

AGENDA



FOR THE *REGULAR MEETING OF RED DEER CITY COUNCIL*

TO BE HELD IN THE COUNCIL CHAMBERS, CITY HALL

MONDAY, NOVEMBER 3, 2003

COMMENCING AT *4:30 P.M.*



- (1) Confirmation of the Minutes of the Organizational and Regular Meetings of Monday, October 20, 2003.

- (2) **UNFINISHED BUSINESS**
 1. City Solicitor – Re: *Land Use Bylaw Amendment 3156/RR-2003 / Parkvale Design Guidelines*
(Consideration of 3rd Reading of the Bylaw) . . .1

- (3) **PUBLIC HEARINGS**
 1. Parkland Community Planning Services – Re: *Land Use Bylaw Amendment 3156/TT-2003 / Rezoning of 5601 Kerry Wood Drive from R3-D80 to R3-D95*
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2. Legislative & Administrative Services Manager – Re: *Records Retention & Disposition Bylaw No. 3305/2003 (Consideration of 3 Readings of the Bylaw)* . .22

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1. Central Alberta Bar Association – Re: *Emergency Protection Orders* . .23
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CHAPMAN RIEBEEK

1

Barristers & Solicitors

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GAYLENE D. BOBB
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*Denotes Professional Corporation

**Denotes Student-at-Law

Your file:

Our file: LUB DJS

October 28, 2003

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

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

Dear Sir:

RE: Land Use Bylaw – Parkvale Design Guidelines

At the Council Meeting of October 20, 2003, Council had for consideration the public hearing and 2^d and 3rd reading of an amendment to the Land Use Bylaw to incorporate design guidelines for the Parkvale District. Prior to 3rd reading, a question was raised by Council as to whether these were, in fact, "Guidelines" or whether they were "Regulations". Council requested comment from its legal advisors to clarify this point.

Summary

As presently structured, the amendments to the Land Use Bylaw are "regulations" not "guidelines". However, there are some definite advantages to proceeding with "regulations" rather than "guidelines" and we recommend that Council consider proceeding to pass the bylaw amendment for the following reasons:

- a) as "regulations", the design parameters will be binding on the land owners unless MPC agrees to grant a relaxation. This means that development applications which comply with the regulations can be approved by the Inspections and Licensing Department without having to go to MPC - a much more efficient method of dealing with development applications.
- b) landowners can still ask MPC to grant relaxations so they do not have to strictly comply with every detail of the regulations. This allows for flexibility and ensures that only contentious applications will get to MPC and allow public input;
- c) because they are incorporated right into the Land Use Bylaw, "regulations" can be easily located by the public and by City staff.

Background

The history of the confusion in terms seems to be as follows:

- After a year of consultation between Parkland Community Planning Services and the Parkvale Community, a final report was prepared by John Hull Architect dated September 12, 2003 entitled “Parkvale Community – Modest Infill **Design Guidelines**”.
- In his report of September 8, 2003 Tony Lindhout of PCPS outlined the genesis of the Parkvale Design Guidelines and the consequent proposed Land Use Bylaw amendment. That report indicated quite clearly that the intent of the Bylaw amendment was to “create a special (overlay) district in which additional **development regulations** will be applied over the underlying R1 and R1A residential zones in Parkvale”.
- As part of the public hearing process, many residents of Parkvale provided written submissions which referred to the “**guidelines**” contained in the report from John Hull Architect as opposed to the specific provisions of the Land Use Bylaw amendment, which were “**regulations**”.
- This imprecise use of terms continued during the Council meeting on October 20, 2003.

Discussion

Traditionally, any restrictions on development have always been incorporated into the Land Use Bylaw as “regulations”. However, a few years ago, it became apparent that there was some need for additional information to be communicated to the public with respect to certain special types of development. This first became apparent when various bodies wanted to build Communications Towers and there were no provisions in the Land Use Bylaw to deal with these structures.

As a result of this, section 224 was incorporated into the Land Use Bylaw specifically to permit Council to approve (by resolution) design guidelines for specific types of developments. To date, the only design guidelines that have been approved in this way are design guidelines for Communications Towers and Downtown Parking Lots.

The effect of a design guideline is primarily informational. It sets out standards of development that the City would like to see achieved with respect to those particular types of development and discusses the rationale for those standards. It communicates in detail to property owners the issues which they can expect they will have to face if they bring forward an application to construct a development of that type. It also sets forth standards that the Development Authority can refer to when considering development applications. **But the design guidelines are not binding on MPC, which can ignore them if it wishes.**

As indicated in Mr. Lindhout’s report to Council dated September 12, 2003, it is anticipated that future guidelines will be presented to Council for consideration and adoption in order to comply with policies contained in the City’s Greater Downtown Action Plan. The other design guidelines that will be brought to Council’s attention in future are in respect of the Downtown C1 Commercial District and in respect of the Riverlands area. For this reason, it would be desirable to establish the pattern to be followed in future applications.

To some extent, it is misleading to consider that there is that much distinction between “regulations” that MPC can alter and “guidelines” that MPC can ignore. The real difference is primarily procedural.

If guidelines are adopted by Council by resolution under section 224, then they are properly referred to as “guidelines” and they only have informational status. That is to say, any development application may be brought, whether it complies with the guidelines or not. All re-development applications for Parkvale would have to be brought to MPC as a “re-development” requiring approval under section 179 to ensure compatibility with the existing neighbourhood.

While the City can continue to require that every infill application be brought to MPC, if the application complies with the pre-approved regulations for the neighbourhood, it would be much more efficient to simply have it approved by the Inspections and Licensing Department.

Non-compliant applications would be referred to MPC who have the choice to ignore the guidelines or attempt to enforce them by imposing a condition on a development approval.

In the case of Parkvale, Council clearly has an option to implement the design guidelines report either by way of guidelines adopted under the Bylaw or by way of Bylaw amendment (regulations). The significant features and differences between the two approaches are as follows:

- a) Bylaw amendment – regulations:
 - i) allows the development officer to approve development applications which meet the design guidelines. No need for application to MPC or for requesting input from the community association;
 - ii) MPC has specific bylaw authority to impose conditions necessary to meet design guideline standards;
 - iii) maintains integrity of Land Use Bylaw as a single source reference;
- b) Design guidelines approved as guidelines under section 224:
 - i) a new set of documentation is created separate from the Land Use Bylaw;
 - ii) the design guidelines could have more detail, including a discussion of the rationale for each of the guidelines;
 - iii) every application for redevelopment in Parkvale would have to come to MPC for consideration and this may involve consultation with the Parkvale Community Association (note that applications for redevelopment in other areas do not require consultation with the community);

Minor Modification to Bylaw Amendment

As a result of this closer review of the proposed bylaw amendment, we would recommend that the bylaw as passed be modified by the addition of the following wording:

- “1.1 Renumber section 179 to 179(a) and add new section 179(b) as follows:
 - “(b) Section 179 (a) shall not apply to development applications which comply with section 223.1.
- 1.2 Renumber section 184(7) to 184(7)(a) and add new section 184(7)(b) as follows:
 - (b) Section 184(7) (a) shall not apply to development applications which comply with section 223.1.”

This addition is in accordance with the intent of the changes and will make it abundantly clear in the bylaw that compliant applications for development in Parkvale need not go to MPC for consideration.

Summary

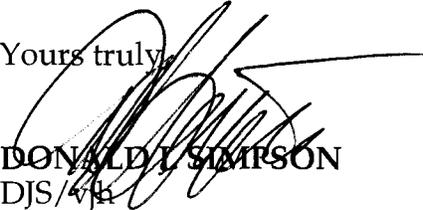
Clearly, the City can implement the John Hull report either by way of amendment to the Land Use Bylaw as has been presented to Council or, alternately, by adopting design guidelines by way of a resolution under section 224 of the Land Use Bylaw. The main advantage of enacting regulations under the Land Use Bylaw would be to reduce the work of MPC by allowing the Development Officer to “pre-approve” developments which conform with certain design standards. If those design standards have been considered and accepted by the community, the planning staff, and the City, then clearly it would make sense and be more efficient to deal with such development applications in that way.

By doing this, a land owner can still apply to MPC to be allowed to construct a development that did not, in fact, comply with the regulations adopted under the Bylaw. MPC’s time would be spent dealing with contentious issues as opposed to dealing with each and every development that occurred.

