



AGENDA



FOR THE *REGULAR MEETING OF RED DEER CITY COUNCIL*

TO BE HELD IN THE COUNCIL CHAMBERS, CITY HALL

MONDAY, OCTOBER 6, 2003

COMMENCING AT 5:00 P.M.



- (1) Confirmation of the Minutes of the Regular Meeting of Monday, September 22, 2003.

- (2) **UNFINISHED BUSINESS**
 1. Inspections & Licensing Manager – Re: *Update of Dating and Escort Bylaw 2794/82 – New Escort Services Bylaw 3319/2003*
(Consideration of 3 Readings of the Bylaw) . . .1

- (3) **PUBLIC HEARINGS**

- (4) **REPORTS**
 1. Manager, Legislative & Administrative Services – Re: *Expropriation of SE 4-38-27-W4 – 40th Avenue Widening and Access to Living Stones Church* . . .6

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1.	<i>3156/TT-2003 – Land Use Bylaw Amendment - Rezoning of 5601 Kerry Wood Drive from R3-D80 to R3-D95</i> (1 st Reading)	..57 ..41
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MEMO

DATE: September 30, 2002
TO: KELLY KLOSS, City Clerk
FROM: GREG SCOTT, Manager
Inspections & Licensing Department
RE: ESCORT BYLAW UPDATE

At the September 22, 2003 Council meeting the Inspections & Licensing Department presented the updated Escort Bylaw #3319/2003 for review and approval. At the conclusion of significant discussion the following resolution was passed:

“RESOLVED that Council of the City of Red Deer hereby agrees to table consideration of the Escort Service Bylaw 3319/2003 to allow the City Solicitor an opportunity to provide clarification relating to Section 31 of the existing Dating and Escort Bylaw No. 2794/82 and the definition of escort in the proposed Escort Service Bylaw No. 3319/2003.

Staff, in collaboration with legal counsel have reviewed these areas and provide the following comments:

1. Escort Definition – Section 3(a) (New Bylaw)
That the proposed definition in the Bylaw and recommended by legal counsel remain unchanged since it legally encompasses the type of activity and businesses the Bylaw targets.
2. Section 31 – Old Bylaw No. 2794/82
Legal counsel recommends deleting this section from the new Bylaw since it is outside the jurisdiction of the City and is, generally speaking, unenforceable.

As Council is aware, the current Escort Bylaw has been operating since 1982 with license applications processed, reviewed and issued through the RCMP and the Inspections & Licensing Department. In review of the file, there have been no significant escort/agency or public complaints lodged through this time period.



GREG SCOTT
MANAGER
INSPECTIONS & LICENSING DEPARTMENT

GS/kb

- c Bryon Jeffers, Director of Development Services
Nick Riebeek, City Solicitor
Joyce Boon, Permits & Licensing Supervisor

ESCORT SERVICES BYLAW DEFINITIONS

NEW ESCORT DEFINITION (ESCORT BYLAW 3319/2003):

“Escort means a person who for a fee provides a period of companionship for a limited period of time; provides private modeling, strip tease or exotic dancing; or provides any of the services offered by an Escort agency.”

SECTION 31 (DATING & ESCORT SERVICE BYLAW 2794/82):

“No date or escort nor any person operating a dating and escort service shall offer or advertise that the date or escort or the dating and escort service offers or provides any form of sexual favours, sexual gratification or sexual intercourse. ”

MEMO

DATE: September 10, 2003

TO: KELLY KLOSS, Manager
Legislative & Administrative Services

FROM: GREG SCOTT, Manager
Inspections & Licensing Department

RE: UPDATE OF THE DATING & ESCORT BYLAW #2794/82

Background

The City of Red Deer established the Dating & Escort Bylaw #2794 in 1982. Since that time minor amendments have been completed as required with the most recent in 1997 (Attachment #1: Current Bylaw). This year when re-issuing Escort and Agency licenses, the Inspections & Licensing staff, in conjunction with the RCMP and legal counsel, identified a number of areas within the bylaw that contained outdated information as well as license requirements that were not clear and in some cases no longer necessary. In addition the format/layout of the bylaw was confusing both to staff and external customers as it did not clearly identify specific license requirements. In consideration of this the Inspections & Licensing Department has completed a re-write of the bylaw . (Refer to Bylaw No. 3319/2003 in the Bylaw Section of this Agenda)

Process

The Inspections & Licensing Department and the RCMP, in collaboration with legal counsel, reviewed all sections of the Dating & Escort Bylaw. Through this review it was reaffirmed that the City of Red Deer maintain an Escort Bylaw and the Bylaw administration be managed by the Inspections & Licensing Department and enforced by the RCMP.

Major modifications being proposed within the new bylaw include:

1. The new Bylaw more clearly identifies the requirements for the issuance of an Escort and Escort Agency license. Additional information is being requested relating to business ownership and addressing.
2. A separate section is being proposed for "Police Referral" to ensure the applicants clearly understand the licensing approval process. The License Inspector has the authority to refer every license application to the Chief of Police for review.

Kelly Kloss
Repealment of the Dating & Escort Bylaw #2794/82
September 10, 2003
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3. The new designation of an Independent Escort Service or Agency which is a business owned, operated and serviced by one escort – proposed license fee for this new area is \$1500.00/year.
4. License fees will be assigned on a yearly basis, based on date of application, with no partial year payment.
5. Schedule "A" (Fees) has been modified to include:
 - A \$1500.00 fee for an Independent Escort Service has been established
 - The License Transfer fee option has been eliminated
6. Fee Schedule "B" (Fines) has been written to more directly align with the requirements of the bylaw. Fine penalty amounts have been developed to deter bylaw violations.
7. A statement has been included that makes it mandatory for a court to, in addition to any fine, impose a further penalty equivalent to the amount of the unpaid license fee.

For City Council's information this report, along with the proposed new Bylaw, has been forwarded to all licensed escorts and agencies. In addition, on August 19, all licensed escort agencies were invited to an information sharing meeting to discuss the proposed new changes. Although three confirmations to attend were received, no one attended the meeting.

Recommendation

The Inspections and Licensing Department respectfully recommends to City Council that the attached new Escort Bylaw be adopted and approved.



GREG SCOTT
MANAGER
INSPECTIONS & LICENSING DEPARTMENT

GS/kb

- c Bryon Jeffers, Director of Development Services
Nick Riebeek, City Solicitor, Chapman Riebeek
Insp. Jim Steele, RCMP
Colleen Jensen, Director of Community Services
Deb Mann, Licensing Inspector

Comments:

I recommend Council proceed with three readings of the New Escort Bylaw 3319/2003.

"N. Van Wyk"
City Manager

Submitted by Councillor Aighan
Council Meeting Oct. 6, 2003

NEW ESCORT DEFINITION (ESCORT BYLAW 3319/2003):

“Escort means a person who for a fee provides a period of companionship for a limited period of time, or provides any form of entertainment or service offered by an Escort agency.”

FILE



Council Decision – October 6, 2003

Legislative & Administrative Services

DATE: October 7, 2003
TO: Greg Scott, Inspections & Licensing Manager
FROM: Kelly Kloss, Manager, Legislative & Administrative Services
SUBJECT: Update of Dating and Escort Bylaw 2794/82
Escort Service Bylaw 3319/2003

Reference Report:

Inspections & Licensing Manager, dated September 30, 2003

Bylaw Readings:

Escort Service Bylaw 3319/2003 was given three readings. A copy of the bylaw is attached.

Report Back to Council: No

Comments/Further Action:

This office will distribute copies of the Escort Service Bylaw 3319/2003 in due course.

A handwritten signature in black ink, appearing to read 'Kelly Kloss', written over the typed name and title.

Kelly Kloss
Manager

/chk
attchs.

c Director of Development Services
City Solicitor



Legislative & Administrative Services

DATE: September 30, 2003
TO: City Council
FROM: Manager, Legislative & Administrative Services
SUBJECT: Expropriation of SE 4 – 38 – 27 – W4
For 40th Avenue Widening and Access to Living Stones Church

Council will recall that this matter came before it on the 16th of June as part of a report dealing with land acquisition necessary for the widening of 40th Avenue and access to the Living Stones Church site.

At that time Council was advised that negotiations to acquire land had been unsuccessful and, accordingly, Council authorized the expropriation process which has, in fact, been proceeded with.

The Expropriation Hearing was held on Wednesday, August 27, 2003, and attached is the report of the Inquiry Officer setting forth the substance of the Inquiry, his findings of fact, and conclusions.

The Inquiry Officer concludes that the intended expropriation by the City is fair, sound and reasonably necessary in the achievement of the objectives of the Expropriating Authority, namely, the widening of 40th Avenue and the access road to the Living Stones Church site.

Council as Approving Authority may now consider if the expropriation should proceed.

Attached to this agenda, for information, are the materials that were presented to Council on June 16, 2003.

Recommendation

That Council pass a resolution approving the expropriation.


Kelly Kloss
Manager

/attach.

IN THE MATTER of the *Expropriation Act*, being Chapter E-13 of the Revised Statutes of Alberta, 2000, and amendments thereto (the "Act");

AND IN THE MATTER OF the intended expropriation by the Council of the City of Red Deer of a fee simple interest in those lands described as:

Meridian 4, Range 27, Township 38, Section 4, Quarter South East,
Containing 64.7 Hectares (160 Acres) more or less, excepting thereout:

- A) 0.417 Hectares (1.03 Acres) more or less, as shown on Road Plan 4719MC;
- B) 4.05 Hectares (10 Acres) more or less, subdivided under Plan 423 NY;
- C) 4.85 Hectares (11.98 Acres) more or less, subdivided under Plan 5003 NY;
- D) All that portion described as follows: Commencing at the point of Intersection of the west boundary of the said quarter section and the north limit of the road as shown on Road Plan 4719MC; Thence easterly along the said north limit 660 feet; Thence northerly and at right angles to the said north limit 660 feet; Thence westerly and parallel to the said north limit to the said west boundary; Thence southerly along the said west boundary to the point of commencement containing 4.05 Hectares (10 Acres) more or less; excepting thereout all mines and minerals ("Subject Lands");

AND IN THE MATTER OF the Notice of Objection to the said intended expropriation filed by Jack Alfred Ordman and Mary Ordman by their counsel, Herbert R. Fielding, Q.C.;

AND IN THE MATTER OF an Inquiry in respect thereof pursuant to the provisions of the said *Act* by Graham McLennan as Inquiry Officer appointed by R. Neil Dunne, Q.C., Executive Director, Civil Law, a designate of the Deputy Minister of Justice and Deputy Attorney General, to conduct the said Inquiry;

**REPORT OF INQUIRY OFFICER
GRAHAM MCLENNAN**

September 12, 2003

COUNSEL

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INTRODUCTION

The Expropriation Inquiry was held on Wednesday, August 27, 2003, at a boardroom in the Travel Lodge Hotel in the City of Red Deer, Alberta. The City of Red Deer (the "City") was represented by Mr. Riebeek of Chapman Riebeek. The Objectors, Alfred and Mary Ordman (the "Objectors"), were represented by Herbert Fielding, Q.C., of Duhamel Manning Feehan Warrender Glass LLP.

This Inquiry concerns the intended expropriation by the City of portions of the Objectors' lands for the purposes of upgrading the 40th Avenue roadway (the "Project"). Counsel for the City and counsel for the Objectors agreed that all appointments, notices, filings and registrations with respect to the intended expropriation, the objection and this Inquiry have been properly performed (except for Mr. Fielding's objection and argument which are noted below). Further, all such documents, by agreement, need not be made exhibits of this Inquiry.

Evidence was given under oath and a court reporter was present to transcribe the testimony.

The parties did not request the Inquiry Officer to inspect the lands affected by the intended expropriation.

Counsel for the Objectors made a preliminary objection to the Inquiry proceeding. The objection was that:

- (a) The Notice of Expropriation was not in accordance with the Act because it was ambiguous regarding the amount of land which is intended to be expropriated. Therefore, the entire proceedings under the Act are a nullity.
- (b) The City failed to give notice to the Objectors of a Council meeting wherein the City of Red Deer Council passed a resolution to proceed to expropriate the Subject Lands.

It was agreed that the Hearing would proceed and the preliminary objections made by counsel for the Objectors would be dealt with in the Inquiry Officer's Report. However, counsel for the City admitted the second objection: namely, that the City passed the

requisite resolution indicating its intention to expropriate the Subject Lands, without notice to the Objectors.

SUMMARY OF EVIDENCE

Exhibits

All exhibits entered through evidence were entered without objection from counsel. A list of the exhibits is attached to this report as Appendix 1.

All of the exhibits are attached to the Inquiry Officer's Report provided to the expropriating authority. With the consent of all parties, the exhibits are not attached to copies of this Report provided to the Objector.

EVIDENCE OF THE CITY OF RED DEER

Mr. Warder

Mr. Warder advised that he was a Streets & Utilities Engineer with the Engineering Services Department of the City. He has been with the City for approximately 14 years. Mr. Warder is a professional engineer with a degree in civil engineering.

Mr. Warder oversees 13 staff and looks after capital construction projects related to roads, water, sewer and bridges. He is also involved in planning studies and engineering planning in connection with utilities and roads for the City.

Mr. Warder testified about the general plans and studies that are applicable to the area of the City in which the Subject Lands are located. He advised that the City's second witness, Mr. Colosimo, is going to deal with particular details in connection with the roadway plans for the Subject Lands.

Mr. Warder advised that 40th Avenue is intended as a major truck route and that the City is intending to expand 40th Avenue southward towards 19th Street.

Mr. Warder described where the Subject Lands are located in relation to the area structure plan and the proposed developments for improved roadways in the City, including the

improvements to 40th Avenue. The East Hill Major Area Structure Plan, Map 4, Development Concept Plan, was marked as Exhibit 3 in the course of Mr. Warder's testimony.

Mr. Warder explained that the City intends to develop 40th Avenue further to the South into a four-lane divided arterial road. He advised that there are certain standards which the City tries to maintain with respect to items such as access to arterial roadways. These standards are generally sanctioned by the Transport Association of Canada ("TAC"). One of the TAC standards with respect to access is that there should be a minimum of 400 meters between intersections on four-lane divided arterial roadways.

Mr. Warder indicated that provincial assistance in funding the structure of roadways includes, as a condition, an expectation that the City comply with TAC standards. Mr. Warder reviewed a study done by IMC Consulting which reviewed the projected growth in the City's population and transportation changes which may be required to cope with the City's increasing population. He advised that the City population and vehicular traffic has increased substantially, faster than projected by IMC Consulting.

Mr. Warder reviewed the TAC standards for divided arterial roadways and the general requirements in that regard. Essentially, the existing 40th Avenue roadway adjacent to the Subject Lands is 9 meters wide and the road surface to meet TAC's standards would be approximately 13.4 meters.

Mr. Warder noted that traffic lights will soon be installed at the intersection of 40th Avenue and 19th Street (also known as Delburne Road).

To accommodate the normal arterial roadway system in accordance with TAC standards requires a right of way of approximately 60 meters. These basic standards for roadways are set forth in Exhibit 9.

Mr. Warder noted that the access to the Living Stones Church, north of the intersection of 40th Avenue and 19th Street, is less than 400 meters from the intersection at 40th Avenue and 19th Street. Accordingly, to provide an access to 40th Avenue as an arterial roadway at that location would not be in compliance with TAC standards.

Mr. Warder was asked about leasing land for the purposes of constructing a public roadway. Mr. Warder commented that he thought there were practical and legal reasons connected with use, lease renewal, occupiers' liability and other matters that rendered the option of leasing land for public roadways not a viable option for the City.

Cross-Examination of Mr. Warder

Mr. Warder was cross-examined by Mr. Fielding. Mr. Warder acknowledged that there are some right-in, right-out accesses to some of the major roadways in the City at the present time. He also acknowledged under Mr. Fielding's cross-examination that there may be instances where there is access to an arterial roadway which may be less than 400 meters from another intersection. However, Mr. Warder indicated that, notwithstanding there may be exceptions, it is the desired, and TAC standards, that the City generally maintains.

Mr. Fielding cross-examined Mr. Warder on whether the service road which is intended to run parallel to 40th Avenue to provide access to Living Stones Church is temporary or permanent. Mr. Warder responded that only time will tell whether the service road is temporary or permanent. This is very much dependent on what the owners of the quarter section (the Objectors) intend to do regarding development of their property. In short, a service road may or may not be temporary, depending on how the balance of the Ordman land, and other adjacent land is developed.

Mr. Fielding cross-examined Mr. Warder in connection with discussions and agreements which may have been reached between the City and Living Stones Church regarding access. This resulted in the City returning to its office and ultimately providing for Mr. Fielding copies of correspondence with Living Stones Church. These documents were marked as Exhibit 18 during the testimony of Mr. Colosimo.

Mr. Fielding cross-examined Mr. Warder in connection with what berming may or may not be required in connection with the development of 40th Avenue as an arterial roadway. He was unclear whether berming would be required.

Mr. Fielding cross-examined Mr. Warder on whether an area structure plan was required prior to the approval and development of an arterial roadway further south along 40th Avenue, including the area adjacent to the Subject Lands. Mr. Warder responded that an area structure plan was not required because, at least the service road, could be properly categorized as a temporary roadway.

In cross-examination by Mr. Fielding and Mr. Ordman, Mr. Warder acknowledged that there may be all-turns intersections onto major roadways which may not be 400 meters from the nearest intersection. However, Mr. Warder noted that this is not a desirable state of affairs from a transportation engineering perspective and a safety perspective.

Mr. Colosimo

Mr. Colosimo advised that he is a Project Engineer with the City. He has a Bachelor Degree in Civil Engineering and he is the Project Engineer for the 40th Avenue road-widening project, which includes the service or access road to Living Stones Church.

Mr. Colosimo explained in more detail the present configuration of 40th Avenue, as you proceed from the north toward the south. He advises that it goes from an arterial roadway of four lanes, down to three lanes, down to two lanes, as it proceeds south toward the Objectors' property. Presently, there is an all-turns access from the north side of the Living Stones Church onto 40th Avenue. To allow that all-turns intersection to remain while the 40th Avenue roadway is improved to a four-lane arterial roadway would cause a traffic hazard and be contrary to the normal traffic engineering standards which are complied with whenever possible by the City.

Mr. Colosimo explained what alternatives were considered to provide access off 40th Avenue, as well as what might be the options with respect to access off 19th Street, to meet the needs of the Living Stones Church. On balance, the option of a service road which extends northward parallel to 40th Avenue to Ironside Street was the best choice. An outline of the proposed 40th Avenue road widening project is depicted in Exhibit 16.

Mr. Colosimo also explained that he had received information from the Living Stones Church with respect to the usage of the facility. This information disclosed that there was

considerable usage of the Church and considerable traffic volume for most days of the week, not just on Sundays. Mr. Colosimo noted that this had to be taken into account in considering what was the best method of roadway access to the Living Stones Church.

Mr. Colosimo also explained that a right-turn-only access would be very inconvenient for many attendees of the Living Stones Church who come from various directions. It may entail a significant drive out of the way to return in the direction that they wish to go if they want to head northward. Further, there may be significant traffic problems by having a large volume of traffic turn right from the Church on 40th Avenue, as it may create traffic problems with a number of cars lined up at the intersection of 19th Street and 40th Avenue, for example, trying to make a left turn onto 19th Street, in an Easterly direction.

Generally, Mr. Colosimo concluded that the proposed access road from the Church was the preferred access option in the widening of the 40th Avenue roadway Project. Mr. Colosimo's information was that the Church premises were used by a number of different organizations throughout the week, and not simply people who attend the Church. These include youth groups, marriage counseling, Boys and Girls Pioneer Clubs, and Fairs.

Mr. Colosimo prepared the estimated costs for options to provide access to the Living Stones Church. The other primary option for an all-turns access was off 19th Street, and this would cost considerably more than the proposed service road to Ironside Street.

Mr. Colosimo explained it was likely that having the service road join 40th Avenue at an all-turns intersection at Ironside Street would fit in better with the area structure plan, which is consistent with a major all-turns intersection at 40th Avenue and Ironside Street.

Mr. Colosimo advised that the authorities require, plus or minus, 2.33 acres or 0.946 hectares of the lands owned by the Objectors for the purposes of this Project.

Cross-Examination of Mr. Colosimo

Mr. Fielding cross-examined Mr. Colosimo on whether the service road is solely for the use of the Living Stones Church. Mr. Colosimo advised that a number of organizations

use the Church for their functions and the planned service road may fit in well with the future development of the area and an intersection at 40th Avenue and Ironside Street.

In cross-examination, Mr. Colosimo advised that he was not sure whether the proposed service road was permanent or not. It really depended upon development of the adjacent lands.

Mr. Colosimo acknowledged that the future development of the Ordman land would likely be primarily residential, as opposed to commercial.

Further, Mr. Fielding cross-examined Mr. Colosimo on the option of having access from 19th Street through a proposed commercial area adjacent to 19th Street, west of the Living Stones Church.

Mr. Fielding discussed the reported comments of Mr. Van Wyk found in the *Red Deer Advocate* on Saturday, August 23, 2003 (Exhibit 17). Mr. Van Wyk is the Red Deer City Manager. Mr. Colosimo commented that Mr. Warder would be in a better position to address Mr. Van Wyk's comments on service roads, as he believes they relate to the service roads on Gaetz Avenue, not the area of the Subject Lands. In any event, Mr. Colosimo does not recall a written policy of the City to close and sell service roads.

During cross-examination, Mr. Colosimo also explained the safety of having the service road designed with a "bulb" on the northern end, where the service road joins the intersection of 40th Avenue and Ironside Street. This design prevents difficulties encountered in old service-road design, which can sometimes create two or three intersections out of one major intersection.

Mr. Fielding cross-examined Mr. Colosimo and suggested to him that the City was, in effect, expropriating land for the benefit of Living Stones Church. Mr. Colosimo advised that the City intended to expropriate land to provide access to the Living Stones Church, removing current access and providing alternate access which the City considers the best option in connection with the widening of 40th Avenue.

Further Examination of Mr. Warder

As additional documents were located during the Hearing in connection with discussions between the City and Living Stones Church, and given that Mr. Warder could best address those documents, he was recalled as a witness so that Mr. Fielding could cross-examine him on these new documents (Exhibit 18).

Mr. Fielding cross-examined Mr. Warder with respect to access options that were discussed with the Living Stones Church over the last few years. One such option was the acquisition of further land to the north to allow direct access to church land north of the present access. Mr. Warder acknowledged that, if there was an area structure plan, if development was progressing on the Ordman land, and other transportation considerations were clear, it may be that a service road would not be necessary. However, none of those things has occurred or is sufficiently predictable at the present time.

Mr. Fielding cross-examined Mr. Warder with respect to the statements of Mr. Van Wyk with respect to the closure and sale of service roads. Mr. Warder carefully explained how the service roads off Gaetz Avenue are configured in a different manner from the service road that is proposed in connection with the widening of the 40th Avenue Project. He carefully explained how the old service roads create two or three intersections out of one major intersection and create dangerous driving conditions, relative to the service road that is planned for the Project.

Mr. Fielding also cross-examined Mr. Warder on how much land the City required for this Project, and Mr. Warder advised that it was 2.338 acres, plus or minus.

Mr. Riebeek entered as exhibits, without objection by Mr. Fielding, the following documents:

- (i) Notice of Intention to Expropriate registered at Land Titles (Exhibit 19).
- (ii) A Certified Copy of Title evidencing registration of the Notice of Intention to Expropriate (Exhibit 20).
- (iii) Articles evidencing publication of the Notice of Intention (without Exhibit A or Schedule A to the Notice being published) (Exhibit 21).

Both counsel agreed that the formal steps in connection with the appointment of an inquiry officer, the extension of time for completing this Report, notice of the Hearing, are all in accordance with the Act.

EVIDENCE OF THE OBJECTORS

Mr. Fielding did not call any witnesses. However, documents which the Objectors considered important were admitted into evidence in Exhibit 10.

It was also agreed between counsel, as a fact, that the City had been informed by the Ordman's, or their agents, that there was apparently a tenant on the subject property, pursuant to an unregistered lease or licence. The City was not aware of the identity of the tenant and did not provide the tenant with any notice of any of the formal steps taken in connection with this intended expropriation.

SUMMARY OF ARGUMENT

City of Red Deer

Mr. Riebeek noted that the Objectors do not appear to be opposing the widening of 40th Avenue. Rather, the concern appears to be with the manner in which access by way of service road to the Living Stones Church is proposed.

Mr. Riebeek submitted that the evidence shows that the proposed access road or service road, as part of the Project, is fair, sound and reasonably necessary. He submitted that it is the best option available at the present time for providing safe access to the Church for the various groups that use the Living Stones Church, in a manner that would be safe and in compliance with municipal standards.

Mr. Riebeek submitted that the fact that the service or access road, at the present time, takes one through a piece of private property is irrelevant. Various members of the public use the Living Stones Church and will use the access route, and it is no different in principle than people using roadways or service roads to access other private property, such as shopping malls.

Mr. Riebeek made reference to the decision of *Squaw Point Ranching Co. v. Red Deer (City)*, [1989] A.J. No. 141. Mr. Riebeek submitted that this case supports the proposition that there is a very broad interpretation of power of the City to expropriate land for public purposes. Further, the intended expropriation of the Subject Lands to provide access to members of the public to Living Stones Church would clearly fall within this judicial definition of public or municipal purpose.

At the commencement of the Hearing, Mr. Riebeek provided his argument in connection with Mr. Fielding's preliminary objections. Mr. Riebeek submitted that the Inquiry Officer's jurisdiction is limited to finding of facts. Therefore, the Inquiry Officer does not have jurisdiction to deal with the legal/jurisdictional issues raised by the Objectors.

Objectors

Mr. Fielding first advised that they were not opposing the intended expropriation for the widening of 40th Avenue. However, the access road or service road aspect of the intended expropriation is objected to by the Ordman's.

Mr. Fielding argues that:

- (a) The Notice of Expropriation states that 1.88 acres are required, but Schedule A to the Notice refers to 2.338 acres. Therefore, the City has not actually described the land proposed to be expropriated.
- (b) The publication of the Notice of Expropriation is defective because Schedule A was not published.
- (c) The City failed to give notice to a lessee of an unregistered interest in the Subject Lands, although the City had some information that there was a tenant or licensee.

Mr. Fielding made reference to *McIntyre Ranching Co. v. Cardston (Municipal District No. 6)*, [1983] A.J. No. 780, for the proposition that the Objectors should have been provided notice by the Red Deer City Council of their consideration of a resolution to expropriate the Subject Lands.

By virtue of the above-noted alleged defects, Mr. Fielding argues that the City did not comply with s. 8(5) of the Act.

Mr. Fielding argued that s. 26(4) of the *Municipal Government Act* would allow the City to lease the land required for construction of the access road or the service road for the Project. Therefore, expropriation would not be required. In reply, at the invitation of the Inquiry Officer, Mr. Riebeek noted that from a legal, policy, and practical perspective, municipalities would not lease land for the purposes of construction and operation of a public roadway. It would put the City in a position where it is subject to a lease, negotiation, renewal, threat of termination and other difficulties that Mr. Riebeek submitted was not a viable option for the City.

FINDINGS OF FACTS

The Subject Lands the City intends to expropriate constitute approximately 2.338 acres. The objectives of the City are to upgrade 40th Avenue into an arterial roadway in a manner consistent with City standards and TAC standards. Further, to provide access by the public to the Living Stones Church by way of a service or access road.

The City has demonstrated that the population growth and vehicular traffic increase in the vicinity of 40th Avenue and 19th Street demand improvements to those roadways be made. Further, the City has demonstrated that the widening of 40th Avenue to an arterial roadway standard is required.

The City has also established that the construction of a service or access road parallel to 40th Avenue which provides access off Ironside Street intersection with 40th Avenue, to allow the public access to Living Stones Church, is a reasonable solution to the Church access issue, in all of the circumstances.

The Objectors agree that 40th Avenue requires upgrading. They simply take issue with the proposed access road or service road aspect of the Project.

The Objectors establish that there is, theoretically, at least one other option to providing access to the Living Stones Church. However, the Objectors have not demonstrated

that the intended expropriation for the service road option proposed by the City is not fair, sound and reasonably necessary.

I find as a fact that the population increase and traffic increase demonstrated by the City require a widening of 40th Avenue and require alternate access to Living Stones Church. I further find that the proposed service road or access road to Living Stones Church is a safe and efficient manner of providing access, which complies with the City's current standards in connection with safety and efficiency.

I find that the City did not provide notice to the Objectors when City Council resolved to proceed with expropriation of the Subject Lands.

I find that the publication of the Notice of Intention did not include Schedule A.

I find that there are considerable practical difficulties for the City in leasing the Subject Lands for the purposes of constructing a public roadway for access by the public to Living Stones Church.

I find as a fact that the City did not provide any notice of the expropriation proceedings to the lessees of the Subject Lands, who did not have their interest in the Subject Lands (whatever it may be) registered at Land Titles.

**OPINION ON THE MERITS
OF THE INTENDED EXPROPRIATION
AND REASONS THEREFOR**

The scope of this Inquiry is set out in section 15(8) of the Act, which states:

The Inquiry Officer shall inquire into whether the intended expropriation is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority.

In my opinion, the intended expropriation of the Subject Lands by the City is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority. In my opinion, the intended expropriation of the Subject Lands meets the statutory test set forth in s. 15(8) of the Act.

The fact that the Objectors may have an alternate proposal for one aspect of the project, namely the service road, while concurring with the majority of the Project and concurring that the City's objectives are legitimate, cannot constitute a persuasive case that the expropriation is not fair, sound and reasonably necessary, quite the opposite.

With respect to the legal/jurisdictional issues raised by Mr. Fielding, counsel for the Objectors, I have been provided with no authority by either counsel on the issue of my jurisdiction to make legal/jurisdictional findings. My own research has provided limited assistance. *United Management Ltd. v. Calgary*, [1985] A.J. No. 1029 is of marginal assistance. In that case, the Court of Appeal of Alberta concluded that the Land Compensation Board did not appear to have authority to make preliminary determinations on questions of law. I have concluded that it is not within my jurisdiction to deal with the legal/jurisdictional arguments raised by Mr. Fielding. It appears that the Objectors should seek relief from the Court of Queen's Bench of Alberta if they allege there is a defect in the manner in which the City has proceeded with these expropriation proceedings.

In conclusion, it appears that there may be an opportunity for the Ordman's to work with the City in the future development of their property in a manner which would satisfy their preferences with respect to access to the Living Stones Church.

In conclusion, I find the intended expropriation is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority.

Pursuant to section 15(10) of the *Act*, the reasonable costs of the Objectors incurred in connection with this Inquiry shall be paid by the expropriating authority.

DATED at the City of Edmonton, in the Province of Alberta, this 12th day of September, 2003.



GRAHAM McLENNAN
Inquiry Officer
#600, 12220 Stony Plain Road
Edmonton AB T5N 3Y4
Phone: (780) 482-9221
Fax: (780) 482-9100

TO: Chapman Riebeck
Counsel for the Council of the City of Red Deer
208, 4808 Ross Street
Red Deer AB T4N 1X5

AND TO: Duhamel Manning Feehan Warrender Glass LLP
Counsel for Jack Alfred Ordman and Mary Ordman
5233 – 49th Avenue
Red Deer AB T4N 6G5

APPENDIX 1

Exhibit

1. Map
2. East Hill Major Area Structure Plan
3. East Hill Major Area Structure Plan, Map 4, Development Concept Plan
4. Basic Capital Grant Program Guidelines September 2001
5. 1996 Transportation Plan Update
6. Residential Development January 2003
7. Traffic Study
8. Typical Existing Cross-Section
9. Design Guidelines 2003 Edition
10. Maps and Documents binder
11. Existing Roadway
12. Proposed Roadway
13. Living Stones Church Service Road Options
14. Letter from Living Stones Church to the City dated August 25, 2003
15. Typical Cross-Section of 40 Avenue Improvements
16. Outline of the Proposed 40 Avenue Road Widening Project
17. Article entitled "Out of service?" from *Red Deer Advocate* dated August 23, 2003
18. Correspondence with Living Stones Church
19. Notice of Intention to Expropriate
20. Certified Copy of Title
21. Notice of Intention to Expropriate, *Red Deer Advocate*, July 11, 2003, and July 4, 2003



Engineering Services

Date: June 10, 2003

To: Legislative & Administrative Manager

From: Engineering Services Manager

**Re: Land Acquisition - 40 Avenue Widening
From Selkirk Boulevard to 19 Street (Delburne Road)**

The information is presented as an update of the land acquisition progress necessary for the widening 40 Avenue, between Selkirk Boulevard and 19 Street (Delburne Road).

