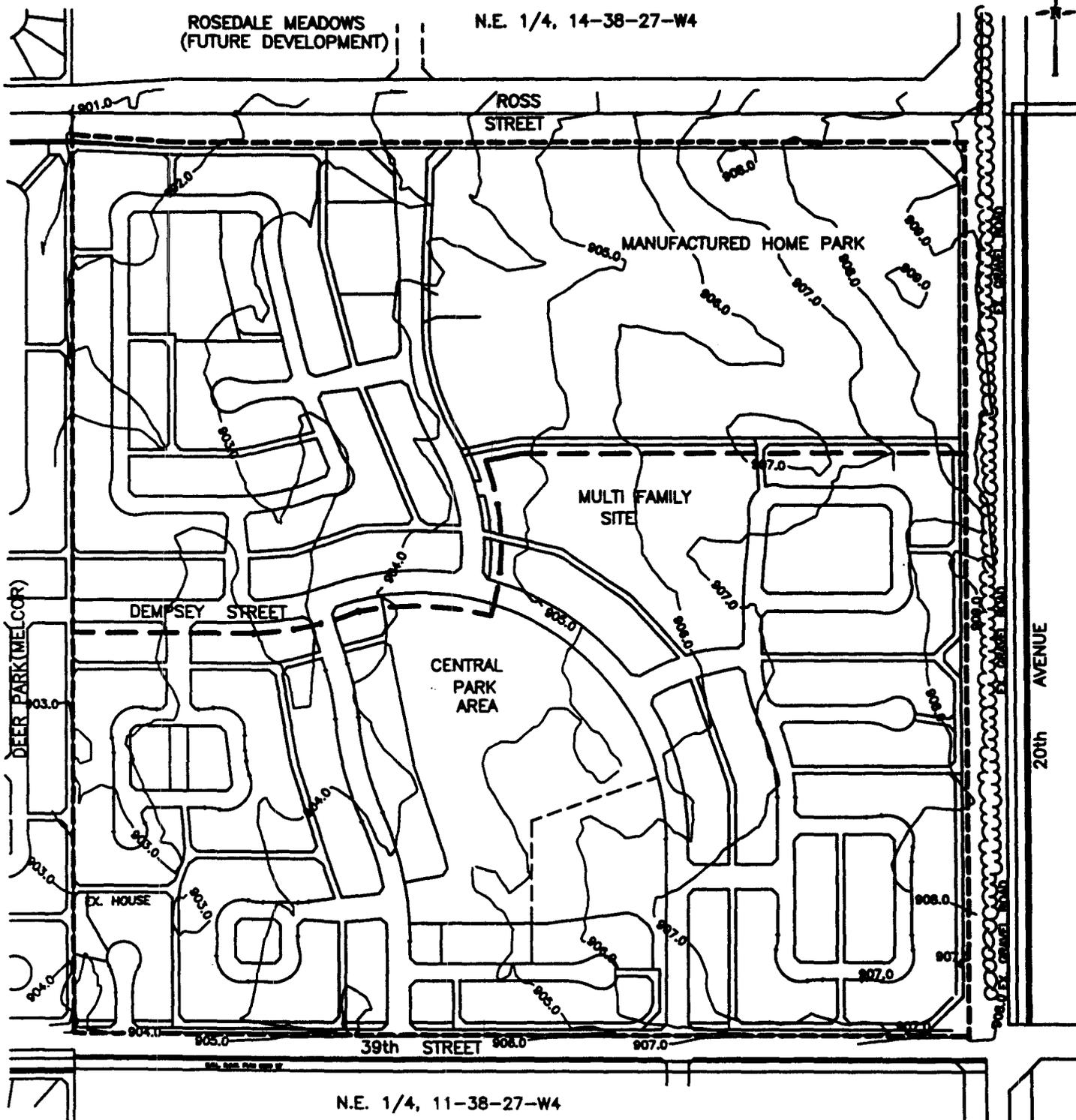
ENGINEERING LTD.

# DAVENPORT OUTLINE PLAN

EXISTING  
ROSEDALE

ROSEDALE MEADOWS  
(FUTURE DEVELOPMENT)

N.E. 1/4, 14-38-27-W4



## FIGURE 3 SITE FEATURES

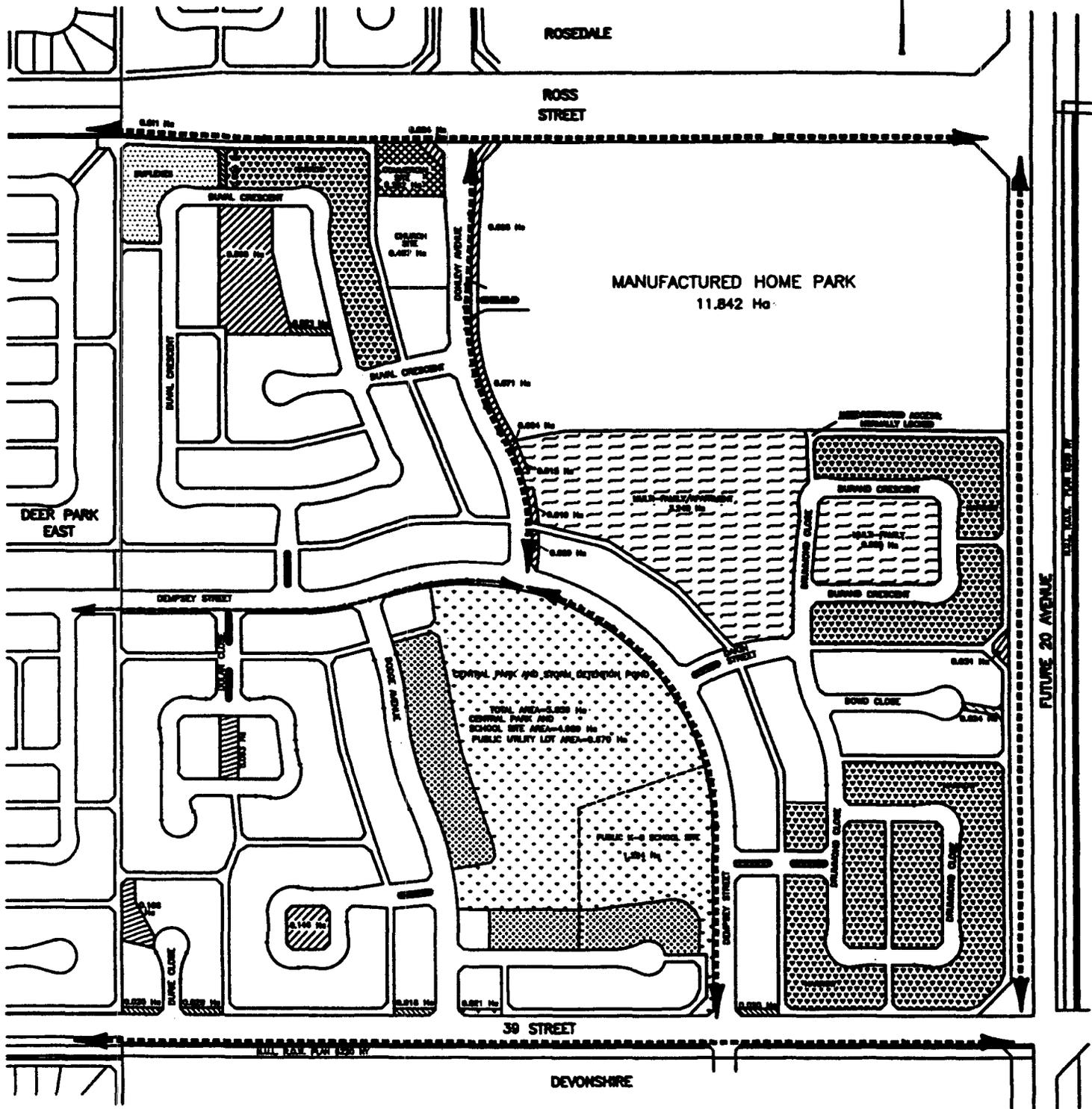
SCALE 1:5000

### LEGEND:

- EXISTING DEVELOPMENT BOUNDARY
- - - - - OUTLINE PLAN BOUNDARY
- 901 — ORIGINAL GROUND CONTOURS
- ~~~~~ ORIGINAL TREELINE

**AL-TERRA**  
ENGINEERING LTD.

# DAVENPORT AREA STRUCTURE PLAN



**FIGURE 4  
DEVELOPMENT CONCEPT**

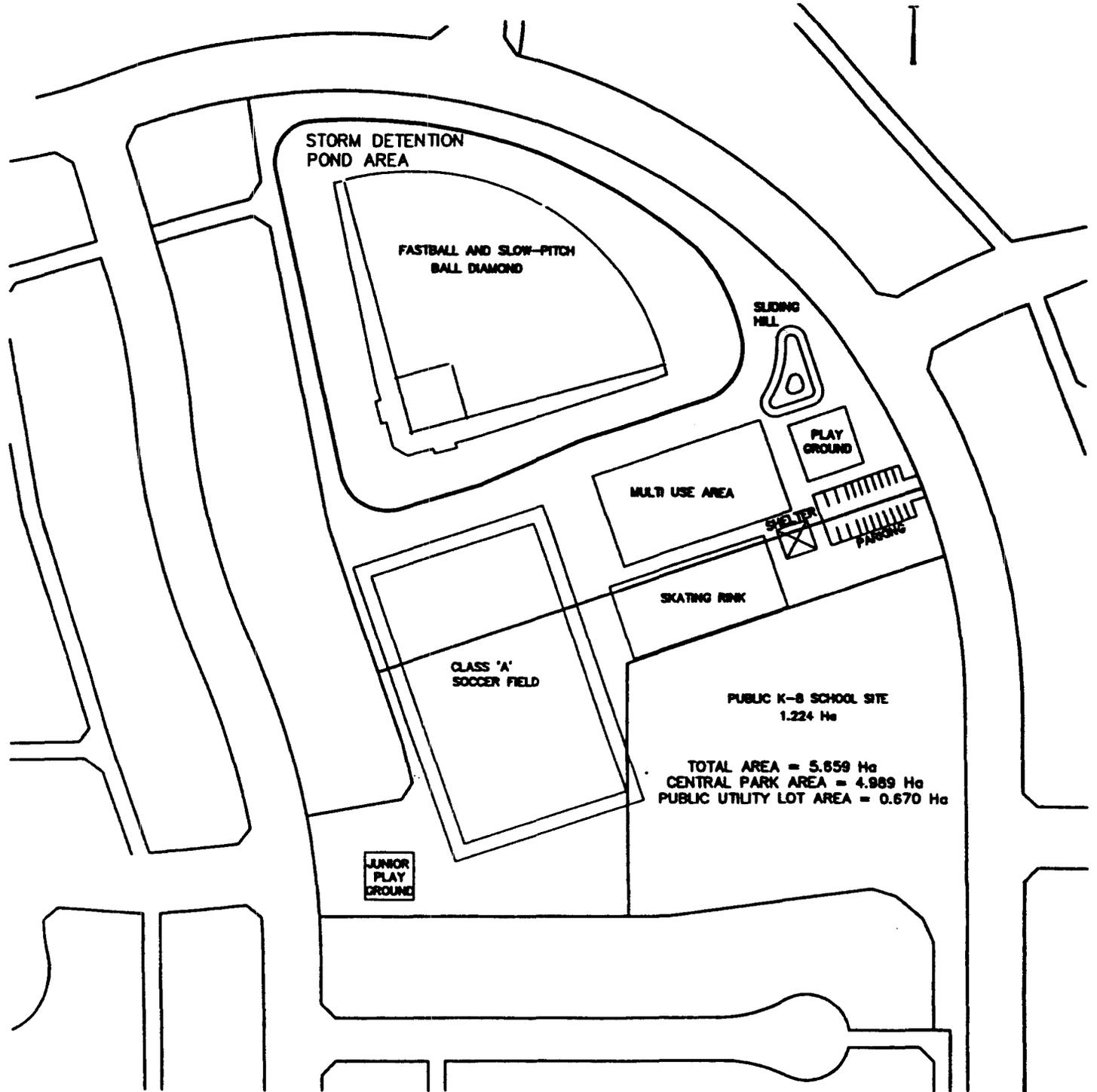
SCALE 1:5000

- LEGEND:
- SINGLE FAMILY - DETACHED (R1)
  - SINGLE FAMILY - NARROW (R1-N)
  - SEMI-DETACHED (DUPLICES) (R1-A)
  - MULTI-FAMILY (R2/R3)
  - TWO STOREY WALKOUT BASEMENTS (R1)
  - CENTRAL PARK
  - COMMERCIAL
  - PUBLIC UTILITY LOTS
  - WALKWAYS AND LOCAL PARKS
  - MAJOR WALKWAYS AND BIKE PATHS
  - MINOR WALKWAYS AND BIKE PATHS

REVISED OCT 22/01

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ENGINEERING LTD.

# DAVENPORT OUTLINE PLAN



TOTAL AREA = 5.859 Ha  
 CENTRAL PARK AREA = 4.989 Ha  
 PUBLIC UTILITY LOT AREA = 0.670 Ha

**FIGURE 4b**  
**CENTRAL PARK**

SCALE 1:2000

PREPARED MAR 26/98  
 REVISED SEPT 22/98  
 REVISED MAY 23/00  
 REVISED SEPT 25/01

PREPARED BY:

**AL-TERRA**  
 ENGINEERING LTD.