Finally, adopting regulations under the Land Use Bylaw serves the very significantly useful purpose of ensuring that all regulations are kept within a single source. This provides for easy reference to all parties involved in the development process.

We therefore recommend that Council proceed to pass the bylaw amendment.

Yours truly,


 DONALD L. SIMPSON
 DJS/vjh

Comments:

I concur with the conclusions and recommendations of Mr. Simpson that the design parameters for the Parkvale neighbourhood be included in the Land Use Bylaw as regulations. There is a distinct advantage to include these as regulations because they will provide a high level of clarity to those considering redevelopment in the Parkvale neighbourhood. The Land Use Bylaw works best for the community as well as staff and the Municipal Planning Commission when Council's intent is clear. This level of clarity can best be achieved by creating regulations in the Land Use Bylaw rather than guidelines to be followed.

I recommend that Council proceed with third reading of Land Use Bylaw Amendment 3156/RR-2003.

" N. Van Wyk"
City Manager



Parkvale Post Dispatch

Your Community Newsletter

October 2003

In This Issue

AGM Oct. 29th, 2003

Nomination Form (pg 4)

Picnic Recap

Neighborhood Watch

Board of Directors

President	Dawna Barnes
V.Pres.	Ben Rush
Sec/Tres.	Shirley Cameron
Director	Rita Schuetz
Director	Len Carlson
Director	Virginia Hays
Director	Leona Philips
Director	Jim McLane
Director	Ruth Deschner

PARKVALE MISSION STATEMENT

The Parkvale Community Association's mission is to promote the sense of community through enhancing and preserving the quality of living and the historic character of our unique neighborhood.

Annual General Meeting

2003 AGM set for Oct. 29, 2003 7 pm.

- Elections are held every second year, directorships are for 2 year terms.
- This AGM is also election time.
- Nomination committee will be headed by Larry Hibbard.
- Nomination forms should be returned to Larry by Oct.24th so that ballots can be printed for AGM.
- Any questions on the election process can be answered by calling Larry at 314-1181 or by contacting any member of the existing Board of Directors.
- A nomination form can be found at the end of this publication.
- Nomination guidelines can be found on the nomination form.
- Membership will be available at the AGM also.

The Social Committee will be supplying desserts and coffee at 6pm with the AGM to follow at 7pm in the Pioneer Lodge.

The nomination and election process is an important part of keeping our community strong and vibrant. Your involvement is needed! Keep in mind that a good cross-section of residents is desirable in order to properly represent the community.

Election Time!



SLOW DOWN DUDE!

Our speed limits in this community are 30 - 50 km/hr, please set an example for those visiting or traveling through our neighborhood - SLOW DOWN.

Remember kids often play in the alley ways too! Our neighborhood not only has a large number of children but also disabled and elderly people. Be considerate and cautious when driving.



November 6 & 7, 2003
For more information visit:
www.mycommunityinformation.com

Opening Doors

a community not-for-profit conference

Parkvale is proud to a part of the "Downtown Experience"



Experience...
Downtown Red Deer



Note From Dawna Barnes

It is hard to believe that the last time our newsletter was going out, summer had just started and now we are all preparing our gardens, yards and homes for winter. Many of our streets are lined with beautifully changing coloured leaves and Mountain Ashes are hanging heavily with berries.

Parkvale certainly has been a bustle with building activity this summer. There is everything from new developments to renovations such as my very own. City Council will be holding the public hearing on October 20, 2003 for the second and third readings of the new use overlay and bylaws developed to deal with design guidelines for our neighborhood. Your executive are very pleased with all the community collaboration that went into that project and we believe we will have guidelines that will help to enhance our neighbourhood and help to protect the integrity of what we all enjoy already. The report by the consultants also put forward further recommendations for us to consider and they will be brought forward to the community for further consideration.

Following the public open house that was held at the Golden Circle on September 10, 2003 the proposed facility plans for Rotary Recreation Park were on display at Red Deer Public Library until October 10, 2003. I hope that many of our residents were able to make it out to one of those locations to view and comment on this particular project. Your input is an important part of the process. As President of the Parkvale Community Association I am often asked to sit on a committee or attend meeting concerning issues and projects that may involve our community. I endeavour to always keep the executive and ultimately the residents informed but in the end your individual interest and participation in the process is encouraged.

Another very important date is coming up for our community and that is October 29, 2003. It is once again time for our AGM and this year being an election year for our association. I want to take this opportunity to thank the members of the executive and all the committee members who have given so freely of their time and effort to work on behalf of the residents of Parkvale. Their efforts are what have helped make Parkvale the community it is. I am proud of the recognition that our association receives from other associations as well as the people at city hall. We have always believed in an open collaborative process. At this time I want to encourage other residents to consider stepping forward and volunteering to help in the future. You will note a nomination form attached to this newsletter and that is simply because we have had such great response in the last two elections that the executive felt it only proper that we follow a more organized process. So speak to your spouses, partners, neighbours and if you know of someone or are interested in becoming involved be it as a director or a committee member now would be a good time to come forward. Our future is bright for our fabulous community. But remember the more people that become involved the lighter the load on each individual.

Like most neighbourhoods in Red Deer we are being faced with an increase in the crime rate. I have received calls about break-ins and thefts, speeding and driving with undo care. Parkvale is a community with a pretty strong neighbourhood watch and so I ask you read closely the column provided by our Neighbourhood Watch Coordinator, Jeanne Davis and encourage each of you to do your part in continuing to strive to make Parkvale an even safer community for our family and friends.

I look forward to seeing you out on October 29, 2003. Remember this is your year to vote and we always start our meetings with coffee and dessert.

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Setting Goals at After Hours with Career Support Group Ltd

Proud to be a
Part of
Parkvale



The Museum is always happy to have our neighbours stop by for a visit. Our art galleries change often, so there is always something new to see. Many Parkvale children come by regularly to do hands-on, free activities in the Discovery Zone. The Museum Shop offers a great selection of local history books, cards and gifts.

We invite you to support the Museum by becoming a member of the Red Deer and District Museum Society. Membership entitles you to 10% off regular priced items in The Museum Shop, our quarterly newsletter with information on exhibits, programs and community cultural news, and discounts on day trips, movies and programs. Memberships are \$10/yr for single and \$15 for families and are available at the front desk.

The Museum has positions for volunteers to assist with visitor reception, exhibits, research, fundraising, being a Board member, and more. We can find something to match your skills, interests and availability. If you are interested, call Dorothy at 309-8441.

4525-47A Ave Ph: 309-8405
Visit our website at
www.museum.red-deer.ab.ca



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WANTED

The Central Alberta Pioneers and Old Timers need 2 Strong Men with Parkvale Hearts to help pick up and deliver a new sofa for the Pioneer Lodge. They have the truck just need two men!!
Call Dawna for details @ 341-5051

Parkvale Picnic Recap



PICNIC

Note from the Social Committee

"Summer Picnic and Gardening Competition"

Thanks Carol for your dedication & co-ordination of the Annual Gardening Competition! Congratulations to our winners: Jeanne Davis - Vegetable Garden

Len Carlson - Landscaping

Leona Phillips - Novelty Garden

Thanks to Parkland Nurseries for judging & prize donation, Carol Scott & Cameron's 2001 Towing for prizes.

Our Summer Picnic in the children's park was enjoyed by young and old alike. We had over 60 in attendance. I believe the kids had more fun "watching" the big kids (right Stan?) bob for apples. Red Deer Co-op donated wieners and buns. Thanks to Ben & Natasha for the BBQ & "water wagon". The pot luck compliments were great! Thanks everyone for the generous donations for the Food Bank. Thanks to Jen Pratt for assisting the committee and Karen & Carol for donations for children's draw.

Good friends, good fun, Good food.

A fun time for KIDS of all ages!!!

THE SMITH GROUP

Terry Whipple
403-314-0054
CAIPA/ADVOCIS
Canadian Association of Gift Planners

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Get involved and have FUN!

Board of directors: Be involved in many exciting initiatives being bounced around for next year by getting nominated for this year's elections. Being a board member brings position and committee opportunities, a chance to share ideas and enthusiasm.

Committee member: There will be signup sheets at the AGM for people interested in being involved in a specific area of activity.

Established committees: Social, Newsletter & Archive, Land Use, Financial Audit Team, Communities in Bloom.

Proposed committees for 2003-2004: Parks & Playground, Membership, 2005 Parkvale Centennial Celebrations.