A. Background

As part of the capital road program approved in the 2003 Budget, widening of 40 Avenue, between Selkirk Boulevard and 19 Street, was included. Work involves widening 40 Avenue, from the existing two lane rural cross section to a four lane divided arterial standard, as well as improving the Austin Drive and 40 Avenue intersection, the 22 Street and 40 Avenue intersection, and the Ironside Street and 40 Avenue intersection. The need for this project is identified in the 1996 Transportation Plan and is required now due to the significant increase in traffic volumes using 40 Avenue generated by adjacent residential development and continuing commercial development in the south east sector of the City. From a safety perspective, there is a need to improve the intersections and streetlighting, as well a need to increase the vehicle capacity.

At the time of the original two lane rural cross section construction the road right of way was 20.1 m. As part of the requirements for the Anders on the Lake and Inglewood Subdivisions an additional 20.0 m of road right of way on the east side of 40 Avenue was dedicated for future arterial roadway construction. It was originally planned that the remaining 19.9 m required road right of way was to be dedicated at the time of subdivision of the two quarters on the west side of 40 Avenue. Considering the pace of development in the south east area of the City and the resulting growth of traffic on 40 Avenue, The City should not wait for development and dedication of right of way from the two quarters located on the west side of 40 Avenue. As part of the

design process, we have proceeded with discussions with the landowners of NE $\frac{1}{4}$ 4-38-27-4 and SW $\frac{1}{4}$ 4-38-27-4. Alta Link has also been approached about obtaining additional road right of way for the intersection of 22 Street and 40 Avenue.

B. Design Considerations

Fortieth Avenue is being designed as a four lane divided arterial roadway. It is a designated truck route under The City Traffic By-law. Accordingly, high design standards including limited direct property access and minimum intersection spacing are required. The purchase of additional right of way cannot be deferred or eliminated if the project is to proceed. Features of the design that necessitate the land acquisition include the following:

1. To accommodate the cross section of the four lane divided arterial roadway and back sloping requirements, a minimum of 6 m of right of way is required along the full west side of the roadway. The remainder of the 19.9 m of road right of way will be required in the future when development of the quarter section proceeds and a noise berm is required.
2. To provide adequate line of sight at the intersection of Selkirk Boulevard and 40 Avenue, additional right of way is required on the southwest corner.
3. In order to avoid Alta Link's transmission mains and tower on the east side of the roadway and to provide safe crossing for pedestrians and right turning vehicles, a deflection in the alignment is required at the intersection of 22 Street. This will result in additional right of way requirements north and south of the intersection on the west side.
4. Based on current roadway design standards for arterial roadways, the existing location of the entrance to Living Stones Church is located too close to the intersection of 40 Avenue and 19 Street. Additional right of way is required for the proposed relocation of the access and service road to the existing intersection of Ironside Drive and 40 Avenue.

It has been determined that the following minimum additional right of way requirements are needed in order for this project to proceed:

- a. Approximately 2.5 ha of land from NE $\frac{1}{4}$ 4-38-27-4 (See Figure 2)
- b. Approximately 0.75 ha of land from Alta-Link (See Figure 2)
- c. Approximately 2.5 ha of land from SE $\frac{1}{4}$ 4-38-27-4 (See Figure 1)

C. Results of Land Negotiations

The Land and Economic Development Department has commissioned two separate land appraisals for the north and south quarter for the purpose of quantifying fair market value for the additional road right of way.

Engineering Services and Land and Economic Development have, on several occasions, contacted all three landowners and offered that appraised value for the required right of way.

The owners of the quarter to the north do not dispute the principle of selling the right of way to The City. At this point, we are hopeful that a mutual settlement can be reached. There are additional site specific considerations requested by the landowner that are considered to be reasonable and can be accommodated during the roadway improvement project. These considerations are as follows:

1. A temporary fence to keep in cattle during construction.
2. Permanent fencing on the new property line.
3. Reseeding of disturbed farmland.
4. Developing an access to accommodate farm machinery.
5. Improving or developing a safe access.

Alta Link has verbally agreed in principle to selling the right of way to The City subject to review and acceptance of the final roadway design.

The owners of the quarter to the south have been contacted and after much discussion, a mutually acceptable Land Sale Agreement does not appear possible. They have at this point engaged a law firm to continue discussions with The City. There are two issues to be resolved, the selling of the land to The City and the price of the land. Their asking price is approximately double the appraised value and they are firm in their price. Due to the appraisals received, the precedent relative to other land negotiations, and Provincial regulations surrounding cost sharing for this project, the Engineering Services Department cannot support their price. There are additional site-specific considerations that are considered to be reasonable and can be accommodate during the roadway improvement project. These are as follows:

- a. Gated access to the farmland directly off of the intersection of 40 Avenue and the new Living Stone Church access.
- b. Permanent fencing on the new property line.
- c. Compensation for crop loss for the remaining term of a lease, which expires in 2007.

D. Project Schedule

The intent was to complete the detailed design by June 30, call for tenders by July 15, with a construction start by August 18. Completion of the majority of the project, depending on weather, was anticipated by October 30, 2003, with final paving and landscaping work to be complete by June of 2004.

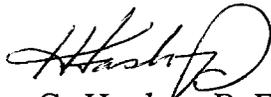
It now appears that unless we are able to access the required land within the next six weeks, this project will likely have to be deferred to 2004, which is not desirable considering safety and capacity issues with the current roadway.

E. Details and Legal Advice

Details of the information exchanged with the landowners and The City Solicitor's comments will appear in the confidential material for the additional information of Council.

F. Recommendation

In summary, the owners of the south quarter do not agree to the extent of the land acquisition or the compensation offered for the road widening. We would, therefore, respectfully recommend that City Council approve the Administration proceeding with the legal expropriation process to acquire the required right of way from the owners of SE ¼ 4-38-27-4.



Ken G. Haslop, P. Eng.
Engineering Services Manager

FC/KGH/emr
Att.

- c. City Solicitor
Land and Economic Development Manager

ALTALINK

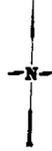
ALTALINK

PROPOSED ROAD

EXISTING ROAD

ADDITIONAL ROAD R.O.W. REQUIRED
2.338 ACRES, 0.946 HECTARES

INGLEWOOD



ORDMAN QUARTER
SE 4 38-27-W4

EX. IRONSIDE STREET

INGLEWOOD

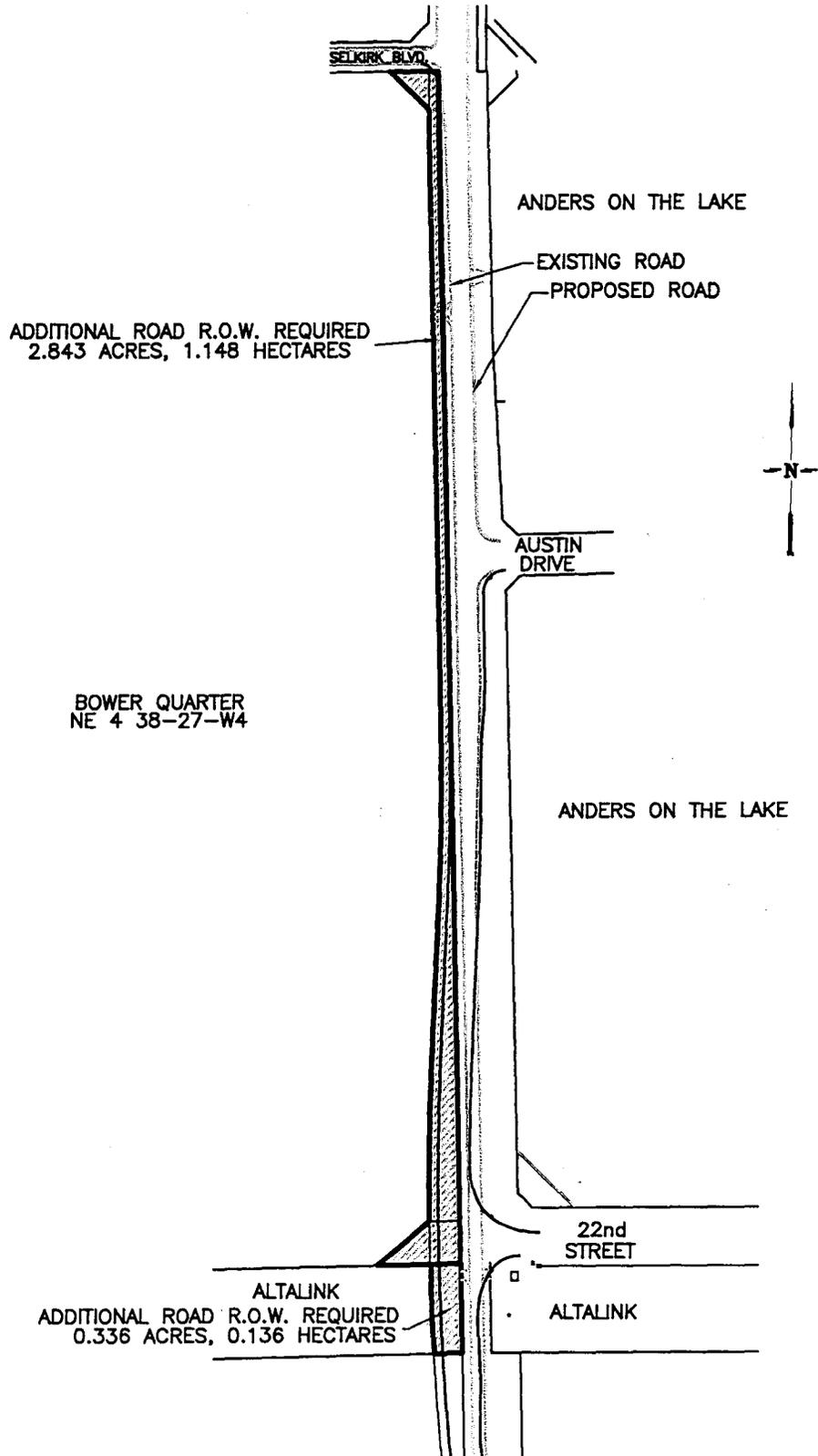
LIVING STONES
CHURCH SITE

AL-TERA
ENGINEERING LTD.

EDMONTON

RED DEER

THE CITY OF RED DEER	JOB No.	242-25
	SHEET No.	1/2
	DATE DRAWING MADE	10/1/83
	DATE PLOTTED	
LAND ACQUISITION FOR SE 4-38-27-W4	FIGURE	FIG. 1



AL-TERRA
ENGINEERING LTD.

EDMONTON RED DEER

THE CITY OF RED DEER	JOB NO. 242-24
	DRAWN BY: J/S
	CHECKED BY: M/S
	DATE: 10/03
LAND ACQUISITION FOR NE 4-38-27-W4	
FIG. 2	

Comments:

I agree with the recommendations of the Manager, Legislative & Administrative Services.

"N. Van Wyk"
City Manager

VIA FAX**FILE**

CHRISTINE
Legislative and Administrative Services
City of Red Deer
FAX: 346-6195

3407 Spruce Dr
Red Deer
Alberta
T4N3N7

Tel: 346 5885

~~RE:~~ 25/09/03

RE: COUNCIL MEETING - OCTOBER 6 2003
CITY OF RED DEER EXPROPRIATION
SE 4-38-27-W4th for 40th Avenue Widening

Thank you for trying to reschedule the
above agenda item to the next meeting

A representative will make our presentation
to Council regarding the above matter at
its October 6, 2003 meeting

We remain,

Yours truly
Mary Ordman
Mary Ordman

Cow Oganda?
- report from
N. Rebeck on
Kelly's desk

Sept 25/03

- Phone call from Dr. Ordman requesting a change of date from Oct 6/03 - re expropriation - The Ordman's have an appointment in Calgary that day that they cannot cancel.
- I called Nick Rebeck - Nick said - under Expropriation Act - Council has to review/approve the Inquiry Report within 30 days → which would be Oct 10th - This item has to go to Council on October 6th
- I called Mrs. Ordman back to tell her the Oct 6th date could not be changed.
- ~~Oct 3rd~~ - a time
- Mrs Ordman called to say they would have a representative to attend Oct. 6/03 Council Meeting. - Call Mrs. Ordman on Oct 3 to let her know a time. - She is requesting a time after 7:00 P.M.

NONA HOUSENGA
Legislative and Administrative Services
City of Red Deer
FAX 346-6195

3407 Spruce Dr.
Red Deer
Alberta
T4N 3N7
Tel: 346 5885

RE: COUNCIL MEETING - OCTOBER 6 2003
CITY OF RED DEER EXPROPRIATION
SE 4-38-27-W4th for 40th Avenue Widening

This is to confirm our telephone request
to you today that we will be
making a 30 minute presentation to
Council regarding the above matter at its
regular October 6, 2003 meeting.

Yours truly
Mary Ordman
A Ordman

October 6th 2003

An August 25th 2003 letter from the Church to the City was presented at the hearing as evidence that the public utilized the Church. The letter went unchallenged.

I met with Mr. Delaney the business Administrator of the Church at 4:00 PM today. He advised that all the events listed in the letter were for Church members. The Public is not utilizing the Church.

The service road is for the primary use of a private landowner.

AUG 25 2003

Frank

Living Stones Church

Passion for God
Compassion for People

August 25, 2003

Mr. Frank Colosimo, Project Engineer FAX: 342.8211
City of Red Deer
Box 5008, 4914 - 48 Avenue
Red Deer AB T4N 3T4

Dear Frank:

Re: Scheduling of Events & Services at Living Stones Church for 2003/04

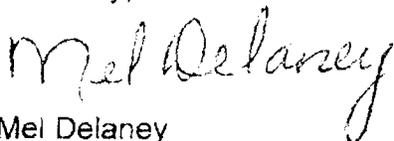
Our multi-use facility bookings, serving over 1300 congregants and additional community guests, vary from week to week but we have functions here seven days a week. Most other ad hoc meetings, generally added for **under 30 persons from Mondays through Saturdays, are not included** in the following:

		<u>Approx. attendance</u> <u>Per week</u>
Sundays	Two morning services with accompanying events (0900 - 1300)	800
	Evening Alpha & Stephen's Ministry Training	120
	Revive Youth Services (Alternate weeks)	100
	Small Group Ministry Meetings	30
Mondays	Ladies Craft Night	30
	Lifeshouse Meetings (Young Adults)	100
	Canadian Christian College Interchurch Fair (Nov. 17)	300
Tuesdays	Alpha Marriage Courses	40
	Leadership Training Course	30
	Ladies (& Children) Morning Coffee Break Ministry	80
Wednesdays	Prayer Service	100
	Boys & Girls Pioneer Clubs	80
	Warehouse Youth Ministry	100 - 150
Thursdays	Leadership Training Course	30
	Ministry planning meetings/Missions/Alpha/Ladies	
	Ministries/Music Practice/Leadership Meetings	50

Inn from the Cold (Interchurch Benevolent Ministry; 7 p.m. – 8 a.m. next morning)	30
Fridays	
Interchurch Events, Seminars, Concerts, Weekend Conferences (approx. twice/month)	100 – 500
e.g. Canadian Christian Grains Conference Nov 4,	400
Interchurch Sexual Abuse Seminar, Nov. 14 & 15.	200
Music Workshop, Nov. 14	200
Wedding Rehearsals (average two per month)	20
Saturdays	
Saturday Evening Service (Children to Adults) (same service as repeated on Sunday mornings)	300
Weddings (average two per month)	200
Saturday morning seminars and training events	30 – 100
Men's Ministry breakfast meetings	70

We continue to have requests from non-profit organizations to use our facilities. We book only those venues which fit with the mandate of our church as it provides Christian witness in a needy world. We hosted the Canadian Blood Services Donor Clinics for nearly two years until they were able to move into their more permanent facility. We served as the Disaster Relief Center for the Pine Lake Tornado Disaster and coordinated this effort, serving over 300 folks daily. I hope this information will help you to understand the growing use of our facilities to best serve our community in Christian care and concern.

Sincerely,



Mel Delaney
Business Administrator

PRESENTATION TO CITY OF RED DEER COUNCIL (“the Council”)

OCTOBER 6, 2003

Prepared by

Jack “Alf” (Alfred) Ordman

and

Mary Ordman

Expropriation of Part of SE 4-38-27-W4M (“the Lands”)

The Ordmans (“the Owners”) are the registered owners of SE 4-38-27-W4M

NONE of the Owners’ correspondence to the City Councillors has been under the direction or assistance of their solicitors.

EXHIBITS FOR SUBMISSION TO COUNCIL

- East Hill Major Structure Plan.
- **EXISTING ROADWAY:** Proposed 40 Avenue Road Widening Project.
- **PROPOSED ROADWAY:** Proposed 40 Avenue Road Widening Project.
- Aspen Ridge Neighbourhood Structure Plan (revised March 3, 2003).

WHICH ISSUES ARE NOT IN DISPUTE?

- Expropriation of 6 m of the Lands for 40 Avenue road widening.
- Relocation of the farmer’s access to the 40 Avenue/Ironside intersection.

WHICH ISSUE IS IN DISPUTE?

- Expropriation of 14 m of the Lands for a service road to provide access to the church. The 14 m would be dedicated in the future for a noise berm.

WHY DO THE OWNERS OBJECT TO THE SERVICE ROAD?

The service road:

- i. is for the benefit of a private landowner and prejudicial to the Owners;
- ii. will have a negative aesthetic impact on the entrance of the future urban residential development;
- iii. will require, in the future, dedication of 14 m of land west of the service road resulting in a decrease in land available for urban residential development.

The financial impact due to the loss of developable acres is significant, particularly in view of Council's recent decision to permit increased housing density per acre.

WHY IS THE CITY RELUCTANT TO ACKNOWLEDGE THAT THE SERVICE ROAD IS FOR THE BENEFIT OF A PRIVATE LANDOWNER?

The Ordman's' position is that if the current direct access to the church off 40 Avenue was not being closed, there would be no need for a service road on the adjacent Ordman land. The service road is for the benefit of the reported 800 church members. Mr. R. Crook's correspondence of May 6 and May 27, 2003, in our opinion, clearly delineates that the service road is for "the proposed church access".

Mr. Riebeek, in his July 30, 2003 letter to Mr. Fielding, states:

"The access road in question will be a public road, though like many public access roads it may lead primarily or exclusively to private owned property. This is really no different from many access roads which are designed to create public access to shops, businesses or other privately owned land."

It is our understanding, from a recent discussion with a member of Living Stones Church Administration, that the utilization of the church facilities is restricted to church membership.

The August 25, 2003 letter from Living Stones Church to the City states:

“We continue to have requests from non-profit organizations to use our facilities. We book only those venues which fit with the mandate of our church as it provides Christian witness in a needy world.”

The Municipal Planning Commission, in May 2002, approved the expansion of Living Stones Church subject to 17 conditions which included the following:

“5. Classrooms on site to be utilized **only for Living Stones Church activities.**

6. On-site kitchen to be utilized **only for Living Stones Church activities.**

No public disbursement or sale of food is permitted as outlined in the Subdivision and Development Regulation.”

To our knowledge, none of the Red Deer “shops, businesses” require membership based on an affiliation to a church, religion, society, etc. They are open to the general public whatever their affiliations may be.

The Alberta Transportation Program Guidelines for Basic Capital Grant provide:

“1.3.1 ROADWAYS

To be eligible for cost-sharing, a roadway must be designated as a public road in accordance with the City Transportation Act.”

Is eligibility for provincial cost-sharing the reason the City insists that the service road is a public road when, in fact, it is clear that the **primary** purpose of the service road is for the benefit of the church?

We recently submitted to the Councillors information about the *McIntyre Ranching Co. v. Cardston* (Municipal District) (1983) case. The judgement was that “the municipality lacked the power to act because the primary purpose was not for municipal or public purposes, but was for the benefit of one private landowner.”

ARTERIAL ROADWAYS INTERSECTION SPACING

The Haslop Report to the Council on June 16, 2003 states:

“Based on current roadway design standards for arterial roadways, the existing location of the entrance to the Living Stones Church is located too close to the intersection of 40 Avenue and 19 Street.”

The desirable distances for intersection spacing are:

- **ALL TURNS** to an intersection is 400 m or more.
- **RIGHT IN/RIGHT OUT TURNS ONLY** to an intersection is 200 m or more.

LIVING STONES CHURCH

The distance of the current longstanding all turns church access off 40 Avenue to the 40 Avenue/19 Street intersection is 211 m more or less.

ASPEN RIDGE COMMERCIAL SITE (2003)

The distance of the **right in/right out** turns only access off 30 Avenue to the recently developed commercial site from the 30 Avenue/22 Street intersection is 150 to 175 m. The distance of the **all turns** access off 22 Street to the commercial site from the 30 Avenue/22 Street intersection is 200 m more or less.

CONCLUSION

The City is flexible regarding desirable intersection spacing for arterial roadways.

TEMPORARY ALTERNATIVES TO THE SERVICE ROAD UNTIL THE LANDS ARE DEVELOPED

i. LEASING

The Owners are prepared to lease 14 m of the Lands to the City for a service road at a nominal amount of \$2,000 per annum, with a permanent option to renew the lease every two years at \$2,000 per annum until the Lands are developed. The City has declined the offer.

The City Policy 4315: Acquisition and Disposal of Road Widening Areas, and the Municipal Government Act do not prohibit the leasing of land for roads.

ii. ALL TURNS ACCESS

Maintain the current longstanding all turns access off 40 Avenue.

The distance of the all turns access off 22 Street to the recently developed Aspen Ridge Commercial Site from the 30 Avenue/22 Street intersection is 200 m more or less.

iii. RIGHT IN/RIGHT OUT TURNS ONLY

The entrance to the church off 40 Avenue could be a right in/right out turns only access with a deceleration lane.

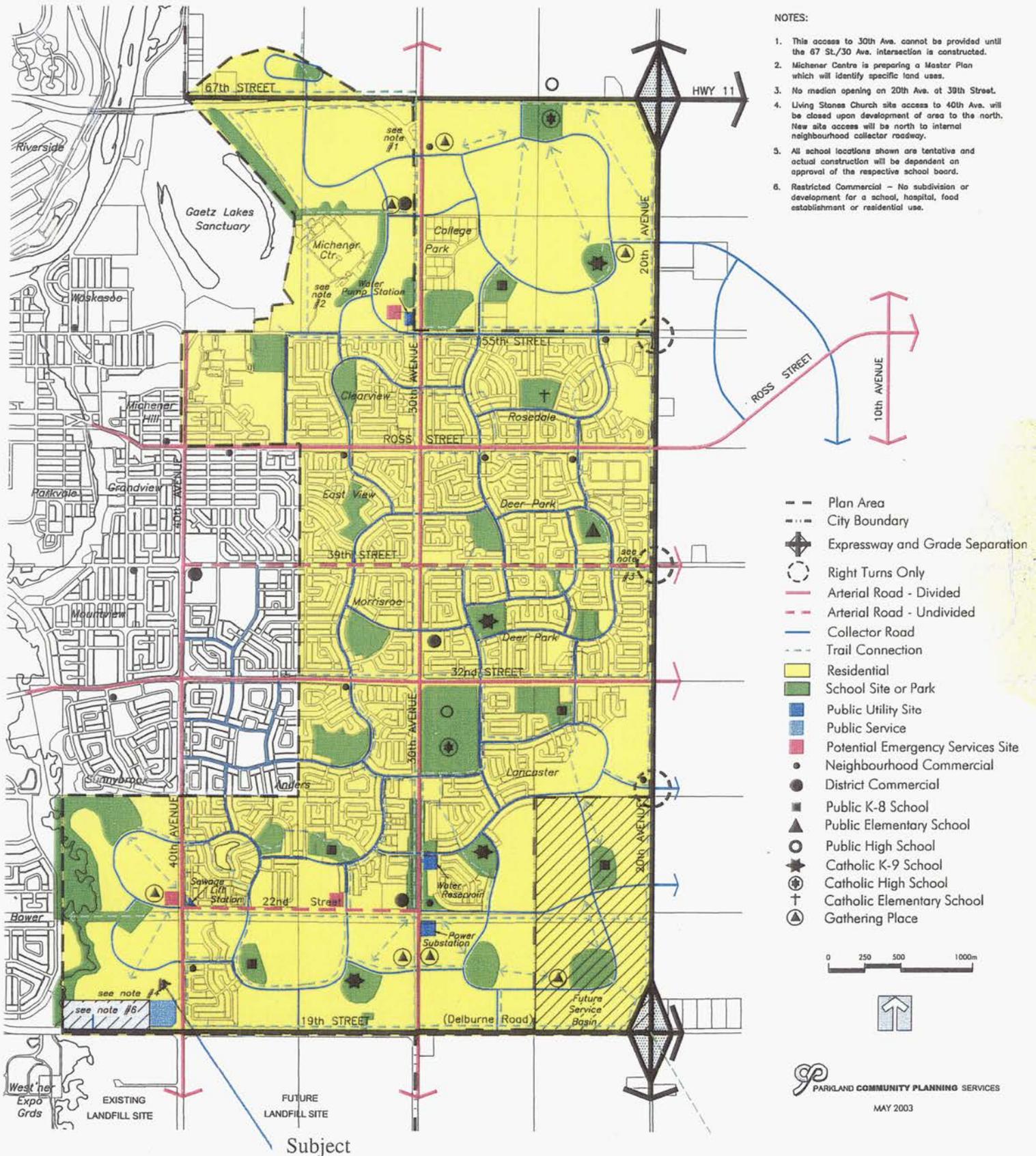
The City Engineering Department letter of December 4, 2000 to Mr. Ken Masse, P.Eng., UMA Engineering Ltd., states:

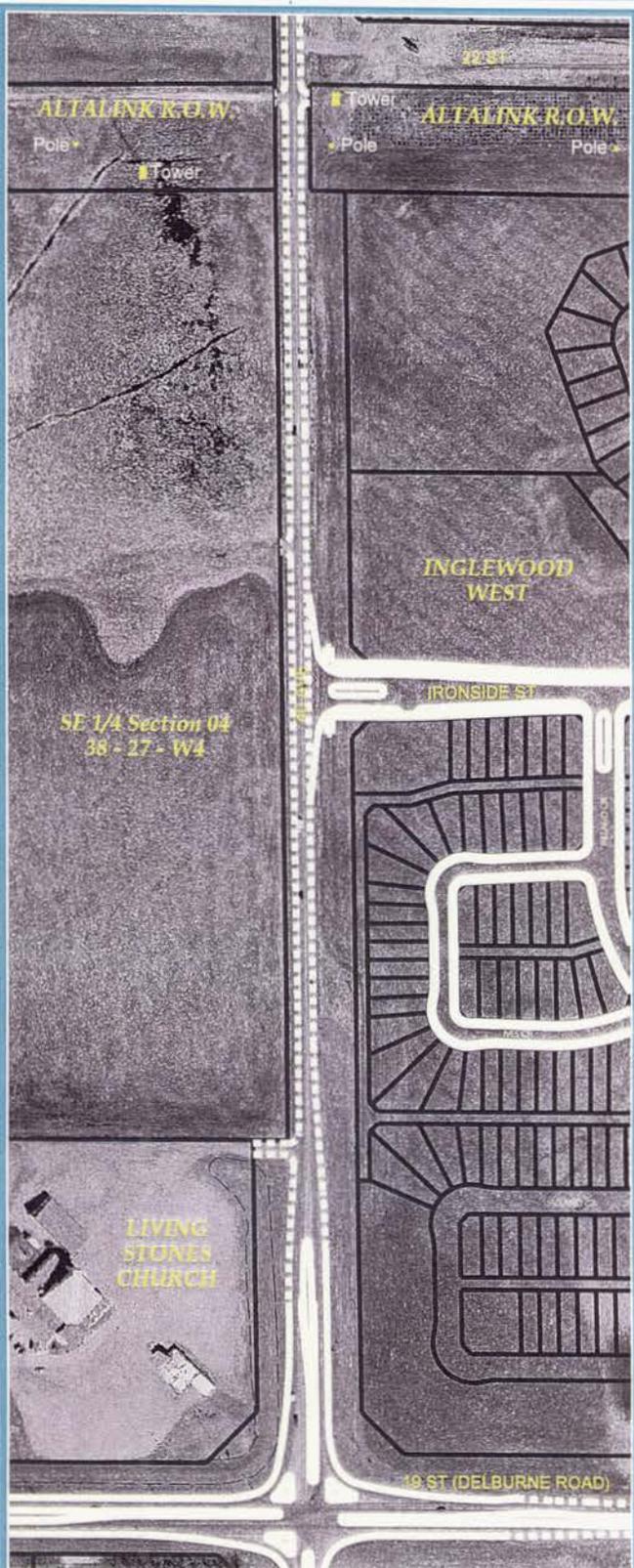
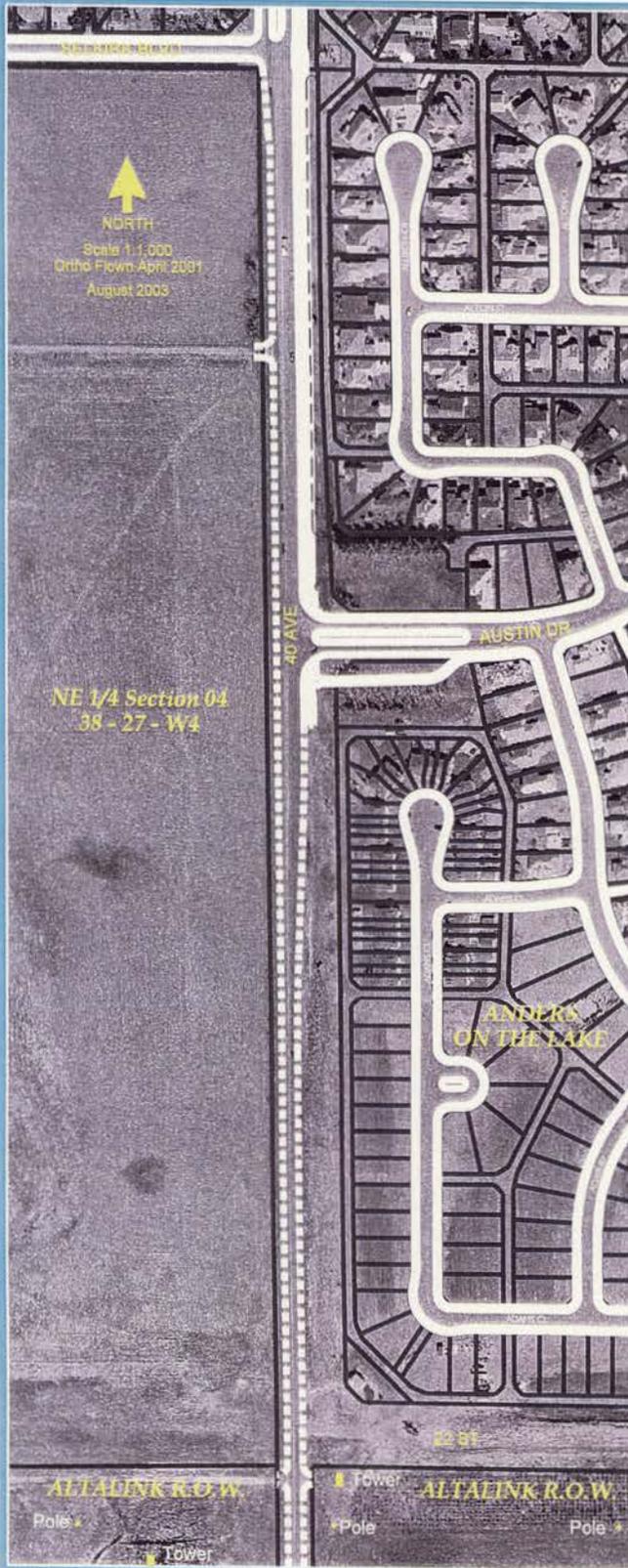
“All-turns access from the site onto 40 Avenue is undesirable in the long run. Your future plans should consider routing traffic northward from the site through the neighbouring property to a future collection road. **Right turn in/out access on 40 Avenue may be acceptable in the long run if a deceleration lane is provided.**”