DATE: 25/01/01

# DAVENPORT AREA STRUCTURE PLAN

EXISTING  
ROSEDALE

N.E. 1/4, 14-38-27-W4  
ROSEDALE MEADOWS  
(FUTURE DEVELOPMENT)



ROSS  
STREET

MANUFACTURED HOME PARK

MULTI FAMILY  
AREA

DEMPSEY STREET

20th  
AVENUE

DEER PARK  
(MELCOR)

CENTRAL PARK AREA  
AND DETENTION POND

39th STREET

N.E. 1/4, 11-38-27-W4

## FIGURE 6 STORM SEWERS

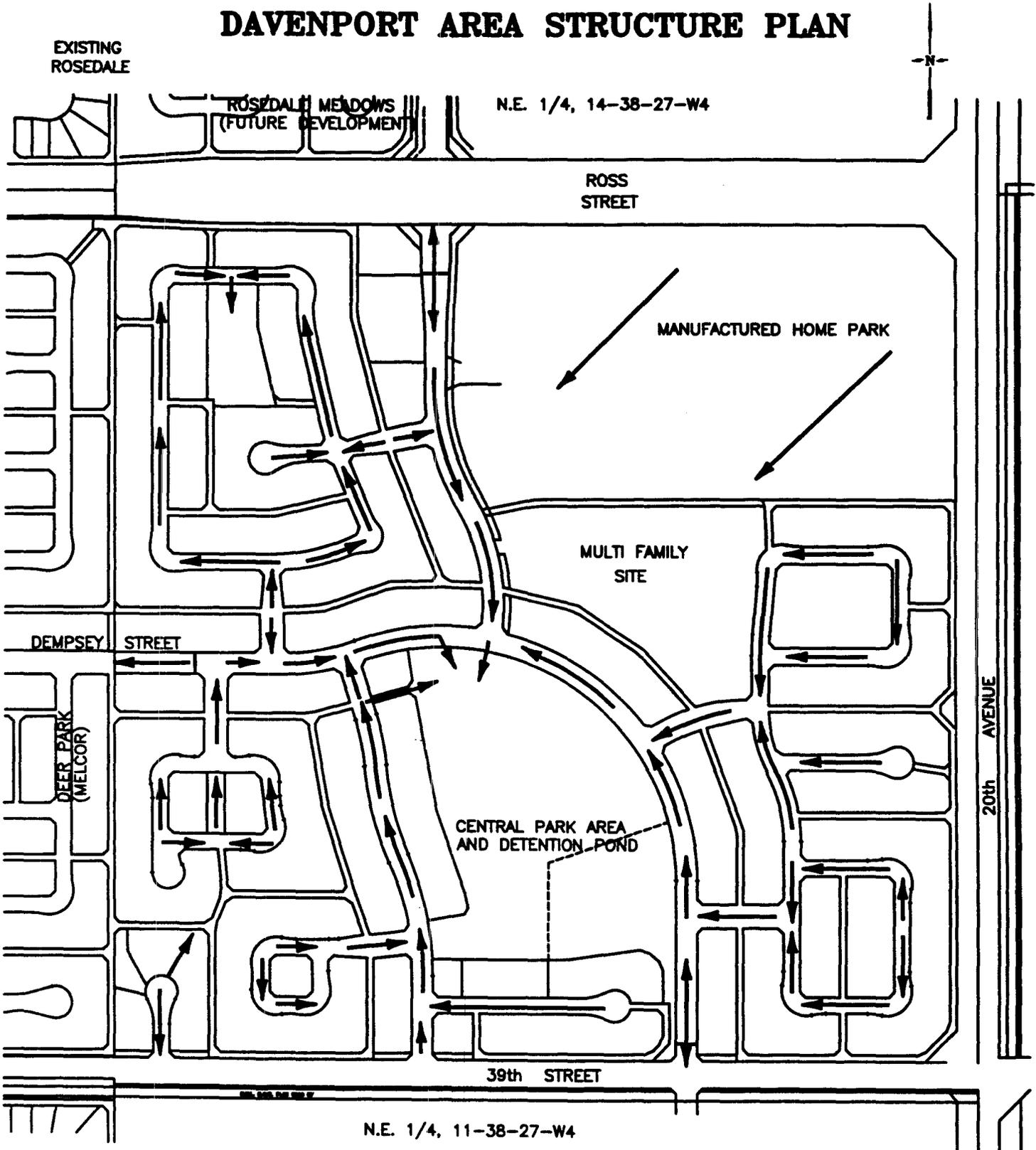
SCALE 1:5000

LEGEND:



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ENGINEERING LTD.

# DAVENPORT AREA STRUCTURE PLAN



**FIGURE 7  
OVERLAND DRAINAGE**

GREATER THAN 1:5  
YEAR STORM EVENT

SCALE 1:5000

**LEGEND:**

← DIRECTION OF FLOW

# DAVENPORT AREA STRUCTURE PLAN

EXISTING  
ROSEDALE

N.E. 1/4, 14-38-27-W4



ROSEDALE MEADOWS  
(FUTURE DEVELOPMENT)

ROSS  
STREET

MANUFACTURED HOME PARK

MULTI FAMILY  
AREA

DEMPSEY STREET

CENTRAL PARK AREA

DEER PARK  
(MELCOR)

20th  
AVENUE

39th STREET

N.E. 1/4, 11-38-27-W4

## FIGURE 8 SANITARY SEWERS

SCALE 1:5000

LEGEND:

-  250mm SAN
-  200mm SAN

**AL-TERRA**  
ENGINEERING LTD.

# DAVENPORT AREA STRUCTURE PLAN

EXISTING ROSEDALE

N.E. 1/4, 14-38-27-W4  
ROSEDALE MEADOWS  
(FUTURE DEVELOPMENT)



ROSS STREET

MANUFACTURED HOME PARK

DEER PARK EAST

DENBURY STREET

CENTRAL PARK AREA

PUBLIC K-8 SCHOOL SITE

DEER PARK (MELCOR)

FUTURE 20 AVENUE

30 STREET

N.E. 1/4, 11-38-27-W4

## FIGURE 9 WATER DISTRIBUTION

SCALE 1:5000

### LEGEND:

-  300mm WATER
-  250mm WATER
-  200mm WATER
-  150mm WATER
-  HYDRANT

REVISED SEPT 24/01

**AL-TERRA**  
ENGINEERING LTD.

DATE: 09/24/01

SCALE: 1:5000

# DAVENPORT AREA STRUCTURE PLAN

EXISTING  
ROSEDALE



N.E. 1/4, 14-38-27-W4

ROSEDALE MEADOWS  
(FUTURE DEVELOPMENT)

ROSS STREET

PHASE 1

PHASE 2

MANUFACTURED HOME PARK

3 INTERNAL PHASES

FIRST PHASE (20 ± 40 UNITS)  
DEVELOPED IN 1999

PHASE 3

MULTI FAMILY  
SITE

PHASE 4

PHASE 5

DEMPSEY STREET

PHASE 6

CENTRAL PARK AREA

PHASE 8

PHASE 8

20th AVENUE

PHASE 9

PHASE 7

PHASE 10

PHASE 11

39th STREET

N.E. 1/4, 11-38-27-W4

## FIGURE 10 PHASING PLAN

SCALE 1:5000

PREPARED BY:

**AL-TERRA**  
ENGINEERING LTD.

REVISED SEPT 24/01

### **3.0 POLICY FRAMEWORK; CONFORMANCE TO GUIDELINES:**

The City of Red Deer adopted the East Hill Area Structure Plan on September 14, 1992 via Bylaw 3075/92. Subsequent revisions were made to the plan via Bylaw 3075/A-93, on April 26, 1993 and Bylaw 3075/B-93 on November 22, 1993. Further revisions to this plan are being reviewed at this time. All revisions to the ASP made during the current review will be adopted (as applicable), within the planning framework of this quarter section. As defined in the area structure plan, the principal purpose of the land is for residential purposes. A Public K-8 school site is proposed within the central park site. A 0.25 hectare local convenience commercial site is proposed along Ross Street, at the north entrance to the quarter section.

Some of the other City of Red Deer documents consulted for reference in the preparation of this outline plan included the City of Red Deer Design Guidelines, the Ecological Profiles of the Ratzke/Deer Park Natural Areas, the Community Services Master Plan, and the City of Red Deer Planning And Subdivision Guidelines. The outline plan, as prepared, is generally in accordance with the direction provided in these documents.

### **4.0 SITE CHARACTERISTICS:**

#### **4.1 Site Features And Access To The Quarter Section:**

In the summer of 1999, four phases in the north part of the quarter section were developed, accounting for roughly half of the section's area. With the exception of the 1.62 hectare acreage located at the south west corner of the property, the remaining lands within the quarter section are farmed, and are currently in a cultivated state.

The site generally slopes from east to west, with an elevation difference across the quarter section of approximately 7.0 to 8.0 metres.

The local convenience commercial site will be a significant asset to this community, since it will provide what the name implies, "convenience" for the adjacent residents.

**5.2.3. Duplex Lots - RI-A:**

The duplex lots for this subdivision have been located in the northwest corner of the quarter section, adjacent to the Deer Park (Melcor) duplex lots, thus creating compatible land uses.

**5.2.4. Single Family Narrow Lots - RI-N:**

Single-family narrow lots will be located along the east boundary of the quarter section, south of the manufactured home park and adjacent to the 20<sup>TH</sup> Street right-of-way. A block of lots originally proposed as duplex lots, located within Phase 1, are also planned as single family narrow lots. All developments on these lots will fully comply with the requirements of the City of Red Deer's land use bylaw, and no relaxations will be required or requested of any R1-N standards.

**5.2.5. Central Park Site; Tot Lots; Detention Pond:**

A 5.059 hectare (12.5 acre) central park site is provided within this outline plan. The site is designated to include a Public K-8 school and the required neighborhood recreation facilities. There is good road exposure for this park site along Dempsey Street. The central location of the park site makes it so all residents within the quarter section require only a short walk to use the central park facilities. Figure 4b indicates the proposed park layout.

Four tot lots, strategically located within the quarter section, will provide park facilities, and a neighborhood gathering focal point for particular neighborhoods.

### 5.3 Land Use Distribution:

Table 1 illustrates the land use distribution for the outline plan area.

**TABLE 1. OUTLINE PLAN STATISTICS:**

<b>TOTAL AREA OF ORIGINAL ¼ SECTION</b>	<b>65.026 Ha</b>	<b>160.68 Ac</b>	
Ross Street and 20th Avenue Widening	4.031 Ha	9.96 Ac	
<b>DEVELOPABLE AREA</b>	<b>60.995 Ha</b>	<b>150.72 Ac</b>	<b>100%</b>
Single Family (R1)	19.044 Ha	47.06 Ac	31.2%
Manufactured Home Park (R4)	11.842 Ha	29.26 Ac	19.4%
Multiple Family (R2/R3)	3.939 Ha	9.73 Ac	6.5%
Duplex Lots (R1-A)	0.488 Ha	1.21 Ac	0.8%
Neighborhood Commercial (C3)	0.252 Ha	0.62 Ac	0.4%
Single Family - Narrow (R1-N)	5.744 Ha	14.27 Ac	9.5%
Social Care Sites (R1-A)	0.124 Ha	0.31 Ac	0.2%
Church Site (R1)	0.487 Ha	1.20 Ac	0.8%
Central Park and School Site (PS)	4.989 Ha	12.33 Ac	8.2%
Detention Pond	0.670 Ha	1.65 Ac	1.1%
Local Parks and Walkways (P1)	1.251 Ha	3.09 Ac	2.1%
Public Utility Lots (PS)	0.304 Ha	0.75 Ac	0.5%
Roads	11.832 Ha	29.24 Ac	19.4%
Collector	3.273 Ha	8.09 Ac	
Residential	5.843 Ha	14.44 Ac	
Lanes	2.722 Ha	6.73 Ac	

The total municipal reserve area, including the central park site, and excluding the main detention pond area is approximately 6.240 hectares (15.42 acres). This represents some 10.3% of the developable land area. As addressed in Section 5.2.1, there will also be a significant amount of landscaped area within the manufactured home park.

Item No. 2

**BYLAW NO. 3156/QQ-2001**

Being a Bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of The City of Red Deer.

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

- 1 The "Use District Map L8" contained in "Schedule B" of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 34 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 5th day of November , A.D. 2001.

READ A SECOND TIME IN OPEN COUNCIL this day of , A.D. 2001.

READ A THIRD TIME IN OPEN COUNCIL this day of , A.D. 2001.

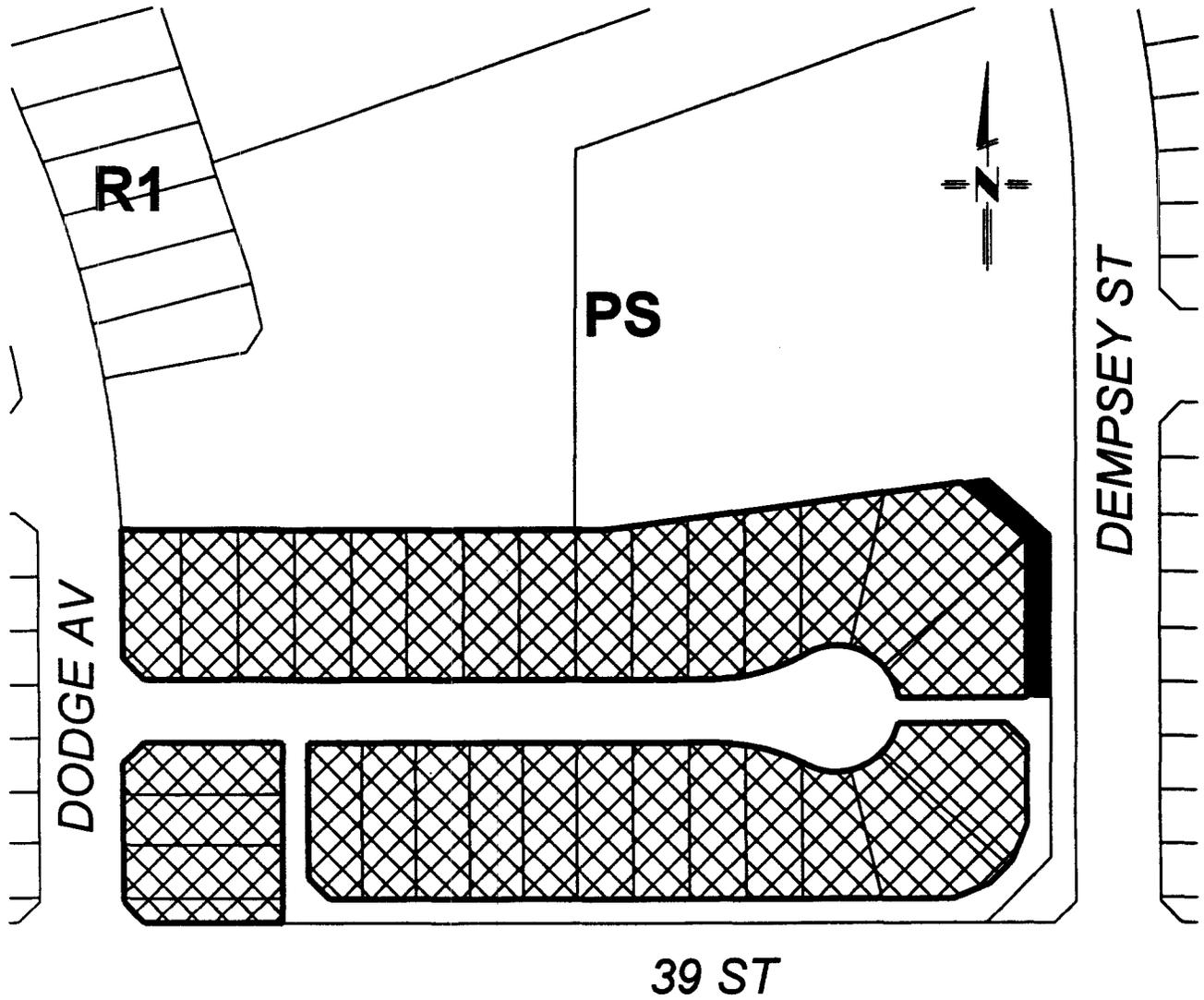
AND SIGNED BY THE MAYOR AND CITY CLERK this day of , A.D. 2001.