Criminal Don't Like Friendly Neighbours!

Remember when you left your doors unlocked while you went shopping? Do you know how important a role your neighbours played in crime prevention back then? It was called informal crime control. Neighbours were often friends and they knew your kids, your friends and even your extended family. They knew when something suspicious was happening and as a friend they couldn't ignore suspicious activities. On the other hand, your average criminal knew better than to hang out in your neighbourhood where your friendly neighbours lived!

For over 15 years now, Parkvale has participated in the Red Deer Neighbourhood Watch program. In a way, this program attempts to instill in Parkvale the spirit of the good old days. It is based on studies that repeatedly show that when a group of people consciously come together in a neighbourhood, they inherently establish an informal crime control process that discourages criminals from entering the neighbourhood.

Be a Neighbourhood Watch resident by getting to know your neighbours. Not only will you be rewarded with great friendships but also you will play an important part in crime prevention in Parkvale.

Here are a few things you can do to protect yourself and your neighbours:

- a) **Get to know your neighbours**, as many as possible, especially those on each side, in front and behind you. Be sure that they know who lives in your household.
- b) If you see anything suspicious, **call 911**. Do not confront the suspicious person.
- c) **Identify your belongings** by engraving them with an identification code, for example, your driver license number, you phone number. You can borrow free of charge an engraver from our local RCMP.
- d) Place **Neighbourhood Watch stickers** on as many windows and doors as necessary, letting criminals know that your personal belongings are engraved that you and your neighbours report suspicious activities by calling 911.

REMEMBER - CRIMINALS DON'T LIKE FRIENDLY NEIGHBOURS! For more information and to receive free Neighbourhood Watch stickers, call Jeanne Davis, Parkvale Neighbourhood Watch co-ordinator, at 346-3949.

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**Parkvale Community Association
2003—2004 Board of Directors
NOMINATION FORM**

Name of Nominee	Phone	
_____	_____	
_____	_____	
_____	_____	
_____	_____	

Name of Nominator	Phone	Signature/Date
_____	_____	_____

- Nominee and person nominating must be a PCA member of good standing.
- Person nominating can nominate more than one person to sit on the Board.
- All nominated will be contacted before being added to ballot.
- Self nominations will be accepted.
- Elections will take place during the PCA Annual General Meeting, Wednesday Oct. 29, 2003.
- All nominations must be returned to the Nominating Team, address below, by Friday Oct. 24, 2003.

Please return forms to: Lawrence Hibbard
c/o: PCA 2003 Elections Nomination Team
4602 - 47 Street, Apt B
Red Deer, AB T4N 1R1

Ph: 314-1181



Parkvale Post Dispatch

Your Community Newsletter

August 2003

In this Issue:

- Parkvale's 6th Annual Picnic
- Garden Contest
- Results: Membership Drive
- Note from the President
- First Ad Supporters

WATER CONSERVATION NOW!

Mission Statement:

The Parkvale Community Association's mission is to promote the sense of community through enhancing and preserving the quality of living and the historic character of our unique neighbourhood.

Objectives:

- * To ensure effective leadership through an active volunteer executive for the community association.
- * To maintain continual open communication and sharing of information with our membership.
- * To represent and provide a collective voice from our membership to the City of Red Deer.

Goals 2002-2003

- * To hold bi-monthly gatherings incorporating social events into this timeline.
- * To distribute a quarterly newsletter.
- * To be involved in the completion of design guidelines for Parkvale.
- * To investigate the upgrading of the basketball court in the park on the corner of 45 St. & 46 Ave.



SATURDAY, AUGUST 9th @ 3:00 pm.

Parkvale's 6th Annual Gardening Competition & Neighborhood Picnic

Parkland Nurseries will be judging

- 1st Category - Novelty Garden
- 2nd Category - Vegetable
- 3rd Category - Landscape

If you missed the entry application drop by and see Carol Scott at 4634 - 48 St.

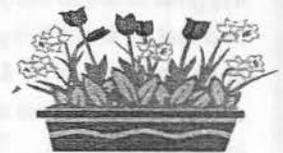
WHERE? Corner of 46 Ave & 45th St.
(Child's Play Area)

WHEN? Saturday August 9th, 3:00pm

WHAT TO BRING? Chairs, bug repellent, complimentary dish, and a food bank donation.

Juice & Hot Dogs will be provided.
Lots of Games & Prizes for All.

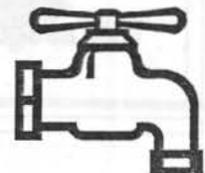
If the weather is bad it will be held in the Pioneer Lodge.



Water Conservation is Needed NOW!

You are likely aware of the odd/even watering rule - but here it is again: If your house is odd numbered water on an odd numbered day, even on even days. You may not be aware that free standing sprinklers are not to be used for watering unless for newly sodded or seeded lawns. These water conservation measures will be enforced starting Aug. 1 '03

**Protect this resource while we still have it !
Check out this website for information of how to
be water wise... www.h2ouse.org**



Parkvale Community Association & Friends

Note from the President

What a glorious summer it has been thus far and Parkvale once again is alive with its beautiful tree lined boulevards, flower beds and gardens. What a bonus for us to have Barrett Park and Red Deer's wonderful trail system in our backyard. Our residents sure do share a pride in their community.

I believe we are the only neighbourhood to host a garden contest. I know that Carole is anxious to get those contest forms into her at 4634 - 48 St. The number of participants has consistently grown over the last few years. The judges for that as well as the judges from Community in Bloom are always thrilled to walk through our neighbourhood. While I am on topic of blooms, our plant exchange was also a huge success and though there was no charge to bring or take whatever one wanted we raised just over \$64 in donations for our association. We had visitors from several other communities including Sylvan Lake. I do believe we have started another annual event. We are very fortunate to have such a great social committee that organizes these events. Thank you Carole, Shirley and Karen for all your work! The next event being planned is our Annual Pic Nic in the Park. If the last few years are any evidence to the participation in that event we are sure to have a great time at that happening on August 9, 2003.

As a result of our membership drive that was held in conjunction with the delivery of our last newsletter in May we have seen a huge growth in our paid membership. The support is encouraging. For those that we may have missed, not to worry, we will be taking new memberships at our AGM coming up sometime in October. We also encourage anyone in the area north of Ross Street across from the Co-op Mall interested in joining our Association to come out to any of our meetings or events. We are here to support you as well. Speaking of our AGM this year is election year for our executive so if there is anyone out there considering or interested in working on our board I encourage you to speak to any of your present executive regarding the tasks involved. Maybe you are interested in helping out one of the committees. Stay tuned you will hear more about that as October approaches.

There continues to be a hustle and bustle of redevelopment and renovation happening in our neighbourhood and it is truly rewarding to see the benefits of work being done by you and the Community Association to help guide that process. Design guidelines are in the final stage of being written and should go to city council by the end of summer.

It is great to see so many children out playing in the yards, laneways and streets. We want them to be safe, and kids will be kids so I trust that we are all being extra cautious as we drive down our narrow streets. We have also heard positive comments regarding the new stop sign at 44 St. & 47 Ave. Making our community safer was the priority shared by our residents when the traffic study was done. At the same time many Red Deer residents are still not familiar with the change so I would ask people to take caution coming into that intersection.

I hope you all have a safe enjoyable summer. Dawna Barnes

ELECTION TIME IS COMING THIS FALL

The Annual General Meeting for the Parkvale Community Association will be coming up in October 2003.

This association is what sustains this great neighbourhood. Support it by nominating yourself or someone else.

Parkvale Community Association & Friends



HOW ABOUT THAT PLANT EXCHANGE?



Who was that
masked stranger?

Was it the Lone Gardener?

THANK YOU!

Thanks to one and all for making the 1st Annual Plant Exchange such a HUGE success.

Our appreciation goes out to the Kerry Wood Nature Centre for directing folks our way.

The remaining perennials were graciously received by the Youth and Volunteer Centre and The Women's Shelter.

Until next year, have a BLOOMING GOOD SUMMER!

Parkvale Party Planners

DRIVE SAFE / PLAY SAFE

SUMMERTIME is a great time for kids. A great time to play outside, especially on gadgets like skateboards, trick bikes, and rollerblades!

As an adult I know that I wouldn't be able to manouver around a moving vehicle on my skateboard - so you get the picture right?

Slow down, be aware and look out for each other!

Have a BLAST of a Summer! and PEACE MAN!