City of Red Deer

East Hill Major Area Structure Plan

Map 4 Development Concept Plan

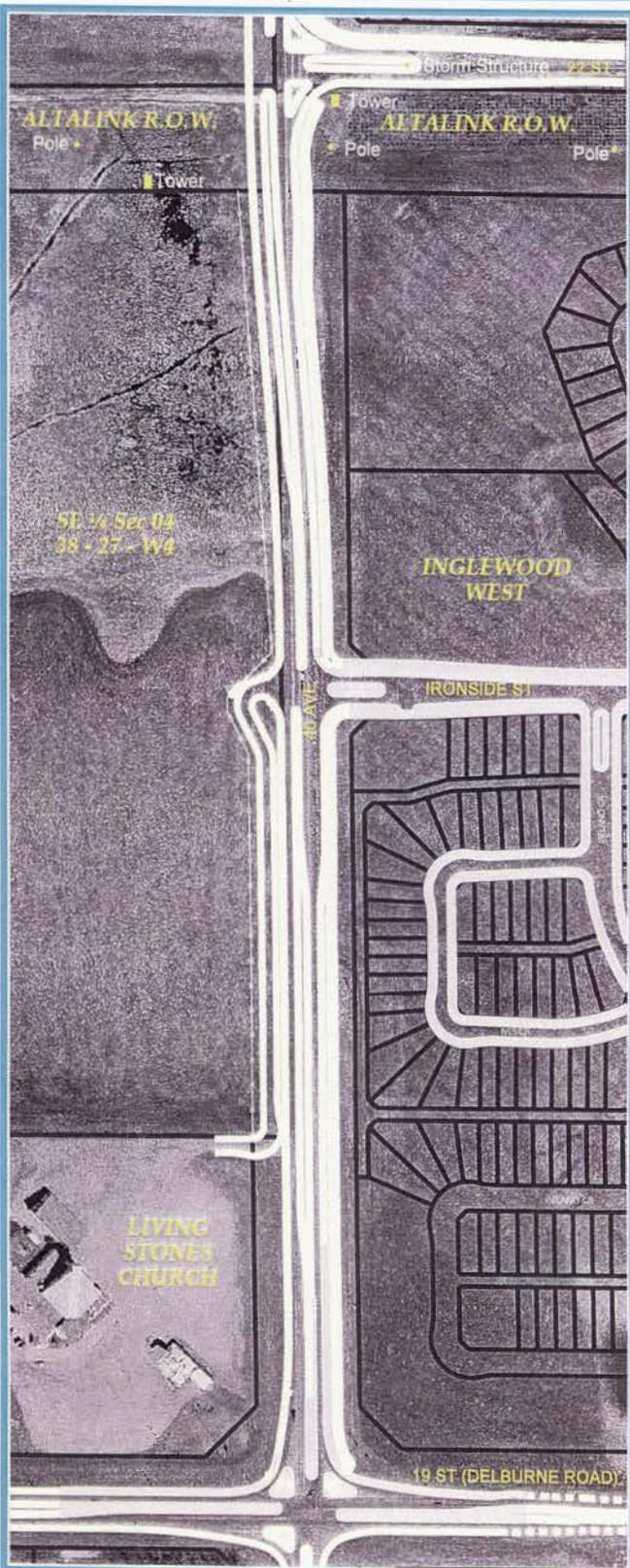
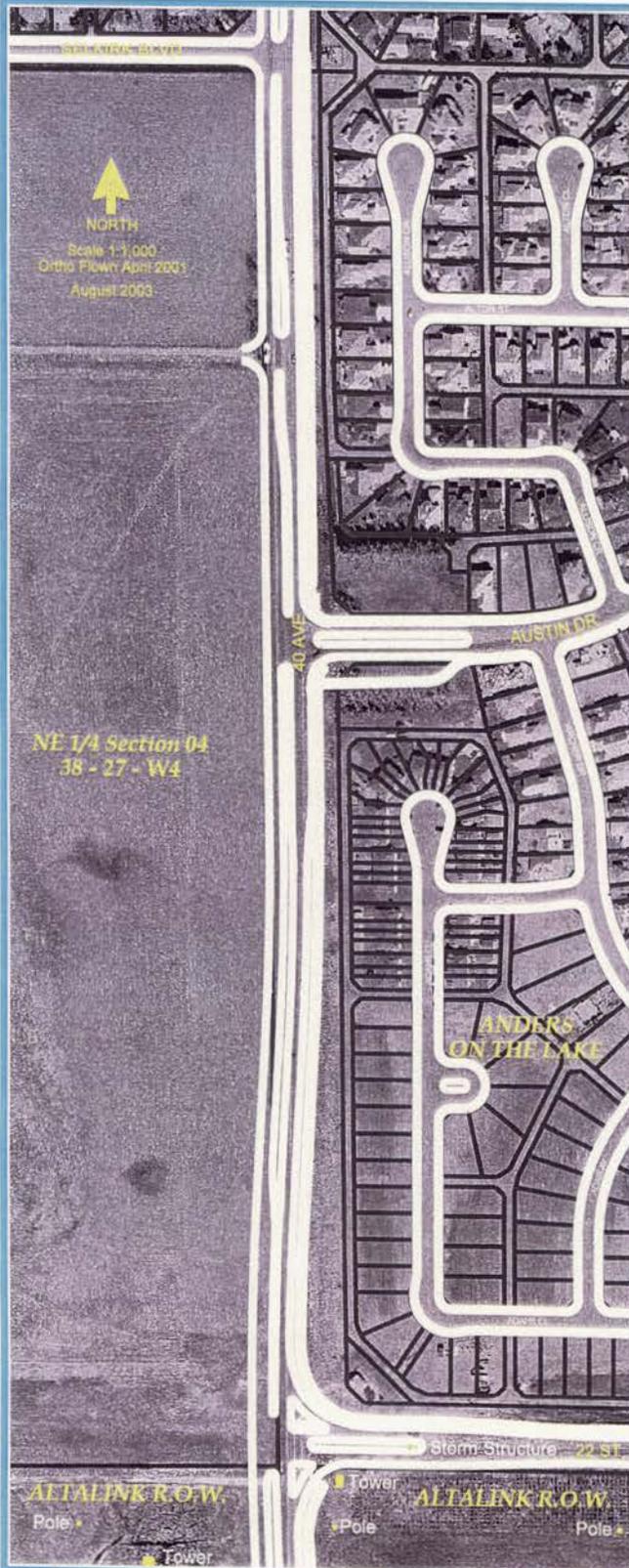




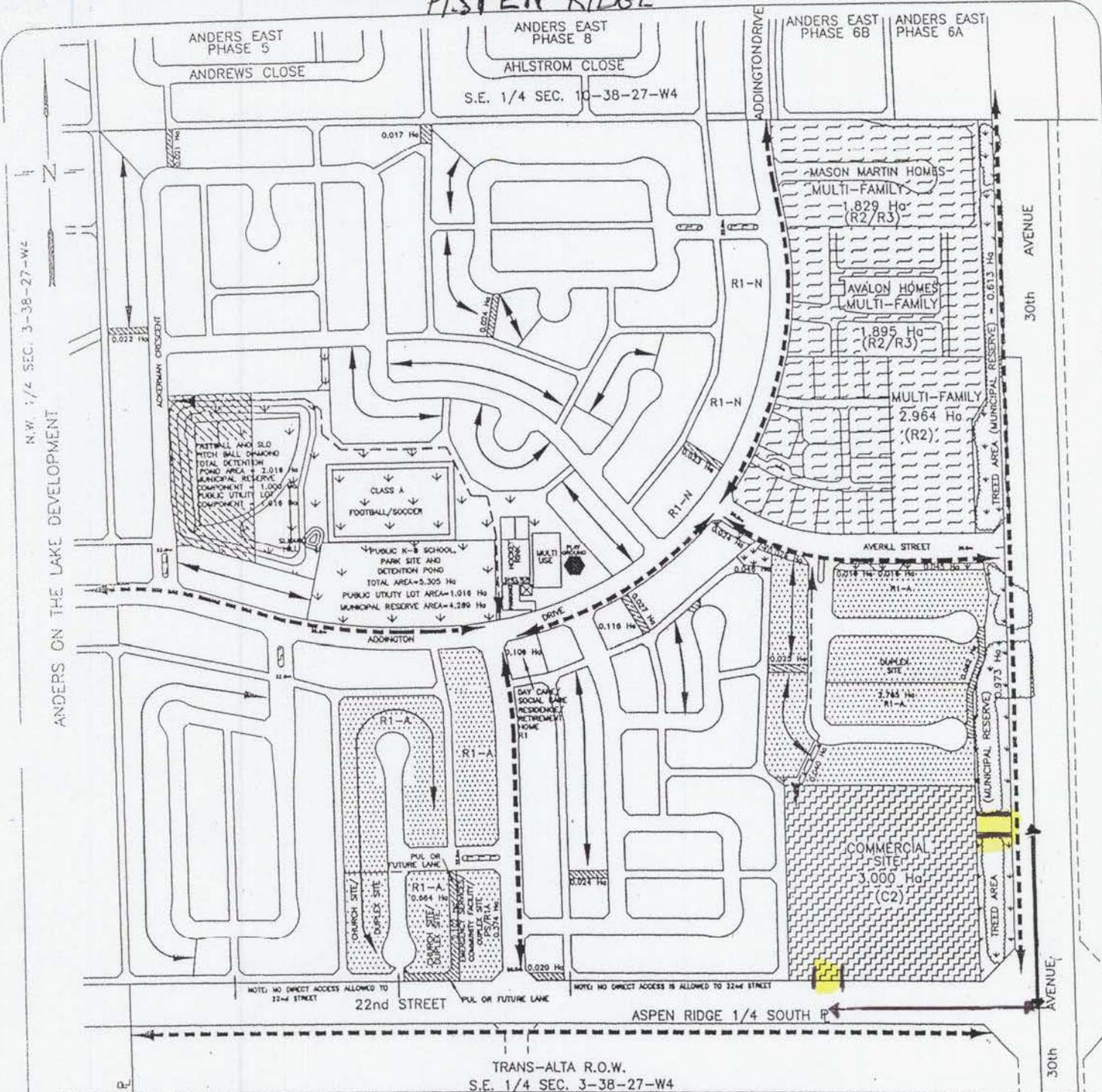


Proposed 40 Avenue Road Widening Project

Proposed Roadway



ASPEN RIDGE



N.W. 1/4 SEC. 3-38-27-W4
ANDERS ON THE LAKE DEVELOPMENT

NOTE: NO DIRECT ACCESS ALLOWED TO 22nd STREET

NOTE: NO DIRECT ACCESS IS ALLOWED TO 32nd STREET

TRANS-ALTA R.O.W.
S.E. 1/4 SEC. 3-38-27-W4

LEGEND:

- TWO STOREY RESIDENTIAL WITH WALKOUT BASEMENTS PERMITTED
- SINGLE FAMILY
- MULTI-FAMILY
- DUPLEX
- COMMERCIAL
- PUBLIC UTILITY LOTS
- SCHOOL, PARKS, AND PUBLIC OPEN SPACE
- MINOR PEDESTRIAN WALKWAYS AND BIKE PATHS
- MAIN PEDESTRIAN WALKWAYS AND BIKE PATHS
- CHILDREN'S PLAYGROUND

	TOTAL AREA OF ORIGINAL 1/4 SECTION	64,876 Ha	160.31 Ac
22nd STREET AND 30th AVENUE WIDENING	4,627 Ha	11.43 Ac	
DEVELOPABLE AREA	60,249 Ha	148.88 Ac	100%
SINGLE FAMILY- DETACHED (R1)	23,115 Ha	57.12 Ac	38.4%
SINGLE FAMILY- NARROW (R1-N)	1,060 Ha	2.66 Ac	1.8%
DUPLEX LOTS (R1-A)	4,547 Ha	11.24 Ac	7.5%
MULTIPLE FAMILY (R2/R3)	3,724 Ha	9.20 Ac	6.2%
MULTIPLE FAMILY (R2)	2,964 Ha	7.32 Ac	4.9%
CHURCH SITE/DUPLEX SITE (R1-A)	0,884 Ha	1.84 Ac	1.1%
DAY CARE/ SOCIAL CARE RESIDENCE/ RETIREMENT HOME (R1)	0,109 Ha	0.27 Ac	0.2%
COMMERCIAL (C2)	3,000 Ha	7.41 Ac	5.0%
EMERGENCY SERVICES/COMMUNITY FACILITY/ DUPLEX SITE (PS/R1-A)	0,374 Ha	0.93 Ac	0.6%
PUBLIC K-B SCHOOL, PARK AND WALKWAYS (PS)	4,905 Ha	11.13 Ac	7.2%
TREED AREA ALONG 30th AVENUE (P1)	1,565 Ha	3.92 Ac	2.5%
STORM DETENTION POND (PS)	1,016 Ha	2.51 Ac	1.7%
PUBLIC UTILITY LOTS (PS)	0,374 Ha	0.93 Ac	0.6%
ROADS	13,155 Ha	32.58 Ac	21.0%
COLLECTOR	3,211 Ha	7.93 Ac	
RESIDENTIAL	7,194 Ha	17.79 Ac	
LANES	2,760 Ha	6.87 Ac	

FIGURE 3 DEVELOPMENT CONCEPT

SCALE 1:5000

REVISED: MAR 24/03
REVISED: MAR 03/03

AL-TERRA
ENGINEERING LTD.
EDMONTON RED DEER

PRESENTATION TO CITY OF RED DEER COUNCIL (“the Council”)

OCTOBER 6, 2003

Prepared by

Jack “Alf” (Alfred) Ordman

and

Mary Ordman

Expropriation of Part of SE 4-38-27-W4M (“the Lands”)

The Ordmans (“the Owners”) are the registered owners of SE 4-38-27-W4M

NONE of the Owners’ correspondence to the City Councillors has been under the direction or assistance of their solicitors.

EXHIBITS FOR SUBMISSION TO COUNCIL

- East Hill Major Structure Plan.
- EXISTING ROADWAY: Proposed 40 Avenue Road Widening Project.
- PROPOSED ROADWAY: Proposed 40 Avenue Road Widening Project.
- Aspen Ridge Neighbourhood Structure Plan (revised March 3, 2003).

WHICH ISSUES ARE NOT IN DISPUTE?

- Expropriation of 6 m of the Lands for 40 Avenue road widening.
- Relocation of the farmer’s access to the 40 Avenue/Ironside intersection.

WHICH ISSUE IS IN DISPUTE?

- Expropriation of 14 m of the Lands for a service road to provide access to the church. The 14 m would be dedicated in the future for a noise berm.

WHY DO THE OWNERS OBJECT TO THE SERVICE ROAD?

The service road:

- i. is for the benefit of a private landowner and prejudicial to the Owners;
- ii. will have a negative aesthetic impact on the entrance of the future urban residential development;
- iii. will require, in the future, dedication of 14 m of land west of the service road resulting in a decrease in land available for urban residential development.

The financial impact due to the loss of developable acres is significant, particularly in view of Council's recent decision to permit increased housing density per acre.

WHY IS THE CITY RELUCTANT TO ACKNOWLEDGE THAT THE SERVICE ROAD IS FOR THE BENEFIT OF A PRIVATE LANDOWNER?

The Ordman's position is that if the current direct access to the church off 40 Avenue was not being closed, there would be no need for a service road on the adjacent Ordman land. The service road is for the benefit of the reported 800 church members. Mr. R. Crook's correspondence of May 6 and May 27, 2003, in our opinion, clearly delineates that the service road is for "the proposed church access".

Mr. Riebeek, in his July 30, 2003 letter to Mr. Fielding, states:

"The access road in question will be a public road, though like many public access roads it may lead primarily or exclusively to private owned property. This is really no different from many access roads which are designed to create public access to shops, businesses or other privately owned land."

It is our understanding, from a recent discussion with a member of Living Stones Church Administration, that the utilization of the church facilities is restricted to church membership.

The August 25, 2003 letter from Living Stones Church to the City states:

“We continue to have requests from non-profit organizations to use our facilities. We book only those venues which fit with the mandate of our church as it provides Christian witness in a needy world.”

The Municipal Planning Commission, in May 2002, approved the expansion of Living Stones Church subject to 17 conditions which included the following:

“5. Classrooms on site to be utilized **only for Living Stones Church activities.**

6. On-site kitchen to be utilized **only for Living Stones Church activities.**

No public disbursement or sale of food is permitted as outlined in the Subdivision and Development Regulation.”

To our knowledge, none of the Red Deer “shops, businesses” require membership based on an affiliation to a church, religion, society, etc. They are open to the general public whatever their affiliations may be.

The Alberta Transportation Program Guidelines for Basic Capital Grant provide:

“1.3.1 ROADWAYS

To be eligible for cost-sharing, a roadway must be designated as a public road in accordance with the City Transportation Act.”

Is eligibility for provincial cost-sharing the reason the City insists that the service road is a public road when, in fact, it is clear that the **primary** purpose of the service road is for the benefit of the church?

We recently submitted to the Councillors information about the *McIntyre Ranching Co. v. Cardston* (Municipal District) (1983) case. The judgement was that “the municipality lacked the power to act because the primary purpose was not for municipal or public purposes, but was for the benefit of one private landowner.”

ARTERIAL ROADWAYS INTERSECTION SPACING

The Haslop Report to the Council on June 16, 2003 states:

“Based on current roadway design standards for arterial roadways, the existing location of the entrance to the Living Stones Church is located too close to the intersection of 40 Avenue and 19 Street.”

The desirable distances for intersection spacing are:

- **ALL TURNS** to an intersection is 400 m or more.
- **RIGHT IN/RIGHT OUT TURNS ONLY** to an intersection is 200 m or more.

LIVING STONES CHURCH

The distance of the current longstanding all turns church access off 40 Avenue to the 40 Avenue/19 Street intersection is 211 m more or less.

ASPEN RIDGE COMMERCIAL SITE (2003)

The distance of the **right in/right out** turns only access off 30 Avenue to the recently developed commercial site from the 30 Avenue/22 Street intersection is 150 to 175 m. The distance of the **all turns** access off 22 Street to the commercial site from the 30 Avenue/22 Street intersection is 200 m more or less.

CONCLUSION

The City is flexible regarding desirable intersection spacing for arterial roadways.

TEMPORARY ALTERNATIVES TO THE SERVICE ROAD UNTIL THE LANDS ARE DEVELOPED

i. LEASING

The Owners are prepared to lease 14 m of the Lands to the City for a service road at a nominal amount of \$2,000 per annum, with a permanent option to renew the lease every two years at \$2,000 per annum until the Lands are developed. The City has declined the offer.

The City Policy 4315: Acquisition and Disposal of Road Widening Areas, and the Municipal Government Act do not prohibit the leasing of land for roads.

ii. ALL TURNS ACCESS

Maintain the current longstanding all turns access off 40 Avenue.

The distance of the all turns access off 22 Street to the recently developed Aspen Ridge Commercial Site from the 30 Avenue/22 Street intersection is 200 m more or less.

iii. RIGHT IN/RIGHT OUT TURNS ONLY

The entrance to the church off 40 Avenue could be a right in/right out turns only access with a deceleration lane.

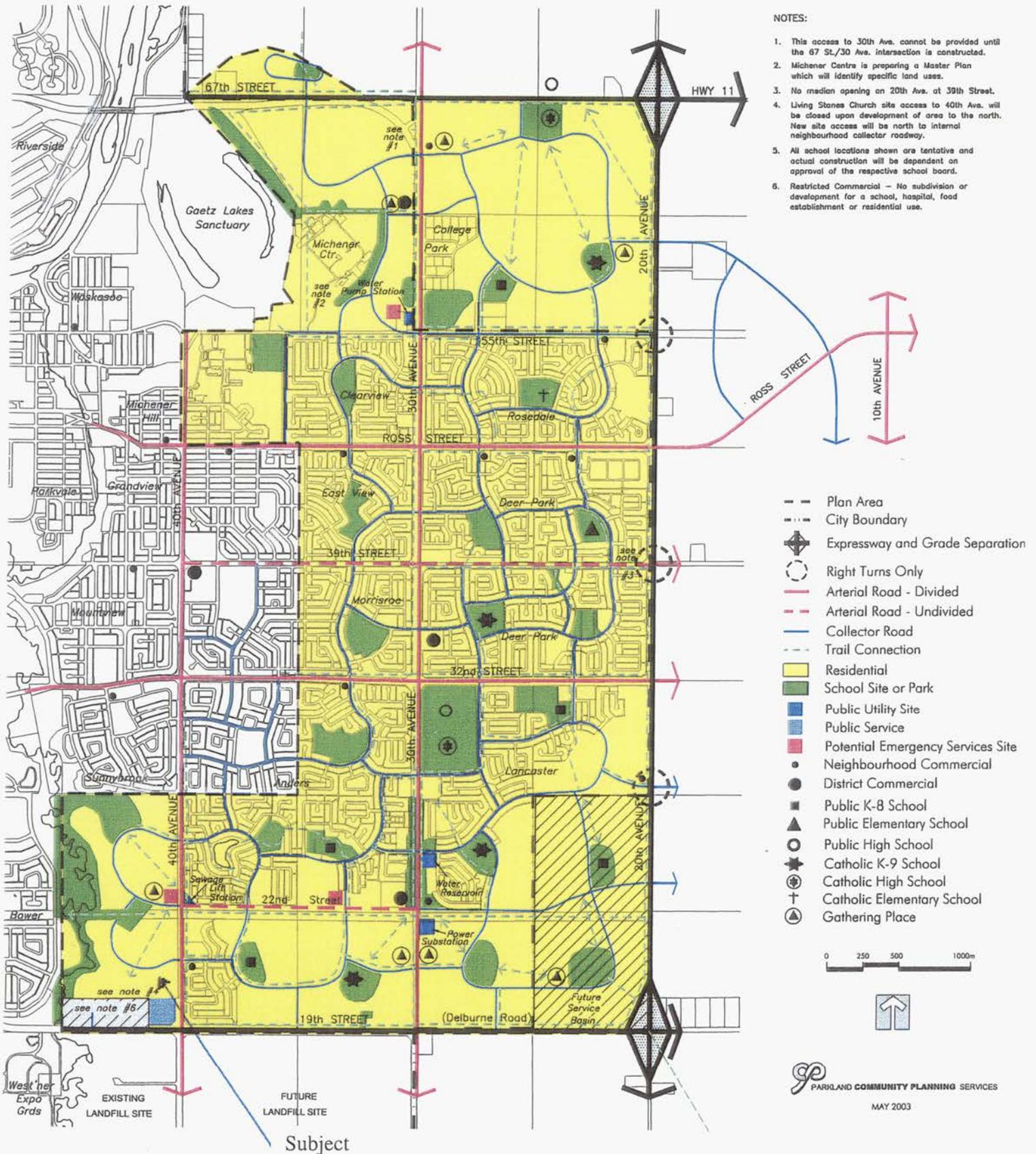
The City Engineering Department letter of December 4, 2000 to Mr. Ken Masse, P.Eng., UMA Engineering Ltd., states:

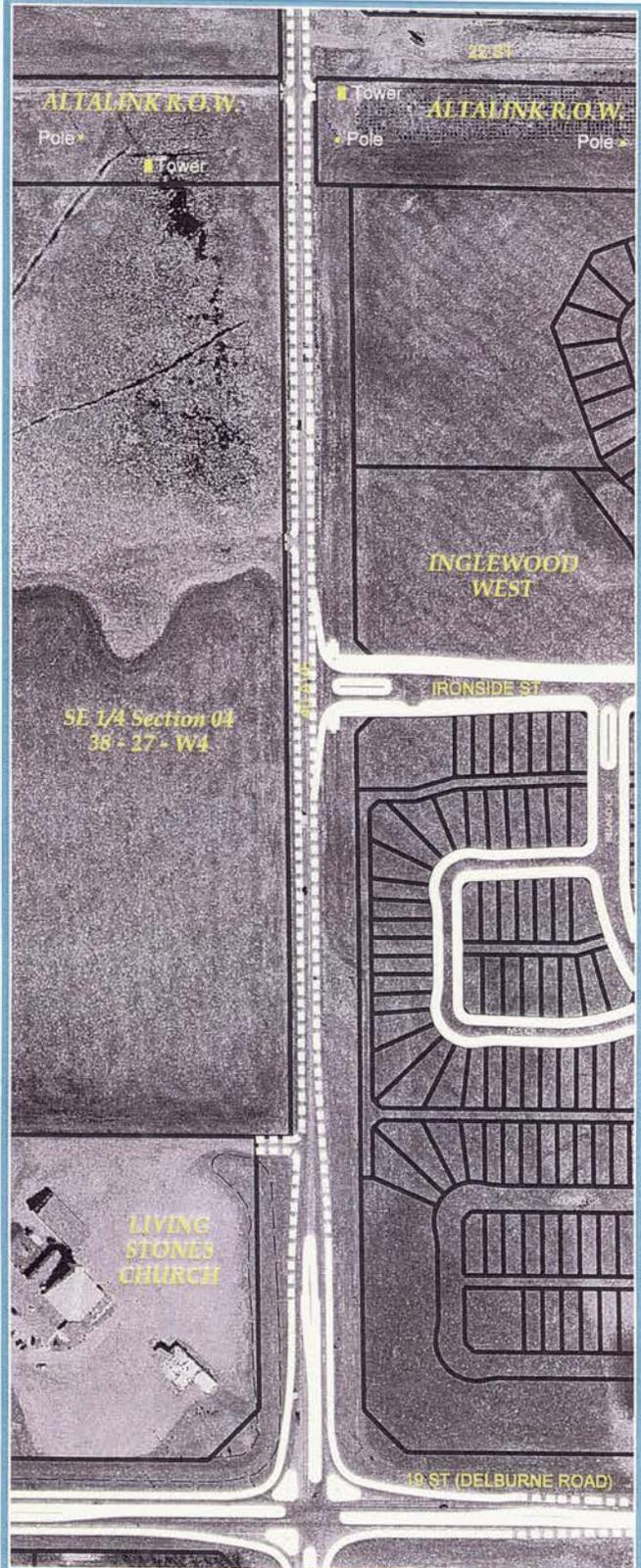
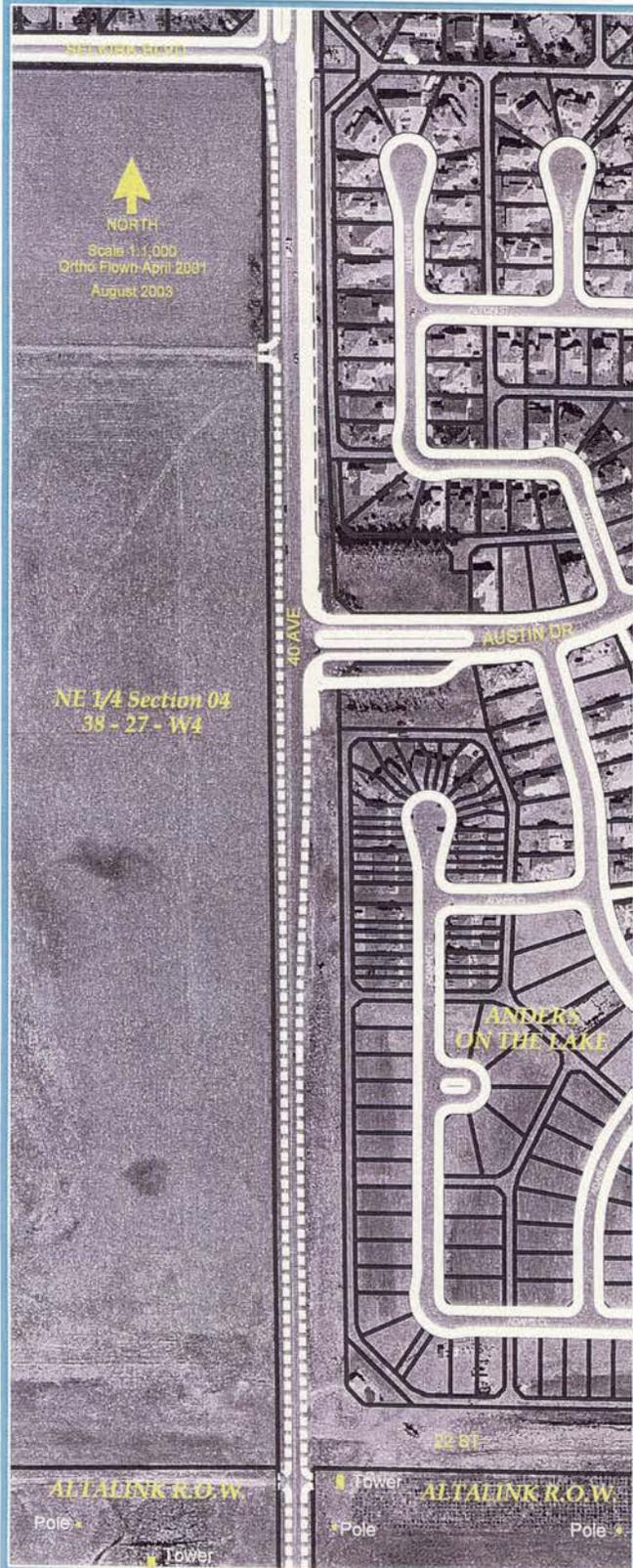
“All-turns access from the site onto 40 Avenue is undesirable in the long run. Your future plans should consider routing traffic northward from the site through the neighbouring property to a future collection road. **Right turn in/out access on 40 Avenue may be acceptable in the long run if a deceleration lane is provided.**”