\_\_\_\_\_  
MAYOR

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

# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT



DOWLER ST

**AFFECTED DISTRICTS:**  
 A1 - Future Urban Development  
 R1 - Residential (Low Density)  
 PS - Public Service (Institutional or Governmental)

Change from :

A1 to R1 

A1 to PS 

MAP No. 34 / 2001  
 BYLAW No. 3156 / QQ - 2001

**BYLAW NO. 3156/RR-2001**

Being a bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer.

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

- 1. The "Land Use District Map G7" contained in "Schedule B" of the Land Use Bylaw is hereby amended in accordance with the Land Use Bylaw Amendment Map No. 35/2001 attached hereto and forming part of the bylaw.
- 2. New sub-section 54 (10) is added as follows:
  - (10) Notwithstanding any other provision of this bylaw, the height restriction of V14 on Lots 1 to 4, Block 2, Plan 8324 ET shall simultaneously be a restriction to a maximum number of three storeys.

READ A FIRST TIME IN OPEN COUNCIL this      **5th**              day of ~~November~~      AD 2001.

READ A SECOND TIME IN OPEN COUNCIL this                      day of                      AD 2001.

READ A THIRD TIME IN OPEN COUNCIL this                      day of                      AD 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this              day of                      AD 2001.

---

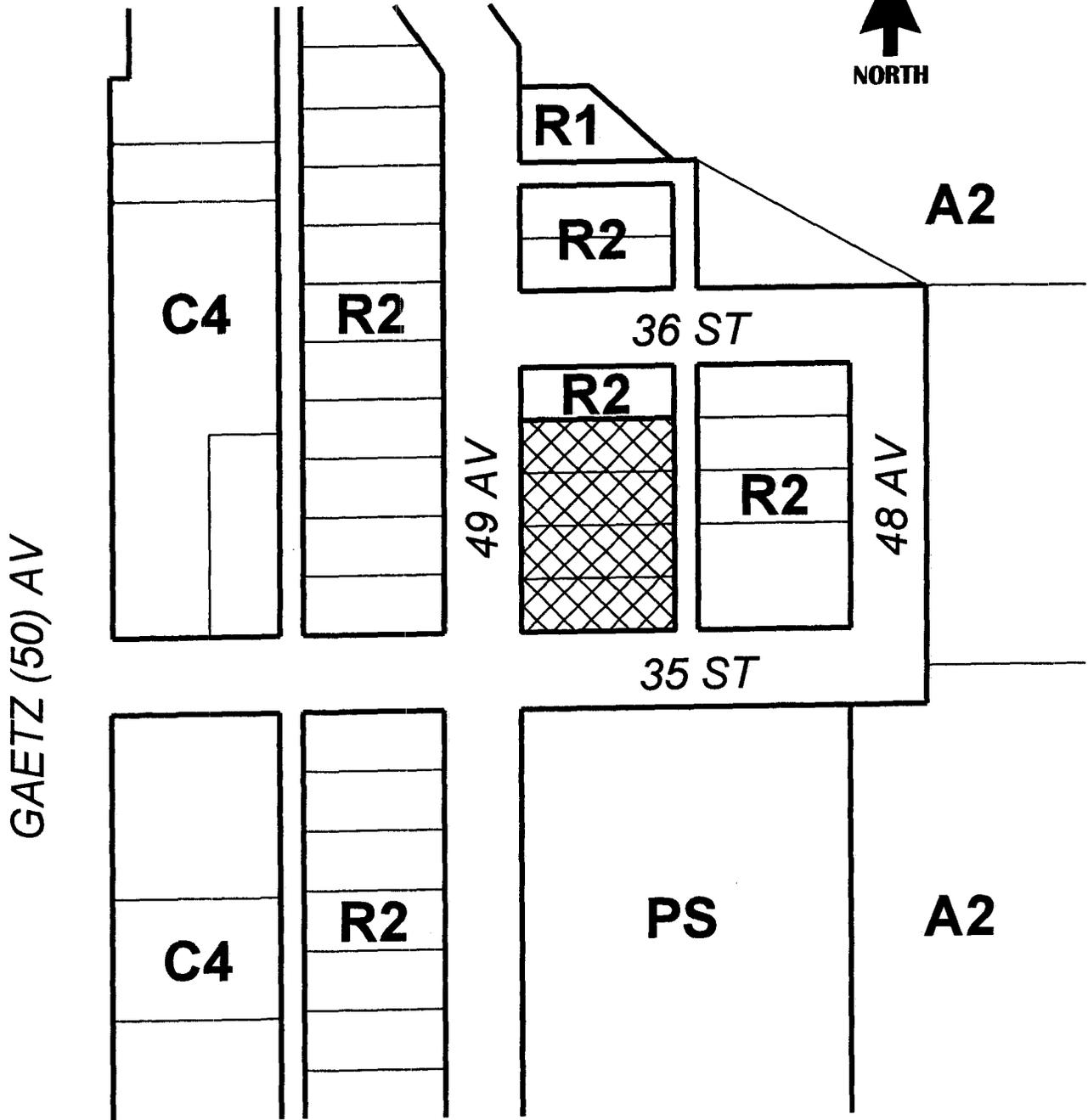
**MAYOR**

---

**CITY CLERK**

# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT



### AFFECTED DISTRICTS:

R2 - Residential (Medium Density)

R3 - Residential (Multiple Family)

Change from :

R2 to R3-V14-Sec 54(10) 

MAP No. 35 / 2001

BYLAW No. 3156 / RR - 2001

**BYLAW NO. 3217/F-2001**

Being a bylaw of The City of Red Deer to amend Bylaw 3217/98, the bylaw adopting The City of Red Deer Neighbourhood Area Structure Plans.

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

1. Bylaw 3217/98, with regard to the Lancaster South Neighbourhood Area Structure Plan, is amended by deleting therefrom the entire Lancaster South Neighbourhood Area Structure Plan and substituting therefore, the attached amended Lancaster South Neighbourhood Area Structure Plan, which forms part of this Bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 5th day of ~~November~~ A.D. 2001.

READ A SECOND TIME IN OPEN COUNCIL this day of A.D. 2001.

READ A THIRD TIME IN OPEN COUNCIL this day of A.D. 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of A.D. 2001.

---

MAYOR

---

CITY CLERK

# **LANCASTER SOUTH**

## **Neighbourhood Area Structure Plan**

July 1998



**Adopted July 27, 1998**  
**Amended November 2001**

**Prepared by:**

**Parkland Community Planning Services**  
**&**  
**City of Red Deer Engineering Services**

## LANCASTER SOUTH NEIGHBOURHOOD AREA STRUCTURE PLAN

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Figure 6:	Overall Sanitary Servicing
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## **1.0 Introduction**

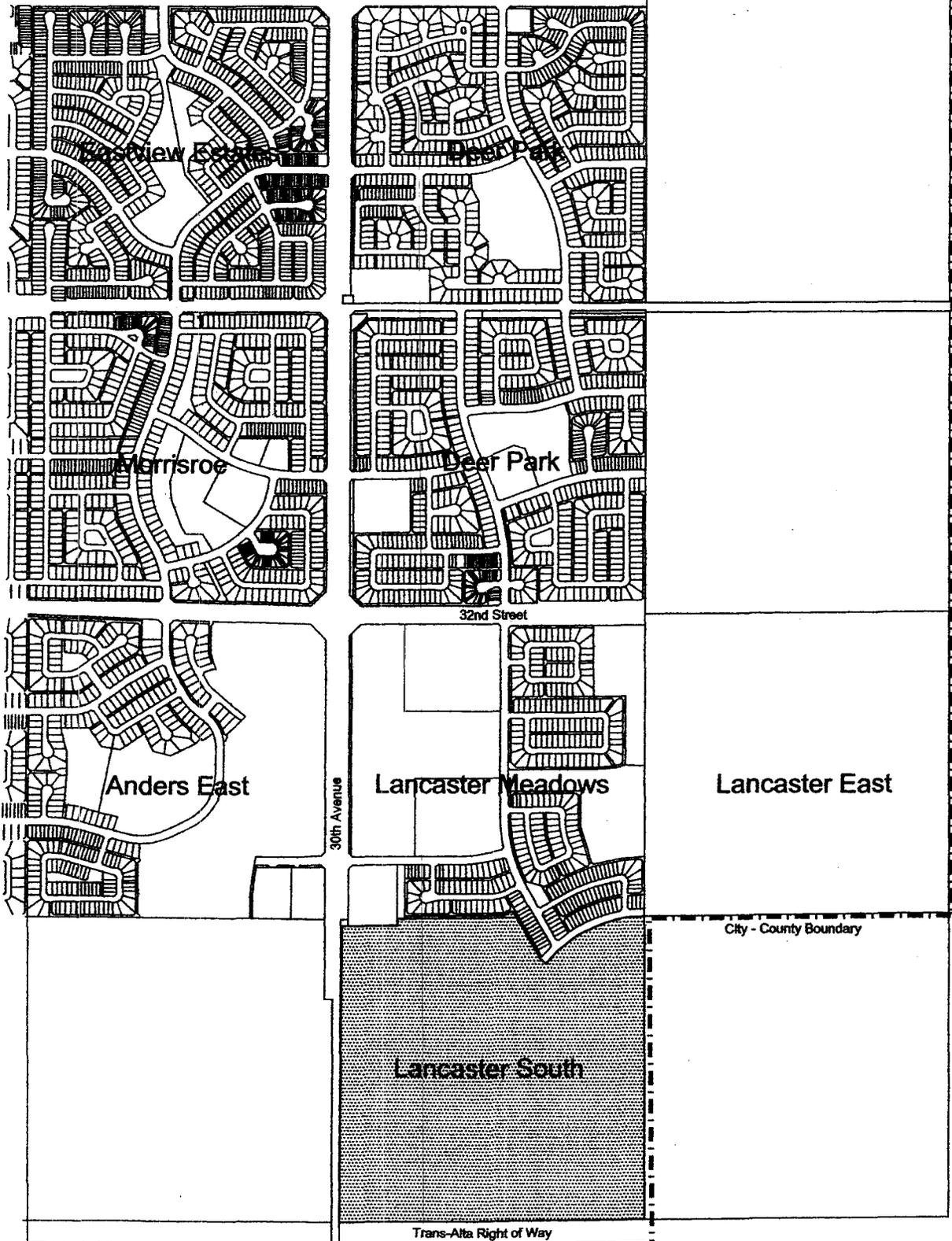
### **1.1 Purpose**

The aim of this Neighbourhood Area Structure Plan is to specify the land use development objectives for the Lancaster South neighbourhood in the City of Red Deer. This development consists of a 61.6 hectare (152.2 acre) parcel located in the Southeast quadrant of the City on 30<sup>th</sup> Avenue. The subject property is situated one quarter section south of 32<sup>nd</sup> Street and one quarter section north of Delburne Road, as illustrated in Figure 1. The property is surrounded primarily by unoccupied agricultural land to the east and south. Also situated to the south is the City of Red Deer Piper Creek Electrical Substation #17. To the north of the property is the existing Lancaster Meadows development, together with Hunting Hills High School and Notre Dame High School. To the west of the property is residential development.

The site falls within and is subject to the East Hill Major Area Structure Plan (MASP). The Neighbourhood Area Structure Plan presented here is intended to augment the MASP by identifying the size, location, and type of land uses found in the Lancaster South area as well as the density of these uses. Moreover, the Neighbourhood Area Structure Plan discusses the natural and cultural features of the site and possible environmental hazards. The Neighbourhood Area Structure Plan submits concepts for transportation design and the development of public and social facilities. The Plan also notes the proposed staging of development and specifies servicing for the area.

### **1.2 Background**

The current East Hill Major Area Structure Plan was adopted in May 2001. It was prepared by Parkland Community Planning Services and Pricewaterhouse Coopers. Previous to this, the March 1998 East Hill Plan was prepared by UMA Engineering Ltd., for the City of Red Deer.



Scale : Not To Scale  
 Prepared by: RD Engineering Services  
 and PCPS

# LANCASTER SOUTH

Figure 1 - Location

Neighbourhood Area Structure Plan

This plan area pertains to lands lying in the east and southeast portions of the City and replaces previous Area Structure Plans completed in 1989, 1985, and 1978. The initial 1978 East Hill ASP consisted of 22 quarter sections with a total land area of 1,425 hectares (3,520 acres). Of the 22 quarters, 17 were allotted for residential land use and the remainder for industrial development.

In 1985 the East Hill ASP was updated to reflect city boundary expansion. A 23<sup>rd</sup> quarter section was added bringing the total area of the plan to 1,490 hectares (3,680 acres), and 5 quarter sections, previously allocated for industrial development within the earlier ASP, were reallocated to residential designation. In 1989, although the boundary of the East Hill ASP did not change, the plan was amended to reflect improvements to the transportation network.