Parkvale Community Association & Friends

Membership Drive a Huge Success!



The recent membership drive brought our community membership close to 200 paid members! If you still aren't a member, you can join in anytime. Call Dawna Barnes for your membership @ 341-5051. You can also renew or become a new member at the AGM coming in October.

To those that joined this year, a very warm welcome! Thanks for your support. Our community strength depends on you!

Do you know who owns the life insurance on your mortgage? Your bank loan or business loan?

It's most likely the bank!

Why would you give control over something so critical to the bank?

Talk to me about your options, you'll be glad you did!

Terry Whipple
314-0054

Associated with Freedom Insurance Consulting Inc. Licensed with Great West Life
Member of ADVOCIS and Canadian Association of Gift Planners

Note from the Editor

Please give me a call and offer some feedback for this newsletter; what you like, don't like, what you would like to see, a concern that you would like to express, or even an article of interest.

Thanks
Terry Whipple 314-0054



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Parkvale Post Dispatch

Your Community Newsletter

May 2003

In this Issue:

SPRING FLING SOCIAL

Membership Drive!

A Little Birdie Told Me

Note from the President

NEW Ad Campaign

COME JOIN OUR FIRST ANNUAL PLANT EXCHANGE

Mission Statement:

The Parkvale Community Association's mission is to promote the sense of community through enhancing and preserving the quality of living and the historic character of our unique neighbourhood.

Objectives:

- * To ensure effective leadership through an active volunteer executive for the community association.
- * To maintain continual open communication and sharing of information with our membership.
- * To represent and provide a collective voice from our membership to the City of Red Deer.

Goals 2002-2003

- * To hold bi-monthly gatherings incorporating social events into this timeline.
- * To distribute a quarterly newsletter.
- * To be involved in the completion of design guidelines for Parkvale.
- * To investigate the upgrading of the basketball court in the park on the corner of 45 St. & 46 Ave



MAY 24th

SPRING FLING
Plant Exchange
Pioneer Lodge

2 pm to 5 pm

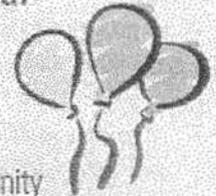
*Swap plants and stories
over complimentary coffee
and cookies, compliments
of the Parkvale Community
Association.*

??? Call Carol @ 340-2192

MEMBERSHIP DRIVE

May 5th - May 10th

To Be or Not To Be?
Not a hard question!



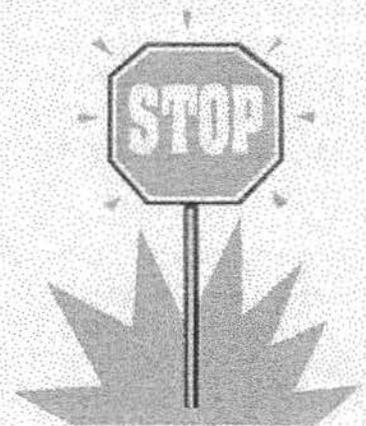
This is the strongest community within the City of Red Deer because of the involvement of the individuals in Parkvale. The primary support of our community association is through MEMBERSHIP. Only \$5 gives you that membership. Every single member adds another strong link to our association.

One of your committed neighbors will be knocking on your door to offer you a membership card personally.

LOOK for the BALLOON & BANNER notices to remind you to set aside your \$5.

NEW: THREE WAY STOP!
COMING SOON TO
INTERSECTION AT 44 ST & 47 AVE

*This was a result of the
street calming
initiatives supported by the
neighbourhood back in
2000.*



Parkvale Community Association & Friends

Note from the President

Well I do believe that "Spring has Sprung" and with it comes one of the great riches of our neighbourhood. As the trees bud and people's gardens begin to sprout we recognize how special an environment we have. I see people are as anxious as I to get out in their yards and gardens. Remember as you are exploring the fruits of your flower beds that we will be having our plant exchange later this month so if you have some to share we hope to see you out.

As we are out in our yards or strolling down our streets we are also given the opportunity to talk to our neighbours new and old. We have a number of new residents in Parkvale and so with this newsletter let us welcome you to Parkvale. We know you will be glad you made the decision to live here. Your neighbourhood has a very strong vital community association that invites you to become a member where you can participate in a variety of manners, be it sitting on any number of the committees or by coming out to our socials and enjoy meeting your fellow residents. Member of the executive of the association will be out visiting door to door in the next week seeking your membership. I encourage you to join. Your support is what helps make the Parkvale Community Association one of the most active and respected community associations in the city.

I am so pleased to see how time and time again when you are called upon to participate in the planning of your community you readily come out to support the process. This was certainly evident again when we came to you regarding the Low Impact Commercial guidelines and when we held the planning workshop April 9th regarding our design guidelines. Let me guarantee you that all your views were heard and considered and it is always rewarding to see that people are truly interested in the neighborhood as a "whole".

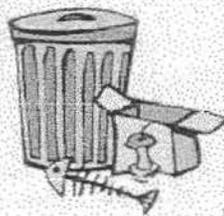
As I review the goals that we set for ourselves this year we are right on track including investigating the upgrading of the basketball court in our park at the corner of 45 St. and 46 Ave. I am scheduled to meet back with the people from the parks department at the city and we shall review the opportunities. As always we shall bring those options forward to you before any final decisions are made.

In closing I also want to take this opportunity to thank all those members that do sit on our committees and executive. National Volunteer Appreciation Week is just coming to an end and for those that volunteer to help make Parkvale the way it is THANK YOU. You help me carry out all my duties and make me proud to sit as your president. Dawna Barnes

Red Deer Heritage
Recognition Awards
Announcement to be made
MAY 9TH, 2003

Due to the strong direction that our neighborhood has taken to preserve our unique community, Parkvale Community Association has been **NOMINATED** for the Red Deer Heritage Recognition Awards for 2003.

**COME OUT TO THE
CEREMONIES AT 11:00 AM
AT THE OLD COURT HOUSE.**



Landfill Coupons

Keep them and use them to clear away unwanted/unsightly garbage

like old furniture and discarded appliances or whatever.

Remember our laneways are also a part of our environment.

Help to keep all of Parkvale beautiful.



Parkvale Community Association & Friends

PARTNERS IN PLANNING

Low Impact Commercial within Residential Neighbourhood

First with regards to the review and updating of Low Impact Commercial Use in a Residential Neighbourhood. Thank you goes out to Parkland Community Planning Services and especially to Johan van der Bank for the tremendous effort and commitment working with our community in what we know will lead to a bright future in that part of Parkvale. It is timely that we should be welcoming a new business to this area. Welcome to Schollie Research & Consulting and Mr. Bruce Schollie we wish you much success.

Design Guidelines

Second is the fabulous input by you the residents and the work by the Steering Committee and John Hull and his group in the development of our own neighborhood design guidelines. A tremendous example of working together to improve and preserve our unique neighbourhood. Keep your eyes open for the notices, they will go to city council for final approval in the very near future.



"A LITTLE BIRDIE TOLD ME"

Jim McLane is home - so glad to hear you are doing well. Grandma Gordon is also on the mend, good to see you sitting at your window.

Karen Waite is a VERY Proud Grandma and we hear there is going to be a wedding in June for Tom & Alana, Congratulations!!

A new resident is the sister of Terry Whipple, residing at Mancuso's 4plex is Denise Oberst and her daughter Lindsay.

Another new resident is baby girl, Gabrielle born April 17th to Tim & Annette Biesick (48th Street).

Do you have a birthday, or a special event that you would like to have printed in our newsletter? Or would you like to share something with the rest of your neighbors? No Charge! Call Terry @ 314-0054

Who's Who?

This is your executive committee:

President	Dawna Barnes
Vice President	Ben Rush
Secretary/Treas.	Shirley Gordon-Cameron
Director	Rita Schuetz
Director	Len Carlson
Director	Virginia Hays
Director	Leona Phillips
Director	Jim McLane
Director	Ruth Deschner

Elections are upcoming in the Fall, look for fresh faces to add to this well established committee!

What do you like most about Parkvale?

Put down one two things, clip and bring to the plant exchange, there will be a basket for replies. Much appreciated!

Parkvale Community Association & Friends



OPPORTUNITY!

OPPORTUNITY!

Parkvale Community Association

Parkvale Community Association invites you to become a partner in our neighbourhood by sponsoring and supporting our community newsletter. Our mission is to promote the sense of community through enhancing and preserving the quality of living and the historic character of our unique neighbourhood.