City of Red Deer

East Hill Major Area Structure Plan

Map 4 Development Concept Plan

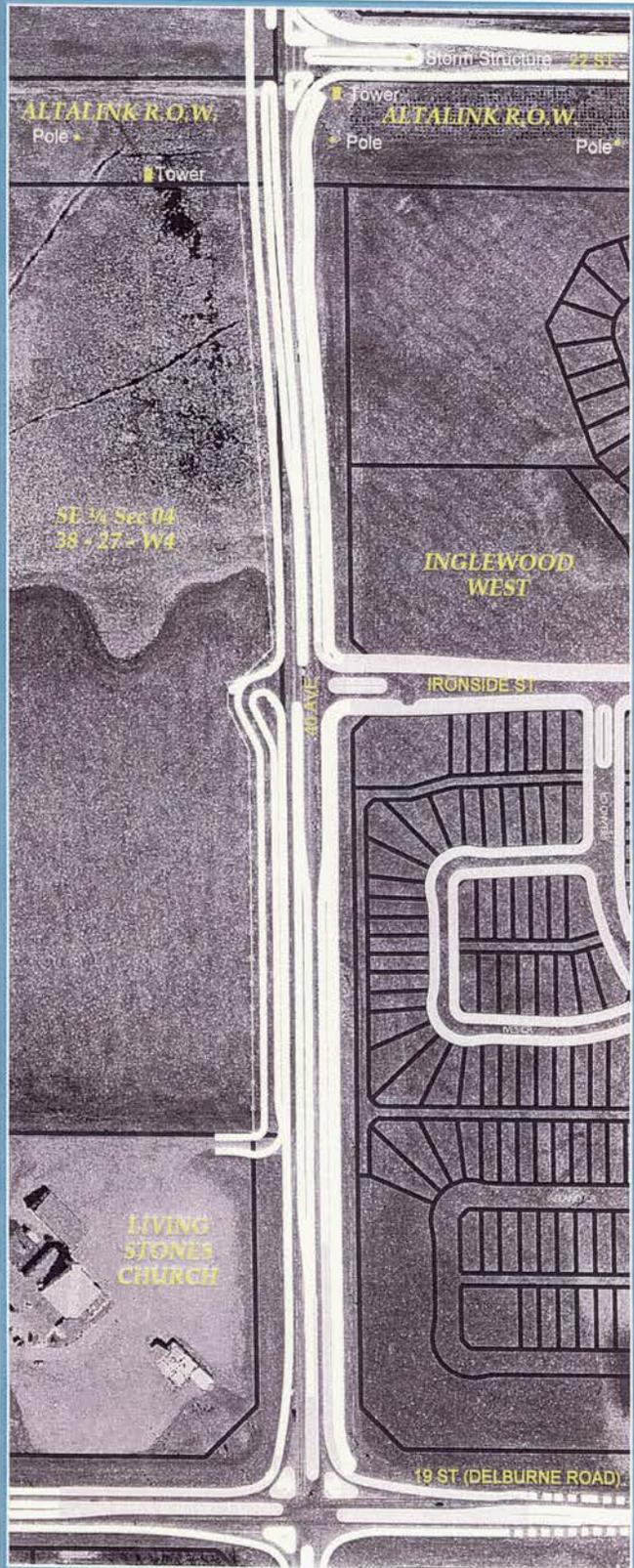
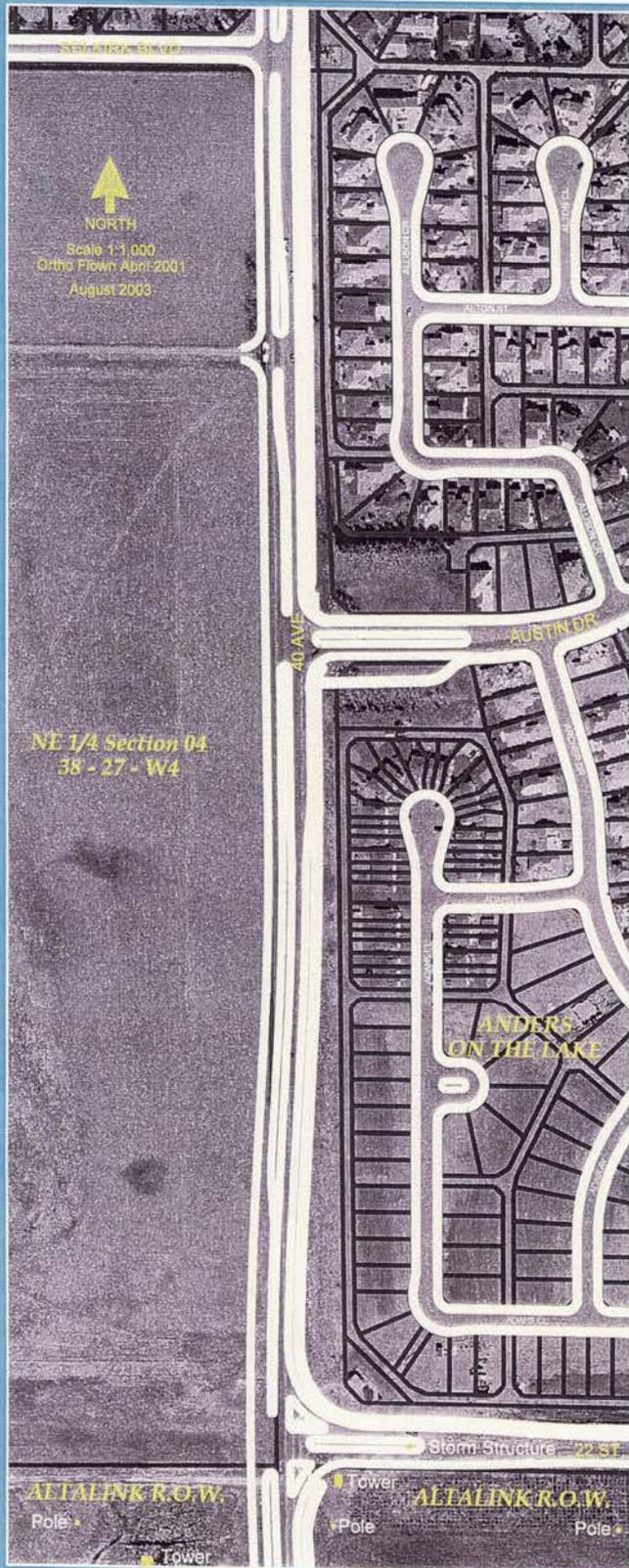




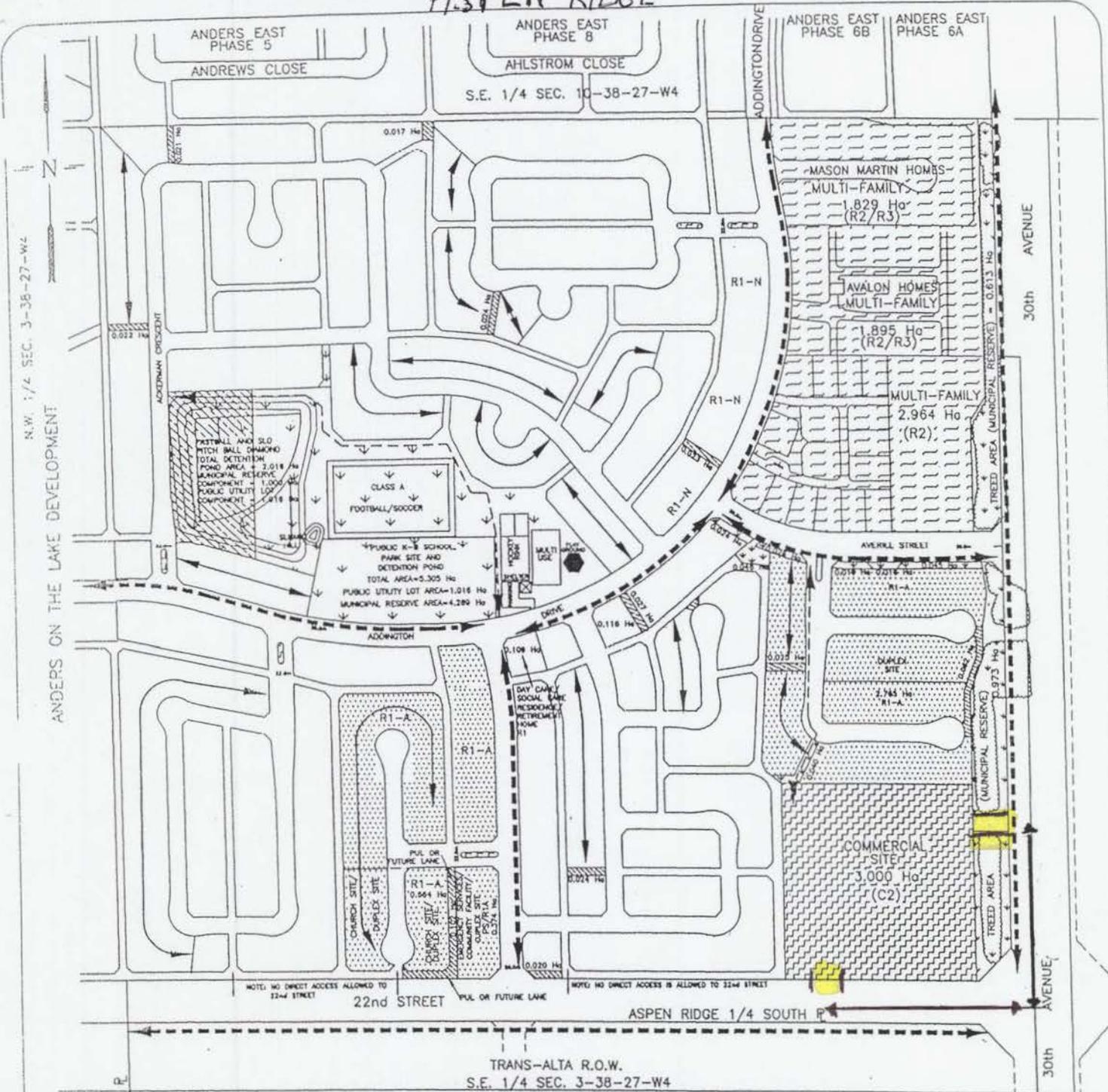


Proposed 40 Avenue Road Widening Project

Proposed Roadway



ASPEN RIDGE



LEGEND:

- TWO STOREY RESIDENTIAL WITH WALKOUT BASEMENTS PERMITTED
- SINGLE FAMILY
- MULTI-FAMILY
- DUPLEX
- COMMERCIAL
- PUBLIC UTILITY LOTS
- SCHOOL, PARKS, AND PUBLIC OPEN SPACE
- MINOR PEDESTRIAN WALKWAYS AND BIKE PATHS
- MAIN PEDESTRIAN WALKWAYS AND BIKE PATHS
- CHILDREN'S PLAYGROUND

TOTAL AREA OF ORIGINAL 1/4 SECTION 44,876 Ho 160.31 Ac		
22nd STREET AND 30th AVENUE WIDENING	4,827 Ho	11.43 Ac
DEVELOPABLE AREA	60,249 Ho	148.88 Ac 100%
SINGLE FAMILY- DETACHED (R1)	23,115 Ho	57.12 Ac 36.1%
SINGLE FAMILY- NARROW (R1-N)	1,098 Ho	2.68 Ac 1.8%
DUPLEX LOTS (R1-A)	4,547 Ho	11.24 Ac 7.5%
MULTIPLE FAMILY (R2/R3)	3,724 Ho	9.20 Ac 6.2%
MULTIPLE FAMILY (R2)	2,954 Ho	7.32 Ac 4.9%
CHURCH SITE/DUPLEX SITE (R1-A)	0,884 Ho	1.84 Ac 1.1%
DAY CARE/ SOCIAL CARE RESIDENCE/ RETIREMENT HOME (R1)	0,109 Ho	0.27 Ac 0.2%
COMMERCIAL (C2)	3,000 Ho	7.41 Ac 5.0%
EMERGENCY SERVICES/COMMUNITY FACILITY/ DUPLEX SITE (PS/R1-A)	0,374 Ho	0.93 Ac 0.6%
PUBLIC K-8 SCHOOL, PARK AND WALKWAYS (PS)	4,505 Ho	11.13 Ac 7.5%
TREED AREA ALONG 30th AVENUE (P1)	1,586 Ho	3.92 Ac 2.6%
STORM DETENTION POND (PS)	1,016 Ho	2.51 Ac 1.7%
PUBLIC UTILITY LOTS (PS)	0,374 Ho	0.93 Ac 0.6%
ROADS	13,185 Ho	32.58 Ac 21.9%
COLLECTOR	3,211 Ho	7.93 Ac
RESIDENTIAL	7,194 Ho	17.79 Ac
LANES	2,760 Ho	6.87 Ac

**FIGURE 3
DEVELOPMENT
CONCEPT**

SCALE 1:5000

REVISED: MAR 24/03
REVISED: MAR 03/03

AL-TERRA
ENGINEERING LTD.
EDMONTON RED OCCR

IN THE MATTER OF THE EXPROPRIATION ACT BEING CHAPTER
E-13 OF THE REVISED STATUTES OF ALBERTA 2000 AND
AMENDMENTS THERETO

AND IN THE MATTER OF THE INTENDED EXPROPRIATION BY THE
COUNCIL OF THE CITY OF RED DEER

CERTIFICATE OF APPROVAL

1. The City of Red Deer, in the Province of Alberta, hereby approves the expropriation of the following lands:

Part of S.E. 1/4 of Section 4, Township 38, Range 27, West of the 4th
Described as Area "A" on Plan 032-5536
containing 0.946 Hectares, more or less
Excepting thereout all mines and minerals

and registered at the Land Titles Office for North Alberta on
November 5, 2003, as Instrument No. 032-427 551.
2. The nature of the interest in the lands expropriated is fee simple.
3. The work or purpose for which the interest in the lands is expropriated is:
 - a) redesign of road alignment and widening of 40th Avenue;
 - b) a service road off 40th Avenue into the site known as the Living Stones Church.
4. The Expropriating Authority is the City of Red Deer, Red Deer, Alberta.
5. The lands stand in the Register of the North Alberta Land Registration District in the name of Jack Alfred Ordman and Mary Ordman of 3407 Spruce Drive, in the City of Red Deer, in the Province of Alberta, in Certificate of Title No. 842-146-847.

DATED this 7 day of November, 2003.

Approving Authority
THE CITY OF RED DEER

Per: 
Deputy City Clerk

+

CHAPMAN RIEBEEK

Barristers & Solicitors

NICK P. W. RIEBEEK*
T. KENT CHAPMAN*
LORNE E. GODDARD
GAYLENE D. BOBB
LESIA E. LUCIUK

DONALD J. SIMPSON
GARY W. WANLESS*
NANCY A. BERGSTROM*
SUZANNE M. ALEXANDER-SMITH

208, 4808 Ross Street
Red Deer, Alberta
T4N 1X5

TELEPHONE (403) 346-6603
FAX (403) 340-1280
e-mail: info@chapmanriebeek.com

*Denotes Professional Corporation

Your file:

Our file: 28,492 NPR

Writer's direct email: nriebeek@chapmanriebeek.com

November 6, 2003

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

*Signed & returned
Nov. 7/03
yjh*

**Attention: Kelly Kloss
Legislative & Administrative Services Manager**

Dear Sir:

RE: Ordman Expropriation – Certificate of Approval

We have now received the Plan of Survey showing the expropriated area and I enclose the Certificate of Approval for execution by the City. As you may be aware, we have timelines in which to file the Approval at the Land Titles Office and, accordingly, I would appreciate your immediate attention to this matter.

I trust this is satisfactory.

Yours truly;


NICK P. RIEBEEK
NPR/vjh
Enclosure



Council Decision – October 6, 2003

Legislative & Administrative Services

DATE: October 7, 2003
TO: City Solicitor
FROM: Kelly Kloss, Manager, Legislative & Administrative Services
SUBJECT: Expropriation of SE 4-38-27-W4, 40th Avenue Widening and Access to Living Stones Church

Reference Report:

Manager, Legislative & Administrative Services, dated September 30, 2003

Resolutions:

“Resolved that Council of the City of Red Deer, having considered the report from the Manager, Legislative & Administrative Services, dated September 30, 2003, hereby agrees to the following:

WHEREAS Council of the City of Red Deer has received the Report of the Inquiry Officer for this matter dated September 12, 2003;

AND WHEREAS Council for the City of Red Deer has, pursuant to Section 18 of the *Expropriation Act*, considered the said Report and agrees with the conclusions set out in the Report to the effect that the intended expropriation is fair, sound, and reasonably necessary;

NOW THEREFORE Council of the City of Red Deer, in the Province of Alberta, duly assembled resolves as follows:

1. That pursuant to the provisions of the *Municipal Government Act* and the *Expropriation Act*, Council of the City for the Red Deer, as an Approving Authority, hereby approves the expropriation of 0.946 Hectares (2.338 Acres), more or less, as shown on Schedule “A” to the Notice of Intention to Expropriate and filed at the Land Titles Office for the North Alberta Land Registration District, being part of the following lands:

Meridian 4, Range 27, Township 38, Section 4, Quarter South East, containing 64.7 Hectares (160 Acres) more or less, excepting thereout:

- A) 0.417 Hectares (1.03 Acres) more or less, as shown on Road Plan 4719MC;
- B) 4.05 Hectares (10 Acres) more or less, subdivided under Plan 423 NY;
- C) 4.85 Hectares (11.98 Acres) more or less, subdivided under Plan 5003 NY;
- D) All that portion described as follows: Commencing at the point of intersection of the west boundary of the said quarter section and the north limit of the road as shown on Road Plan 4719MC; Thence easterly along the said north limit 660 feet; Thence northerly and at right angles to the said north limit 660 feet; Thence westerly and parallel to the said north limit to the said west boundary; Thence southerly along the said west boundary to the point of commencement containing 4.05 Hectares (10 Acres) more or less; excepting thereout all mines and minerals;

The interest to be expropriated is in fee simple.

- 2. Council for the City of Red Deer, by this motion, authorizes appropriate City staff to proceed to sign, seal and issue a Certificate of Approval of Expropriation and all other documents and plans and to take all steps necessary under the *Expropriation Act* required to complete the expropriation of the interest required in the said lands.

Council further agrees that Appendix I forms part of this resolution

Appendix I

History

- 1. On June 16, 2003, City Council authorized commencement of expropriation proceedings in respect of:

0.946 Hectares (2.338 Acres), more or less, being part of the following lands:

Meridian 4, Range 27, Township 38, Section 4, Quarter South East, containing 64.7 Hectares (160 Acres) more or less, excepting thereout:

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2. A Notice of Intention to Expropriate was registered at the Land Titles Office for the North Alberta Land Registration district on July 3, 2003, as Instrument No. 032 240 061, which Notice was served on the registered owners on June 30, 2003. The said Notice of Intention was advertised in the Red Deer Advocate on July 4, 2003, and July 11, 2003. A Notice of objection was served on the City on July 17, 2003, on behalf of the registered owners.
3. An Inquiry was held before Graham McLennan, Inquiry Officer, appointed by the Deputy Attorney General on August 27, 2003. The Inquiry Officer delivered his report to the City on the 12th day of September, 2003, and a copy of that report is attached hereto as an enclosure.
4. In the opinion of the Inquiry Officer, the City demonstrated that the proposed expropriation was fair, sound, and reasonably necessary for the achievement of the City's objectives.
5. As the City has been unable to acquire the property by negotiation and has complied with the relevant provisions of the *Expropriation Act* it is, therefore, in order to proceed with the passage of the Resolution presented herein.

Reasons

6. The expropriation is approved for the following reasons:
 - a) the subject property is required to upgrade 40th Avenue in the City of Red Deer into an arterial roadway in a manner consistent with City and Transportation Association of Canada Standards and to provide access by the public to the site of the Living Stones Church by way of a service or access road;
 - b) population increase and traffic increase requires a widening of 40th Avenue and requires alternate access to the Living Stones Church site. Council for the City of Red Deer agrees with the findings of the Inquiry Officer and adopts the facts and the findings set out in the Report of the Inquiry Officer in concluding that the expropriation is

fair, sound, and reasonably necessary in the achievement of the objectives set out above.

Report Back to Council: No

Comments/Further Action:

Attached is the Certified Copy of the Resolution passed at the October 6, 2003 Council Meeting regarding the expropriation. Please proceed with the expropriation on behalf of the City.



Kelly Kloss
Manager

/chk
attchs.

c Director of Development Services
Engineering Services Manager

RESOLUTION

"WHEREAS Council of the City of Red Deer has received the Report of the Inquiry Officer for this matter dated September 12, 2003;

AND WHEREAS Council for the City of Red Deer has, pursuant to Section 18 of the *Expropriation Act*, considered the said Report and agrees with the conclusions set out in the Report to the effect that the intended expropriation is fair, sound, and reasonably necessary;

NOW THEREFORE Council of the City of Red Deer, in the Province of Alberta, duly assembled resolves as follows:

1. That pursuant to the provisions of the *Municipal Government Act* and the *Expropriation Act*, Council of the City for the Red Deer, as an Approving Authority, hereby approves the expropriation of 0.946 Hectares (2.338 Acres), more or less, as shown on Schedule "A" to the Notice of Intention to Expropriate and filed at the Land Titles Office for the North Alberta Land Registration District, being part of the following lands:

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The interest to be expropriated is in fee simple.

2. Council for the City of Red Deer, by this motion, authorizes appropriate City staff to proceed to sign, seal and issue a Certificate of Approval of Expropriation and all other documents and plans and to take all steps necessary under the *Expropriation Act* required to complete the expropriation of the interest required in the said lands.

Council further agrees that Appendix I forms part of this resolution.

Appendix I

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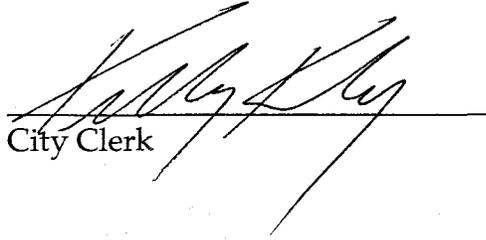
2003, and July 11, 2003. A Notice of objection was served on the City on July 17, 2003, on behalf of the registered owners.

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4. In the opinion of the Inquiry Officer, the City demonstrated that the proposed expropriation was fair, sound, and reasonably necessary for the achievement of the City's objectives.
5. As the City has been unable to acquire the property by negotiation and has complied with the relevant provisions of the *Expropriation Act* it is, therefore, in order to proceed with the passage of the Resolution presented herein.

Reasons

6. The expropriation is approved for the following reasons:
 - a) the subject property is required to upgrade 40th Avenue in the City of Red Deer into an arterial roadway in a manner consistent with City and Transportation Association of Canada Standards and to provide access by the public to the site of the Living Stones Church by way of a service or access road;
 - b) population increase and traffic increase requires a widening of 40th Avenue and requires alternate access to the Living Stones Church site. Council for the City of Red Deer agrees with the findings of the Inquiry Officer and adopts the facts and the findings set out in the Report of the Inquiry Officer in concluding that the expropriation is fair, sound, and reasonably necessary in the achievement of the objectives set out above.

CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL PASSED BY
COUNCIL OF THE CITY OF RED DEER, ON THE 6th DAY OF OCTOBER, 2003.



City Clerk

Item No. 2

MEMO

DATE: September 30, 2003

TO: Kelly Kloss, Legislative and Administrative Services Manager

FROM: Howard Thompson, Land & Economic Development Manager

RE: Acquisition of Emergency Services Site in Aspen Ridge.
Lot 60, Block 12, Plan 032 4378 (Adamson Avenue and 22nd Street)

Background:

The east hill Major Area Structure Plan identifies the above site as one of two potential emergency services sites along the future 22nd Street corridor. It also indicates that only one of the two sites will be developed and utilized. The Aspen Ridge Neighborhood Area Structure Plan also identifies this site as a potential emergency services site with the alternative land use as semi-detached (duplexes). While the City's Emergency Services Department continues to review and analyze their future servicing requirements in the southeast quadrant of the City, the Land and Economic Development Department have been directed to negotiate with Melcor Developments for the acquisition of this site.

Financial Implications:

The price we have negotiated with Melcor for this 1.01 acre site is \$327,500.00. This price includes all offsite levies and development charges and in our opinion represents fair market value. The purchase will be funded by the Land Bank. If and when Emergency Services identify a need to develop the site they will purchase it from the Land Bank at the market value at the time of purchase. If this parcel is not used as an Emergency Services site, it can be serviced, subdivided and sold as duplex lots.

Recommendation:

That City Council approves the purchase of Lot 60, Block 12, Plan 032 4378 from Melcor Developments Limited for \$327,500.00, plus GST if applicable, with funds to come from the Subdivision Reserve Fund.



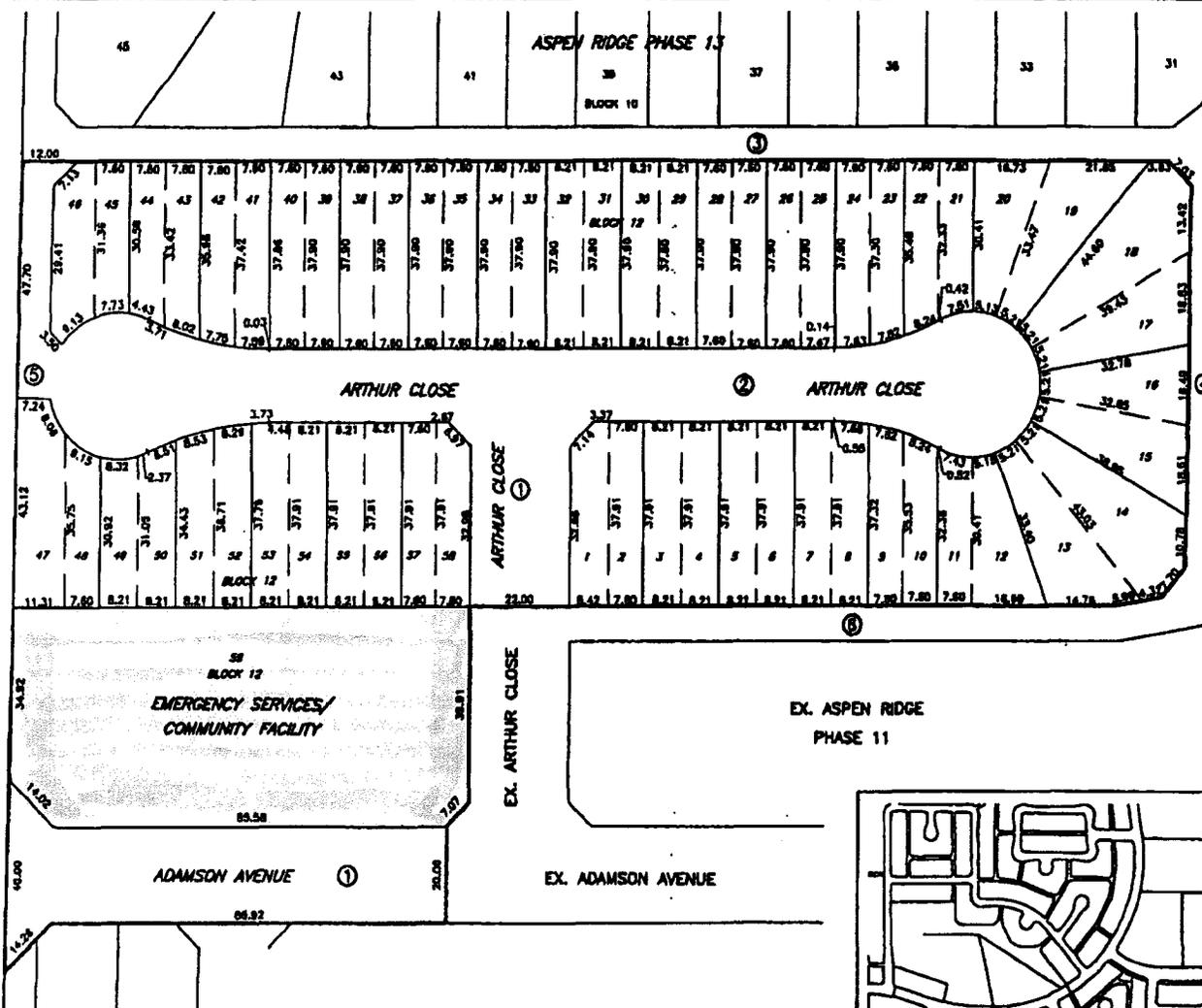
Howard Thompson

Attach.

- c. Bryon Jeffers, Director of Development Services
Jack MacDonald, Fire Chief

C-11

FUTURE 22ND STREET

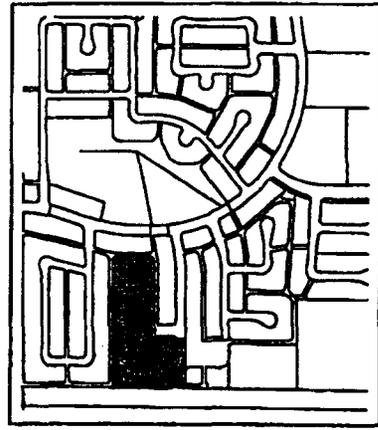
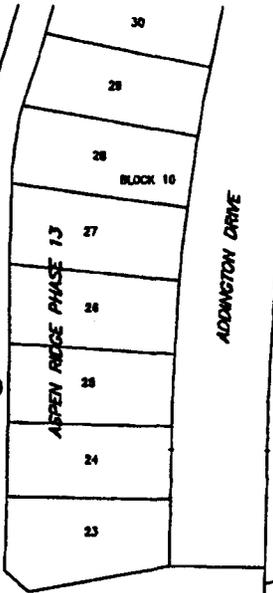


ASPER RIDGE PHASE 14

EMERGENCY SERVICES/
COMMUNITY FACILITY

ADAMSON AVENUE

EX. ASPEN RIDGE PHASE 11



KEY PLAN SCALE 1:5000

THE CITY OF RED DEER
ASPER RIDGE
PHASE 12

TERMINAL PLAN OF
SUBDIVISION
AFFECTING PORTION OF THE
N.E. 1/4 SEC. 3, TWP. 38,
RGE. 27, W. 4th. M

RED DEER
ALBERTA

FOR: MILDON DEVELOPMENTS LTD.
BY: AL-TERRA ENGINEERING LTD.

SCALE:
AS SHOWN - 1:800
SHEET 11' VERSION - 1:800

- NOTE:
- ALL DIMENSIONS ARE IN METRES AND DECIMALS THEREOF.
 - ALL CURV CORNERS ARE SHOWN UNLESS SHOWN OTHERWISE.
 - BEGINNING AND END OF CURVES ARE SHOWN THIS WAY
 - PORTION AFFECTED BY THIS PLAN IS OUTLINED THIS
 - PHASE 12 SUBDIVISION CONTAINS 80 DUPLEX LOTS, AND 1 EMERGENCY SERVICES/COMMUNITY FACILITY SITE, CONSISTING OF 2.28556.

PREPARED: JANUARY 18/03

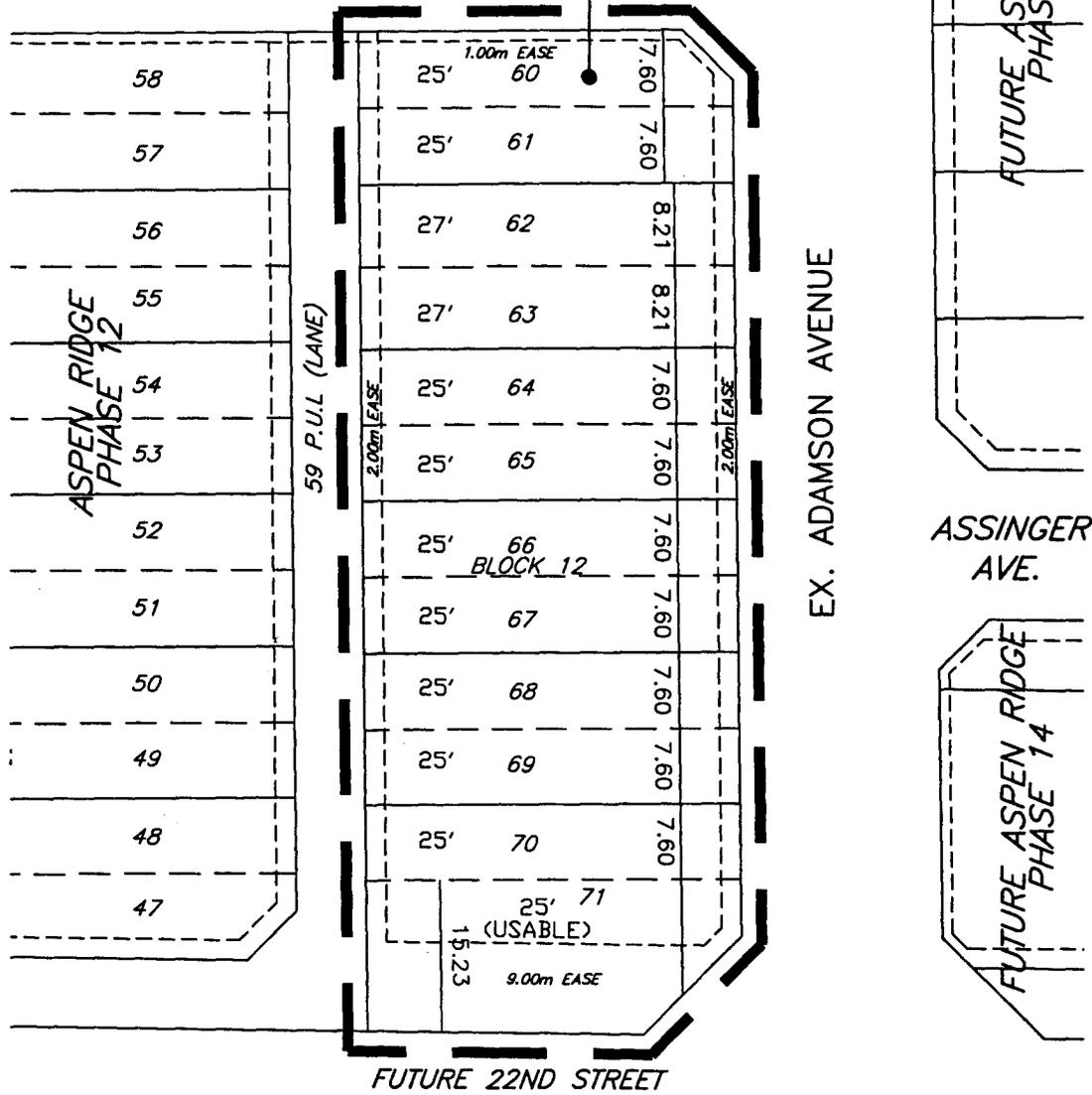
AL-TERRA
ENGINEERING LTD.