The 1998 East Hill ASP provides development guidelines for 29 quarter sections, an area of approximately 1,856 hectares (4,586 acres). The current East Hill Major Area Structure Plan contains approximately 30 quarters sections, 1,942 ha (4800 acres). The East Hill MASP is implemented by way of Neighbourhood Area Structure Plans for specific neighbourhoods including, this, the Lancaster South Neighbourhood Area Structure Plan.

### **1.3 Definition of Plan Area**

The Lancaster South Neighbourhood Area Structure Plan area is situated in the southeast section of Red Deer. It refers to the northwestern quarter of Section 2, Township 38, Range 27, west of the 4<sup>th</sup> Meridian. The area covered by this plan is approximately 61.6 hectares (152.2 acres). It is bound to the north by the existing Lancaster Meadows development, to the east by agricultural land, to the south by the Piper Creek Electrical Substation #17 and agricultural land, and to the west by 30<sup>th</sup> Avenue.

The Neighbourhood Area Structure Plan presented here is consistent with the goals and guidelines of the East Hill Major Area Structure Plan. Its overall objective is to provide a framework and series of guidelines for neighbourhood land use planning leading to well organized and sustainable subdivision and land use development.

## **2.0 Site Context and Development Considerations**

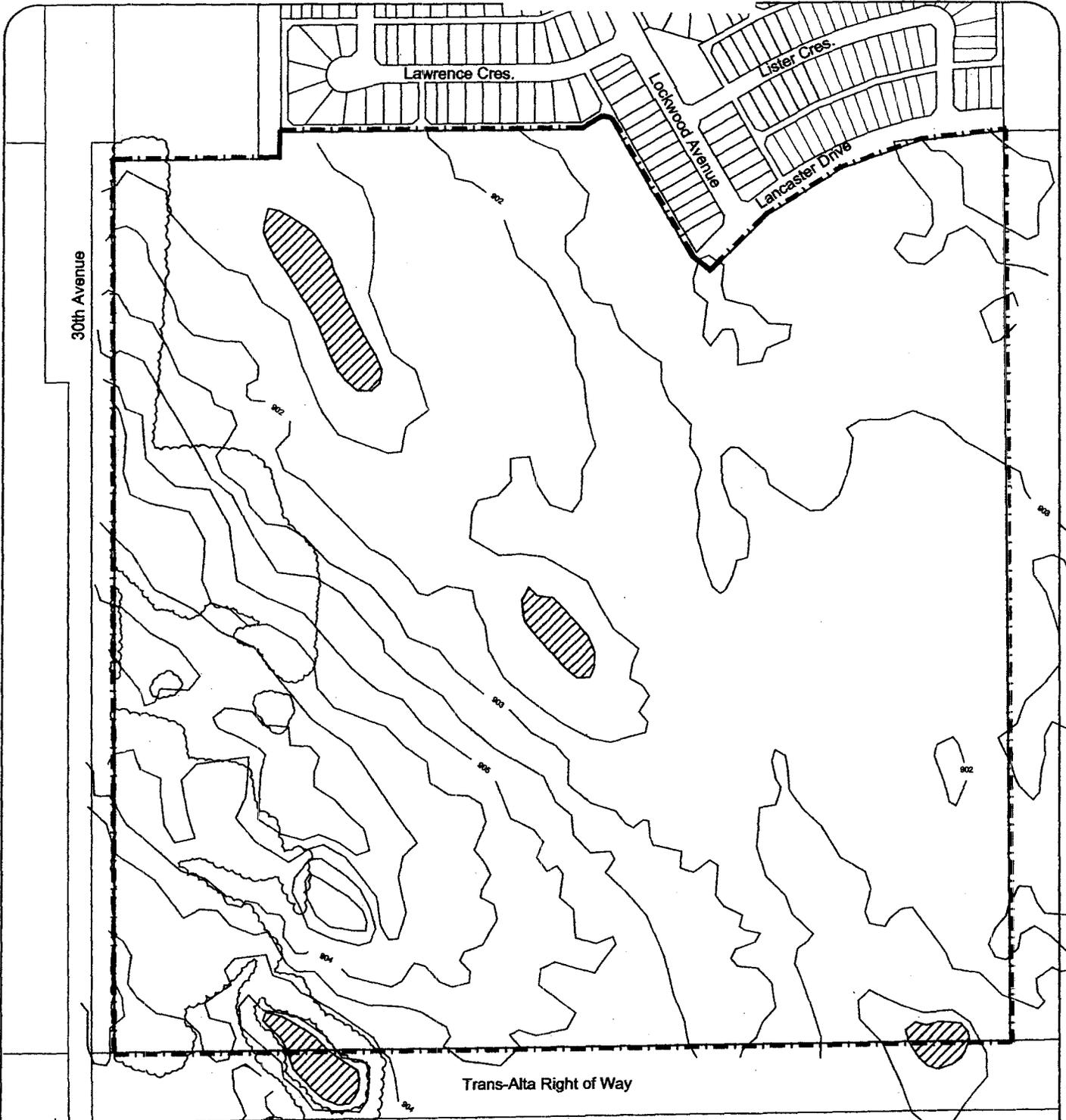
### **2.1 Natural Features**

The lands within the proposed Neighbourhood Area Structure Plan area are bestowed with a blend of topographic features. Although total site elevation rises only from 900 metres to 906.5 metres, as shown in Figure 2, the site does encompass a series of natural wetland and treed areas.

The subject site, also referred to as the Lancaster Meadows Natural Area, was recognized by the City of Red Deer's *Ecological Profile of the Lancaster Meadows Natural Area* as having eight notable environmental zones, shown in Appendix A. The eight zones include: semi-permanent and permanent wetlands, crop land, mixed treed areas, and meadow. The ecological profile strongly recommended that 4 of the zones (zones 4, 5, 7 and 8, as described below) be preserved due to their unique attributes. The specific zones are:

#### *I. Semi-Permanent Wetland*

The semi-permanent wetland sits in the southeastern portion of the natural area. Positioned on the boundary shared with the adjacent quarter to the south, the wetland contains cattail and sedge, as well as numerous willow shoots.



**LANCASTER SOUTH**  
**Figure 2 - Existing Features**

-  Study Boundary
-  Existing Treeline
-  Existing Contours
-  Seasonal Wetland

Neighbourhood Area Structure Plan

Scale In Metres  
 0 50 100 200

Prepared by: RD Engineering Services  
 and PCPS

## *II. Crop Land*

The majority of the subject site was cropland. Seasonal crops assisted in stabilizing the surface runoff and drainage on the site. Cropland also provides a host environment for insect and insect predator communities.

## *III. Permanent Wetland*

This wetland zone, positioned in the core of the Lancaster South site, drains into the site's more northerly wetland (zone 4) through a narrow drainage channel. Plant and animal life present within this zone include cattail, sedge, insects, tadpoles, waterfowl, bird species, and deer. A portion of the zone has been used as a snow dump by the City and as a result is experiencing related negative impacts including litter, salt content, and oil residue originating from the snow heap. These impacts specifically affect the northwest portion of the zone, which the ecological profile estimates to be 10% of the wetland area.

## *IV. Permanent Wetland (PRESERVE)*

This wetland located in the southwest corner of the subject site. It is perceived as being a key force in filtering out pollutants in the site's runoff. It is classified by the ecological profile as prime wetland with a mix of numerous aquatic and terrestrial insects, black terns, other bird species, frogs, and a blend of vegetation such as cattails, grasses, and sedges. Both this wetland and that of zone 3 are home to Canada Geese.

## *V. Mixed Poplars and Underbrush (PRESERVE)*

This zone is located in the northwest corner of the subject site. It is made up predominately of aspen poplars with some mountain ashes, wild grasses, and legumes. Underbrush in this area includes wild rose, willow trees, dogwoods, and saskatoon berries. Portions of this zone have been previously cleared to accommodate power lines. The cleared portion contains columbine,

pale coral root orchid, and Canada anemone as well as grasses. The ecological profile suggests some evidence that deer, porcupine, and red-tailed hawks inhabit this zone.

#### *VI. Open Grass Meadow*

Situated in the centre-west area of the site, this zone is a wild grass meadow with a variety of ground cover plants, and a few dispersed trees (e.g. Manitoba Maple, aspens). Several songbirds as well as deer graze/feed within this portion of the subject site.

#### *VII. Semi-Permanent Wetland (PRESERVE)*

This wetland zone, positioned below overhead power lines, is shared with the adjacent quarter to the south. Owls, mule deer, insect species, and songbirds have been observed in this part of the natural area. Vegetation in this zone is similar to that of the site's other wetlands and includes sedge grasses and willows.

#### *VIII. Aspen Poplars (PRESERVE)*

The aspen poplar zone is considered a transition between the natural area's wetlands and the forest/grassland. In addition to the grove of aspen poplars which dominate this zone, mixed underbrush, a white pine spruce, mountain ash, and honeysuckle can be found. This zone was most likely a previous homestead site. Mule deer, mouse, songbird, dragonfly, and hornet populations are present.

### **2.2 Existing Land Uses**

The subject lands are currently districted as **A1 Future Urban Development District**. The site includes forested segments and wetlands.

### **2.3 Existing Transportation Network and Access**

Existing access to the site is provided by 30<sup>th</sup> Avenue, an arterial road. Both collector and local roads are proposed to run through the site.

## **2.4 Environmental Considerations**

A Phase 1 Environmental Site Assessment (ESA) was conducted by *AGRA Earth & Environmental* between January 28 and February 27, 1998. This assessment, commissioned by the City of Red Deer, was undertaken to identify environmental concerns relating to the Lancaster South property and to ascertain if more in depth evaluation or actions were required.

The final ESA report was based on a historical review of the site and adjacent properties, discussion with relevant agencies regarding the site, and a thorough site inspection. The report concluded that there were no environmental issues associated with the Neighbourhood Area Structure Plan area. The land has been farmed since prior to 1950 and therefore Lancaster South is free of historically hazardous or noxious contaminants and clear of typical building related environmental effects such as lead, mercury, or asbestos. Neighbouring lands do house two crude oil well leases, however based on northerly groundwater flow and the distance of these wells from the Lancaster South boundaries, there is a negligible possibility of damage to the subject site. The subject site is deemed low in terms of environmental risk and further inquiry or action was not recommended.

## **2.5 Servicing**

The site can be fully serviced with water, sewer, and storm water utilities, as well as shallow services (e.g. television cable, telephone, gas).

## **3.0 Development Objectives**

In keeping with City policies, an Neighbourhood Area Structure Plan has been prepared for the Lancaster South property. The Neighbourhood Area Structure Plan encompasses information pertaining to: development objectives, proposed land use, density, open space, transportation, servicing and development staging.

### **3.1 Development Objectives**

The central objectives of the Neighbourhood Area Structure Plan are:

- i) to develop a plan consistent with the general goals and intent of the East Hill Area Structure Plan,
- ii) to provide a framework for the delivery of an outstanding quality and comprehensively planned residential neighbourhood; a neighbourhood which integrates built land uses such as housing and school development with parks and open space, community facilities, and collector and local roadways,
- iii) to protect and synthesize the notable natural features of the site, namely the areas of aspen poplar forest and the larger wetlands, in a manner which is both environmentally sustainable and developmentally feasible,
- iv) to arrange for plan implementation in an adept, efficient, and well-staged manner and to initiate a plan with the adaptability to react to changes in marketplace conditions.

The Neighbourhood Area Structure Plan is based fundamentally on the cluster archetype, meaning the proposed concept assembles bands of housing development through the use of a curvilinear roadway pattern.

### **3.2 Development Principles**

Building upon the Neighbourhood Area Structure Plan's central objectives as stated above, several development principles guide the designation of the various land uses proposed within the Lancaster South area:

**Residential**

- i) Facilitate a diversity of housing types including low and medium density development to meet the needs and preferences of the community and to meet municipal standards.
- ii) Integrate a blend of housing types throughout the neighbourhood in a concise, controlled, aesthetically pleasing, well designed and well functioning manner.
- iii) Identify proposed residential area zoning and secure ease of implementation and compatibility of lot sizes and housing forms within the Neighbourhood Area Structure Plan and with regard to existing residential development to the north of the subject site.
- iv) Establish densities compatible with effective provision of educational, recreational, and municipal service facilities including public transit.
- v) Encourage development that makes the best use of natural and cultural features in the area including, but not limited to park space, forested natural spaces, the school site, and recreational trails/pathways.

**Commercial**

- i) Fulfill local convenience shopping and service needs through the provision of a neighbourhood commercial site, while allowing major shopping and service demands to continue to be met by city centre and city centre west commercial, regional and district shopping centres, and major arterial commercial districts found in other parts of the City.