We believe we are reaching one of our key goals for 2003 "To maintain continual open communication and sharing of information with our membership", by promoting a sense of community through the quarterly distribution of the "Parkvale Post Dispatch".

We have been very successful in the past and plan to continue providing our residents with a quality Newsletter that has timely information, interesting articles and advertising from the businesses that support us.

We invite you to become partners in our community in supporting our newsletter by subscribing and placing an ad. Our next newsletter is scheduled for distribution early August. We would be very interested in discussing a partnership with you.

For further information or to place an ad contact: Terry Whipple - Publisher of Parkvale Post Dispatch at 314-0054 or Dawna Barnes - President of Parkvale Community Association at 341-5051.

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\$100.00 per year

1/2 Page Ad (3.7"x 6")
\$150.00 per year





PARKVALE FILE COPY

COMMUNITY PLANNING WORKSHOP

Date: September 30th, 2002

Time: 7:30 p.m.

Location: Pioneer Lodge

Subject: Preparation of Neighbourhood Design Guidelines



Parkvale Landowners and Residents

September 9, 2002

The City of Red Deer and the Parkvale Community Association invite landowners and residents of Parkvale to attend the above scheduled community workshop. The workshop will begin the process of preparing design guidelines for the Parkvale neighbourhood, a requirement of the City's recently adopted *Greater Downtown Action Plan* that states in:

Policy 2.2 "Develop architectural and urban design guidelines for each distinct downtown neighbourhood," and

Policy 9.2 "Introduce land use bylaw changes and design guidelines to further protect the historic and architectural character of older downtown residential areas of Parkvale."

Design guidelines for the Parkvale neighbourhood are being developed to:

- guide neighbourhood redevelopment and/or infill projects;
- encourage high quality neighbourhood design consistent with a vision that reflects the greater community interests;
- ensure neighbourhood character, features and public amenities are protected, showcased and enhanced; and
- create a planning tool which encourages creativity and flexibility while achieving vitality in the urban environment.

Architectural and urban design guidelines provide an integrated approach to the creation of a high quality public realm and development of a high quality and desirable neighbourhood.

Physical elements that will be considered to be incorporated into the design guidelines include:

- existing landscaping, both public and private;

- boulevards, sidewalks and streetscapes;
- width of properties and resulting street rhythms;
- location of garages, driveways and vehicle access;
- building setbacks, yard development, fence types; and
- building heights, and building massing.



The September 30 workshop is an opportunity for you to gather with neighbours to discuss options, ask questions, and provide your ideas and opinions on design guidelines for your area.

The Process and How You Can Be Involved

The Parkvale design guidelines are being developed as part of the City's continued commitment to involve local community landowners/residents in the planning process and to work with the neighbourhood in response to your interest in establishing clear community development guidelines. A consulting team under the direction of John Hull Architect has been engaged by the City to work with community stakeholders, City Departments and City planners to develop these design guidelines. During this project, you are also invited to:

- provide the consulting team with suggestions for elements to be addressed in the design guidelines;
- view, discuss and provide input on draft design guideline proposals at an Open House to be held early in 2003; and
- write or speak to City Council when any Land Use Bylaw amendments are introduced to implement neighbourhood design guidelines, likely in the spring of 2003.

The City wishes to provide a balanced approach between public control and private initiative. Neighbourhood design guidelines will only be aimed to control private development activities in those areas where public and community interest is justified. Design guidelines are intended to be flexible enough to allow for unanticipated requirements and creative development proposals, while ensuring that community interests are maintained.



If you require more information please contact Dawna Barnes, President, Parkvale Community Association at 341-5051; John Hull, Architect at 309-3690 or Tony Lindhout, Planner at Parkland Community Planning Services at 343-3394.

JOHN HULL ARCHITECT ...consultant for the preparation of design guidelines

PARKLAND COMMUNITY PLANNING SERVICES ... your City of Red Deer Planning Office

On behalf of





Parkvale Post Dispatch

Your Community Newsletter

December 2002

In this Issue:

Note From the President
Upcoming Meeting
Annual Holiday Gathering
Who's Who
What Can YOU do?

Old Fashioned
Christmas Get
Together 
Dec. 4th, 2002

5:30 Pm
Pioneer Lodge

#1

BUSINESS ITEM

Review of Bylaw
"Low Impact Commercial"

THE PIONEER LODGE
ON DEC. 4TH

Note from the President

Wow, another milestone for the Parkvale Community Association. This newsletter represents one more way we are committed to keeping you the residents informed. As your President I want you to know that I am honored and proud to be a resident in this downtown jewel. Parkvale is one of the smallest communities in Red Deer yet one of the most active and committed neighborhoods in the city and the envy of many.

Parkvale has witnessed tremendous changes over the last couple of decades. Certainly we have seen many in just the last few years. We have faced a variety of challenges; rezoning, Low Impact Commercial, design guidelines just to mention a few but I believe we have always looked for a solution that will serve us well. We have also come together to celebrate the season or partake in the beautification of our neighborhood through "Communities in Bloom" and our very own garden contest. These things do not happen in isolation but through the commitment and contribution of you the residents.

What makes us so unique beyond our historical nature and the abundance of natural environment is the social fabric we have. We are as eclectic as our homes. Each and every resident brings their own special character to make Parkvale what it is. It is this diversity that I embrace. I have felt the personal rewards of becoming involved in my community and I encourage each and every one of you to do the same. This doesn't mean taking on a huge role, by becoming a member of the association and attending our gatherings may be all you wish to commit to and that is fine. Some may wish to join a committee or volunteer to deliver flyers. Maybe you simply get to know the people on your street. All of these areas help to make Parkvale a safe, vibrant community. I do look forward to seeing many of you on December 4, 2002 gathering.

Dawna

Mission Statement:

The Parkvale Community Association's mission is to promote the sense of community through enhancing and preserving the quality of living and the historic character of our unique neighbourhood.

Parkvale Community Association & Friends

Old Fashioned Christmas Get Together

December 4th, 5:30 pm @ The Pioneer Lodge

Share memories of Christmas past as you enjoy an evening with friends and neighbors.

Let's share a finger food supper with your favorite sandwich or Christmas cookie with recipe.

Gift exchange game for those who want to participate. Choose a homemade gift or something you already have at home that you would like to give to somebody else.

Popcorn and cranberry stringing.

Bring old Christmas cards to donate for children's crafts.

Picture to be raffled.

Please bring a donation for the food bank.

Apple cider and coffee provided.



Who's Who?

This is your executive committee:

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Vice President	Ben Rush
Secretary/Tres.	Shirley Gordon-Cameron
Director	Rita Schuetz
Director	Len Carlson
Director NEW	Virginia Hays
Director	Leona Philips
Director	Jim McLane
Director	Ruth Deschner

Ken Arnold is stepping down from his position as Director effective Dec. 4/02. We wish to thank him for his years of work and commitment to Parkvale.

CALL FOR VOLUNTEERS!!!

Do a little, help alot!

Your neighborhood street needs you to help deliver this quarterly newsletter.

Call Terry Whipple @ 314-0054 to get involved.

**Parkvale Community
Association Hosts**

**Women Safety & Self-defense
Workshop (two parts)**

**Facilitated by: Red Deer Crisis
Centre & RCMP**

Dec. 10/02 1:00 - 4:00 pm

Dec. 12/02 7:00 - 9:30 pm

Pioneer Lodge

\$10.00 fee

Call 342-7664 to register

What Can You Do?



Follow this arrow to the word
NEW give you any ideas?

GET INVOLVED

SUPPORT MEMBERSHIP!

GET YOURS NOW!

(It is still ONLY \$5 per year)

You can be involved at any

level - Just do It!

Parkvale Community Association & Friends

Christmas Party Highlights

If you didn't join us for our Christmas Party, boy did you miss alot!

Here are some highlights and pictures that will bring back that great time for your if you were there, if you weren't - too bad - maybe you'll be there for our Winter Wonderland Festival.

* Ken Arnold, recently retired long standing Vice President, received the book "History of Red Deer" by Michael Dawe, presented by Dawna Barnes (current president) as a momento of long standing service to Parkvale.

* Virginia Hays was introduced as newly nominated to the Parkvale Executive Committee.