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EX. ASPEN RIDGE PHASE 11

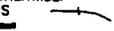
EX. ARTHUR CLOSE

EMERGENCY SERVICES SITE;
(POSSIBLE FUTURE DUPLEX LOTS)



FOR: MELCOR DEVELOPMENTS LTD.
BY: AL-TERRA ENGINEERING LTD.
SCALE: 1:750m. (8.5"x11")

THE CITY OF RED DEER
ASPEN RIDGE PHASE 12
DUPLEX OPTION
TENTATIVE PLAN OF
SETBACKS
AFFECTING PORTION OF THE
N.E. 1/4 SEC.3, TWP.38,
RGE.27, W.4th. M
RED DEER
ALBERTA

- NOTES:
- ALL DISTANCES ARE IN METRES AND DECIMALS THEREOF.
 - ALL CUT CORNERS ARE 5.00m UNLESS SHOWN OTHERWISE.
 - BEGINNING AND END OF CURVES ARE SHOWN THUS 
 - PHASE 12 BOUNDARY IS SHOWN THUS 
 - SETBACK FOR STREET FLANKAGE LOTS IS 7.00m
 - SETBACK FOR OTHER INTERIOR LOTS IS 6.50m FOR LOTS BESIDE STREET FLANKAGE LOTS, AND 6.00m FOR THE REST OF THE LOTS.
 - FOR REVERSE PIE LOTS, THE LOT WIDTH IS DETERMINED AT 7.50m FROM THE REAR PROPERTY LINE.
 - FOR LOTS FRONTING ON A BULB, THE MINIMUM SETBACK IS 6.00m FROM THE FRONT PROPERTY LINE.
 - THE TENTATIVE PLAN, AS PRESENTED, CREATES 12 RESIDENTIAL LOTS IN LIEU OF THE EMERGENCY SERVICES COMMUNITY FACILITY SITE.

Comments:

I agree with the recommendation of the Land & Economic Development Manager.

"N. Van Wyk"
City Manager

FILE



Council Decision – October 6, 2003

Legislative & Administrative Services

DATE: October 7, 2003
TO: Howard Thompson, Land & Economic Development Manager
FROM: Kelly Kloss, Manager, Legislative & Administrative Services
SUBJECT: Acquisition of Emergency Services Site in Aspen Ridge – Lot 60, Block 12, Plan 032-4378 (Adamson Avenue and 22nd Street)

Reference Report:

Land & Economic Development Manager, dated September 30, 2003

Resolutions:

“Resolved that Council of the City of Red Deer, having considered the report from the Land & Economic Development Manager, dated September 30, 2003, re: Acquisition of Emergency Services Site in Aspen Ridge, Lot 60, Block 12, Plan 032 4378 (Adamson Avenue and 22nd Street), hereby approves the purchase of Lot 60, Block 12, Plan 032 4378 from Melcor Developments Limited for \$327,500, plus GST if applicable, with funds to come from the Subdivision Reserve Fund.”

Report Back to Council: No

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

Kelly Kloss
Manager

/chk

c Director of Development Services
Treasury Services Manager



Community Services

CS - 7.853

DATE: September 30, 2003

TO: Kelly Kloss, Manager
Legislative and Administrative Services

FROM: Colleen Jensen,
Community Services Director

SUBJECT: Centennial Legacy Grant

Purpose:

To request Council approval of recommendations of this report as it pertains to allocation of the Centennial Legacies Grant Program Funding of \$1,500,000.

Background Information:

The City of Red Deer submitted an application to the Centennial Legacies Grant Program in December 2000. The total cost of projects outlined in the application was \$35,374,000, with \$17,497,000 requested from the Grant. The application was outlined for two Phases – Phase I to cost \$12,374,000 of which \$6,720,000 was requested and Phase II to cost \$23,000,000 of which \$10,777,000 was requested.

The City of Red Deer was notified by the Centennial Legacies Grant Program in April 2003, that it was to receive a total of \$1,500,000 over two years, with \$750,000 each year.

As The City of Red Deer was waiting for word from the grant authorities, several projects outlined in the application made in Dec 2000 had, of necessity to be moved forward. Work was undertaken on a major part of Phase I, while holding off on almost all of Phase II.

The following is a brief summary of the various projects, along with the current status of expenditures to date:

Phase I:

I. Conceptual Planning and Project Management

Although no funds were requested from the Centennial Legacy Grant program in this area, The City of Red Deer has committed significantly towards an effective planning and project management process. Monies have been spent on the Greater Downtown Action Plan (the Implementation Strategy, the Policy Group, the Implementation Committee); the Downtown -Setback Study, Parking and Traffic Feasibility Study, the Neighborhood Design Guidelines and the Healthy Community/Diversity Study. Of the \$650,000 submitted as projected expenses; \$400,000 allocated towards project planning, \$200,000 towards project management, \$275,000 has only been expended from the project planning budget. The money allocated for the Downtown Parks Master Plan is still in reserve, but the decision was made not to proceed with the Master Plan until notification of the Centennial Grant funding.

Community Services

2. Centennial Plaza (Downtown Plaza Park)

City Council supported the dedication of 1.7 acres of downtown developable land, which was then purchased specifically for the project. In 2001, the concept plan for the plaza/park was completed and approved by City Council. The detail design for the entire site consisted of two phases and was completed in 2002, with tenders accepted in the latter half of 2002.

Phase I included completion of the entire south end of the site and preliminary work on the north end of the site. Phase II would consist of work on the hard infrastructure such as the colonnade, the fountain, and extensive paving stone work on the north side of the plaza, along with the development of the small staging area on the east side of 52nd Ave.

The total estimated cost was \$3,000,000 of which \$1,955,449 has been incurred. The projected cost of Phase II is \$1,048,686 with only \$150,000 remaining in revenue.

3. The Downtown Promenade (48th Street)

This was conceptually outlined and described in the text of the Greater Downtown Action Plan. In addition, The City planned to construct a central transit terminal and parkade as part of the Promenade, as this would be on 48th Street.

The transit terminal and the foundation work for the parkade have been completed. No work has been done on the Promenade per se – neither planning nor actual construction.

Estimated cost of the project was \$4,712,000 (which only included some costs for the terminal/parkade) of which \$1,675,000 has been spent (this included the purchase of land for the terminal and parkade foundation, as well as design of the structure).

4. Heritage Tracks (Trails from Downtown through Cannery Row to Riverside Meadows, along with development of two parks)

In support of both the Greater Downtown Action Plan and Riverside Meadows Area Redevelopment Plan, Heritage Tracks represents trail extension as well as land acquisition.

Work on the conceptual planning of Burnt Lake Park commenced in 2001, with actual construction of the park in 2002. The Riverside Meadows Community Association secured \$80,000 in funding from the Red Deer Community Lottery Board, in addition to other funding.

No work has been done on Convent Park.

Story stones, denoting the history of the Riverside Meadows community were installed in 2002 and 2003, and were funded through grants that were accessed by the Community Association.

The City of Red Deer is exploring trail development plans to extend the Riverside Meadows trails into the city's downtown. No work has been done as yet due to lack of funding.

The estimated cost of project was \$1,000,000 of which \$144,380 has been spent as above.

5. Rotary Town Square (Rotary Recreation Park)

City Council approved a very general concept plan for this area, including the significant dedication of land (approximately 2.4 acres) through adoption of the Greater Downtown Action Plan. The original application primarily focused on development of the park and some renovations to the Recreation Centre. The land has been noted as secured to ensure planning would be done appropriately.



Community Services

In 2003, City Council approved funding for a study that would examine all the facilities in Rotary Recreation Park, which includes the Recreation Centre, the Museum and Archives building and the Golden Circle (a seniors center), along with the surrounding park area. In mid-2003, consultants were hired (at \$70,000) to undertake project planning and design. The final report, to be completed by November 1, 2003, will include recommendations and concept drawings for all three facilities and the surrounding park area. At the most northerly boundary of this park is the east end of the 48th Street Promenade, which links this park to all of the other amenities in the downtown, as well as to the north/south link through Rotary Recreation Park.

The total cost of the project as outlined in the grant application was \$3,012,000 of which \$832,000 has been incurred. This is primarily due to the cost of land dedication.

Phase II:

6. Relocation/Redevelopment of Public Works Yards

The City of Red Deer currently operates its Public Works Yards within the Riverlands area but is exploring relocation options for this facility. Based on the preliminary redevelopment plan (arising from recommendations of the Greater Downtown Action Plan), The City of Red Deer supports selling a portion of the old public works yard land for future commercial and residential development but also ensuring public lands for park and trail development.

A site for the Public Works Yard relocation has been identified, and purchased in 2003. It is anticipated that approximately 35 acres will be needed at a cost of approximately \$500,000. Work on the Riverlands area redevelopment plan has been started in 2003 and will be completed by year-end, which will provide specific detail related to the use of West Yards.

The total cost of this project has been estimated to be \$20,000,000 of which \$569,000 has been spent on site for relocation of West Yards and for the development of the Area Redevelopment Plan.

7. Riverlands Parks and Trails

Based on the Greater Downtown Action Plan, it is recommended that a system of trail linkages be established throughout the Riverlands area along with a significant public park - details of this project will be outlined in the Riverlands Area Redevelopment Plan. Work will not begin until the Riverlands Redevelopment Plan has been completed and funding becomes available.

Estimated cost of the project was \$3,000,000, no expense has been incurred as yet.

Discussion:

As noted previously, the province has allocated \$1.5 million over two years to The City of Red Deer. The Centennial Legacy Grant criteria indicate that:

- expenditures must be made on projects as noted in the application.
- funding that has already been spent (eg. on the Downtown Plaza Park), can be used as matching funds.
- Legacy Funding must be expended by Dec 31, 2005.

Once a decision has been made on where to allocate the funding, The City's application will be updated, including all financial information and submitted to Grant Authorities.

There are several potential options for the use of Red Deer's \$1.5 million from the Centennial Legacy Grant. These have been discussed with the Greater Downtown Implementation Committee. Options include:

Community Services

- complete work on Phase II of Centennial Park (Downtown Plaza Park) in the downtown (see #2). It is suggested that the plan should be revisited to determine if all of the work originally planned should be undertaken.
- undertake the planning study for The Promenade (see #3)
- begin work on the Promenade as per planning study (see #3)
- complete the walkway over Taylor Drive (see B in original application), as this is part of the 48th Street Promenade
- undertake park work in the Rotary Recreation Park.

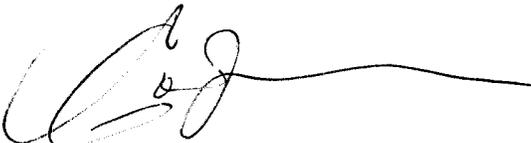
A further consideration was the building of the footbridge from Riverlands to Bower Ponds. Since this was not part of the original application, it was not eligible for support.

Recommendation:

That Council for The City of Red Deer approves the following allocation for the disbursement of the \$1.5 M Centennial Legacy funding in 2003-2004:

1. Completion of a study that includes public consultation, concept design and some structural design for the 48th St. Promenade - \$250,000;
2. Update of work to be completed in Phase II of the Centennial Plaza, as well as undertaking further development based on the update - \$225,000 (to add to the \$150,000 remaining from Phase I)*; and
3. Implementation of design for the Promenade (actual work) - \$1,025,000

Note: This amount reflects a down graded version of work to be undertaken in Phase II of the park.



Colleen Jensen
Director of Community Services

:slm

Comments:

I agree with the recommendations of the Community Services Director.

"N. Van Wyk"
City Manager

Legislative & Administrative Services

DATE: October 7, 2003
TO: Colleen Jensen, Community Services Director
FROM: Kelly Kloss, Manager, Legislative & Administrative Services
SUBJECT: Centennial Legacy Grant

Reference Report:

Community Services Director, dated September 30, 2003

Resolutions:

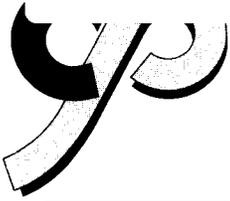
"Resolved that Council of the City of Red Deer having considered the report from the Community Services Director, dated September 30, 2003, re: Centennial Legacy Grant, hereby agrees to amend the 2003 Capital Budget to include the Centennial Legacy project in the amount of \$1.5 million with these funds allocated as follows:

1. Completion of a study that includes public consultation, concept design and some structural design for the 48th Street Promenade - \$250,000.
2. Update of work to be completed in Phase II of the Centennial Plaza, as well as undertaking further development based on the update - \$225,000 (to add to the \$150,000 remaining from Phase I), and
3. Implementation of design for the Promenade - \$1,025,000.

Report Back to Council: Yes, once an updated plan is complete.


Kelly Kloss
Manager
/chk

c Treasury Services Manager



(LAND
**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

To: Kelly Kloss, Legislative and Administrative Services
From: Nancy Hackett, Planner
Date: September 26, 2003
Re: **Land Use Bylaw Amendment 3156/TT-2003**
5601 Kerry Wood Drive, Red Deer (Lot 2, Plan 6742NY)

Rezoning Request

The City of Red Deer has received a request from NuTerra Developments Inc. and David Hamilton Architect Ltd. to re-designate property at 5601 Kerry Wood Drive. This property is located in the Riverside Meadows neighbourhood. NuTerra, the owner of the property, is requesting a zoning change to allow for a four storey 46 unit multi-family residential building.

Current Zoning

The property is currently designated R3-D80 Residential (Multiple-Family) District. The general purpose of the R3 district is to accommodate medium and high density residential development. Permitted uses include multi-attached buildings or multiple family buildings. This particular site is also subject to a density district of D-80. The density district is intended to establish the maximum number of dwelling units allowed on the site. In this case, the maximum number of dwellings units allowed is 80 units per hectare. As the subject site is 0.48 hectares, this site allows for a maximum of 38.5 (rounded up to 39) units. In order to obtain approval for more than 80 units per hectare/more than 39 units in total on this property a land use district re-designation is required.

Background

In reviewing the request for redesignation, Parkland Community Planning Services considered the site history, current use, present land use designation, and applicable Area Redevelopment Plan policies.

The subject site is the former location of *Two Small Men with Big Hearts* moving company. It contains an industrial building and compound which are currently vacant. These structures were built a number of years ago when the site was zoned for industrial use. In the mid-1990s the property was rezoned to R3 with the density designation and the moving and trucking use on site was "grandfathered" as a non-conforming use. The moving company relocated from this property over one year ago and the site has remained vacant since that time. As the moving and trucking use has been discontinued for well over one year now, the non-conforming use is no longer in effect and only the land uses allowed in the R3 district may develop.

Area Redevelopment Plan

As the site is situated in the Riverside Meadows neighbourhood, it is subject to the Riverside Meadows Area Redevelopment Plan adopted in 2000. The Area Redevelopment Plan confirmed the goal of redeveloping this site to multi-family residential use. In addition, the Area Redevelopment Plan contains some further guiding principles to be considered in developing all sites in the Riverside Meadows neighbourhood.

Under the Area Redevelopment Plan, future land uses should: build on the assets of the neighborhood (e.g. the river), enhance the appearance of and the quality of life in the neighbourhood, be compatible with one another (e.g. prevent noise, traffic conflicts), and provide best options for orderly and pleasing infill and redevelopment. The plan also encourages development which exhibits architecture and landscaping that complements and enhances the overall character of the neighbourhood. Based on direction from the community vision, the Area Redevelopment Plan also states that new buildings in Riverside Meadows should generally be three storeys or less.

Site Visit

A site visit was conducted by planning staff on August 15, 2003. Several photographs of the site taken on that date follow in this report.

Site facing Kerry Wood Drive (north)



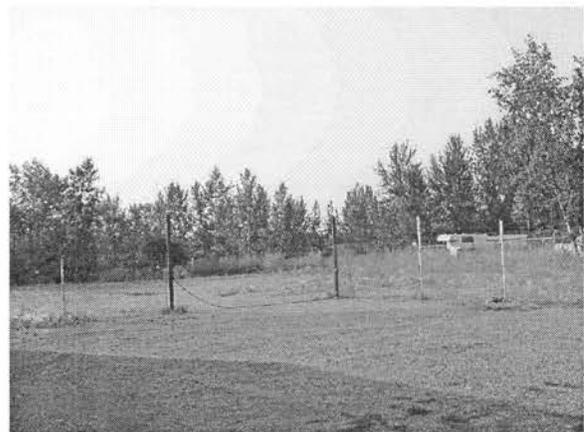
Site facing Red Deer River (south)



Facing Eagle Ridge Condominiums (west)



Existing Compound on site



Review of Proposal

The development being proposed, a multi-family apartment style building, meets the R3 land use district as a discretionary land use. However, the number of units, 46, exceeds the density restriction of D-80 and therefore requires a Land Use Bylaw amendment.

Planning staff are pleased to see the reuse of this site consistent with the Riverside Meadows Area Redevelopment Plan and the goals of the Community Vision. Much redevelopment is occurring in the surrounding neighbourhood and the redevelopment of this site to multi-family residential use will positively contribute to the community. Having said this, there are a few specific comments on the proposal we wish to provide to Council.

Firstly, under any density designation all development is still required to meet the parking requirements and site standards for R3 development. Planning staff have worked with the developer to ensure that he understands expected R3 site standards. Parking requirements for this site are important given that this property is situated on a busy collector street and close to popular recreational areas. Based on the R3 Land Use Bylaw standards, 46 two bedroom units, as proposed, with visitor parking, will require 78 stalls. It appears that the developer can meet parking requirements through the use of underground parking and surface lot parking. With regard to parking and all other site standards, these matters will be reviewed at the development stage by the City's Inspections and Licensing Department to ensure that any additional site density will not compromise site standards.

Secondly, the addition of more residential units along Kerry Wood Drive does make the need for crosswalks/traffic calming as detailed in the 2001 Traffic Initiatives study completed by EarthTech Inc. for the Downtown and Riverside Meadows more urgent. This study recommended removal of the truck route, enhanced pedestrian crossings, blued intersections and various other enhancements to this street to improve traffic and pedestrian safety. This study was accepted by Council motion in December 2001. In that motion, Council agreed to the recommendations outlined in the Traffic Initiatives report and that those recommendations be included in future budgets for consideration by Council. While the truck route has been removed, the other traffic calming/pedestrian safety initiatives have not been completed. The addition of up to 46 new households living on Kerry Wood Drive will increase the need to ensure that pedestrian and traffic safety measures are implemented along Kerry Wood Drive. The developer has been made aware of the initiatives as proposed in the EarthTech study which may affect his property and is supportive of its recommendations.

Thirdly, the Riverside Meadows Area Redevelopment Plan generally recommends a maximum of three storeys for new development. However, the plan does indicate that in unique circumstances four storeys would be considered. The proposed development shows four storeys. In this case, due to the uniqueness of the river front site and the fact that the adjacent building is four storeys Parkland Community Planning Services is prepared to support four storeys. At the development permit stage, Municipal Planning Commission will be asked to review the roof line and building materials to ensure that the building be made as unobtrusive as possible.

Lastly, site density was reviewed. As stated, the present density district on this site is 80 units per hectare. The proposed rezoning requests 46 units on 0.48 hectares, which equates to 95 units per hectare. There are currently 25 sites in the city which have R3 zoning with a density designation. Four are vacant including this property. The others are developed with apartment buildings, condominiums, or multi-attached units. Of the developed R3 sites, densities range from D23 to D95. This proposal would fall within the upper end of this range.

Specifically in Riverside Meadows, other R3 apartment sites with a density designation are the building at the north west corner of 55 Street and Kerry Wood Drive at D69 and the apartment on 58A Street next to Victory Christian Church at D58. Although the properties directly adjacent to the subject site do not have a density designation, for comparison purposes, River Bend Village contains 150 units on 2.27 hectares which equates to approximately D-66. And Eagle Ridge Condominiums has 24 units on 0.295 hectares which equates to D-81. While the subject site will contain a higher density of units than other properties in the vicinity, the use of underground parking, retention of mature landscaping/trees on site, and the proximity of a bus route as well as the trail system should mitigate potential concerns related to parking, traffic congestion, and visual impact/appearance. In addition, as the proposed apartment building is discretionary under the R3 designation, Municipal Planning Commission will review the project at the development permit stage to ensure that the development does not negatively impact or detract from the surrounding community.

Given the additional density, the developer has been asked to contact the City of Red Deer Engineering Services Department to determine servicing capacity of this site prior to the development permit being considered by Municipal Planning Commission. It will be further suggested that Engineering Services be asked to comment at the development permit stage with regard to any traffic congestion concerns.

Community Association

The developers met with the Riverside Meadows Community Association to review the initial concept in April 2003 and again on September 24, 2003 to discuss the re-designation and related issues (e.g. density, traffic, landscaping). The Riverside Meadows Community Association has indicated that they are in support of the proposed rezoning to R3-D95.

Planning Analysis

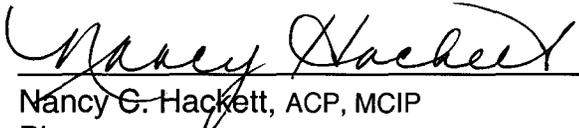
From a planning perspective, the subject site is vacant and a good candidate for multi-family redevelopment. The site is close to neighbourhood amenities such as parks, schools, and churches and the site is surrounded by other multi-family developments. The site is on a bus route, is close to the downtown, and is within walking distance of many services. For these reasons, the Riverside Meadows Area Redevelopment Plan supports new multi-family residential development for this site. New residential units in this location will bring new residents to the Riverside Meadows community and may assist in providing a robust market for future commercial redevelopment on other properties located in Riverside Meadows such as the DC-15 District thereby assisting further in neighbourhood revitalization. The community association has indicated support for the re-designation. In light of these considerations, planning staff is willing to recommend support for increasing the current density designation of D80 to D95. A D-95 designation on this site would allow for a

maximum of 46 units on this site (7 additional units over the current designation). Given that this density (D95) is among the higher designations in the city, Parkland Community Planning Services will be recommending to Municipal Planning Commission at the time of development permit review that all R3 site standards including landscaping, parking, and setbacks be met without relaxation. We would also expect the developers to work with the community association in finalizing design plans prior to the development permit stage.

Recommendation

It is recommended that City Council support first reading of Land Use Bylaw Amendment 3156/TT-2003 which is the proposed redesignation of 5601 Kerry Wood Drive from R3-D80 to R3-D95. The amendment will allow for future redevelopment of the site to a maximum 46 unit multi-family residential building.

Respectfully Submitted,



Nancy G. Hackett, ACP, MCIP
Planner

- c. Colleen Jensen, Community Services
Brad Baker, NuTerra
David Hamilton, David Hamilton Architect Ltd.



September 26, 2003

Mr. Kelly Kloss
City Clerk
Parkland Community Planning Services
Suite 404, 4808 Ross Street
Red Deer, Alberta
T4N 1X5

Dear Mr. Kloss:

RE: 5603 Kerry Wood Drive
Lot 2, Plan B1P6742NY

As owners of the property, Nuterra Developments Inc., wishes to have the land rezoned from the existing residential designation to accommodate a 46 suite apartment representing a density of 95 units per hectare.

The site is an attractive parcel on the south side of Kerry Wood Drive, at 56 Street, which borders on the park and has a view of the river to the south and has only an existing four storey apartment to the west, as a neighbour. With beautiful existing treed landscape to the south and east, the location will prove particularly attractive to the retired, who will wish to enjoy the seclusion and quiet, which the property offers.

To respond to the needs of these people, the project will have a large range of attractive features, such as a glass fronted elevator, underground parking, fireplaces and a full range of amenities including a garden room and extensive landscaping along Kerry Wood Drive to conceal the building and visitor parking from the street for the benefit of the community and the residents.

For this reason, the additional density will assist in defraying the costs of the features being provided and the value of the land, which is representative of its location.

We trust that you will respond positively to this proposal, which has received community approval, particularly with respect to the upscale character and the screening which will be provided from the adjacent streets.

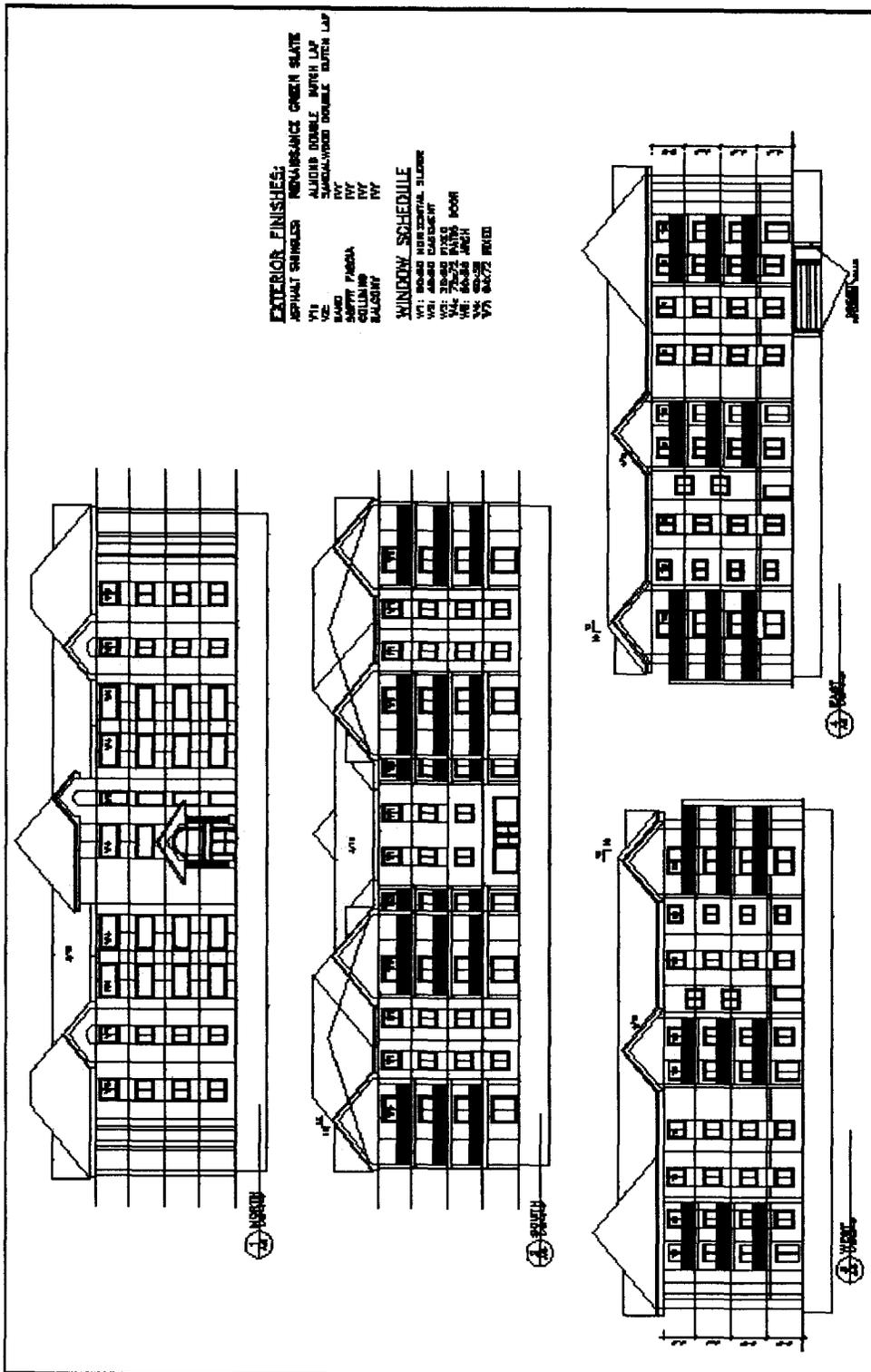
Yours truly,

NUTERRA DEVELOPMENTS INC.

Bradley J. Baker
Vice President and Director

NuTerra Developments Inc.
425 – 78 Avenue S.W.
Calgary, Alberta T2K 5K5
Phone: (403) 252-3886 Facsimile: (403) 252-6545

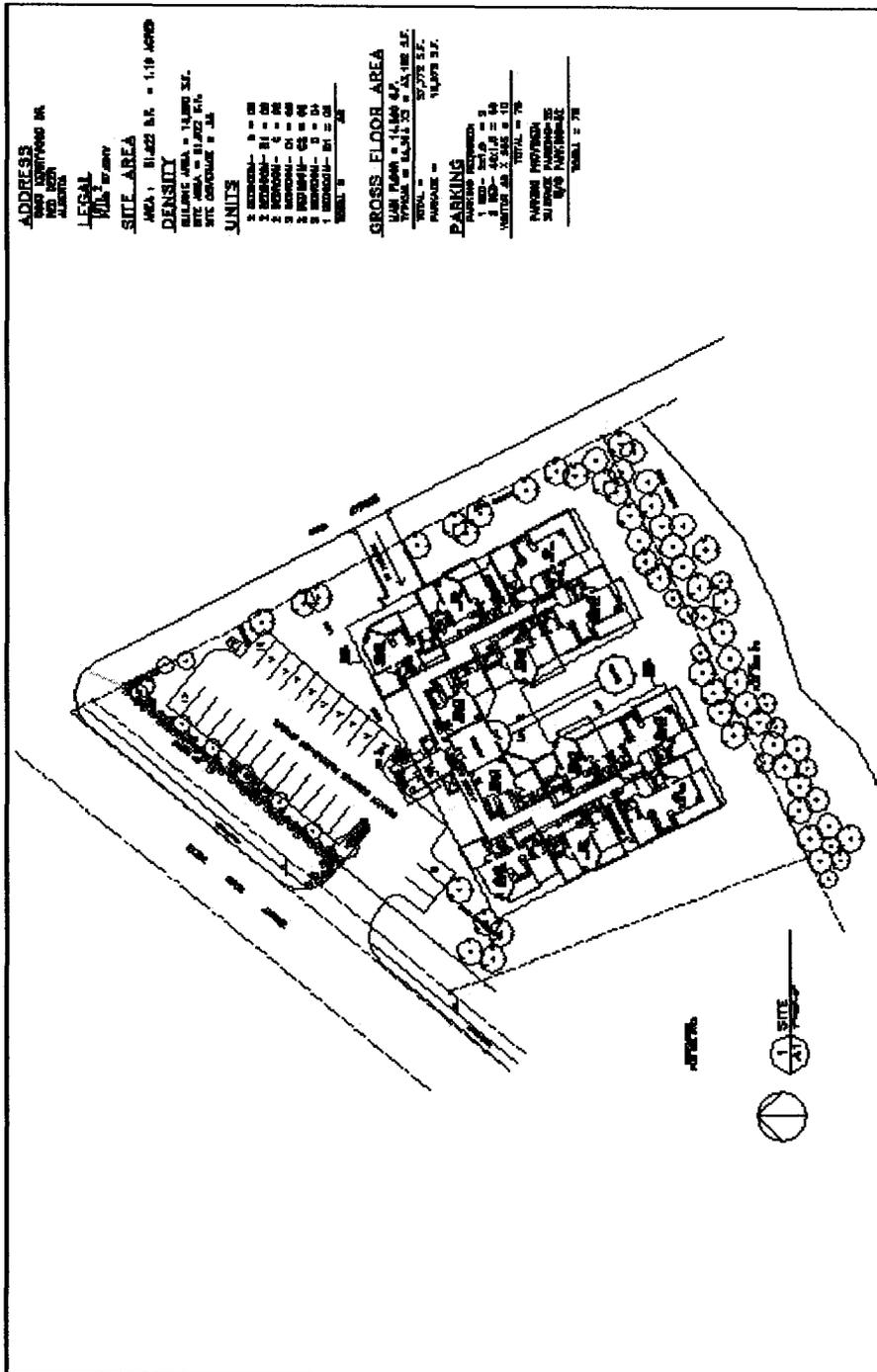




AG

1391-08-14-03
ELEVATIONS

WALTERS BROS. ARCHITECTS & ENGINEERS



ADDRESS
 1000 UNIVERSITY DR
 ALBANY
 ALBANY

LEGAL
 1/2 AC. 100' x 100'

SITE AREA
 AREA, 11,422 S.F. = 1.19 ACRES

DENSITY

BUILDING AREA = 14,100 S.F.
 SITE AREA = 11,422 S.F.
 SITE COVERAGE = 12%

UNITS

- 2 BROWNSHAW - 0 - 00
- 2 BROWNSHAW - 01 - 00
- 2 BROWNSHAW - 02 - 00
- 2 BROWNSHAW - 03 - 00
- 2 BROWNSHAW - 04 - 00
- 2 BROWNSHAW - 05 - 00
- 1 BROWNSHAW - 06 - 00
- TOTAL = 0

GROSS FLOOR AREA

141,000 S.F.
 TOTAL = 141,000 S.F.