### **Transportation**

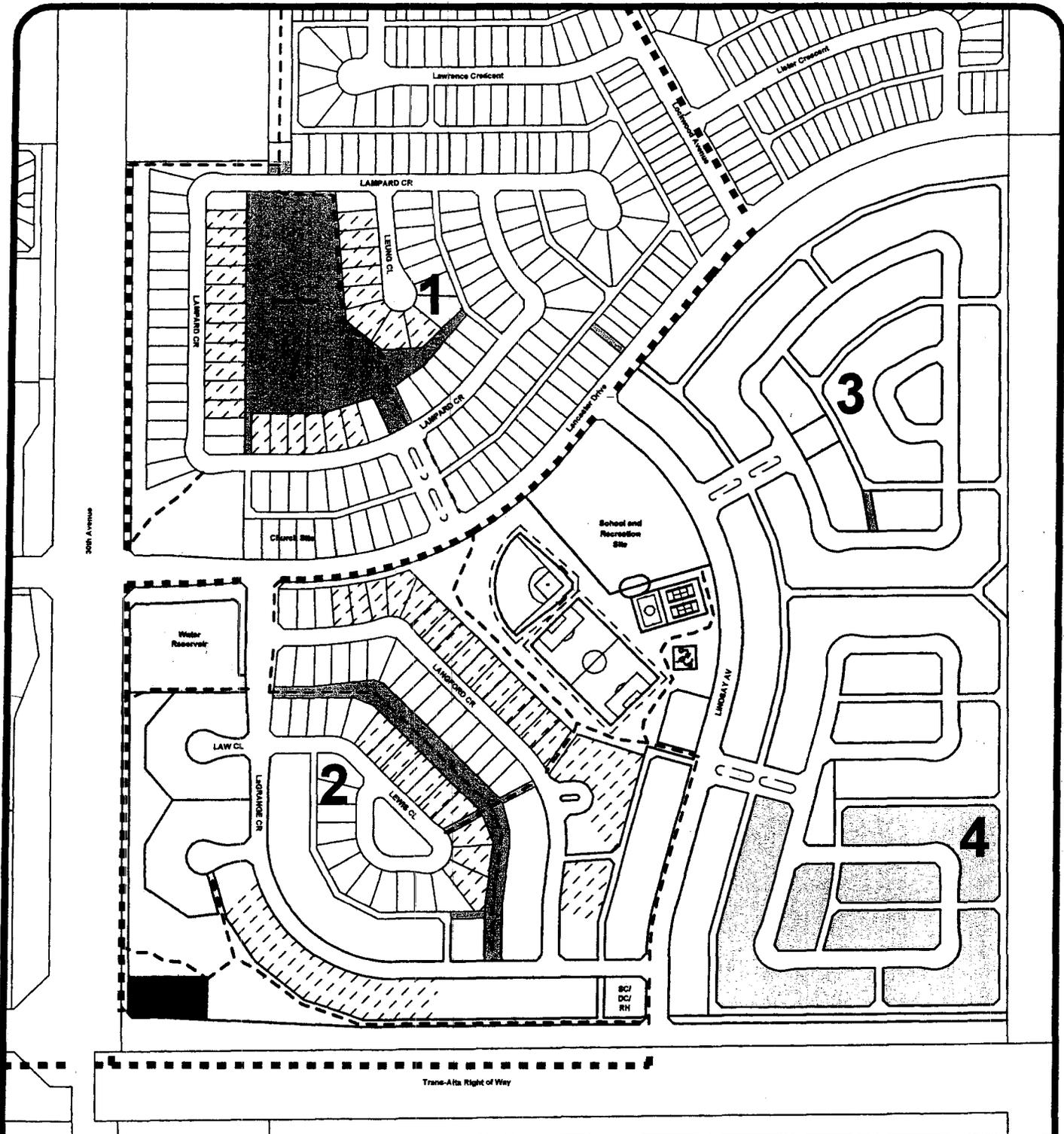
- i) Address transportation needs of residents traveling to, from, and throughout the Neighbourhood Area Structure Plan area in a safe, logical, and efficient manner. Consider the various transportation modes to be utilized in the neighbourhood such as pedestrian, bicycle, public transit buses, and private vehicle.

### **Parks and Open Space**

- i) Preserve the Lancaster South natural forest/wetland areas and synthesize the development of the neighbourhood's park-open space system with these environmental features in a manner which meets the demands of both ecological sustainability and resident recreational use.
- ii) Incorporate neighbourhood parks within the Lancaster South Neighbourhood Area Structure Plan as well as open space linkages to meet the recreational and leisure demands of area residents. These parks may include playing fields, lit trails, some hard surface play areas, children's playgrounds, and community shelters.
- iii) Designate trail systems through the neighbourhood school and park sites and utility easements for use by pedestrians and cyclists. These trails are to meet criteria for safety and ease of movement by all users.

### **Social Facilities**

- i) Allocate firstly, a site for a day care facility, or a social care facility or a retirement home, and secondly a site for a church in suitable locations within the Plan area. These sites are to fulfill the requirements of the *Planning and Subdivision Guidelines*.



# Lancaster South Neighbourhood Area Structure Plan

Figure 3 - Development Concept & Staging

**NORTH**  
  
 OCTOBER 2001  
 Scale In Metres  
 0 50 100 200m  
 Prepared by:  
 The City of Red Deer Engineering Department  
 and Parkland Community Planning Services

- |   |  |   |  |   |                             |
|---|--|---|--|---|-----------------------------|
|  | R1 Residential                                       |  | Commercial                               |  | 2.5m Pedestrian / Bike Path |
|  | R1 - R1A Residential                                 |  | Parks and Recreation                     |  | 1.5m Pedestrian / Bike Path |
|  | R2 Medium Density Residential                        |  | Public Utility Lot                       | <b>4</b>  | Staging Sequence            |
|  | 2 Storey Residences With Walkout Basements Permitted |  | Social Care / Day Care / Retirement Home |   |                             |

### **3.3 Development Concept**

The development concept for this plan has been prepared to respond to current residential land requirements within the City of Red Deer and at the same time to acknowledge anticipated market trends. The development concept and staging of development are illustrated in Figure 3. This plan strives to guide development in such a manner that it enhances the natural features of the site and provides an innovative and integrated community design. The Plan has been developed in conformity with the goals and objectives described in the East Hill Major Area Structure Plan.

#### ***3.3.1 Neighbourhood Structure***

The Lancaster South Neighbourhood Area Structure Plan presents a strategically designed neighbourhood that promotes a mix of housing options and opportunities. The majority of land within the plan area is designated for residential development. The intent of this development is to provide a blend of low density residential dwelling units including single family and semi-detached homes throughout the development as well as to accommodate medium density multiple family residences within the community.

##### ***i) Residential Low Density District (R1)***

Low density single detached housing, under the R1 designation has been generally located through out the neighbourhood in an effort to allow for full access to neighbourhood parks, open space, recreational trails, recreational pathways, commercial development, the school site, and the variety of other amenities found in the neighbourhood.

##### ***ii) Two Storey Residences with Walkout Basements***

Guided by the site's natural topography, some portions of the R1 area have been proposed to allow two storey residences with walkout basements. Specifically, designation for walkout

basements is intended for the western half of the site in those areas backing onto treed open space, park areas, or public utility lots.

*iii) Residential R1A (Semi-Detached Dwelling)*

As presented in Figure 3, within some portions of the neighbourhood there is the intention of interspersing a limited number of semi-detached homes among single family dwellings at a level not to exceed 15% semi-detached in these sectors and with a minimum mix of at least 10% semi-detached. The proposed semi-detached units are to be of a high quality and must meet architectural standards governing size and elevations. The portions of the neighbourhood targeted to allow the mix of semi-detached and single family homes include: the northern most areas adjacent to the existing Lancaster Meadows development and the southeast section of the plan. The semi-detached homes are to be placed at a maximum of two semi-detached lots (4 units) next to one another in order to achieve the objective of blending the R1A and R1 units.

*iv) Residential R2 (Medium Density) District*

In the Neighbourhood Area Structure Plan, a block of medium density residential units is suggested for the southeast corner of the neighbourhood. This medium density housing block is situated within close proximity to the local commercial site, the school/neighbourhood park, and to the open space and trails system traversing the neighbourhood.

**3.3.2 Density**

The Neighbourhood Area Structure Plan area will supply approximately 119 multi-attached units, 22 to 34 semi-detached units (depending upon how these units are interspersed within the single family housing), and approximately 539 single-family lots. Calculating the above units with the Bylaw standard of 3.4 persons/unit for single family, 3.3 persons/unit for semi-detached unit, and 3.0 persons/multi-attached unit, the total expected population would be approximately

2301 persons (37.4 persons per hectare). This density is within City density standards of 45 persons per hectare.

### ***3.3.3 Commercial (Neighbourhood Convenience) District***

A 0.25 hectare (0.62 acre) commercially zoned site is proposed for the southwest corner of the Neighbourhood Area Structure Plan area. This site is principally expected to cater to local residents of Lancaster South and is designated as neighbourhood convenience commercial. A small walkway has been incorporated into the design to provide pedestrian/bicycle access to this site for residents of the Lancaster South neighbourhood. Uses permitted on the site may include retail sales, rental sales, or services as defined in the City's By-law, and intended for sale/trade to the residents of the local neighbourhood only.

### ***3.3.4 Open Space and Parks***

The proposed park and open space system includes a neighbourhood park/school site, a series of linear park/pathways, several smaller parkettes, and a span of treed/natural open space areas. A detailed park plan is presented in Appendix B.

#### *i. Neighbourhood Park/School Site*

A substantial sized neighbourhood park to be combined with the area's school site is proposed in the centre area of the Lancaster South. The site is 4.75 hectare (11.73 acres). The school site is designated as a Catholic School, to accommodate students in kindergarten to grade 9. This may include a K-5 elementary or K-9 elementary school, or a grade 6-9 middle school, or any grade combination from K-9.

#### *ii. Linear Pathways*

A series of linear pathways and trails are proposed to run through the neighbourhood, linking to the school site, commercial site, and parkettes in the plan area.

*iii. Parkettes*

Several parkettes are proposed in locations throughout the community. These parkettes include a 0.15 hectare (0.38 acre) site to be situated in the mid-southwest portion of the plan area, a 0.16 hectare (0.41 acre) parkette to be located in the mid-southeast area, and a 0.18 hectare (0.45 acre) and a 0.09 hectare (0.23 acre) parkette both proposed for the mid-northeast portion of the neighbourhood. Trail systems are depicted in Figure 3.

*iv. Treed Open Space*

A series of natural treed open spaces are to be preserved within the Lancaster South area. These stretches of trees will provide wildlife and aesthetic benefits to the neighbourhood as well as provide a berm between the neighbourhood and proposed arterial roads bordering the community. The open space treed areas primarily run along the western and southern linear boundaries of the development and will be available for passive recreation use to residents. The area encompassed is approximately 3 hectares (7.3 acres).

**3.3.5 Social Facilities**

Two social facilities sites are proposed for the Neighbourhood Area Structure Plan area. The first is a 0.13 hectare (0.32 acre) social care facility or day care or a retirement home site. It is designated in the south portion of the neighbourhood. This site is situated along the main collector roadway for ease of access. The second site is a 0.3 hectare (0.74 acre) church site to be located in the northwest corner of the plan. This site will provide a convenient approach to the church building as it is situated near the entrance to the neighbourhood's main arterial road (30<sup>th</sup> Avenue). Additionally, proximity to the arterial road is intended to limit the amount of additional traffic traveling through the neighbourhood.

### 3.3.6 *Transportation*

A hierarchical system of roads is proposed for the Lancaster South Neighbourhood Area Structure Plan area to provide safe, appropriate, and efficient access for residents as well as others traveling throughout the neighbourhood.

#### *i) Arterial Roadways*

The Lancaster South area has one arterial road, 30<sup>th</sup> Avenue, which borders the in to the west. It serves as the key access point to the neighbourhood in two locations. The central entrance/exit point to and from 30<sup>th</sup> Avenue is to retain several tree stands and to incorporate augmented entrance features to enhance the character of the community.

#### *ii) Collector Roadways*

The Neighbourhood Area Structure Plan area proposes 3 collector roads that will be linked to the above arterial roadway. Collector roads are to include: the extension of the existing Lancaster Drive intended to link to 30<sup>th</sup> Avenue at the entrance point, a roadway bordering the neighbourhood to the south, and a proposed roadway to travel through the centre of the community next to the school/park site.

#### *iii) Local Roadways*

A sequence of local roadways running throughout the Lancaster South community will provide access to individual lots and properties. Local roads have been designed to meet two standards, 16 metres where the medium density homes are planned and 15 metres in the remaining portions of the development.

#### *iv) Laneways*

The Lancaster South neighbourhood has been designed with most of the lots backing onto laneways, however some lots with rear yards adjoining park space or open space treed areas or public utility lots will not have laneways.

v) *Bicycle and Pedestrian Paths*

Several bicycle and pedestrian paths have been identified within Lancaster South. These paths are illustrated in Figure 3. Particularly attractive aspects of these pathways include linkage with the local school/park site, the commercial site, and preserved treed areas. Some trails will encompass mandatory chain link fencing as well as lighting intended to address security and public safety concerns. Lighting and chain link fencing will allow for increased visibility and illumination for evening and day use. Additional planning and implementation of these pathways is expected to take shape based on the input and opinions of future Lancaster South residents.

**3.3.7 *Municipal Reserve***

The municipal reserve dedication for this Neighbourhood Area Structure Plan is as follows:

Natural treed areas	3.00	ha
Central School/Park Site	4.75	ha
Local parkettes	0.58	ha
<b>Total</b>	<b>8.33</b>	<b>ha</b>

**3.3.8 *Neighbourhood Parkettes and Natural Treed Areas***

The neighbourhood parkettes and natural treed areas are expected to provide several amenities to area residents, for instance various playing fields, playgrounds, a multi-use pad, a hockey rink, sliding hills, and shelters.

**4.0 *Municipal Servicing***

The proposed municipal servicing design for the Lancaster South community reflects the site's natural features and responds to the need for efficient service delivery.

**4.1 *Storm Sewer System***

One large storm water detention pond is required to service the neighbourhood. This pond will be located in the northwest portion of the Neighbourhood Area Structure Plan area. The exact volume of the storm water detention pond will be determined during actual construction phases.

Three other smaller ponds, one on the central school and park site, and two others in the TransAlta right-of-way will serve the area. The ponds in the right-of-way will take advantage of the existing natural wetlands and preserve them in part, as is possible. Major drainage is presented in Figure 4 and overall storm servicing is presented in Figure 5.

#### **4.2 Sanitary Sewer System**

The sanitary sewer system that is required to service the Lancaster South area is presented in Figure 6.