* Dawna Barnes presented Parkvale's Alberta Certificate of Non-Profit Association as well as the New Mission Statement that was welcomed as a fixture to the Pioneer Lodge.

* The food was diverse and plentiful. Activities were blended so everyone could join in. The gift exchange was a hit!

* **Santa couldn't help but show up - SHE knows where the fun is!**



Thanks to the Social Committee



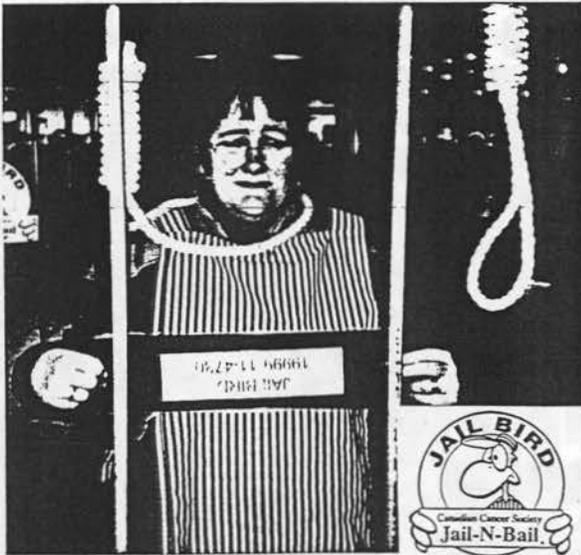
From left to right:
Karen Waite, Carol Scott,
and Shirley Gordon Cameron

Do you have some favorite picture or story that you could share with your neighbors?

We are starting a scrap book for our unique neighborhood so that generations will have information on their homes, families and surrounding area.

If you can HELP please call Terry @ 314-0054

Parkvale Community Association & Friends



*Thanks to all that helped
bail the Prez out!*

Dawna's Bail amounted to over \$1400!
Thanks for the support.

Self-Defense Workshop Results

On Dec. 10th and 12th of 2002 a self-defense workshop for women was held sponsored by the Parkvale Community Association.

It was very successful with 19 women attending. The first session had presentations from Judy Ostrander and Linda Lauer, educators from the Red Deer Crisis Centre and Constable Wayne Young of the RCMP. The second session was a presentation by Chuck Guyette and his team from Chuck's Kuen Tao.

We had women of various ages and we all came away more aware and self-confident about walking, driving or being safe in our homes and community.

Thanks to all the presenters, to Dawna Barnes and the Parkvale Community Association for getting the permission for us to use the Pioneer Lodge for this workshop. If you are interested in a workshop feel free to call the Red Deer Crisis Center at 340-1124 and ask for Judy.

Tidbits

HEART & STROKE CANVASSING



Local residents will be knocking on your door this month for support. Please do what you can, as heart attack and stroke affect all of us in some way.

If you have a business that you would like to promote through our newsletter
Please contact: Terry @314-0054



There have been moose spotted throughout the neighborhood recently, attracted to crab apple trees. Keep your eyes open so you don't walk right into one!



Parkvale Post Dispatch

Your Community Newsletter

February 2003

In this Issue:

- Winter Wonderland Feb.22
- Note from the President
- Christmas Party Highlights
- Who's Who
- Self-defense Workshop
- Tidbits



Parkvale 2nd
Annual Winter
Wonderland
Festival
Saturday
Feb. 22nd
2pm - 8 pm
Pioneers
Lodge
**POTLUCK
SUPPER**
5:30PM

Mission Statement:

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- * To distribute a quarterly newsletter.
- * To be involved in the completion of design guidelines for Parkvale.
- * To investigate the upgrading of the basketball court in the park on the corner of 45 St. & 46 Ave.

Come Join the Fun!

"For Young & Old Alike"

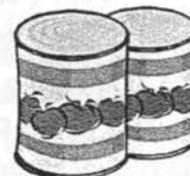
RAFFLE...GAMES...KAREOKE...
SING-A-LONG @ STAN
"SPECIAL GUEST APPEARANCE"

COME OUT AND GET TO KNOW THE
WONDERFUL FOLKS OF PARKVALE!

??? Call Carol @ 340-2192

WELCOME NEW RESIDENTS!!!

Please come join us!



**FOOD
BANK DONATION**

If you missed the Christmas Party
here is your chance to catch up
and get your MEMBERSHIP!!

Parkvale Community Association & Friends

Note from the President

Time certainly passes quickly. With almost a year gone by we are about to host our second annual Winter Wonderland Festival scheduled for February 22, 2003. I understand that the social committee has been putting a lot of planning into this day. Many of you will recall the enjoyable time had by all last year. We hope to see you all come back this year. For new residents, this is a fabulous occasion to come out meet and visit with your neighbours, enjoy a card game or maybe take your chance at the raffle. I'm safe in saying you will absolutely enjoy the pot luck. With activities for all ages we are guaranteed a good time.

I would also like to update you on the status of the Low Impact Commercial Bylaw and Design Guidelines. After reviewing the Low Impact Commercial Bylaw with the community in early December and working with the Parkvale Land Use Committee, Johan Van der Bank, of Parkland Community Planning Services delivered his report to the Municipal Planning Commission, City of Red Deer on Feb. 3, 2003. This report along with a revised bylaw was presented to City Council on February 10, 2003 and will go to public hearing on March 10, 2003. We believe that this bylaw will address the concerns raised since the original bylaw was passed almost two years ago.

Since meeting with the community in the fall the consulting team lead by John Hull have continued to work on the design guidelines project. They have met regularly with the steering committee to review drafts of their proposal. I look forward to having them bring back their recommendations to the residents for their review. You should hear more about that in March.

It is an exciting time for our community. You may have read in our local papers about the recommendations for the Provincial Centennial here in Red Deer. As Parkvale will also be celebrating it's Centennial we have a particular interest in discussions around the 48 Street Promenade now being referred to as Centennial Way. I'm sure we shall hear more. I know that the executive have begun discussions around our community celebration. Rest assured that we will be seeking your input into this very important milestone. While Parkvale approaches 100 years old it is committed to remembering it's past as it excitedly looks to the future.

Dawna

Who's Who?

This is your executive committee:

President	Dawna Barnes
Vice President	Ben Rush
Secretary/Tres.	Shirley Gordon-Cameron
Director	Rita Schuetz
Director	Len Carlson
Director	Virginia Hays
Director	Leona Philips
Director	Jim McLane
Director	Ruth Deschner

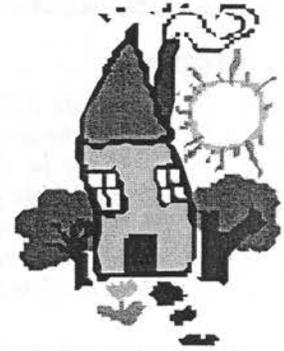
If you would like to have a concern brought forward at the next executive meeting please contact :

Dawna Barnes @ 341-5051

This is your Social Committee, responsible for all the fun functions that we are so fortunate to share with our neighbors:
Carol Scott
Karen Waite
Shirley Gordon-Cameron

Thanks Girls

PARKVALE COMMUNITY MEETING



Date: April 9th, 2003
Time: 7:30 p.m. to 9:30 p.m.
Location: Pioneer Lodge
Subject: Draft Neighbourhood Design Guidelines

Parkvale Landowners and Residents

March 28, 2003

Following the September 2002 community visioning workshop which many of you attended to provide neighbourhood input, consultants engaged by the City of Red Deer have been busy with the process of preparing architectural and urban design guidelines for the Parkvale neighbourhood. This initiative is supported by your Community Association and is a requirement of the City's Greater Downtown Action Plan.

The purpose of design guidelines for the Parkvale community are to guide neighbourhood redevelopment and/or infill projects; encourage high quality neighbourhood design consistent with a vision that reflects the greater community interests; ensure neighbourhood character, features and public amenities are protected, showcased and enhanced; and to create a planning tool which encourages creativity and flexibility while achieving vitality in the urban environment.



You are invited to attend this meeting at which time a draft set of community architectural and design guidelines will be presented by the consultants for public review, comment and discussion. A summary of the draft design guidelines are contained on the back side of this page.

If you require more information please contact Dawna Barnes, President, Parkvale Community Association at 341-5051; John Hull, Architect at 309-3690 or Tony Lindhout, Planner at Parkland Community Planning Services at 343-3394.