PARKING

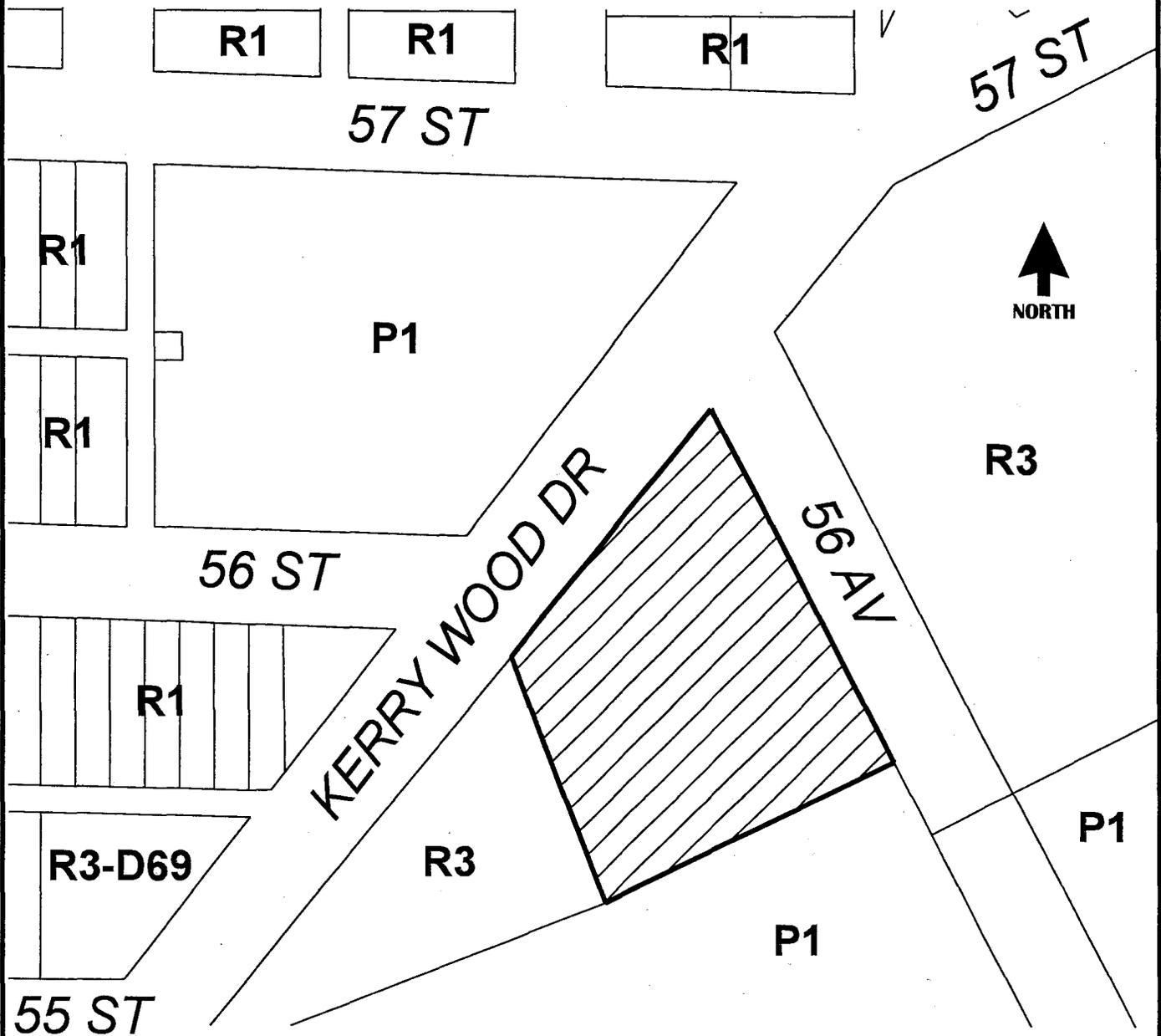
- 1 BROWNSHAW - 01 - 00
- 1 BROWNSHAW - 02 - 00
- 1 BROWNSHAW - 03 - 00
- 1 BROWNSHAW - 04 - 00
- 1 BROWNSHAW - 05 - 00
- 1 BROWNSHAW - 06 - 00
- TOTAL = 6

PARKING PROVISION

- 1 BROWNSHAW - 01 - 00
- 1 BROWNSHAW - 02 - 00
- 1 BROWNSHAW - 03 - 00
- 1 BROWNSHAW - 04 - 00
- 1 BROWNSHAW - 05 - 00
- 1 BROWNSHAW - 06 - 00
- TOTAL = 6

1261-14-25-03
 SITE
DAVID'S ENGINEERING

The City of Red Deer PROPOSED LAND USE BYLAW AMENDMENT

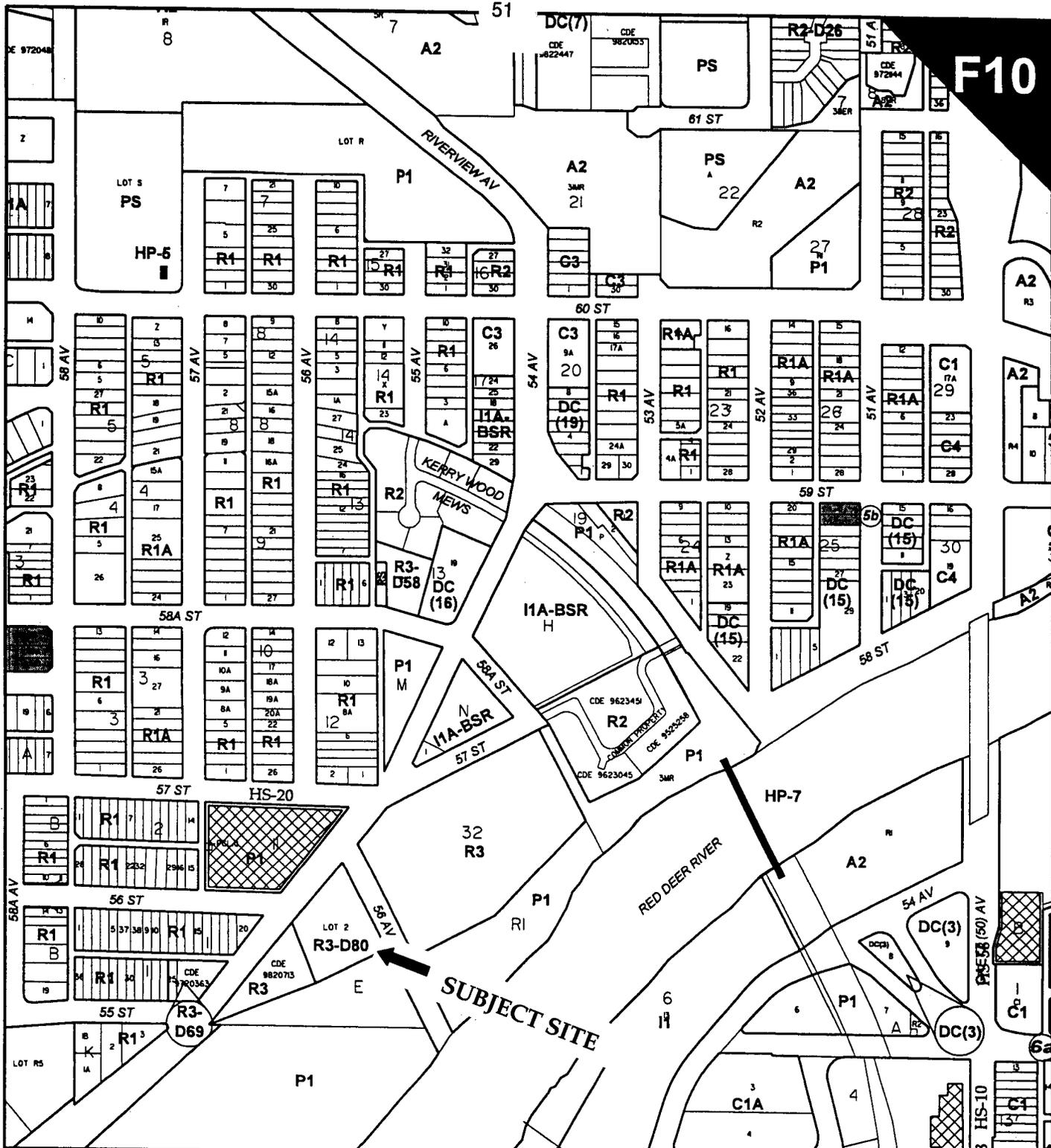


Change from :
 R3 - D80 to R3 - D95 

AFFECTED DISTRICTS:
 D3 - D80 - Direct Control
 (Density of 80 dwelling units per hectare)
 D3 - D95 - Direct Control
 (Density of 95 dwelling units per hectare)

MAP No. 36 / 2003
 BYLAW No. 3156 / TT - 2003

F10



Part Six of the Bylaw outlines the Land Use District Definitions

refer to the Index Map for the Legend



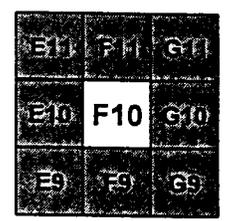
NORTH
Scale 1:5,000

© The City of Red Deer, Engineering Department

The City of Red Deer Land Use Bylaw 3156/96

Amendments to SE 1/4 Sec 20

2672 / C-96	April 9, 1996	3156 / QQ-2000	Jan 15, 2001
3156 / A-96	May 6, 1996	3156 / RR-2000	Jan 15, 2001
3156 / II-98	Oct 5, 1998	3156 / NN-2001	Oct 9, 2001
3156 / K-99	May 10, 1999	3156 / E-2002	Mar 25, 2002
3156 / U-99	Aug 3, 1999	3156 / G-2002	June 17, 2002
3156 / EE-99	Sept 27, 1999	3156 / BB-2003	July 14, 2003
3156 / MM-2000	Dec 18, 2000	3156 / CC-2003	July 14, 2003
3156 / NN-2000	Jan 15, 2001		



SE 1/4 Sec 20
Twp 38- Rge 27 - W4th

printed on
July 21, 2003

Comments:

I recommend that Council proceed with first reading of the Land Use Bylaw Amendment. A Public Hearing would be held on Monday, November 3, 2003 at 7:00 p.m. in Council Chambers, during Council's regular meeting.

For Council's information, the Traffic Calming Initiatives for this area will be included in the 2004 Major Capital Budget for Council's review.

"N. Van Wyk"
City Manager



FILE

LEGISLATIVE & ADMINISTRATIVE SERVICES

October 7, 2003

Marleen Cowan
Riverside Meadows Community Association
5909 – 54 Avenue
Red Deer, AB T4N 4M7

Dear Marleen:

Thank you for your letter regarding recommendations for traffic calming on Kerry Wood Drive. In accordance with your request, I have forwarded a copy of your letter to the appropriate departments.

For your information many of the calming recommendations by EarthTech (Canada) Inc. will be included in the 2004 Council Budget deliberations. Council will then determine the budget that will be allocated to the calming initiatives.

Please call if you have any questions.

Sincerely,

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

Kelly Kloss
Manager

c Mayor
Councillors
City Manager
Engineering Services Manager
Public Works Manager
City Planning Manager
Inspections & Licensing Manager

Riverside Meadows Community Assoc.
5909 – 54 Ave.
Red Deer Ab. T4n 4M7

City of Red Deer
City Clerks Dept.

Dear Mr. Kelly Kloss,

The Riverside Meadows Community Association is submitting concerns that we feel need to be addressed by the City of Red Deer.

The Area Redevelopment Plan for Riverside Meadows included a study completed by Earth Tech (Canada) Inc.

Recommendations for calming the traffic flow on Kerry Wood Dr. are: street bulbs, increased parallel parking, pedestrian crossing light established at 57 St. or 55 St.

If there was a 3 way stop sign placed on 54 Ave. and 59 St., which has been suggested by businesses in the area and the community association, the traffic would be forced to slow down and there wouldn't be as much shortcut traffic or speeding. A crosswalk could be installed across Kerry Wood at 59 St. and 54 Ave. to join with the bike trail next to the Harper property.

The sidewalk should be completed on the west side of Kerry Wood Dr. between the businesses on 54 Ave. (Ladwigs Automotives) and Kerry Wood Estates (59 St.). This is the only section left with gravel.

A new 46 unit condominium is planned for the Two Small Men site on Kerry Wood Dr., the traffic will increase in a playground zone.

Children from Riverbend Village apartment complex and 51, 52 and 53 Ave. must cross Kerry Wood Dr. to be able to access Fairview School.

During the traffic study on Kerry Wood Dr. the traffic count per hour for example between 11am. and 5 pm. was between 450 - 575 vehicles per hour. The heaviest traffic was 3 - 5pm.

Kerry Wood Dr. is a safe route for school children and safety issues need to be addressed. There is a seniors complex, school, a daycare on 55 St. and a bus stop on Kerry wood at 55 St., residents, staff and children have to cross 4 lanes of traffic to access the bus stop.

Please direct our letter to administration so they can help us improve safety issues in our community.

Yours truly,



Marleen Cowan

Pres. of Riverside Meadows Community Assoc.

FILE



LEGISLATIVE & ADMINISTRATIVE SERVICES

October 7, 2003

Fax: 403.252-6545

Bradley J. Baker
Vice President and Director
NuTerra Developments Inc.
425 - 78 Avenue, S.W.
Calgary, AB T2K 5K5

Dear Mr. Baker:

***Land Use Bylaw Amendment 3156/TT-2003
Rezoning of 5601 Kerry Wood Drive from R3-D80 to R3-D95***

Red Deer City Council gave first reading to *Land Use Bylaw Amendment 3156/TT-2003* at the City of Red Deer's Council meeting held Monday, October 6, 2003. For your information, a copy of the bylaw is attached.

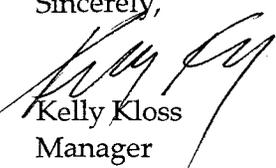
Land Use Bylaw Amendment 3156/TT-2003 provides for the rezoning from R3-D80 Residential (Multiple-Family District) to R3-D95 Residential (Multiple-Family District) to allow for future development of a four storey 46 unit multi-family residential building to be located at 5601 Kerry Wood Drive.

Council must hold a Public Hearing before giving second and third readings to the bylaw. This office will now advertise for a Public Hearing to be held on Monday, November 3, 2002 at 7:00 p.m. in Council Chambers of City Hall during Council's regular meeting.

According to the *Land Use Bylaw*, the City requires a deposit before public advertising. An amount equal to the estimated cost of advertising, which in this instance is \$400, is required by Wednesday, October 15, 2003. You will be invoiced for or refunded the difference once the actual cost of advertising is known.

Please call me if you have any questions or require additional information.

Sincerely,



Kelly Kloss
Manager

/attach.

c Parkland Community Planning Services

**RIVERSIDE MEADOWS – DENSITY (5601 Kerry Wood Drive)
LUB 3156/TT-2003**

DESCRIPTION: Direct Control District Density increase from 80 to 95 units per hectare.

FIRST READING: October 6, 2003

FIRST PUBLICATION: October 17, 2003

SECOND PUBLICATION: October 24, 2003

PUBLIC HEARING & SECOND READING: November 3, 2003

THIRD READING: Nov. 3/03

LETTERS REQUIRED TO PROPERTY OWNERS: YES NO

DEPOSIT? YES \$ 400. NO BY: Nu Terra Deupm. Inc.

ACTUAL COST OF ADVERTISING:

\$ 317.50 X 2

TOTAL: \$ 635.00

MAP PREPARATION: \$ _____

TOTAL COST: \$ _____

LESS DEPOSIT RECEIVED: \$ _____

AMOUNT OWING/ (REFUND): \$ _____

INVOICE NO.: _____

(Account No. 59.5901)

FILE

October 15, 2003

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

Dear Sir/Madam:

**Re: Riverside Meadows
Land Use Bylaw Amendment 3156/TT-2003**

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 in the Riverside Meadows area 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/TT-2003** which provides for the redesignation of **5601 Kerry Wood Drive** (Lot 2, Plan 6742 NY) from R3-D80 Direct Control District (multiple family/density of 80 dwelling units per hectare) to R3-D95 Direct Control District (density of 95 dwelling units per hectare). This will allow for the future development of a four storey 46 unit multi-family residential building. The proposed bylaw may be inspected by the public at the Legislative & Administrative Services office, 2nd Floor of City Hall during regular office hours or for more details, contact the city planners at Parkland Community Planning Services 343-3394.

City Council will hear from any person claiming to be affected by the proposed bylaw at a Public Hearing on **Monday, November 3, 2003** at 7:00 p.m. in Council Chambers, 2nd floor of City Hall. If you want your letter or petition included on the Council agenda you must submit it to our office by **Tuesday, October 28, 2003**. Otherwise, you may submit your letter or petition at the Council meeting or you can simply tell Council your views at the Public Hearing. Any submission will be public information. If you have any questions regarding the use of this information, please contact Legislative & Administrative Services at 342-8132.

Yours truly,



Kelly Kloss
Manager
Legislative & Administrative Services

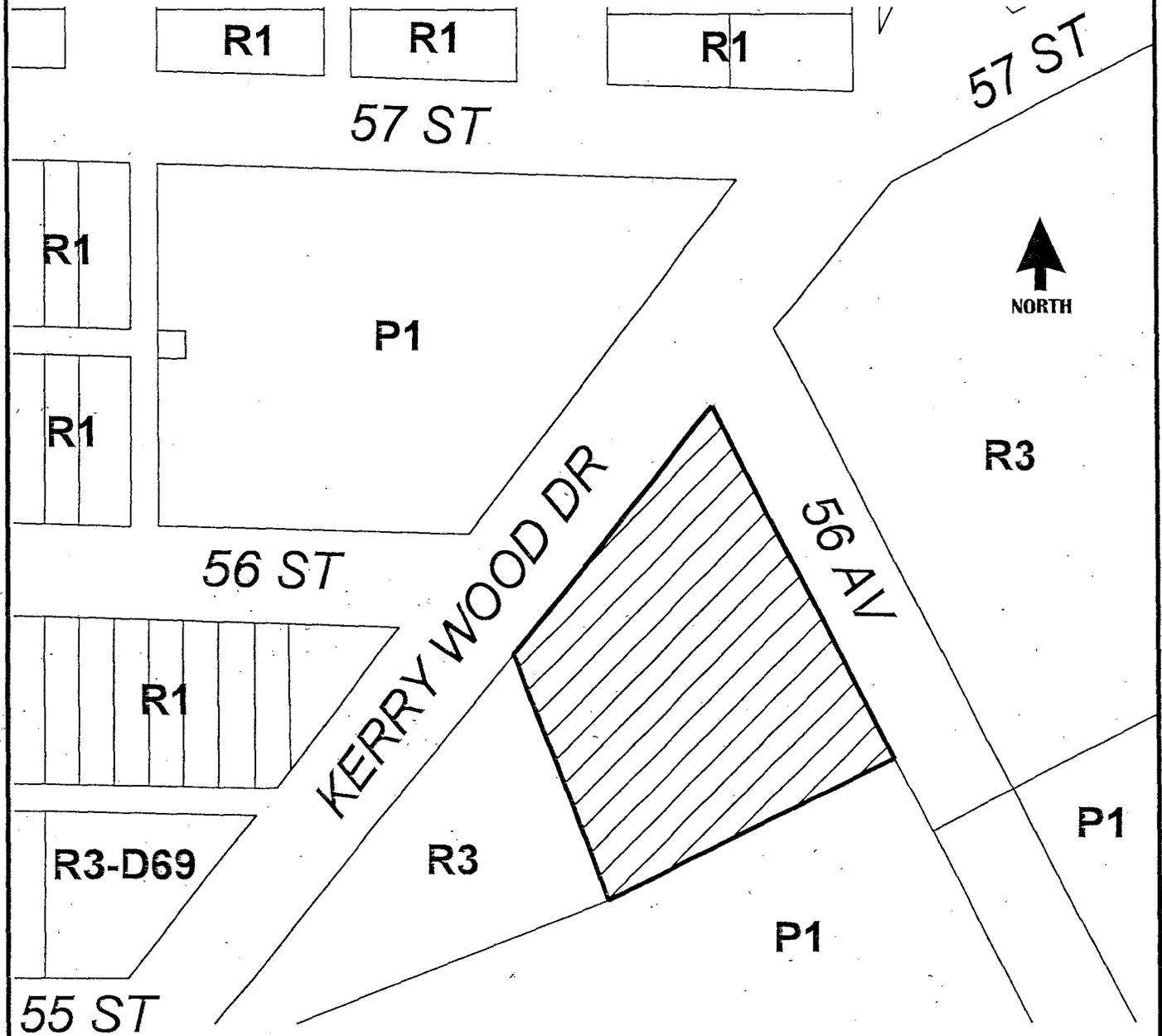
/encl.

Data : 315325

OwnerName	OwnerAdd1	OwnerAdd2
Nuterra Developments Inc.	225A Wheatland Trail	STRATHMORE, AB T1P 1H8
Cheryl Anne & Marie Anne Stewart	13 Pickwick Lane	LACOMBE, AB T4L 1T6
Crystal Marie Thompson	B2 5519 Kerry Wood Drive	RED DEER, AB T4N 4X3
Derek L. Forest	B3 5519 Kerry Wood Drive	RED DEER, AB T4N 4X3
Garry J. & Linda Johnson	68 Olympic Green	RED DEER, AB T4P 1S8
Joanne Lee-Lawrence	B5 5519 Kerry Wood Drive	RED DEER, AB T4N 4X3
554576 Alberta Ltd.	5124 53 Street	LACOMBE, AB T4L 1J7
Reena K. Downey	101 5519 Kerry Wood Drive	RED DEER, AB T4N 4X3
Edward C. Anger	102 5519 Kerry Wood Drive	RED DEER, AB T4N 4X3
Kevin Irion	RR 2	LACOMBE, AB T4L 2N2
Albert V. Kondrat	104 5519 Kerry Wood Drive	RED DEER, AB T4N 4X3
Andrew Neil & James Freeman	105 5519 Kerry Wood Drive	RED DEER, AB T4N 4X3
Derek Roger Hutchison	106 5519 Kerry Wood Drive	RED DEER, AB T4N 4X3
Lennard John & Lowleen Paterson	201 5519 Kerry Wood Drive	RED DEER, AB T4N 4X3
Wayne David Stark	202 5519 Kerry Wood Drive	RED DEER, AB T4N 4X3
Jamin & Melanie L. Melin	203 5519 Kerry Wood Drive	RED DEER, AB T4N 4X3
Holly L. Bonin & Nora J. Bredo	204 5519 Kerry Wood Drive	RED DEER, AB T4N 4X3
Wanda Joanne Martens	205 - 5519 Kerry Wood Drive	RED DEER, AB T4N 4X3
Jeffrey Gene Rivard	206 5519 Kerry Wood Drive	RED DEER, AB T4N 4X3
Terry Lee Bennefield	301 5519 Kerry Wood Drive	RED DEER, AB T4N 4X3
John & Linda Beadle	P O Box 27167 RPO	RED DEER, AB T4N 6X8
Janet Colleen Fontaine	303 5519 Kerry Wood Drive	RED DEER, AB T4N 4X3
Huguette M. Gerig	74 Lewis Close	RED DEER, AB T4R 3E4
William J. & Brenda L. White	4001 45 Street	PONOKA, AB T4J 1B3
Bridgewater Financial Services Ltd.	6th Flr 926 5 Avenue SW	CALGARY, AB T4P 0N7
Boardwalk Equities Inc.	200 1501 1 Street S W	CALGARY, AB T2R 0W1
Atco Gas And Pipelines Ltd.	10035 105 Street	EDMONTON, AB T5J 2V6
Ronald P. Lajeunesse	5603 56 Street	RED DEER, AB T4N 2K4

The City of Red Deer

PROPOSED LAND USE BYLAW AMENDMENT



Change from :

R3 - D80 to R3 - D95



AFFECTED DISTRICTS:

D3 - D80 - Direct Control

(Density of 80 dwelling units per hectare)

D3 - D95 - Direct Control

(Density of 95 dwelling units per hectare)

MAP No. 36 / 2003

BYLAW No. 3156 / TT - 2003

**RIVERSIDE MEADOWS
Land Use Bylaw Amendment**

Red Deer City Council proposes to pass an amendment to the Land Use Bylaw, which controls the use and development of land and buildings in the city. Bylaw amendment **3156/TT-2003** provides for the redesignation of **5601 Kerry Wood Drive** (Lot 2, Plan 6742 NY) from R3-D80 Direct Control District (multiple-family/density of 80 dwelling units per hectare) to R3-D95 Direct Control District (density of 95 dwelling units per hectare). This will allow for the future development of a four storey 46 unit multi-family residential building. The proposed bylaw may be inspected by the public at Legislative & Administrative Services, 2nd Floor of City Hall during regular office hours or for more details, contact the city planners at Parkland Community Planning Services 343-3394.

"Map"

City Council will hear from any person claiming to be affected by the proposed bylaws at a Public Hearing on **Monday, November 3, 2003** at 7:00 p.m. in Council Chambers, 2nd floor of City Hall. If you want your letter or petition included on the Council agenda you must submit it to the Manager, Legislative & Administrative Services by **Tuesday, October 28, 2003**. Otherwise, you may submit your letter or petition at the Council meeting or you can simply tell Council your views at the Public Hearing. Any submission will be public information. If you have any questions regarding the use of this information please contact the Manager, Legislative & Administrative Services at 342-8132.

(Publication Dates: October 17 & 24, 2003)



Council Decision – October 6, 2003

Legislative & Administrative Services

DATE: October 7, 2003
TO: Nancy Hackett, Parkland Community Planning Services
FROM: Kelly Kloss, Manager, Legislative & Administrative Services
SUBJECT: Land Use Bylaw Amendment 3156/TT-2003
Rezoning of 5601 Kerry Wood Drive from R3-D80 to R3-D95

Reference Report:

Parkland Community Planning Services, dated , 2003

Bylaw Readings:

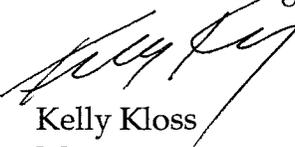
Land Use Bylaw Amendment 3156/TT-2003 was given first reading. A copy of the bylaw is attached.

Report Back to Council: Yes

A Public Hearing will be held on Monday, November 3, 2003 at 7:00 p.m. in Council Chambers during Council's regular meeting.

Comments/Further Action:

Land Use Bylaw Amendment 3156/TT-2003 provides for rezoning from R3-D80 Residential (Multiple-Family District) to R3-D95 Residential (Multiple-Family District) to allow for future development of a four storey 46 unit multi-family residential building to be located at 5601 Kerry Wood Drive. This office will now proceed with the advertising for a Public Hearing. NuTerra Developments Inc. will be responsible for the advertising costs in this instance.



Kelly Kloss

Manager

/chk

attchs.

c Director of Development Services
Inspections & Licensing Manager
Land & Economic Development Manager
C. Adams, Administrative Assistant
B. Greter, Clerk Steno

BYLAW NO. 3156/TT-2003

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

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

- 1 The "Land Use District Map F10" contained in "Schedule B" of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map No. 36/2003 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 6th day of October, 2003.

READ A SECOND TIME IN OPEN COUNCIL this day of 2003.

READ A THIRD TIME IN OPEN COUNCIL this day of 2003.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2003.

MAYOR

CITY CLERK

The City of Red Deer PROPOSED LAND USE BYLAW AMENDMENT



Change from :
R3 - D80 to R3 - D95



AFFECTED DISTRICTS:

- D3 - D80 - Direct Control
(Density of 80 dwelling units per hectare)
- D3 - D95 - Direct Control
(Density of 95 dwelling units per hectare)

MAP No. 36 / 2003
BYLAW No. 3156 / TT - 2003

CHERYL



LEGISLATIVE & ADMINISTRATIVE SERVICES

October 7, 2003

Fax: 403.252-6545

Bradley J. Baker
Vice President and Director
NuTerra Developments Inc.
425 - 78 Avenue, S.W.
Calgary, AB T2K 5K5

Dear Mr. Baker:

***Land Use Bylaw Amendment 3156/TT-2003
Rezoning of 5601 Kerry Wood Drive from R3-D80 to R3-D95***

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Please call me if you have any questions or require additional information.

Sincerely,

Kelly Kloss
Manager

/attach.

c Parkland Community Planning Services

Date: October 7, 2003
To: Norma Lovell, Assessment
From: Cheryl Adams
Legislative & Administrative Services
Re: LUB Amendment 3156/TT-2003 Riverside Meadows Density

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

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.