#### **4.3 Water Distribution System**

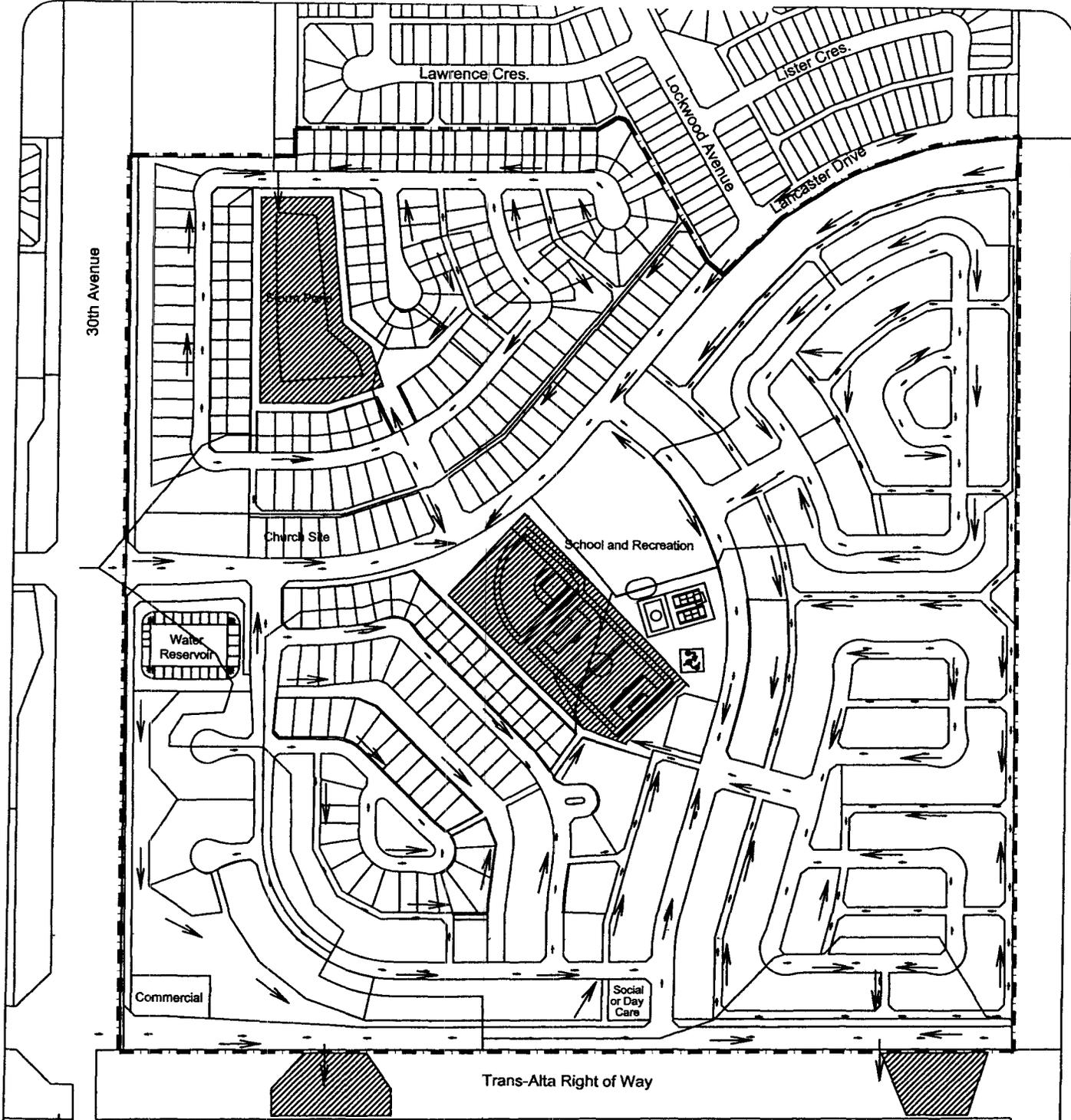
The overall water distribution system that is required to service the Lancaster South area is illustrated in Figure 7. As shown on Figure 7, a water reservoir site is to be located in the west central area of the plan, at the intersection of 30<sup>th</sup> Avenue and the entrance collector roadway into Lancaster South. Trees will be retained around the perimeter of the water reservoir site and the area will be appropriately landscaped to serve as a neighbourhood enhancement and entrance feature.

#### **4.4 Shallow Utilities**

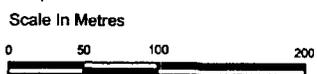
Shallow utility providers, namely the City's Electric Light and Power Department, the telephone, cable, and natural gas companies, have been contacted regarding servicing to the Lancaster South area. There is adequate capacity to provide servicing.

#### **5.0 Staging of Development**

As stated previously, Figure 3 delineates the anticipated development staging for the Lancaster South area. The location of utilities will dictate the order of initial phases. Likewise, market conditions may be expected to influence the actual staging of subsequent development.

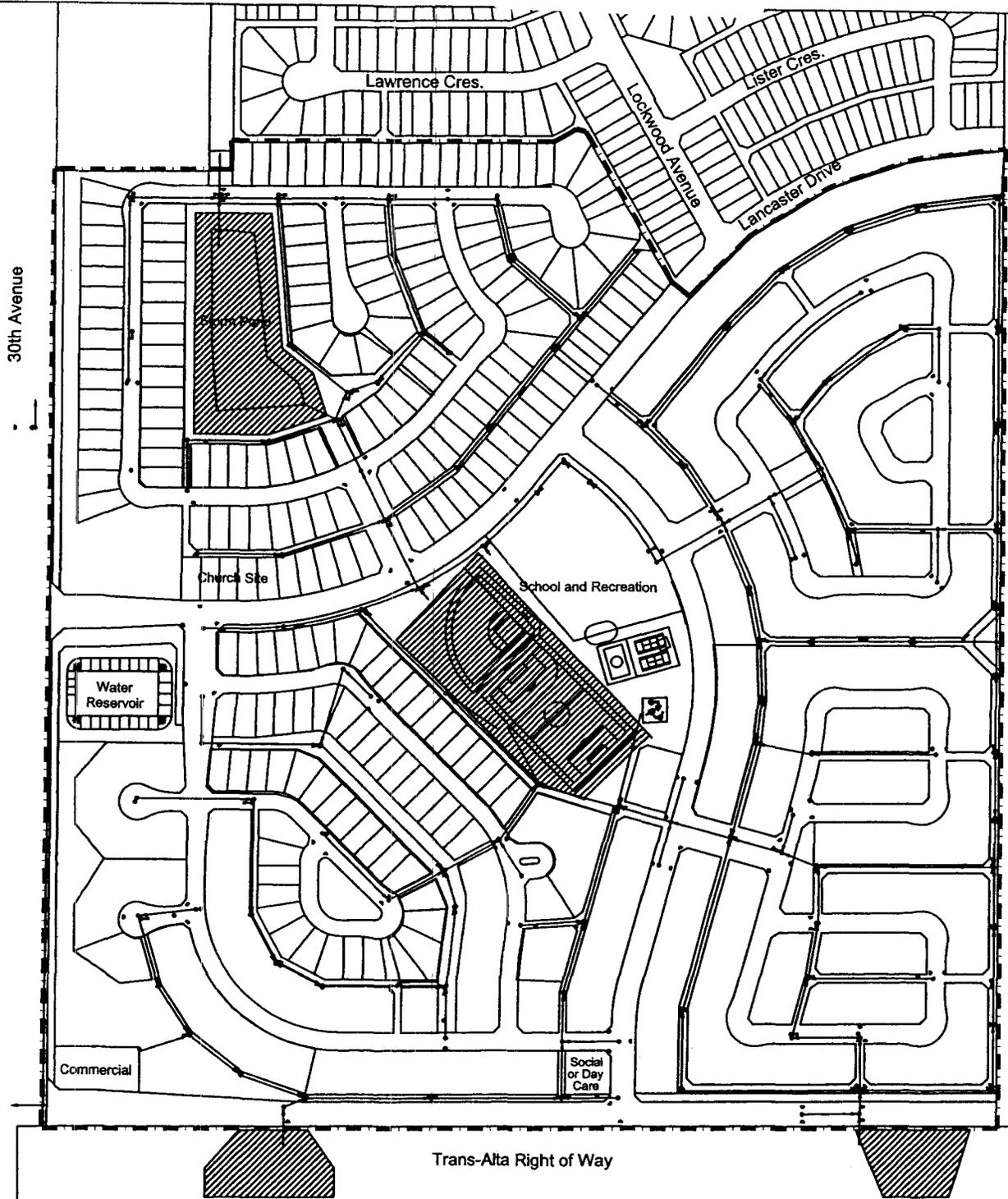


**LANCASTER SOUTH**  
 Neighbourhood Area Structure Plan  
 Figure 4 - Major Drainage

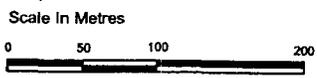


-  Study Boundary
-  Drainage Pattern
-  Detention Pond

Prepared by: RD Engineering Services  
 and PCPS  
 October, 2001

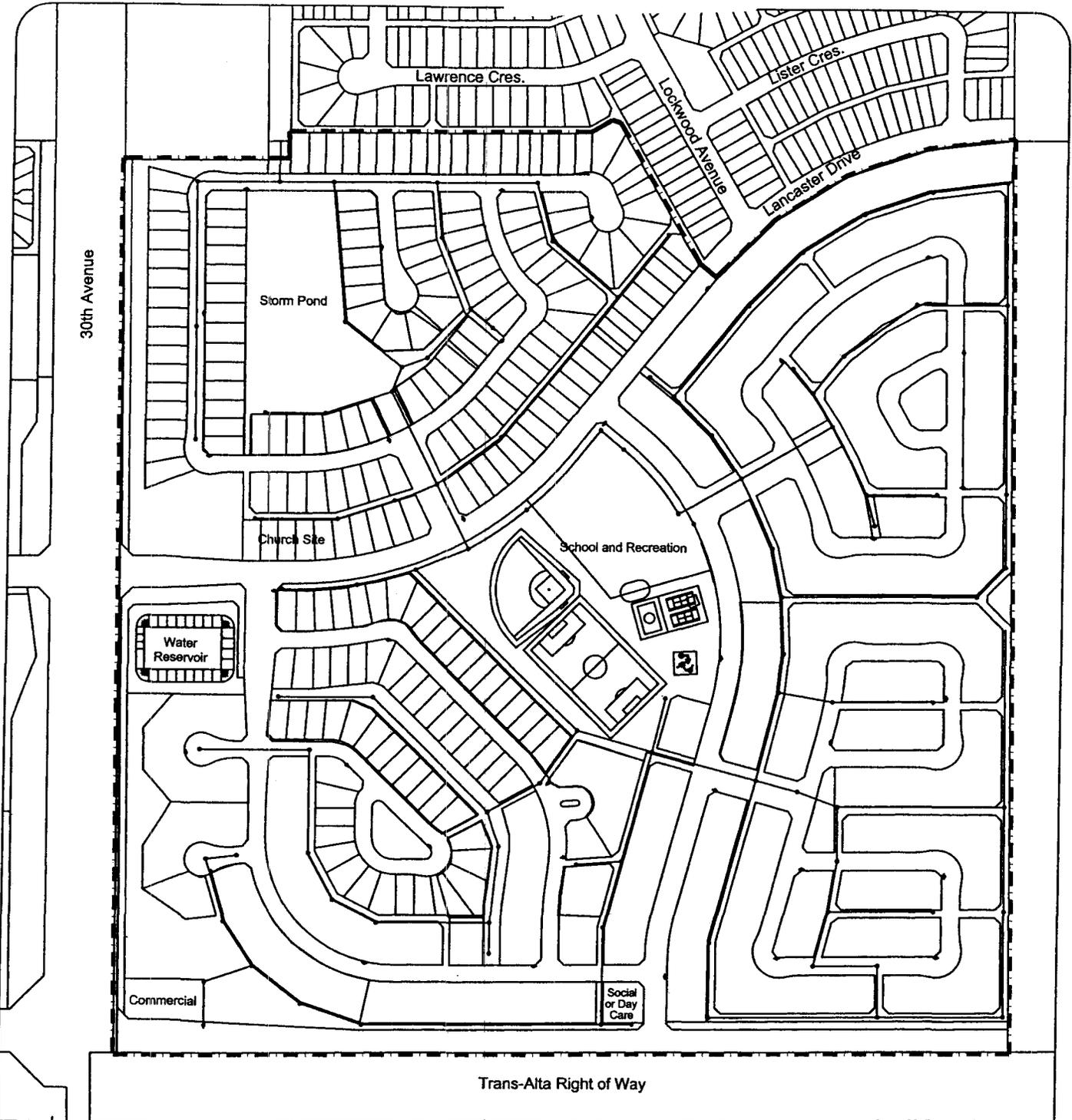


**LANCASTER SOUTH**  
 Neighbourhood Area Structure Plan  
 Figure 5 - Overall Storm Servicing

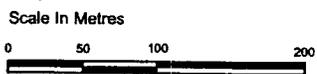


-  Study Boundary
-  Storm Utility
-  Detention Pond

Prepared by: RD Engineering Services  
 and PCPS  
 October, 2001

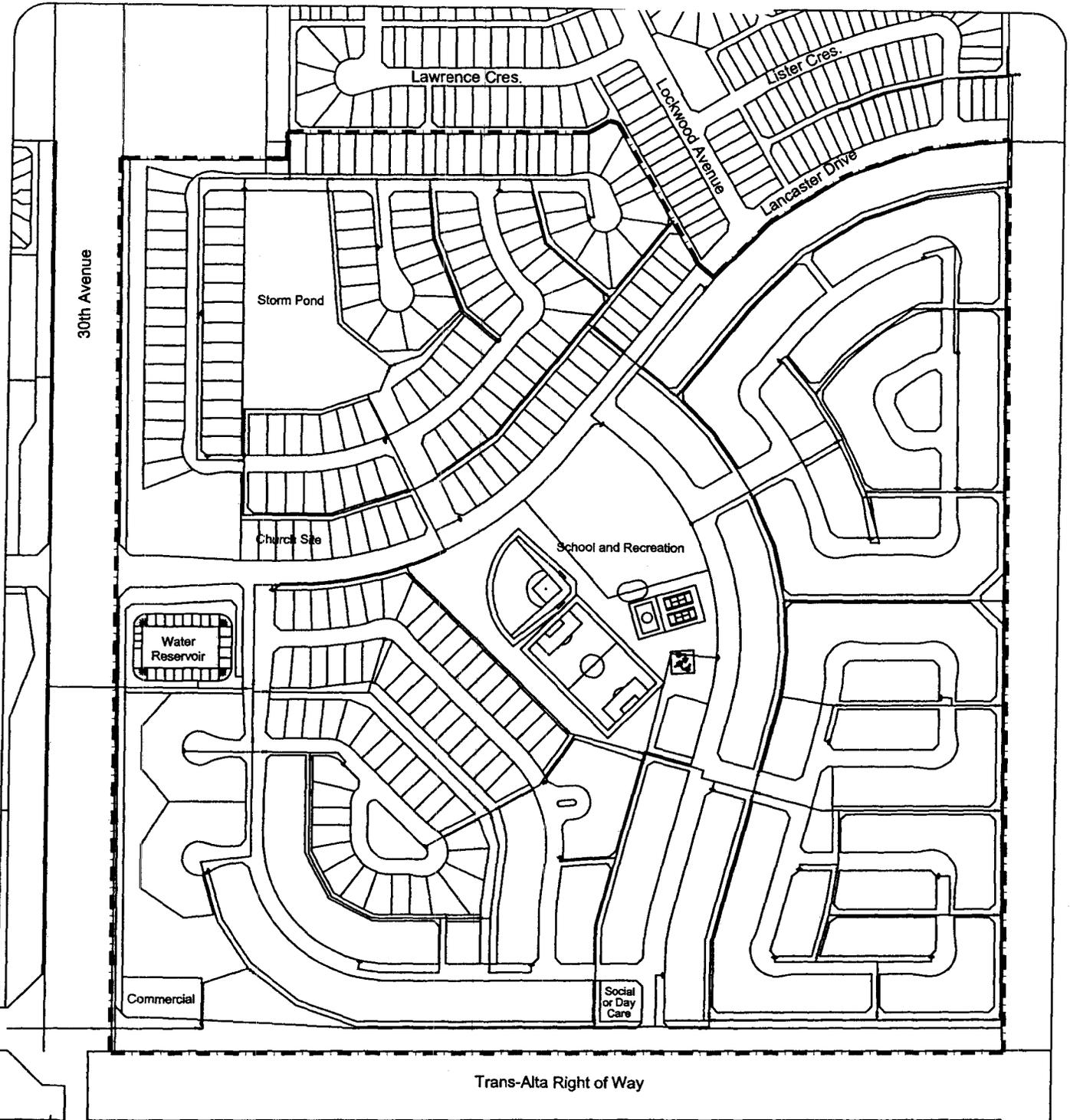