JOHN HULL ARCHITECT ...consultant for the preparation of design guidelines

PARKLAND COMMUNITY PLANNING SERVICES ... your City of Red Deer Planning Office

On behalf of



City of Red Deer
Parkvale Community - Urban Design Guidelines

PUBLIC OPEN HOUSE

SUMMARY OF DRAFT GUIDELINES

VISION

Parkvale will be a special neighbourhood where people will enjoy the amenities of the parks and the downtown. Homes will not be overshadowed by large developments or hidden behind large garage fronts. The front porch in relation to the public boulevard will enable people to casually interact with their neighbours. The neighbourhood will continue to be lush with a colourful variety of vegetation, fencing, and houses.



PURPOSE AND OBJECTIVES

The purpose of these Design Guidelines is to guide infill housing in the existing mature neighbourhood of Parkvale. The primary goal is to ensure that infill housing as well as additions, renovations, or new accessory buildings are designed in a manner which is sensitive to the local context and neighbourhood character while encouraging a variety of housing choices.

These guidelines will be integrated into the City's development approval process and are intended to improve the development approval process and the quality of infill housing and renovations in the community. This document addresses design elements as follows:

1. Site Development

The existing historic grid of Streets, Avenues and lanes will be maintained as will the rhythm of existing building separations, as represented by the width of existing buildings and the width of the openings between existing buildings. New buildings should be at a scale which is compatible with adjacent existing structures and respect the established building massing (heights, widths and depths) and setbacks in the neighbourhood.

2. Principle Building Design

Design buildings to respect the invisible lines created by existing neighbourhood building features such as cornices, gable heights, porch elevations and other defining elements. Create interest and vitality in new building facades using colour and elements found within the existing neighbourhood such as porches, gables, dormers etc. The architectural design of development does not have to mimic or imitate the older styles of local buildings to comply. Contemporary exterior materials and architectural styles may be used provided that, in the opinion of the Development Authority, the overall site development including landscaping is of a high visual quality and responsive to the streetscape character of the area.

3. Design of Garages and Other Accessory Buildings

Accommodate vehicle parking and circulation in a manner that respects the existing neighbourhood condition. Vehicle parking should not dominate front yards and should not detract from the character of the neighbourhood.

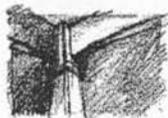
4. Landscaping

Landscaping treatment shall serve the purpose of minimizing the perception of massing, enhancing the overall visual appearance of the site and preserving the general character of the adjacent streetscape.

Also addressed in this document is the development of Public Places

Public spaces will enhance the traditional character of the neighbourhood properties. The boulevards with mature trees will remain as a dominant element on the streets.

Prepared By:



John Hull
Architect

In Association With:

Urban Plans Inc
Carlyle & Associates
Grandview Consulting
Whiting Architecture
Infrastructure Systems Ltd

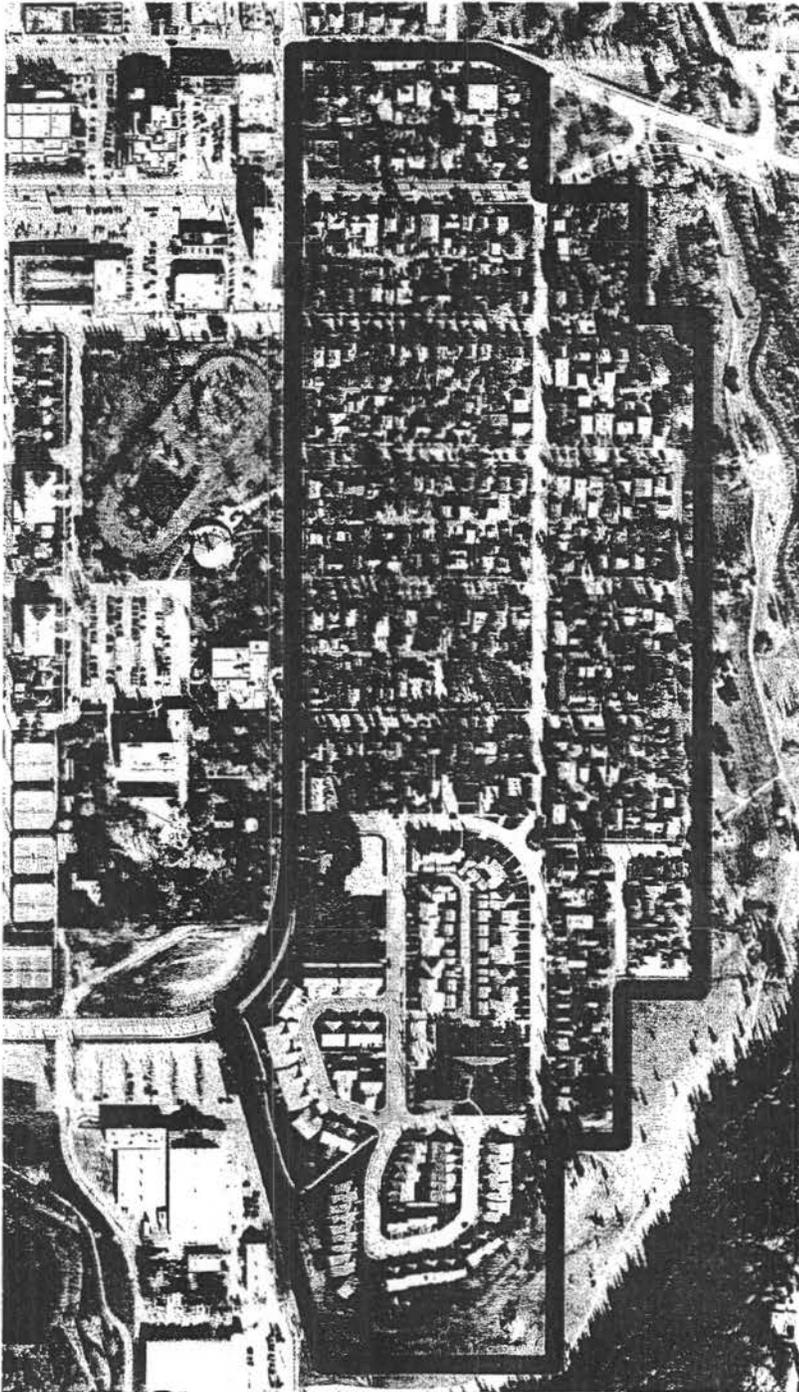
Prepared For:



And
Parkland Community
Planning Services

Parkvale Community

Modest Infill Design Guidelines



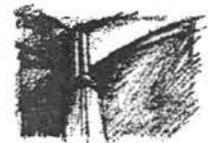
FINAL DRAFT

Prepared for:

The City of Red Deer
4808 Ross Street, Suite 404
Red Deer, Alberta T4N 1X5

September 12, 2003

Prepared by:



John Hull
Architect

City of Red Deer
Parkvale Community – Modest Infill Design Guidelines

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1.0 INTRODUCTION

1.1. VISION

Parkvale will continue to be a unique, quiet, family-oriented neighbourhood where people enjoy the amenities of the adjacent parks and downtown. Homes are to not be overshadowed by large developments or hidden behind large garage fronts. The front porches and sidewalks are to enable people to casually interact with their neighbours. The neighbourhood will continue to be a visually rich environment combining a colourful variety of landscaping, fences, homes and garages.

1.2. PARKVALE COMMUNITY ASSOCIATION MISSION STATEMENT

The Parkvale Community Association's mission is to promote the sense of community through enhancing and preserving the quality of living and the historic character of our unique neighbourhood.

1.3. PURPOSE

The purpose of these Design Guidelines is to guide infill housing and redevelopment in the existing mature low density residential neighbourhood of Parkvale. The primary goal is to ensure that low density infill housing as well as additions, renovations, or new accessory buildings are designed in a manner which is sensitive to the local context and neighbourhood character while encouraging a variety of housing choices.

These guidelines are to be read in conjunction with the City of Red Deer Land Use Bylaw and are intended to enhance the development approval process and the quality of infill housing and redevelopment in the community. This document addresses the following design elements:

- Site Development
- Principal Building Design
- Accessory Buildings
- Landscaping

2.0 BACKGROUND

2.1. THE GREATER DOWNTOWN ACTION PLAN

The Greater Downtown Action Plan was approved by Council on August 14, 2000. The following policies from this document have been instrumental in the development of these design guidelines:

Policy 2.2 Develop architectural and urban design guidelines for each distinct downtown neighbourhood.