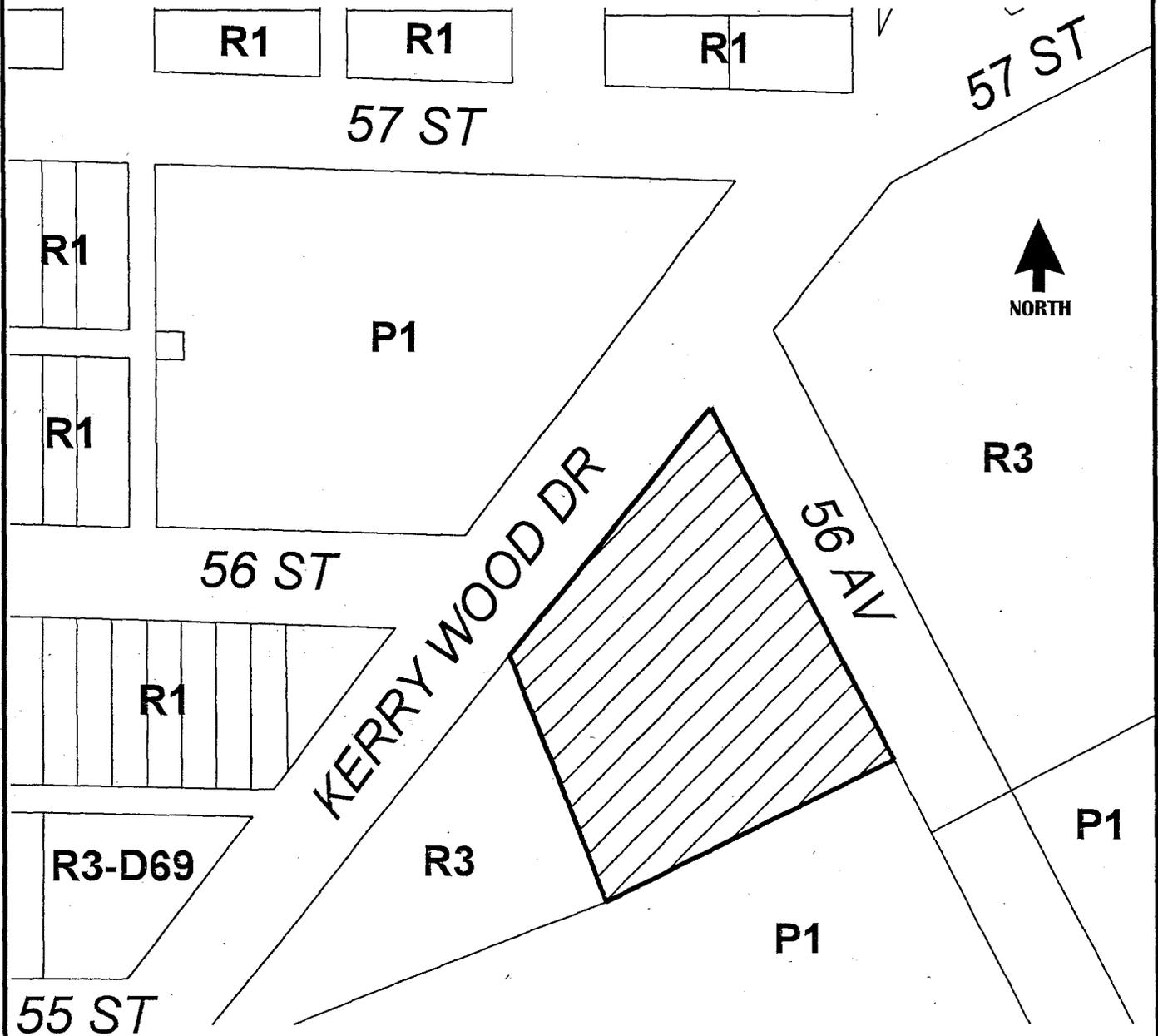
Thanks Norma.



Cheryl Adams
Legislative & Administrative Services

Attach.

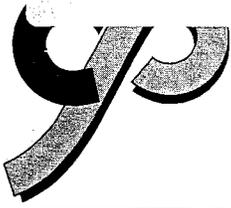
The City of Red Deer PROPOSED LAND USE BYLAW AMENDMENT



Change from :
R3 - D80 to R3 - D95 

AFFECTED DISTRICTS:
D3 - D80 - Direct Control
(Density of 80 dwelling units per hectare)
D3 - D95 - Direct Control
(Density of 95 dwelling units per hectare)

MAP No. 36 / 2003
BYLAW No. 3156 / TT - 2003



LAND
**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

To: Kelly Kloss, Legislative and Administrative Services
From: Nancy Hackett, Planner
Date: September 26, 2003
Re: **Land Use Bylaw Amendment 3156/TT-2003**
5601 Kerry Wood Drive, Red Deer (Lot 2, Plan 6742NY)

Rezoning Request

The City of Red Deer has received a request from NuTerra Developments Inc. and David Hamilton Architect Ltd. to re-designate property at 5601 Kerry Wood Drive. This property is located in the Riverside Meadows neighbourhood. NuTerra, the owner of the property, is requesting a zoning change to allow for a four storey 46 unit multi-family residential building.

Current Zoning

The property is currently designated R3-D80 Residential (Multiple-Family) District. The general purpose of the R3 district is to accommodate medium and high density residential development. Permitted uses include multi-attached buildings or multiple family buildings. This particular site is also subject to a density district of D-80. The density district is intended to establish the maximum number of dwelling units allowed on the site. In this case, the maximum number of dwellings units allowed is 80 units per hectare. As the subject site is 0.48 hectares, this site allows for a maximum of 38.5 (rounded up to 39) units. In order to obtain approval for more than 80 units per hectare/more than 39 units in total on this property a land use district re-designation is required.

Background

In reviewing the request for redesignation, Parkland Community Planning Services considered the site history, current use, present land use designation, and applicable Area Redevelopment Plan policies.

The subject site is the former location of *Two Small Men with Big Hearts* moving company. It contains an industrial building and compound which are currently vacant. These structures were built a number of years ago when the site was zoned for industrial use. In the mid-1990s the property was rezoned to R3 with the density designation and the moving and trucking use on site was "grandfathered" as a non-conforming use. The moving company relocated from this property over one year ago and the site has remained vacant since that time. As the moving and trucking use has been discontinued for well over one year now, the non-conforming use is no longer in effect and only the land uses allowed in the R3 district may develop.

Area Redevelopment Plan

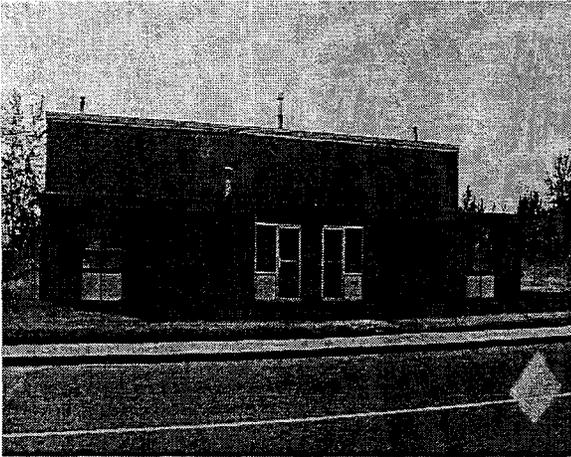
As the site is situated in the Riverside Meadows neighbourhood, it is subject to the Riverside Meadows Area Redevelopment Plan adopted in 2000. The Area Redevelopment Plan confirmed the goal of redeveloping this site to multi-family residential use. In addition, the Area Redevelopment Plan contains some further guiding principles to be considered in developing all sites in the Riverside Meadows neighbourhood.

Under the Area Redevelopment Plan, future land uses should: build on the assets of the neighborhood (e.g. the river), enhance the appearance of and the quality of life in the neighbourhood, be compatible with one another (e.g. prevent noise, traffic conflicts), and provide best options for orderly and pleasing infill and redevelopment. The plan also encourages development which exhibits architecture and landscaping that complements and enhances the overall character of the neighbourhood. Based on direction from the community vision, the Area Redevelopment Plan also states that new buildings in Riverside Meadows should generally be three storeys or less.

Site Visit

A site visit was conducted by planning staff on August 15, 2003. Several photographs of the site taken on that date follow in this report.

Site facing Kerry Wood Drive (north)



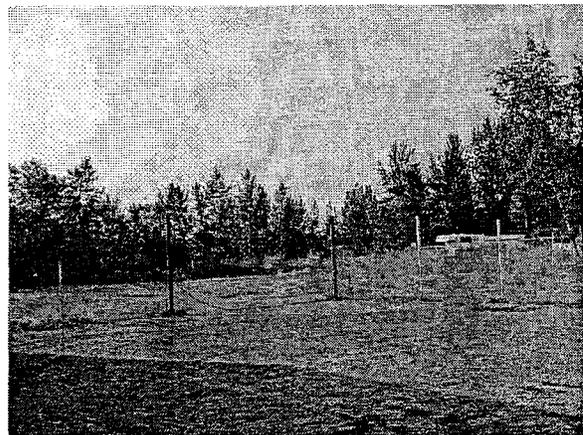
Site facing Red Deer River (south)



Facing Eagle Ridge Condominiums (west)



Existing Compound on site



Review of Proposal

The development being proposed, a multi-family apartment style building, meets the R3 land use district as a discretionary land use. However, the number of units, 46, exceeds the density restriction of D-80 and therefore requires a Land Use Bylaw amendment.

Planning staff are pleased to see the reuse of this site consistent with the Riverside Meadows Area Redevelopment Plan and the goals of the Community Vision. Much redevelopment is occurring in the surrounding neighbourhood and the redevelopment of this site to multi-family residential use will positively contribute to the community. Having said this, there are a few specific comments on the proposal we wish to provide to Council.

Firstly, under any density designation all development is still required to meet the parking requirements and site standards for R3 development. Planning staff have worked with the developer to ensure that he understands expected R3 site standards. Parking requirements for this site are important given that this property is situated on a busy collector street and close to popular recreational areas. Based on the R3 Land Use Bylaw standards, 46 two bedroom units, as proposed, with visitor parking, will require 78 stalls. It appears that the developer can meet parking requirements through the use of underground parking and surface lot parking. With regard to parking and all other site standards, these matters will be reviewed at the development stage by the City's Inspections and Licensing Department to ensure that any additional site density will not compromise site standards.

Secondly, the addition of more residential units along Kerry Wood Drive does make the need for crosswalks/traffic calming as detailed in the 2001 Traffic Initiatives study completed by EarthTech Inc. for the Downtown and Riverside Meadows more urgent. This study recommended removal of the truck route, enhanced pedestrian crossings, blubed intersections and various other enhancements to this street to improve traffic and pedestrian safety. This study was accepted by Council motion in December 2001. In that motion, Council agreed to the recommendations outlined in the Traffic Initiatives report and that those recommendations be included in future budgets for consideration by Council. While the truck route has been removed, the other traffic calming/pedestrian safety initiatives have not been completed. The addition of up to 46 new households living on Kerry Wood Drive will increase the need to ensure that pedestrian and traffic safety measures are implemented along Kerry Wood Drive. The developer has been made aware of the initiatives as proposed in the EarthTech study which may affect his property and is supportive of its recommendations.

Thirdly, the Riverside Meadows Area Redevelopment Plan generally recommends a maximum of three storeys for new development. However, the plan does indicate that in unique circumstances four storeys would be considered. The proposed development shows four storeys. In this case, due to the uniqueness of the river front site and the fact that the adjacent building is four storeys Parkland Community Planning Services is prepared to support four storeys. At the development permit stage, Municipal Planning Commission will be asked to review the roof line and building materials to ensure that the building be made as unobtrusive as possible.

Lastly, site density was reviewed. As stated, the present density district on this site is 80 units per hectare. The proposed rezoning requests 46 units on 0.48 hectares, which equates to 95 units per hectare. There are currently 25 sites in the city which have R3 zoning with a density designation. Four are vacant including this property. The others are developed with apartment buildings, condominiums, or multi-attached units. Of the developed R3 sites, densities range from D23 to D95. This proposal would fall within the upper end of this range.

Specifically in Riverside Meadows, other R3 apartment sites with a density designation are the building at the north west corner of 55 Street and Kerry Wood Drive at D69 and the apartment on 58A Street next to Victory Christian Church at D58. Although the properties directly adjacent to the subject site do not have a density designation, for comparison purposes, River Bend Village contains 150 units on 2.27 hectares which equates to approximately D-66. And Eagle Ridge Condominiums has 24 units on 0.295 hectares which equates to D-81. While the subject site will contain a higher density of units than other properties in the vicinity, the use of underground parking, retention of mature landscaping/trees on site, and the proximity of a bus route as well as the trail system should mitigate potential concerns related to parking, traffic congestion, and visual impact/appearance. In addition, as the proposed apartment building is discretionary under the R3 designation, Municipal Planning Commission will review the project at the development permit stage to ensure that the development does not negatively impact or detract from the surrounding community.

Given the additional density, the developer has been asked to contact the City of Red Deer Engineering Services Department to determine servicing capacity of this site prior to the development permit being considered by Municipal Planning Commission. It will be further suggested that Engineering Services be asked to comment at the development permit stage with regard to any traffic congestion concerns.

Community Association

The developers met with the Riverside Meadows Community Association to review the initial concept in April 2003 and again on September 24, 2003 to discuss the re-designation and related issues (e.g. density, traffic, landscaping). The Riverside Meadows Community Association has indicated that they are in support of the proposed rezoning to R3-D95.

Planning Analysis

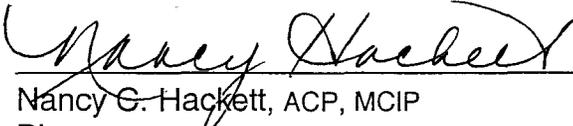
From a planning perspective, the subject site is vacant and a good candidate for multi-family redevelopment. The site is close to neighbourhood amenities such as parks, schools, and churches and the site is surrounded by other multi-family developments. The site is on a bus route, is close to the downtown, and is within walking distance of many services. For these reasons, the Riverside Meadows Area Redevelopment Plan supports new multi-family residential development for this site. New residential units in this location will bring new residents to the Riverside Meadows community and may assist in providing a robust market for future commercial redevelopment on other properties located in Riverside Meadows such as the DC-15 District thereby assisting further in neighbourhood revitalization. The community association has indicated support for the re-designation. In light of these considerations, planning staff is willing to recommend support for increasing the current density designation of D80 to D95. A D-95 designation on this site would allow for a

maximum of 46 units on this site (7 additional units over the current designation). Given that this density (D95) is among the higher designations in the city, Parkland Community Planning Services will be recommending to Municipal Planning Commission at the time of development permit review that all R3 site standards including landscaping, parking, and setbacks be met without relaxation. We would also expect the developers to work with the community association in finalizing design plans prior to the development permit stage.

Recommendation

It is recommended that City Council support first reading of Land Use Bylaw Amendment 3156/TT-2003 which is the proposed redesignation of 5601 Kerry Wood Drive from R3-D80 to R3-D95. The amendment will allow for future redevelopment of the site to a maximum 46 unit multi-family residential building.

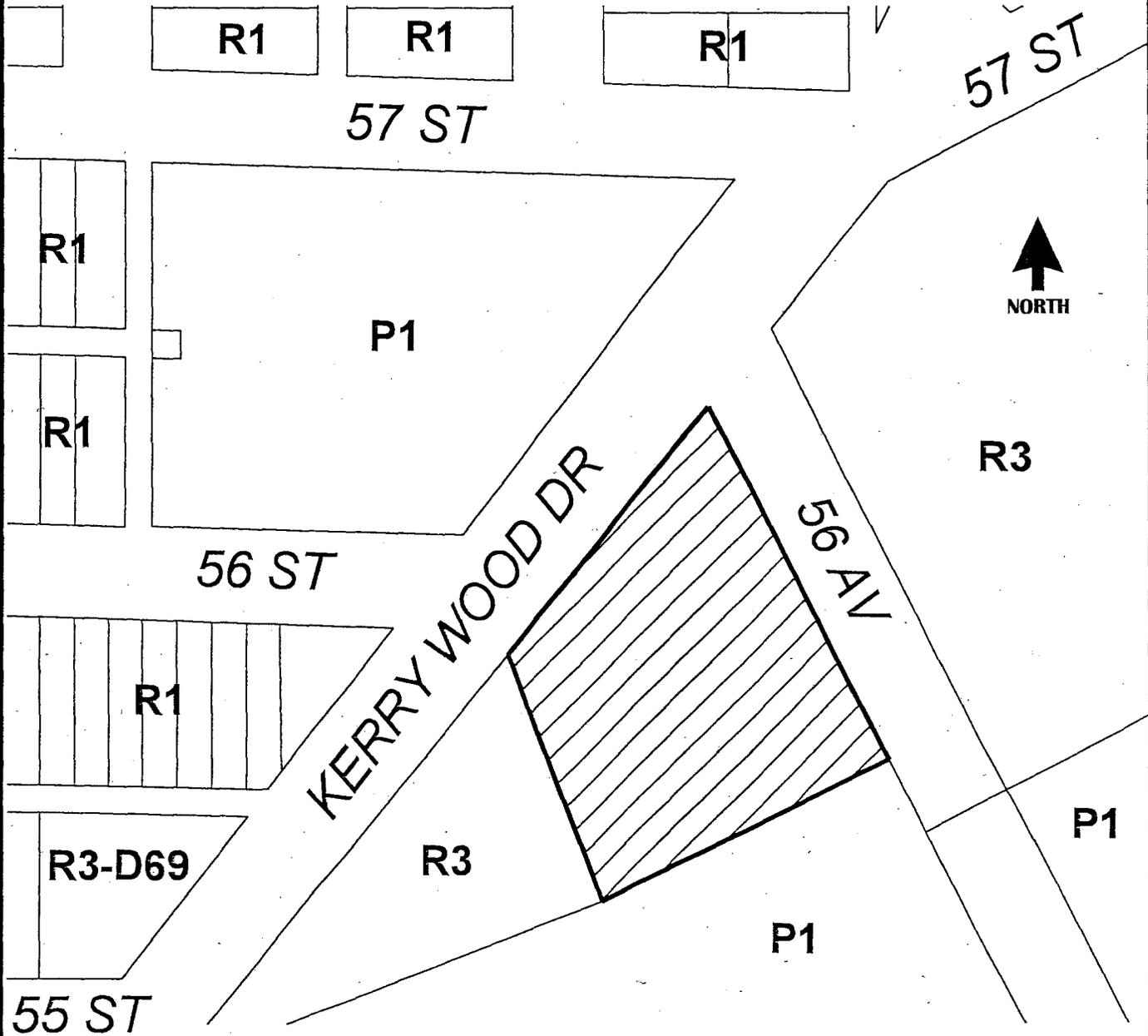
Respectfully Submitted,



Nancy G. Hackett, ACP, MCIP
Planner

- c. Colleen Jensen, Community Services
Brad Baker, NuTerra
David Hamilton, David Hamilton Architect Ltd.

The City of Red Deer PROPOSED LAND USE BYLAW AMENDMENT



Change from :
R3 - D80 to R3 - D95 

AFFECTED DISTRICTS:
D3 - D80 - Direct Control
(Density of 80 dwelling units per hectare)
D3 - D95 - Direct Control
(Density of 95 dwelling units per hectare)

MAP No. 36 / 2003
BYLAW No. 3156 / TT - 2003



LEGISLATIVE & ADMINISTRATIVE SERVICES

October 15, 2003

Cheryl Anne & Marie Anne Stewart
13 Pickwick Lane
LACOMBE, AB T4L 1T6

Dear Sir/Madam:

Re: Riverside Meadows
Land Use Bylaw Amendment 3156/TT-2003

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 in the Riverside Meadows area 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/TT-2003** which provides for the redesignation of **5601 Kerry Wood Drive** (Lot 2, Plan 6742 NY) from R3-D80 Direct Control District (multiple family/density of 80 dwelling units per hectare) to R3-D95 Direct Control District (density of 95 dwelling units per hectare). This will allow for the future development of a four storey 46 unit multi-family residential building. The proposed bylaw may be inspected by the public at the Legislative & Administrative Services office, 2nd Floor of City Hall during regular office hours or for more details, contact the city planners at Parkland Community Planning Services 343-3394.

City Council will hear from any person claiming to be affected by the proposed bylaw at a Public Hearing on **Monday, November 3, 2003** at 7:00 p.m. in Council Chambers, 2nd floor of City Hall. If you want your letter or petition included on the Council agenda you must submit it to our office by **Tuesday, October 28, 2003**. Otherwise, you may submit your letter or petition at the Council meeting or you can simply tell Council your views at the Public Hearing. Any submission will be public information. If you have any questions regarding the use of this information, please contact Legislative & Administrative Services at 342-8132.

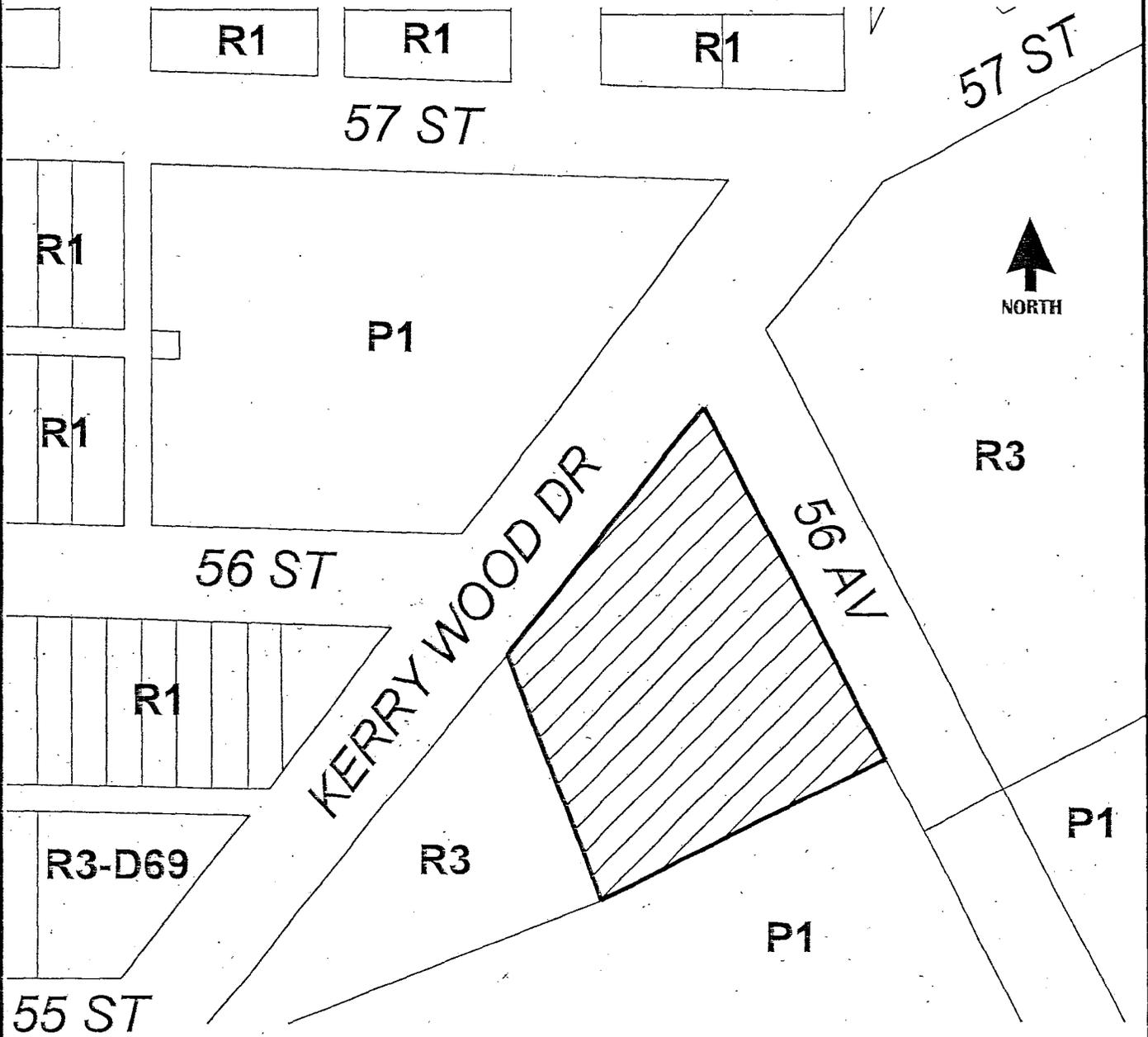
Yours truly,

Kelly Kloss
Manager
Legislative & Administrative Services

/encl.

The City of Red Deer

PROPOSED LAND USE BYLAW AMENDMENT



Change from :

R3 - D80 to R3 - D95



AFFECTED DISTRICTS:

D3 - D80 - Direct Control

(Density of 80 dwelling units per hectare)

D3 - D95 - Direct Control

(Density of 95 dwelling units per hectare)

MAP No. 36 / 2003

BYLAW No. 3156 / TT - 2003



FILE

Legislative & Administrative Services

DATE: October 7, 2003
TO: City Council
FROM: Kelly Kloss, Manager, Legislative & Administrative Services
SUBJECT: Land Use Bylaw Amendment 3156/TT-2003
Rezoning of 5601 Kerry Wood Drive from R3-D80 to R3-D95

History

At the Monday, October 6, 2003 Council meeting, Council gave first reading to Land Use Bylaw Amendment 3156/TT-2003.

Land Use Bylaw Amendment 3156/TT-2003 provides for rezoning from R3-D80 Residential (Multiple-Family District) to R3-D95 Residential (Multiple-Family District) to allow for future development of a four storey 46 unit multi-family residential building to be located at 5601 Kerry Wood Drive.

Public Consultation Process

A Public Hearing has been advertised for Monday, November 3, 2003 at 7:00 p.m. in Council Chambers during Council's regular meeting.

Recommendations

That following the Public Hearing, Council proceed with second and third readings of the bylaw.

Kelly Kloss
Manager

FILE



Council Decision – October 6, 2003

Legislative & Administrative Services

DATE: October 7, 2003
TO: Nancy Hackett, Parkland Community Planning Services
FROM: Kelly Kloss, Manager, Legislative & Administrative Services
SUBJECT: Land Use Bylaw Amendment 3156/TT-2003
Rezoning of 5601 Kerry Wood Drive from R3-D80 to R3-D95

Reference Report:

Parkland Community Planning Services, dated , 2003

Bylaw Readings:

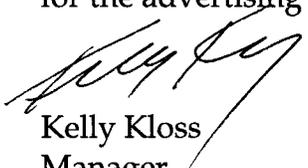
Land Use Bylaw Amendment 3156/TT-2003 was given first reading. A copy of the bylaw is attached.

Report Back to Council: Yes

A Public Hearing will be held on Monday, November 3, 2003 at 7:00 p.m. in Council Chambers during Council's regular meeting.

Comments/Further Action:

Land Use Bylaw Amendment 3156/TT-2003 provides for rezoning from R3-D80 Residential (Multiple-Family District) to R3-D95 Residential (Multiple-Family District) to allow for future development of a four storey 46 unit multi-family residential building to be located at 5601 Kerry Wood Drive. This office will now proceed with the advertising for a Public Hearing. NuTerra Developments Inc. will be responsible for the advertising costs in this instance.


Kelly Kloss
Manager

/chk
attchs.

c Director of Development Services
Inspections & Licensing Manager
Land & Economic Development Manager
C. Adams, Administrative Assistant
B. Greter, Clerk Steno



Legislative & Administrative Services

DATE: September 30, 2003
TO: City Council
FROM: Manager, Legislative & Administrative Services
**SUBJECT: Written Inquiry – Councillor Dawson
Update on Policing Master Plan**

At the Council meeting of September 22, 2003, the following written inquiry was submitted to Council by Councillor Dawson:

“Please provide an update to the status of the request from the Policing Committee for the establishment of a Policing Master Plan. Funds were allocated in the budget for this. What is the status.”

Attached is a response from the Community Services Director.

Recommendation

That Council receives this as information.

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

Kelly Kloss
Manager

Community Services

CS – 7.852

DATE: September 30, 2003

TO: Kelly Kloss, Manager
Legislative and Administrative Services

FROM: Colleen Jensen,
Community Services Director

SUBJECT: Written Enquiry: Councillor Dawson
Update on Policing Master Plan

Background

In 2003 several things occurred with respect to policing in Alberta. These were:

- The province undertook an MLA Policing Review that contained many recommendations that could significantly impact policing service. The preliminary draft of this report was circulated to municipalities for comment, with the understanding that further revisions would be made based on these comments. The City of Red Deer responded, with significant concerns about funding, governance and a number of other issues. (see attached chronology for timing)
- AUMA also undertook a policing review, and came forward with several recommendations. Again, Red Deer provided input to this review. The AUMA also provided comment to the MLA Policing review, some of which reflected what they had learned during their survey. (see attached chronology for timing).

In the 2003 Business Planning process for The City of Red Deer, the Police brought forward a Business Plan Funding Request “to commission an outside authority to evaluate policing service and determine service level demands in Red Deer”. It was indicated that the intent of this study would be to determine future need of policing in Red Deer which would assist Council in understanding trends, needs and provide a basis for their decision making process. The request was for \$120,000 and it was suggested that this study not be undertaken until 2005. The rationale for delaying the study until 2005 was that administration felt that it was important to have the final recommendations from the provincial government, based on the MLA Policing Review, before we proceeded with our study.

During budget deliberations in January 2003 Council felt that we should proceed with Red Deer’s study as soon as the province finalized the recommendations from the MLA Policing Review. Therefore approval was given for funding for 2003 in the amount of \$120,000, but with the understanding that nothing would proceed until the province finalized their response and recommendations from the MLA Policing Review.

Discussion

In March 2003 municipalities received notice that the MLA Policing Committee had submitted a supplement to the original report to the Solicitor General, the Honorable Heather Forsyth. Of the 35 original recommendations, the supplement modified 16 of them, withdrew 4 and added one new recommendation. The supplement was based on the consultation related to the first report. It was noted in this correspondence that the Minister was considering this supplement, along with the original report and that she would be “presenting a recommended response to the government for consideration and approval”. Since this time nothing has been forthcoming.

Based on the fact that:



Community Services

- Red Deer is still waiting for the province's final response to the MLA Policing Review recommendations, and
- City Council had agreed that the Red Deer Policing Study would not proceed until such time as the MLA Review recommendation were known administration has not proceeded with Red Deer's Policing Study as of this date.

In addition, the workload of the Community Services Division has been very significant in 2003. Several large projects have been undertaken including the development of the Community Services Action Plans, the Transit Study, the Rotary Recreation Park Study and the discussions surrounding the fitness activities at the Collicutt Centre. To add another large project that would require time for management and overseeing from the Director and others in the division was not feasible. The RCMP, as Council is aware, is also very pressed for time due loss of human resources because of the many retirements, sick leaves and injuries, along with the increasing crime activity found in a growing community like Red Deer.

In the City's 2004 Business Plan for the Police, one objective is that "a policing review be conducted to determine quality and level of police services to the community". Again, the funding requested is \$120,000 as was approved in 2003. This will be brought before Council in January 2004.

I trust that this report answers the written inquiry of Councillor Dawson, and I will be pleased to answer questions should any arise at the Council meeting.

A handwritten signature in black ink, appearing to read 'Colleen Jensen', with a long horizontal flourish extending to the right.

Colleen Jensen
Director of Community Services

:slm
att.

CHRONOLOGY OF POLICING STUDIES AND RESPONSE BY RED DEER

March/April 2002: AUMA established as Task Force to look at policing. Part of the work of the Task Force was to conduct a survey of AUMA members, with particular focus on the RCMP.

April 15, 2002: Red Deer responded to the AUMA survey.

June 28, 2002: AUMA released their report "Report on the Royal Canadian Mounted Police Contract in Alberta".

Spring 2002: The province established an MLA Policing Committee, chaired by Judy Gordon, MLA Lacombe. The committee accepted submissions from municipalities and policing agencies and, based on submissions, prepared a report entitled "Report of the Government MLA Policing Review Committee". This report was released July 10, 2002 and contained 35 recommendations. Upon release of the report, Minister Forsyth requested input and response from "the public, police, police commissions, municipalities and other stakeholders".

Sept. 17, 2002: The Red Deer Policing Committee considered a report, prepared by Colleen Jensen, Community Services Director and Superintendent Steele, RCMP that responded to the recommendations from the MLA Policing Committee. The report was approved and forwarded to City Council.

Sept. 25, 2002: City Council approved the report submitted by the Policing Committee, with some minor revisions, which gave responses to all 35 recommendations. Of primary concern was funding, governance, standards related to training, management of agreements and policy development, and lastly, the impact of recommendations for those communities with RCMP contracts. Red Deer's response was also sent to AUMA for information.

October 26, 2002: AUMA responded to the MLA Policing Review report. Part of their response reflected the previous AUMA survey related to RCMP.

March 31, 2003: The MLA Policing Review Committee prepared a second report "Listening to Stakeholders", which was based on the consultation for the original MLA Policing Review Committee report and submitted this report to Minister Forsyth. The Listening to Stakeholder report was considered a supplement to the original report. Of the 35 recommendations, the supplement modified 16 of them, withdrew 4, and added one new recommendation.