**LANCASTER SOUTH**  
 Neighbourhood Area Structure Plan  
 Figure 6 - Overall Sanitary Servicing

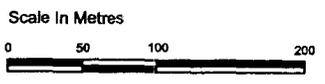


-  Study Boundary
-  Sanitary Utility

Prepared by: RD Engineering Services  
 and PCPS  
 October, 2001



### LANCASTER SOUTH Neighbourhood Area Structure Plan Figure 7 - Overall Water Servicing



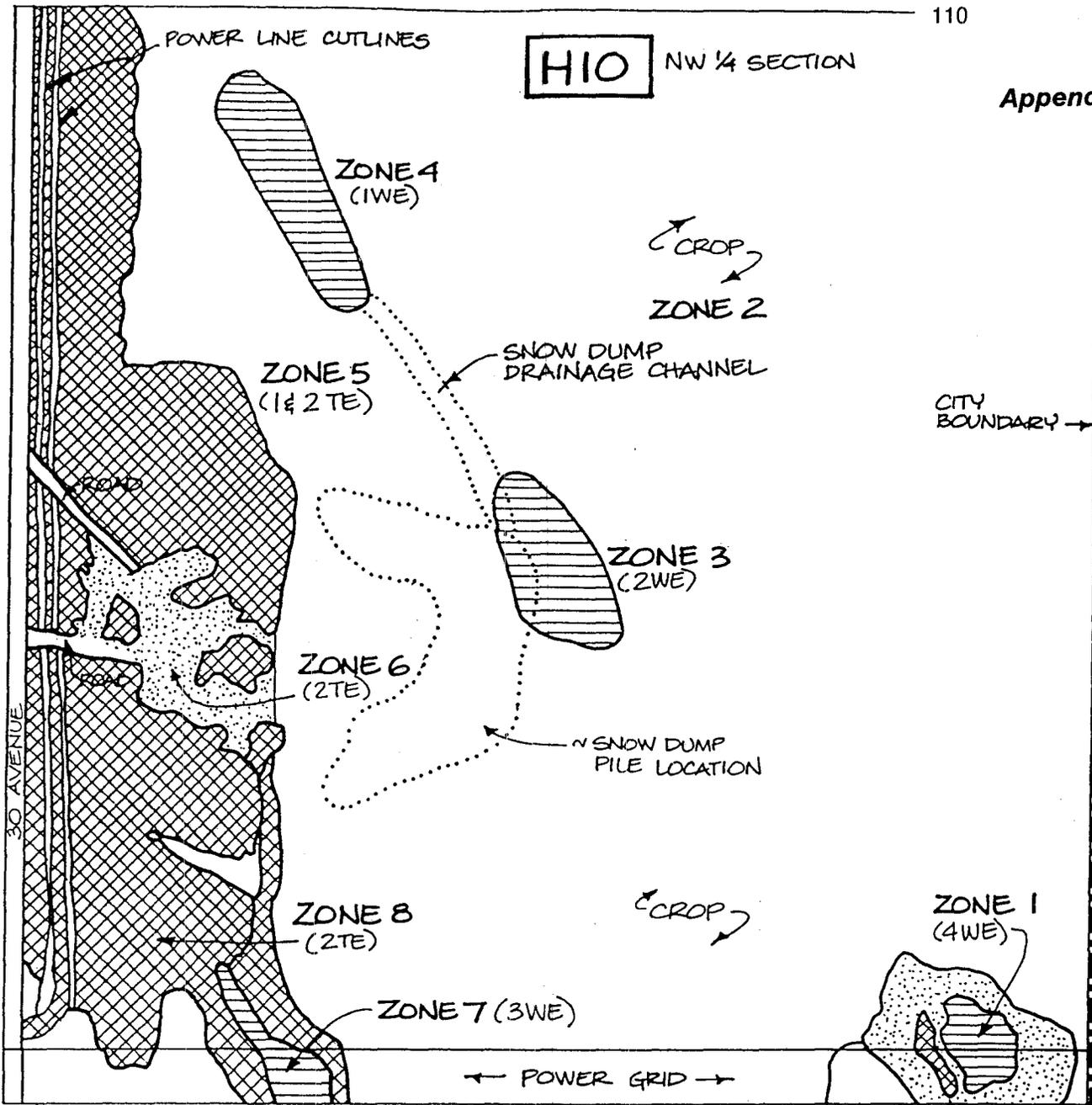
- Study Boundary
- Water Utility

Prepared by: RD Engineering Services  
and PCPS  
October, 2001

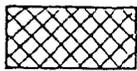
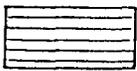
***Appendices***

**H10** NW ¼ SECTION

Appendix A



LEGEND

-  TREES
-  WETLAND
-  GRASS

----- CITY BOUNDARY

ZONES & HABITAT SITE NUMBER

- ZONE 1 (4WE)
- ZONE 2 (CROP)
- ZONE 3 (2WE)
- ZONE 4 (1WE)
- ZONE 5 (1&2TE)
- ZONE 6 (2TE)
- ZONE 7 (3WE)
- ZONE 8 (2TE)

ex) **H10 - 2WE**

GRID MAP SECTION OF LAND

HABITAT SITE NUMBER

MAPPING CODE

W = WETLAND

T = TREE

E = ECOSPACE

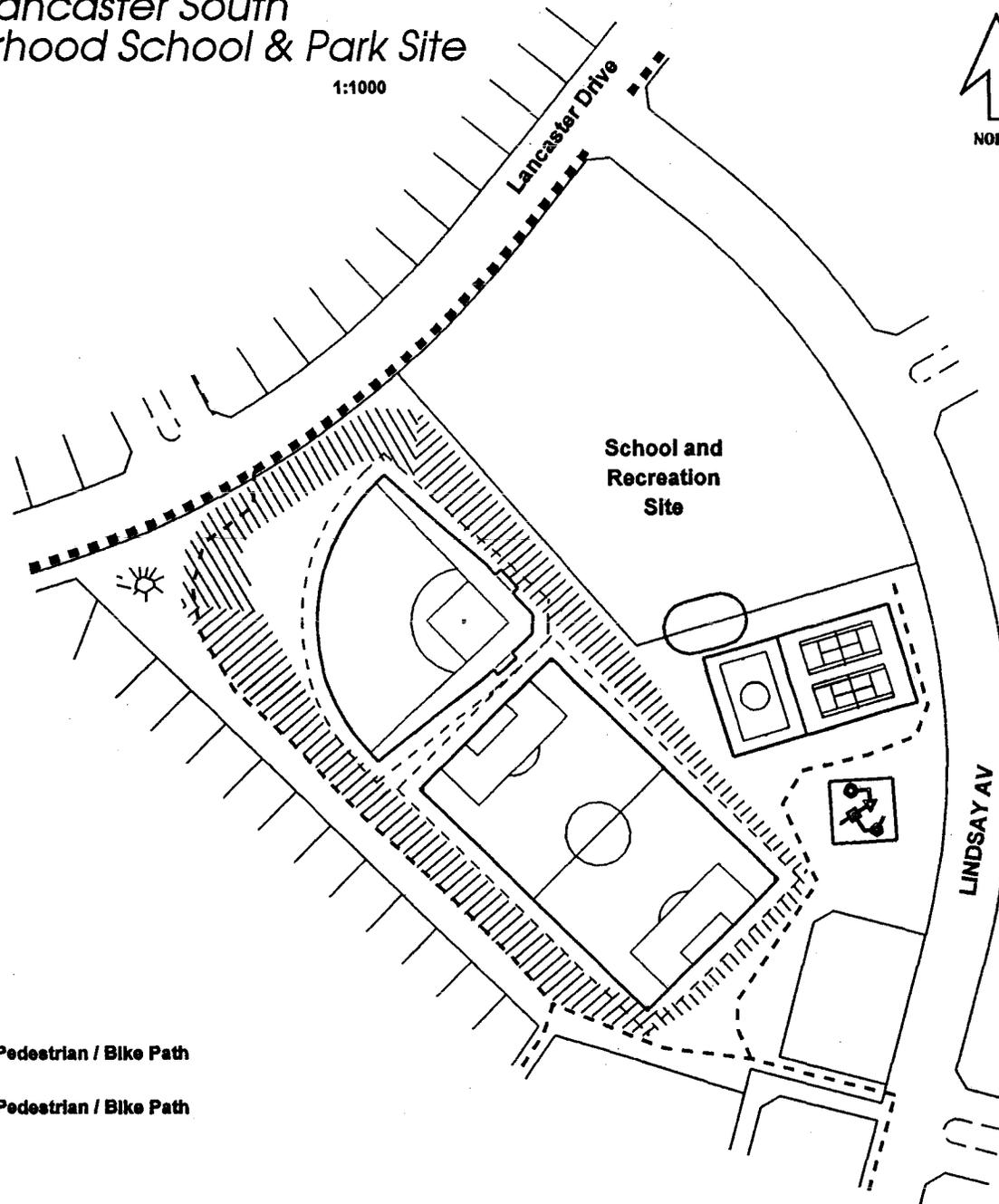


LANCASTER MEADOWS  
NATURAL (ECOSPACE) AREA

# Lancaster South Neighbourhood School & Park Site

Oct. 2001

1:1000



■ ■ ■ ■ 2.5m Pedestrian / Bike Path

- - - - 1.5m Pedestrian / Bike Path

Prepared by:  
The City of Red Deer Engineering Department

**BYLAW NO. 3156/SS-2001**

Being a bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer.

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

- 1 The "Land Use District Map "K5" contained in "Schedule B" of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map No. 36/2001 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 5<sup>th</sup> day of ~~November~~ A.D. 2001.

READ A SECOND TIME IN OPEN COUNCIL this day of A.D. 2001.

READ A THIRD TIME IN OPEN COUNCIL this day of A.D. 2001.

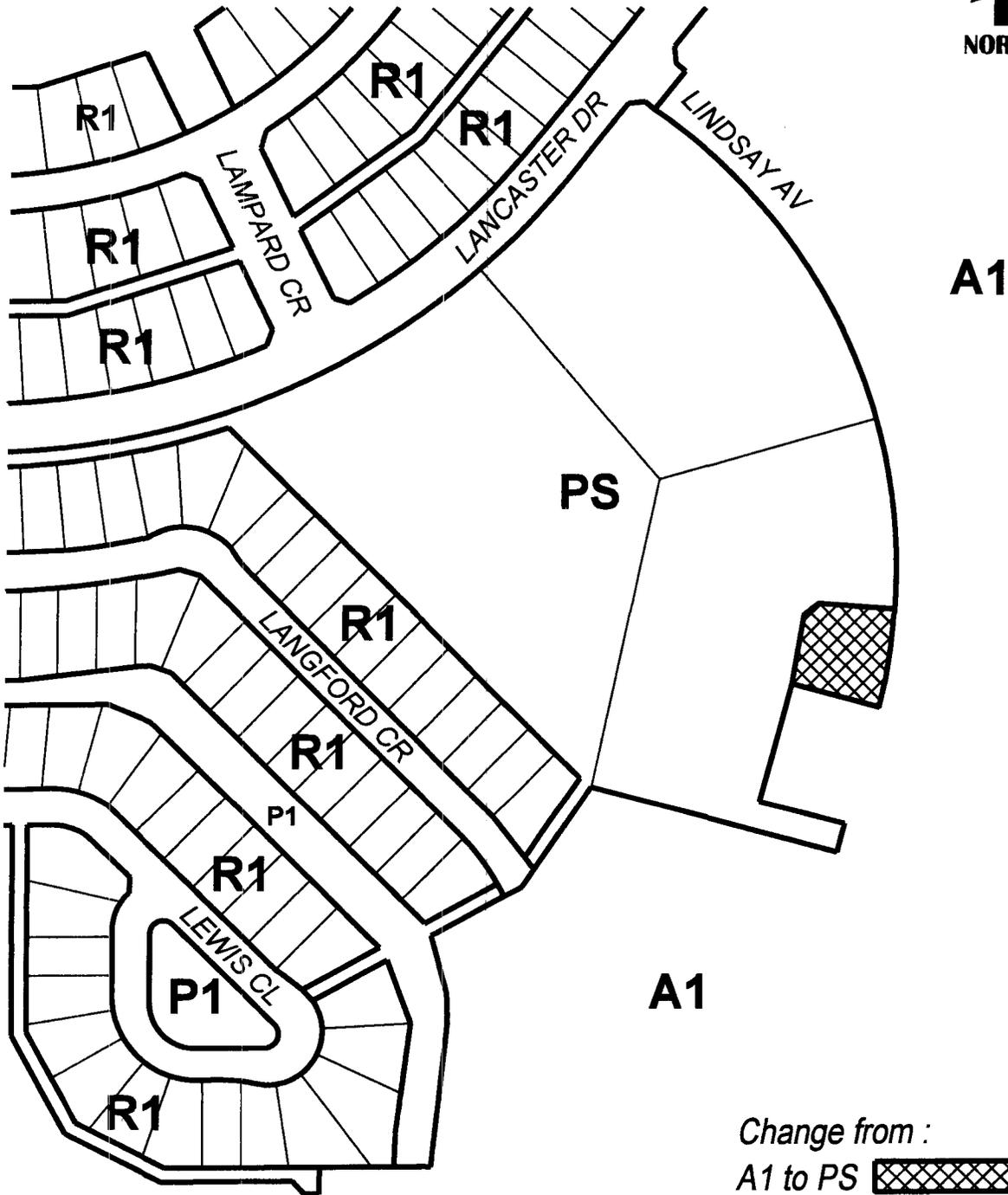
AND SIGNED BY THE MAYOR AND CITY CLERK this day of A.D. 2001.