Minister Forsyth indicated that she would be reviewing both documents, along with the over 200 responses. She went on to say that she would be "presenting a recommended response to government for consideration and approval" and that she was "committed to moving forward on these issues as quickly as possible".

Since April 2003: no further correspondence has been received from the province regarding final recommendations for policing in Alberta.

FILE



Council Decision – October 6, 2003

Legislative & Administrative Services

DATE: October 7, 2003
TO: Colleen Jensen, Community Services Director
FROM: Kelly Kloss, Manager, Legislative & Administrative Services
SUBJECT: Policing Master Plan

Reference Report:

At the Council Meeting of October 6, 2003 consideration was given to your response to Councillor Dawson's written inquiry regarding the Policing Master Plan.

Comments/Further Action:

From discussion a request was made for a report to be presented back to Council with a suggested approach to immediately commence the Policing Master Plan. The report should include:

- a) Terms of reference and intent
- b) Can the Plan be staged
- c) What is the timing
- d) Any other information that may be appropriate

It was noted that this report is to be presented back to Council at either the October 20th or November 3rd Council meetings.


Kelly Kloss
Manager
/chk

c Supt. J. Steele, Red Deer City RCMP

BYLAW NO. 3156/TT-2003

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

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

- 1 The "Land Use District Map F10" contained in "Schedule B" of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map No. 36/2003 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this day of 2003.

READ A SECOND TIME IN OPEN COUNCIL this day of 2003.

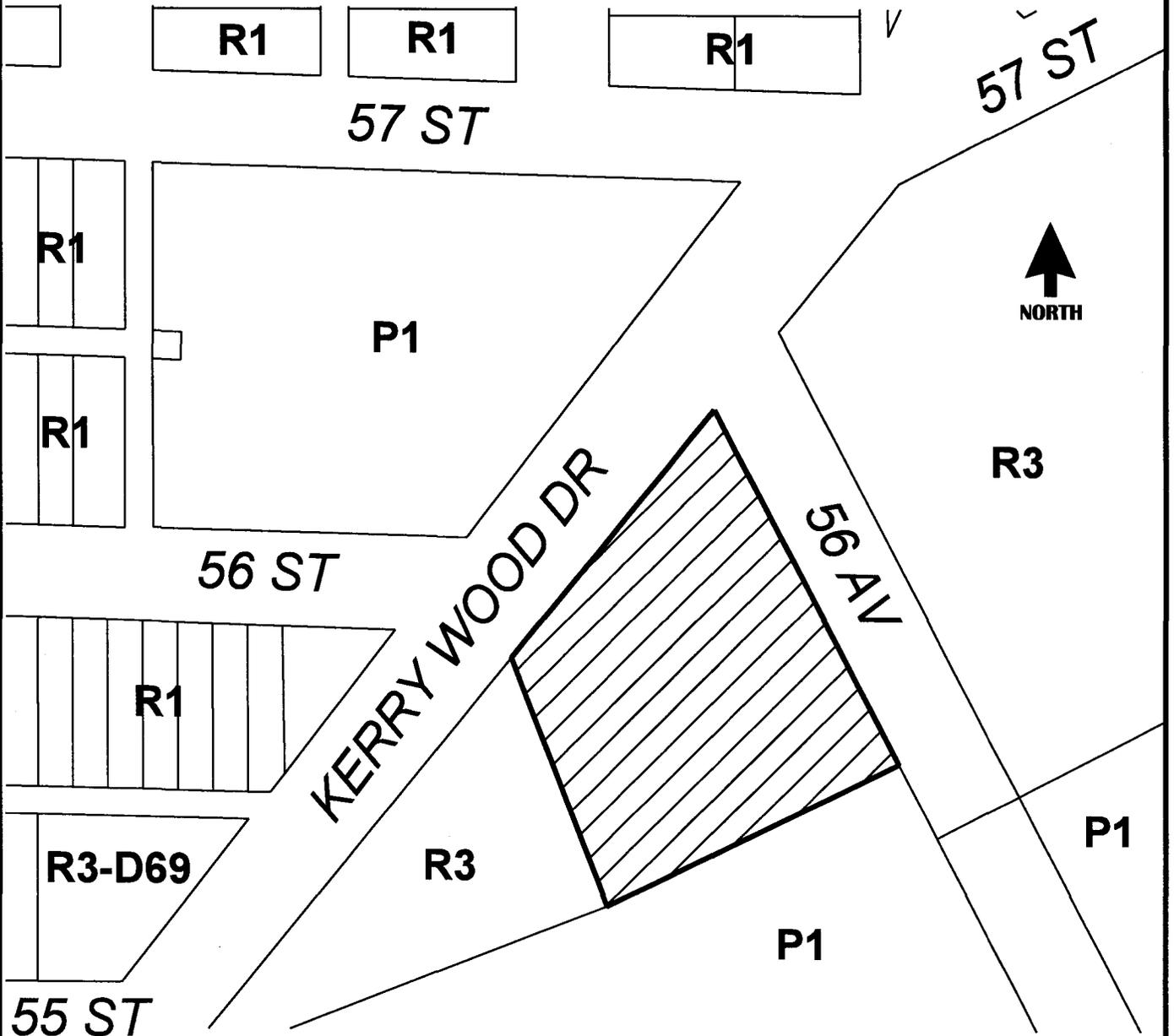
READ A THIRD TIME IN OPEN COUNCIL this day of 2003.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2003.

MAYOR

CITY CLERK

The City of Red Deer PROPOSED LAND USE BYLAW AMENDMENT



Change from :
 R3 - D80 to R3 - D95 

AFFECTED DISTRICTS:
 D3 - D80 - Direct Control
 (Density of 80 dwelling units per hectare)
 D3 - D95 - Direct Control
 (Density of 95 dwelling units per hectare)

MAP No. 36 / 2003
 BYLAW No. 3156 / TT - 2003

BYLAW NO. 3319/2003

WHEREAS the *Municipal Government Act*, Revised Statutes of Alberta, 2000, Chapter M-26, and amendments thereto, empowers a Council to pass bylaws respecting the safety, health and welfare of people and the protection of people and property, as well as businesses, business activities, and persons engaged in business;

AND WHEREAS the *Municipal Government Act*, R.S.A., 2002, Chapter M-26 and amendments thereto empowers a Council by bylaw to regulate and provide for a system of licenses, permits, or approvals;

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

1. This Bylaw may be called the "Escort Service Bylaw".

PART I – PURPOSE, DEFINITIONS AND INTERPRETATION PURPOSE:

2. The purpose of this Bylaw is to establish a system of licensing Escort Service and Agency businesses in order to:
 - a) Prohibit the conduct of these businesses until a license has been granted;
 - b) help protect the safety, health and welfare of people engaged in, or receiving the services provided by these businesses; and
 - c) establish license fees that reflect the costs associated with policing, administering and regulating these businesses.

DEFINITIONS:

3. In this Bylaw, unless the context otherwise requires:
- a) **“Escort”** means a person who for a fee provides a period of companionship for a limited period of time; provides private modeling, strip tease or exotic dancing; or provides any of the services offered by an Escort agency;
 - b) **“Escort Service or Agency”** means any business which offers to provide the services of Escorts;
 - c) **“Independent Escort Service or Escort Agency”** means any business which is owned, operated and serviced by one Escort;
 - d) **“Licensee”** means any person who holds any license pursuant to this Bylaw.

PART II – ESCORT SERVICE OR ESCORT AGENCY LICENSING

4. Before any person may provide the services of an Escort Service or Agency, a written application must be made to the License Inspector for an Escort Agency License and a license issued.
5. An Escort Agency License may not be issued to:
- a) an individual under the age of 18 years;
 - b) a partnership with any partner under the age of 18 years; or

- c) a corporation with any shareholder, director, or officer under the age of 18 years.

6. Every application for the issue or renewal of an Escort Agency License must be in a form prescribed by the License Inspector and must contain at least the following information regarding the applicant:

- a) If the applicant is an individual:
 - i) family name and all given names;
 - ii) date and place of birth; and
 - iii) a photograph to be taken in the format required by the License Inspector;
- b) If the applicant is a partnership:
 - i) the family name and all given names for each partner;
 - ii) the date and place of birth for each partner; and
 - iii) a photograph of each partner to be taken in the format required by the License Inspector;
- c) If the applicant is a corporation:
 - i) the legal name of the corporation;
 - ii) the corporate access number;

- iii) the family name, all given names and the date and place of birth for each individual shareholder;
 - iv) the legal name and corporate access number for each corporate shareholder;
 - v) the family name, all given names and the date and place of birth for each director; and
 - vi) the family name, all given names and the date and place of birth for each officer;
- d) For all applicants:
- i) the complete legal name of each person employed by the Escort Agency whether by direct employment, independent contract, or otherwise;
 - ii) the business address and mailing address of the Escort Agency;
 - iii) all business telephone numbers used by the Escort Agency including, but not limited to, cellular phones, digital phones, pagers and fax lines;
 - iv) all names used by the Escort Agency;
 - v) all electronic mail addresses used by the Escort Agency; and
 - vi) all internet computer addresses used by the Escort Agency.

7. Every application for the issue or renewal of an Escort Agency License must be personally signed by:

- a) the individual named in the application;
- b) each partner named in the application; or
- c) each director of a corporation named in the application;

as the case may be.

8. Every Escort Agency License is valid for a period of 12 months from the date that it is issued unless revoked earlier pursuant to this Bylaw.

PART III - INDEPENDENT ESCORT AGENCY LICENSING

9. An Independent Escort Agency License may not be issued to:

- a) an individual under the age of 18 years;
- b) a partnership; or
- c) a corporation with any shareholder, director or officer under the age of 18 years.

10. An Independent Escort Agency License may only be issued to an individual if that individual is the owner and operator of the Escort Agency and the only Escort working for that Escort Agency.

11. An Independent Escort Agency License may only be issued to a corporation if the only Escort working for that Agency is the sole shareholder, director, and officer of that corporation.

12. Every application for the issue or renewal of an Independent Escort Agency License must be in a form prescribed by the License Inspector and must contain at least the following information regarding the applicant:
- (a) If the applicant is an individual:
 - i) family name and all given names;
 - ii) date and place of birth; and
 - iii) a photograph to be taken in the format required by the License Inspector;
 - b) If the applicant is a corporation:
 - i) the legal name of the corporation;
 - ii) the corporate access number;
 - iii) the family name, all given names and the date and place of birth for the sole shareholder, director and officer;
 - c) For all applicants:
 - i) the business address and mailing address of the Independent Escort Agency;
 - ii) all business telephone numbers used by the Independent Escort Agency including, but not limited to, cellular phones, digital phones, pagers and fax lines;

- iii) all names used by the Independent Escort Agency;
- iv) all electronic mail addresses used by the Independent Escort Agency;
- v) all internet computer addresses used by the Independent Escort Agency.

13. Every application for the issue or renewal of an Independent Escort Agency License must be personally signed by:

- a) the individual named in the application ; or
- b) the sole shareholder, director and officer of the corporation named in the application;

as the case may be.

14. Every Independent Escort Agency License is valid for a period of 12 months from the date that it is issued unless revoked earlier pursuant to this Bylaw.

PART IV – ESCORT LICENSING

15. Before any person may provide the services of an Escort, a written application must be made to the City License Inspector for an Escort License and a license issued.

16. An Escort License may not be issued to:

- a) an individual under the age of 18 years; or

b) a partnership or a corporation.

17. Every application for the issue or renewal of an Escort License must be in a form prescribed by the License Inspector and must contain the following information:

a) family name and all given names;

b) date and place of birth;

c) residence address and mailing address;

d) residence telephone number;

e) Licensed Escort Agency through which the Escort will be employed;

f) other names used by the Escort, to a maximum of three;

g) a photograph to be taken in the format required by the License Inspector.

18. Every application for the issue or renewal of an Escort License must be personally signed by the individual named in the application.

19. Every Escort License is valid for a period of 12 months from the date that it is issued unless revoked earlier pursuant to this Bylaw.

PART V – POLICE REFERRAL

20. The License Inspector may refer every application for the issue or renewal of a License to the Chief of Police.
21. The Chief of Police may, upon receipt of an application for the issue of a License, make or cause to be made any investigations reasonably required to determine whether the issue or renewal of the License would endanger the safety, health or welfare of people or the protection of people or property.
22. Such investigations must include, but are not limited to, a criminal record check of all individuals named anywhere in the application.
23. If the Chief of Police believes, on reasonable grounds, that the issue or renewal of a License would endanger the safety, health or welfare of people or the protection of people or property then the Chief of Police must notify the License Inspector forthwith, in writing.
24. If the License Inspector is notified, in writing, that the Chief of Police believes, on reasonable grounds, that the issue or renewal of a License would endanger the safety, health or welfare of people or the protection of people or property, then the License Inspector shall not issue or renew the License.
25. If an application for the issue or renewal of a License has been referred to the Chief of Police and if no written response has been received from the Chief of Police within 5 days from the date of the referral, then the License Inspector may proceed on the basis that the Chief of Police does not believe, on reasonable grounds, that the issue or renewal of the License

would endanger the safety, health or welfare of people or the protection of people or property.

PART VI – OFFENCES

26. No person shall engage in the business of or operate as an Escort without holding a valid and subsisting Escort License.
27. No person under the age of 18 years shall engage in the business of or operate as an Escort.
28. No person shall engage in the business of or operate as an Escort except through an introduction arranged by an Agency.
29. No Escort shall advertise or promote their services in any fashion using a name other than the name on the License issued to the Escort unless the Escort has first provided the name in writing to the License Inspector.
30. No person shall engage in the business of or operate as an Escort Agency without holding a valid and subsisting Escort Agency License or Independent Escort Agency License.
31. No person holding a valid and subsisting Independent Escort Agency License shall employ any additional Escorts.
32. No person or Escort Agency shall employ an Escort unless the Escort has a valid and subsisting Escort License.
33. No person or Escort Agency shall employ an Escort under the age of 18 years.

34. No Escort Agency shall advertise or promote their services in any fashion using:
- a) a telephone number;
 - b) a name;
 - c) an electronic mail address; or
 - d) an internet address
- unless the Escort Agency has first provided the number, name or address in writing to the License Inspector.
35. No person shall supply incorrect, incomplete or misleading information in an application for the issue or renewal of a License.
36. A Licensee shall notify the License Inspector forthwith, in writing, of any change to any of the information contained in the most recent application for the issue or renewal of a License.
37. A Licensee shall provide their License forthwith when requested to do so by a Peace Officer.

PART VII – SUSPENSIONS AND REVOCATIONS

38. Suspension of a license issued pursuant to this bylaw may be:
- a) for the unexpired term of the license; or
 - b) where the suspension is for non-compliance with any bylaw, including this bylaw, until the holder of the suspended license has, in the opinion of the License Inspector, complied with that bylaw.

39. A license may be revoked or suspended for non-compliance with any bylaw of the City including this bylaw notwithstanding that the holder of the license has not been prosecuted for a contravention of that bylaw.
40. A license may be revoked if the Chief of Police notifies the License Inspector that a licensee has been convicted of a criminal or other offence, the nature of which causes the Chief of Police to believe on reasonable grounds that the continued licensing of the licensee would endanger the safety, health, or welfare of the people or the protection of people or property.

PART VIII APPEAL

41. An applicant may appeal the License Inspector's decision to Council where a license has been refused, revoked, or suspended.
42. Every appeal to Council shall be made in writing to the License Inspector within thirty (30) days after the license has been refused, revoked, or suspended; otherwise, the right of appeal shall be barred.
43. Upon hearing the appeal, Council may direct that the license be issued with or without conditions or confirm the refusal, revocation , or suspension upon hearing the representations made by the applicant and the License Inspector.
44. The decision of Council shall be final and binding.

PART IX – GENERAL

45. The fees payable for a License required under this bylaw are set out in Schedule "A" and are non-refundable.

46. A License issued pursuant to this bylaw is the property of the City and may not be transferred.
47. No License may be issued or renewed if the applicant, or any individual or corporation named in the application, has an unpaid fine owing to the City for an offence under this bylaw.
48. A copy of a record of the City, certified by the License Inspector as a true copy of the original, shall be admitted in evidence as prima facie proof of the facts stated in the record without proof of the appointment or signature of the person signing it.
49. In any prosecution for an offence, where a question arises as to whether a person had a valid and subsisting License, the burden is on that person to establish that the License was valid and subsisting.

PART X - CONTRAVENTION OF THE BYLAW

50. Any person who contravenes any portion of this bylaw is guilty of an offence and is liable on summary conviction to the fines set out in Schedule "B" herein, and shall render the offender liable to cancellation or suspension of the license issued to such person.
51. A person who contravenes or does not comply with a provision of Part VI of this bylaw may, if the Violation Ticket issued in respect of the offence contains a specified penalty amount, pay this amount in which case the person will not be prosecuted in court for the contravention.

- 52. If a specified penalty amount is included in a Violation Ticket issued in respect of an offence under this bylaw, the amount must be that specified in Schedule B.
- 53. A person who is found guilty of an offence under this bylaw is liable to a fine in an amount not less than that specified in Schedule B, and not exceeding \$10,000.00.
- 54. If a person is found guilty of an offence under this bylaw, and the conduct that gives rise to the offence involves the non-payment of a fee which remains unpaid, the court shall, in addition to any fine, impose a penalty equivalent to the amount of the unpaid fee.
- 55. If a person is found guilty of an offence under this bylaw, the court may, in addition to any other penalty imposed, order the person to comply with this bylaw.
- 56. This Bylaw comes into force and effect upon passage by Council at third reading.
- 57. Bylaw No. 2794/82 is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL this	day of	2003
READ A SECOND TIME IN OPEN COUNCIL this	day of	2003
READ A THIRD TIME IN OPEN COUNCIL this	day of	2003
AND SIGNED BY THE MAYOR AND CITY CLERK this	day of	2003

MAYOR

CITY CLERK

SCHEDULE "A"
FEES

	<u>Fee</u>
1. License to operate an escort service or escort agency	\$5,000.00
2. License to operate an independent escort service or escort agency	\$1,500.00
3. License to act as an Escort	\$300.00

SCHEDULE "B"
FINES

<u>Offence</u>	<u>Section</u>	<u>Fine</u>
Unlicensed Escort	26	\$2,500.00
Underage Escort	27	\$500.00
Escort Operating Without Escort Agency	28	\$2,500.00
Escort Advertising or Promoting Non-Listed Name	29	\$500.00
Unlicensed Escort Agency	30	\$7,500.00
Multiple Escorts on Independent Escort Agency License	31	\$5,000.00
Employing Services of Unlicensed Escort	32	\$2,500.00
Employing Underage Escort	33	\$5,000.00
Agency Advertising Non-Registered or Non-Listed information	34	\$500.00
Incorrect, Incomplete or Misleading Information	35	\$500.00
Fail to Provide Change of Information	36	\$500.00
Fail to Provide License	37	\$500.00



COUNCIL MEETING OF OCTOBER 6TH , 2003

ATTACHMENT

DOCUMENT STATUS: PUBLIC

**REFERS TO: DATING & ESCORT SERVICE
BYLAW 2794/82**

**THE DATING AND ESCORT SERVICE
BYLAW**

No. 2794/82

Office Consolidation

BYLAW NO. 2794/82

WHEREAS the Municipal Government Act, R.S.A., 1994, Chapter M-26.1 empowers a Council to do all things with respect to the regulation, control, and licensing of any business or industry located within the City;¹

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA HEREBY ENACTS A BYLAW REGULATING, CONTROLLING AND LICENSING DATING AND ESCORT SERVICES:

1 This bylaw may be cited as "The Dating and Escort Service Bylaw".

DEFINITIONS

2 In this bylaw, including this section, unless the context otherwise requires:

(1) DELETED²

(2) DELETED³

(3) DELETED⁴

(4)⁵ "date or escort" means any person who acts as a date or escort for a period of companionship of short duration and in respect of which a fee is charged and includes a person who, in exchange for money, offers to privately model lingerie or swimwear, perform a striptease or perform exotic dancing for another person;

¹ 2794/A-95

² 2794/A-95

³ 2794/A-95

⁴ 2794/A-95

⁵ 2794/A-97

(5)¹ "dating and escort service" means any business which offers to provide or provides the services of a date or escort, for which a fee is charged;

(6) DELETED²

(7) DELETED³

(8) DELETED⁴

3 The License Inspector is hereby authorized

(1) to issue licenses pursuant to this bylaw,

(2) to refuse to grant licenses, and to revoke or suspend licenses issued hereunder,

if in his opinion:

(i) there are just and reasonable grounds therefore,

(ii) the revocation or suspension is in the public interest,

(iii) the application for the license was untrue or inaccurate in any respect,

¹ 2794/A-97

² 2794/A-95

³ 2794/A-95

⁴ 2795/A-95

(iv) the requirements of this bylaw have not been met.

4 No person shall operate a dating and escort service without first obtaining, and thereafter being the holder of, a valid subsisting license issued by the License Inspector pursuant to the provisions of this bylaw.

5 Every application for a license to operate a dating and escort service issued pursuant to this bylaw shall include the following information:

- (1) the full name, social insurance number, business and residence telephone numbers and the business and residential addresses of the applicant;
- (2) in the event that the applicant is a body corporate, the names and addresses of the officers of the corporation, the address of the applicant's registered office and a certificate of good standing issued by the Registrar of Corporations in the Province of Alberta;
- (3) the address and telephone number of the dating and escort service;
- (4) the name or names and address or addresses of any other person or persons having any financial or other interest in the dating and escort service;
- (5) details of any other business presently or previously operated by the applicant and particulars of any past or present license suspensions or revocations;

- (6) the names of all employees, dates or escorts;
- (7) such other information as may be requested by the License Inspector.

6 In addition to the requirements set forth in Section 5, every applicant for a dating and escort service license shall obtain a valid development permit from the City.

7 Every person who obtains a license to operate a dating and escort service shall post the license in a conspicuous place in the premises where the business is operated.

8 No person shall act as a date or escort without first obtaining, and thereafter being the holder of, a valid subsisting license issued by the License Inspector pursuant to the provisions of this bylaw.

9 Every application for a license to act as a date or escort shall include the following information:

- (1) the true name of the date or escort and any other name by which the date or escort is known;
- (2) the birth date of the date or escort;
- (3) the length of time, and the address at which the applicant has resided in the City of Red Deer;

- (4) the residential address and telephone number of the date or escort;
- (5) a recent photograph of the applicant, acceptable to the License Inspector;
- (6) the date or escort's social insurance number;
- (7) a consent to be fingerprinted, if requested by the License Inspector.

10¹ No license shall be issued pursuant to this bylaw until the applicant has

- (1) paid the license fee prescribed in Schedule "A" to the City License Department;
- (2) is 18 years of age or older.

11 Every application for a license issued under this bylaw shall be true and accurate in every respect.

11.1² Where a resident business applies for and receives a license after June 30, the applicable license fee shall be one-half of the regular fee.

12 All licenses issued pursuant to this bylaw shall be valid until December 31st of each year unless the license is suspended or revoked by the License Inspector.

¹ 2794/A-99

² 2794/B-85

- 13¹ The License Inspector may refer all applications specified in this section to the Chief of Police for his consideration. Upon receipt of the police report the License Inspector may refuse to issue a license or may issue a license with or without conditions.
- 14 (1) No license to operate a dating and escort service may be transferred without written approval of the License Inspector and payment of the fee set forth in Schedule "A". The proposed transferee shall complete an application form pursuant to Section 5 of this bylaw.
- (2) No license issued to a date or escort may be transferred.
- 15² Every date or escort shall carry the license at all times and shall produce the license upon demand by the License Inspector, any Peace Officer, Bylaw Enforcement Officer or any other person to whom the duty of inspection has been assigned.
- 16 Any approval for the transfer of a dating and escort service license may be granted subject to such conditions as are imposed by the License Inspector.

REVOCATION AND SUSPENSION

- 17 Suspension of a license issued pursuant to this bylaw may be
- (a) for a period of time not exceeding the unexpired term of the license; or

¹ 2794/A-95

² 2794/A-95

(b) where the suspension is for non-compliance with any bylaw, until the holder of the suspended license has, in the opinion of the License Inspector, complied with that bylaw.

18 A license may be revoked or suspended for non-compliance with any bylaw of the City notwithstanding that the holder of the license has not been prosecuted for a contravention of that bylaw.

19 Where a license has been revoked or surrendered a refund in the amount of ten (\$10.00) dollars may be made upon receipt by the License Inspector of a written request by the party whose license was revoked or surrendered.

20 Any application for a refund shall be made in writing to the License Inspector within fourteen (14) days of the revocation or surrender of the license; otherwise, the applicant's right to a refund is barred and forever extinguished.

APPEAL

21 An applicant may appeal the License Inspector's decision to the Council where a license has been refused, revoked or suspended.

22 Upon hearing the appeal the Council may direct that the license be issued with or without conditions or confirm the refusal, revocation or suspension upon hearing the representations made by the applicant and the License Inspector.

23 The decision of the Council shall be final and binding on the applicant and the License Inspector.

24 Every appeal to the Council shall be made in writing to the License Inspector within thirty (30) days after the license has been refused, revoked or suspended; otherwise, the right of appeal shall be barred and forever extinguished.

GENERAL

25 No person operating or carrying on the business of a dating and escort service shall employ, engage the services of, or act as an agent of any date or escort unless the date or escort is the holder of a valid subsisting license issued by the License Inspector.

26¹ Every person who operates a dating and escort service shall operate that business from the address which is specified in the license issued.

27 Every person who operates a dating and escort service shall keep in the premises a register which shall contain the following information:

- (a) the true name, address and telephone number of the client;
- (b) the day, place and time of the scheduled meeting between the date or escort and the client;
- (c) the name of the date or escort booked for or by the client;

¹ 2794/A-90

- (d) such other information as may be requested by the License Inspector.

28 Every person who operates a dating and escort service shall keep in the premises a current list of all dates or escorts and the said list shall contain the following information:

- (a) the true name of the date or escort and any other name by which the date or escort is known;
- (b) the birth date of the date or escort;
- (c) the residential address and telephone number of the date or escort;
- (d) the date or escort's social insurance number;
- (e) the date or escort's license number.

29¹ Every person operating a dating and escort service shall furnish upon demand the current list of all dates or escorts and the dating register to any Peace Officer or the License Inspector or any other person authorized to act on their behalf.

30² Any business which has been issued a license shall be subject to inspection during business hours and the inspections may be conducted by the License Inspector, any Peace Officer, Bylaw Enforcement Officer, Officer of the Local Board of Health, or any other person to whom the duty

¹ 2794/A-95

² 2794/A-95

of inspection has been assigned.

- 31 No date or escort nor any person operating a dating and escort service shall offer or advertise that the date or escort or the dating and escort service offers or provides any form of sexual favours, sexual gratification or sexual intercourse.

CONTRAVENTION OF THE BYLAW

- 32 Any person who contravenes any of the provisions of this bylaw is guilty of an offence and is liable on summary conviction to the fines set forth in Schedule "B" herein, and shall render the offender liable to cancellation or suspension of the license issued to such person.
- 33 Where an offence is for the non-payment of a required license fee the presiding Judge may require that the license fee be paid in addition to any fine imposed.
- 34 This bylaw comes into force upon passage by Council at third reading.

READ A FIRST TIME IN OPEN COUNCIL this 6 day of December 1982.

READ A SECOND TIME IN OPEN COUNCIL this 6 day of December 1982.

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY PASSED THIS 6 day of
December 1982.

"R. J. McGHEE"

MAYOR

"C. SEVCIK"

ASSISTANT CITY CLERK

Schedule "A"

FEE

1	License to operate a dating and escort service	\$	5,000.00 per annum
2	License issued to a date or escort	\$	300.00 per annum
3	Transfer fee for transfer of a dating and escort service license	\$	100.00 per transfer

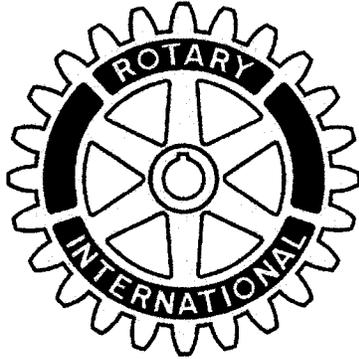
Schedule "B"

Page 1 of 1

1 For a first offence the fine shall be not less than One Thousand Dollars (\$1,000.00) and not more than Twenty Five Hundred Dollars (\$2,500.00) or in default of payment of the fine and costs, shall be liable to imprisonment for not more than sixty (60) days.

2¹ For a second or subsequent offence to a fine of not less than \$2,500.00 or to imprisonment for a term of not more than six months, or to both fine and imprisonment.

The Rotary Club of Red Deer



*Kelly, can
we push
our meeting back
next week to
accomodate
this
Jeff*

Dear Friends:

On behalf of the Rotary Club of Red Deer and the Mann Family, I am pleased to extend this invitation to join us for the unveiling of the "Keith Mann Ghost".

Date: Monday, October 6, 2003
Time: 4:15 - 5 P.M.
**Place: Southwest Corner
City Hall Park**

The Red Deer Royals will entertain in the park commencing at 4:15 P.M.

There will be a "Private" Wine & Cheese Reception to follow at the Millenium Centre (Main Floor), from 5 to 6 P.M.

We look forward to your presence.

**Ray McBeth
Chairman
Keith Mann Ghost Project**

P.O. Box 5008, Red Deer, Alberta T4N 3T4
Web Site: www.city.red-deer.ab.ca

Legislative & Administrative Services (403) 342-8132
Email: las@city.red-deer.ab.ca

DATE: October 2, 2003

OUR FAX NO: (403) 346-6195

NUMBER OF PAGES INCLUDING THIS PAGE: 2

FAX TO: MEDIA

ATTENTION:

THEIR FAX NO:

FROM: CHRISTINE KENZIE

DEPARTMENT: LEGISLATIVE & ADMINISTRATIVE SERVICES

PHONE #: (403) 342-8132

MESSAGE AREA (if required):

NOTICE RE STARTING TIME OF OCTOBER 6, 2003 RED DEER CITY COUNCIL MEETING.

Confidentiality Notice

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MEDIA NOTICE

SCHEDULE FOR

The City of Red Deer's
Regular Meeting of Council
to be held on

*PUT COPY OF
THIS NOTICE
IN ALL
COUNCIL AGENDA
PACKAGES*

Monday October 6, 2003

in Council Chambers of City Hall

- | | |
|-----------|-------------------------------------|
| 5:00 P.M. | Regular Meeting of Council to Begin |
| 6:00 P.M. | Supper Break |
| 7:00 P.M. | Continuation of Regular Meeting |

(Members of Council will be attending the dedication of the Keith Mann Statue in City Hall Park from 4:15 p.m. to 5:00 p.m.)

Please contact Legislative & Administrative Services
at 342-8132
for further information.

Kelly Kloss
Manager
Legislative & Administrative Services

* * * Transmission Result Report (MemoryTX) (Oct. 2. 2003 8:59AM) * * *

1) CITY OF RED DEER
2) Legislative and Admin Services

Date/Time: Oct. 2. 2003 8:38AM

File No. Mode	Destination	Pg (s)	Result	Page Not Sent
0438 Memory TX	(G01) CKGY RADIO Z99	P. 2	OK	
	(G01) BIG 105 CHUB RADIO		OK	
	(G01) RDTV		OK	
	(G01) CFRN TV		OK	
	(G01) RED DEER ADVOCATE		OK	
	(G01) SHAW CABLE		OK	
	(G01) RED DEER EXPRESS		OK	
	(G01) MORNING NEWS		OK	

Reason for error

E.1) Hang up or line fail
E.3) No answer

E.2) Busy
E.4) No facsimile connection



P.O. Box 5008, Red Deer, Alberta T4N 3T4
Web Site: www.city.red-deer.ab.ca

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Email: las@city.red-deer.ab.ca

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