\_\_\_\_\_  
MAYOR

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

# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT



### AFFECTED DISTRICTS:

A1 - Future Urban Development

PS - Public Service (Institutional or Governmental)

Change from :

A1 to PS 

MAP No. 36 / 2001

BYLAW No. 3156 / SS - 2001

Item No. 6

**BYLAW NO. 3291/2001**

Being a bylaw to close portions of road and lane in the City of Red Deer, as described herein.

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

1 The following portion of laneway in the City of Red Deer is hereby closed:

“All of Lane, Block 48, Plan 6990 ET”

READ A FIRST TIME IN OPEN COUNCIL this 5th day of November 2001.

READ A SECOND TIME IN OPEN COUNCIL this day of 2001.

READ A THIRD TIME IN OPEN COUNCIL this day of 2001.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2001.

\_\_\_\_\_  
MAYOR

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

**ADDITIONAL  
AGENDA**



FOR THE **REGULAR MEETING OF RED DEER CITY COUNCIL**

TO BE HELD IN THE COUNCIL CHAMBERS, CITY HALL

**MONDAY, DECEMBER 3, 2001**

COMMENCING AT **4:30 P.M.**



Page #

(1) **REPORTS**

1. Director of Corporate Services – *re: Collicutt Centre Budget Variance*

*Notice of Motion - Councillor Dawson - Collicutt  
Centre Committee + Operating Model*

*Written enquiry - Collicutt Centre*

**Date:** December 3, 2001  
**To:** City Clerk  
**From:** Director of Corporate Services  
**Subject:** Collicutt Centre Budget Variance

---

### **Background**

A recent Budget Variance Report confirms the expectation that the Collicutt Centre budget will be overspent by about \$1,003,000 for the 2001 fiscal year. The details of the over budget situation have been set out in a report to Council from the Director of Community Services.

The financial projections also indicate that there will be a favorable variance (surplus) in the Electric, Light & Power utility budget currently forecasted at \$5,000,000. The surplus in the EL&P budget results from a number of different issues that are not expected in the future, such as Alberta Energy & Utilities Board decisions pertaining to the year 2000 accounts, when EL&P reported a deficit of \$1,500,000.

### **Discussion**

The option exists for Council to approve a transfer of surplus from Electric Light & Power Department to cover off the expected deficit at the Collicutt Centre.

### **Requested Action**

That Council approval be given for a transfer of \$1,003,000 from the Electric, Light & Power Utility surplus to the Tax Supported Operating budget in the 2001 fiscal year, to offset the deficit projected in the Collicutt Centre budget.



Rod Burkard  
Director of Corporate Services

**Date:** December 3, 2001  
**To:** Kelly Kloss, City Clerk  
**From:** Colleen Jensen, Community Services Director  
**Re:** Collicutt Centre 2001 Operating Budget

**Purpose**

This report is to inform Council that the Collicutt Centre 2001 net operating will be significantly over-expended by year-end. The report will provide background, clarify the situation and outline actions taken by Administration.

**Background**

1. Budget preparation:

- The 2001 operating budget for the Collicutt Centre was developed in August 2000 based on the March 2000 Johnson Sport Governance and Management Model Approach.
- The Johnson Sport Report recommended a facility budget for one full year of operation and recommended including contingencies, especially in the first two years of operation.
- The 2001 operating budget differed from the Johnson Sport Report in that:
  - It made significant deviations from both its expenditure and revenue assumptions. Expenditure assumptions were exceeded in the area of hiring more staff. The projected revenue assumptions were also too aggressive.
  - The Collicutt Centre first year budget was for three-quarters of a year of operation, based on an initial target opening of May 1, 2001. This date was not in sync with the construction schedule.
  - Revenues from rentals, concessions and vendor operations were also projected on three-quarters of a year of operations.
  - It did not include start-up costs or contingencies.

2. Start-up:

- The opening of the facility was staged over eight months starting with the gymnastics area opening in October 2000 and the arena and soccer fields opening in January 2001.
- The entire facility became fully operational on June 15, 2001 to ensure adequate time for training and orientation of staff, a final pre-occupancy cleaning and testing of all mechanical and electrical systems.
- Because the budget was not in sync with the construction schedule, the projected revenue levels for May and June were not achieved.
- Substantial unbudgeted costs were incurred during start-up and in the early stages of operation. These costs include site security, a thorough pre-occupancy cleaning, trouble shooting, training, advertising and marketing. In order to meet deadlines, extra staff and staff overtime were also used extensively.

3. Pool closure:

- In July the Collicutt Centre experienced difficulty managing the water chemistry resulting in high bacteria growth in the pool. This caused us to shut down the pool in July and August for a period of 25 days.
- This closure resulted in lost revenues and increased staffing expenses for troubleshooting and pool cleaning. It also resulted in lower usage of the overall facility.
- When the pool did reopen, it was open for a total of 8 hours per day instead of 16.5 hours per day.

- The pool is now open 12 hours per day.
  - Since its closure, the number of pool users has not returned to original projections.
4. 2001 Approved Budget Variance
- In opening the facility, the 2001 approved budget was not followed in several areas, the primary being staffing levels.
  - Some additional staffing was hired to address safety concerns – particularly additional lifeguards.
  - Extra customer service staff and maintenance staff were also hired.

#### **Situation Overview**

The following chart provides a summary of projections to year-end, compared to the approved budget.

	<b>2001 Approved Budget</b>	<b>2001 Projected Year End</b>	<b>2001 Net Variance</b>
<b>Revenues</b>	\$1,588,043	\$1,046,856	\$541,187
<b>Expenditures</b>	\$1,960,028	\$2,421,740	\$461,712
<b>Net City Funding</b>	\$371,985	\$1,374,884	\$1,002,899

The result is a deficit of \$1,002,899 in the 2001 Collicutt Centre budget.

We acknowledge that The City's standard management and operational controls and policies were not adhered to in the Centre's operations resulting in the following:

- inaccurate budget preparation;
- lack of budget monitoring;
- inadequate internal controls ;
- inadequate reporting systems;
- and no adherence to approved budget.

As a result of these factors, the situation was left unreported.

#### **Actions Taken**

The following actions have been taken to address this situation:

- **Staffing levels have been adjusted down**  
Staffing levels at the Collicutt Centre have been reduced and will continue to be monitored.
- **Tighter controls for Collicutt Centre operations**  
Collicutt Centre operations are now under much tighter controls for budgeting, approving expenditures and monitoring.
- **Quarterly budget analysis to supplement department monthly reviews**  
Through our financial system, all City departments have access to all budget and financial information related to their operations. It is the practice for departments to review accounts on a monthly basis. The Director of Corporate Services has implemented additional budget analysis on a formal basis. This analysis will be the basis for quarterly reports to Senior Management Team by the Director of Corporate Services. The management processes

followed by departments have resulted in sound budget control for many years running. This additional analysis will assure us that the Collicutt Centre situation will not reoccur.

- **Review of roles, responsibilities and accountabilities of people involved**  
Senior Management Team seriously examined the roles, responsibilities and accountabilities of the people involved in this situation. This analysis has been used in facilitating discussion about the problem and developing solutions, particularly related to the area of management and accountability.
- **Process for detailed review of 2002 Collicutt Centre budget**  
We have initiated a process to conduct a detailed and thorough review of the 2002 Collicutt Centre budget over the next month. We will rely on our operating experience to date to analyze and project revenues and expenses along with overall staffing needs. We will focus on a very efficient operation of the Collicutt Centre paying particular attention to safety issues, additional start-up issues, maintenance issues and customer service issues. Options for the 2002 budget will be presented to Council as part of the 2002 budget process.

#### **Management Changes**

- Effective November 29, 2001, Mr. Don Batchelor submitted his resignation, effective December 31, 2001.
- Effective December 3, 2001, Mr. Harold Jeske will assume duties as Manager for the Recreation, Parks and Culture department.

#### **Summary**

Administration understands the severity of this situation and has spent considerable time analyzing the situation, identifying management and accountability issues and determining how The City can ensure that this kind of situation does not occur again.

The memo from the Corporate Services Director outlines a strategy to address this budgetary over-expenditure for the Collicutt Centre.



Colleen Jensen

## Over-expenditure Detail

### Summary

	<b>2001 Approved Budget</b>	<b>2001 Projected Year End</b>	<b>2001 Net Variance</b>
<b>Revenues</b>	\$1,588,043	\$1,046,856	\$541,187
<b>Expenditures</b>	\$1,960,028	\$2,421,740	\$461,712
<b>Net City Funding</b>	\$371,985	\$1,374,884	\$1,002,899

The result is a deficit of \$1,002,899 in the 2001 Collicutt Centre budget.

### Detail

#### Revenue

\$ 541,187 shortfall due to:

- \$122,000 budget not in sync with construction schedule;
- \$ 97,000 loss of rent from commercial space due to impact of construction schedule on openings;
- \$ 91,000 pool closure in July and August and shortened hours of operation following closure; and
- \$231,187 overly aggressive revenue projections.

#### Staffing

\$215,000 over-expenditure for one-time unbudgeted staffing due to:

- \$21,000 for pre-occupancy cleaning;
- \$70,000 for trouble shooting during pool closure;
- \$44,000 for start-up staffing for lifeguards, customer service staff, cover off for training and care-taking;
- \$14,000 to cover needs during the staged opening of the facility;
- \$66,000 for overtime.

\$250,000 over-expenditure for general day to day operations staffing due to:

- \$78,000 for janitorial and operations;
- \$55,000 for additional lifeguards;
- \$67,000 for additional front desk/customer service staff; and
- \$50,000 for program staff, however, this amount is offset by corresponding revenues from program fees.

#### Operations and Maintenance

(\$3,288) net under-expenditure due to:

- \$285,119 for over-expenditures in site and building security, training and courses, consulting services, vandalism repair, advertising and promotions, printing, office supplies, tools and fleet.
- (\$288,407) for under-expenditures in telephone, professional services, repairs, equipment rental, janitorial, program and other supplies, and treatment and purification.

**Council Decision – Monday December 3, 2001**

DATE: December 4, 2001  
TO: Director of Corporate Services  
Community Services Director  
FROM: City Clerk  
RE: Collicutt Centre Budget Variance

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**FILE**

**Reference Report:**

Director of Corporate Services, dated December 3, 2001 and Community Services Director, dated December 3, 2001

**Resolutions:**

*Resolved* that Council of the City of Red Deer having considered the report from the Director of Corporate Services, dated December 3, 2001, re: Collicutt Centre Budget Variance, hereby agrees to transfer \$1,003,000 from the Electric, Light & Power Utility surplus to the Tax Supported Operating budget in the 2001 fiscal year, to offset the deficit projected in the Collicutt Centre budget.

**Report Back to Council:** NO

**Comments/Further Action:**

  
Kelly Kloss  
City Clerk

/chk

c

DATE: December 4, 2001

TO: Director of Community Services

FROM: City Clerk

RE: Request for Comments: Notice of Motion by Councillor Dawson  
(1) Collicutt Centre Steering Committee  
(2) Collicutt Centre Operating Model

**FILE**

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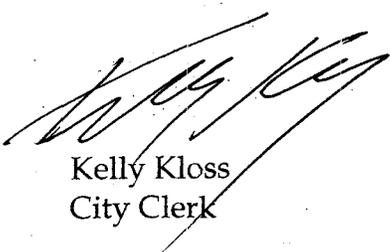
The following Notice of Motion was submitted by Councillor Dawson at the Council Meeting of December 3, 2001:

*Whereas* concerns have arose regarding the operations of the Collicutt Centre;

*Now Therefore Be It Resolved* that the Collicutt Centre Steering Committee's mandate be expanded to:

- (1) Act in an advisory capacity to Administration and Council on the operations and operating budget of the Collicutt Centre.
- (2) Review the original information regarding operating models for the Collicutt Centre and report back to Council.

Please provide your comments to my office by MONDAY, DECEMBER 10, 2001 for the Council Agenda of December 17, 2001.



Kelly Kloss  
City Clerk

c City Manager  
Director of Corporate Services  
Recreation, Parks & Culture Manager  
Councillor Dawson

**DATE:** December 4, 2001

**TO:** Director of Community Services

**FROM:** City Clerk

**RE:** Request for Comments: Written Inquiry - Councillor Dawson  
Collicutt Centre

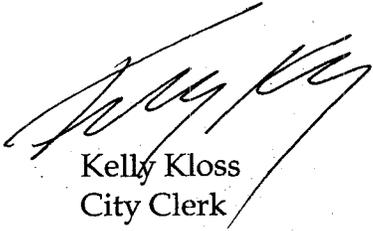
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At the Council Meeting of December 3, 2001, the following Written Inquiry was submitted by Councillor Dawson:

**COLLICUTT CENTRE**

- (1) What is the final tally of all capital costs and revenues for project construction?
- (2) Are there any items in the operating budget that should have been in the capital budget?
- (3) Are any of the revenues for the capital portion outstanding? If so, what assurances do we have that we will collect this revenue?

As this will be presented to the Council Meeting of December 17, 2001, could I have your response by **MONDAY, DECEMBER 10, 2001** for inclusion on the agenda.



Kelly Kloss  
City Clerk

c City Manager  
Director of Corporate Services  
Recreation, Parks & Culture Manager  
Councillor Dawson