Policy 2.3 Develop a five year program of physical improvements for all nine downtown neighbourhoods, street name signs, furniture, street lamps, colour, landscaping, etc.

Policy 9.1 Retain Parkvale and the existing low-density areas in the north downtown residential area as low-density residential neighbourhoods; preserve the quality residential environment in these areas through continuing to maintain the streets, boulevard areas and landscaping to a high standard; consider enhancements such as neighbourhood signs and other public amenities to highlight their distinct characters.

Policy 9.2 Introduce land use bylaw changes and design guidelines to further protect the historic and architectural character of the older downtown residential areas of Parkvale and the north downtown residential areas.

2.2. DESCRIPTION OF PARKVALE

The **Parkvale** Community is a quiet, historic, low density residential area located on the east side of Red Deer's Downtown core.

It is clearly defined physically by Barrett Park on the east and south, Rotary Recreation Park on the west, Ross Street on the north. See Diagram 1, following page.

The traditional architectural character of the community is defined as 1 or 2 storey small homes with an entrance and often with a verandah facing the street and generous side yards.

The existing front yard setbacks vary from street to street. Vehicle site access is primarily from the 6 metre (20') wide lanes.



Figure 1. A local historically significant house

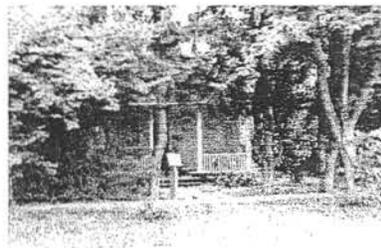


Figure 2. Another local historically significant house

Property boundaries are well defined, with a wide variety of fences and landscaping. The scale of the homes is generally small, with traditional architectural materials in a wide range of colours, from earth-tones to bright colours. Many existing developed properties have been grouped into multiples of 7.6 metres (25 feet) lots [i.e. 15.2 metres (50 feet) or 22.9 metres (75feet)]. The development of the narrow lots has historically helped create the visually unique qualities of Parkvale.

A strong characteristic of Parkvale is its wide variety of street edge hedges and fences and screens. The sidewalks are defined by grassed boulevards, most with handsome arcades of mature ash and spruce.

Much of Parkvale has recently been rezoned through an extensive, community-driven process. Previously zoned R1A, it is now generally zoned R1. Discretionary low impact commercial is allowed along Ross and 49th Streets.

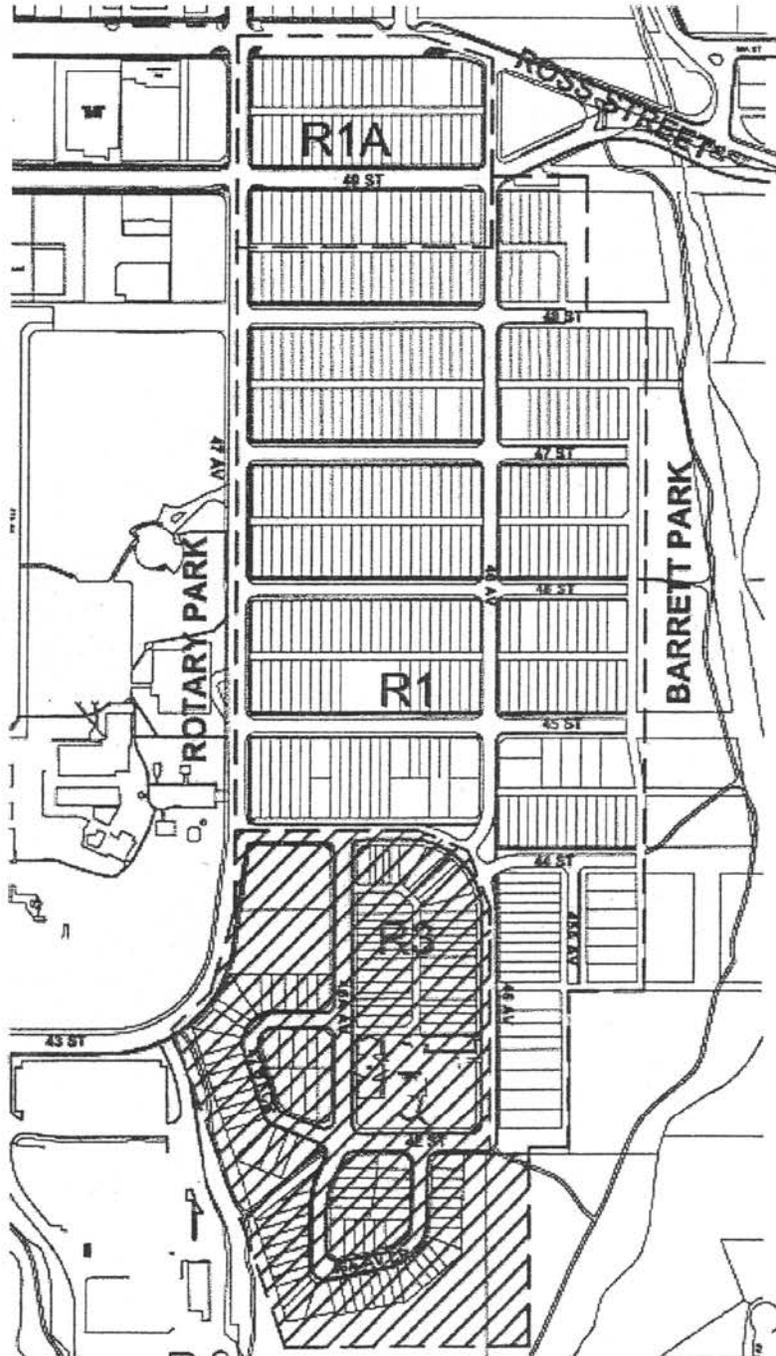


Diagram 1. Boundaries of Parkvale Community

The guidelines do not apply to the R3 Area indicated by the diagonal hatch.

3.0 DEVELOPMENT OF PUBLIC SPACES

VISION

Public spaces are to enhance the traditional character of the neighbourhood properties. The boulevards with mature trees are to remain as a dominant element on the streets.

The combination of features which make up the various elements of the public street, including the edge of the public environment - curb, pavement, boulevard, light fixtures, sidewalk materials, grates, benches, waste receptacles, street landscaping and building elevations are referred to as the "Streetscape". In streetscape projects these elements are usually designed in a coordinated manner, use unique materials and colour and offer a high level of amenity.

Subject to local improvement bylaws, a functional and attractive streetscape is to be developed by a joint venture between the City of Red Deer and the Parkvale Community Association.

The 48th Street Promenade is to be developed in accordance with a detailed design.

Trees are to be planted in the boulevards where there are gaps in the rhythm of the arcade of trees.

Sidewalks are to be replaced matching the existing 1.2 metre wide sidewalks.

A funding program for preservation of historical buildings could be considered.

The following items could be considered for inclusion in local improvement bylaws:

- Character street signs, street lighting, gateways, and street furniture.
- Sidewalk improvements with drop curbs at road intersection corners.
- Relocation of overhead utilities to underground where possible.
- Construction of lanes to city standards for rear vehicle access.



Figure 3. Existing Boulevard Trees

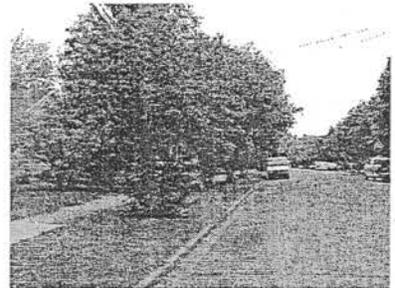


Figure 4. Existing Boulevard Trees



Figure 5. A street without boulevard trees.

4.0 DESIGN GUIDELINES

4.1. SITE DEVELOPMENT

Design Principles

The existing historic grid of streets, avenues and lanes are to be maintained. The unique rhythm of buildings and yards in Parkvale are to be reinforced. New buildings are to respect the existing architectural character and site development in the neighbourhood.

Implementation Mechanism

The following guidelines will be implemented by the City of Red Deer through Land Use Bylaw Amendment 3156/RR-2003 whereby a special overlay district (Mature Neighbourhood – Parkvale District), containing the essence of these guidelines as additional development regulations superimposed over the existing zoning, will be created for the low density residential areas within the Parkvale community.

GUIDELINES

Guideline 1. The maximum building width is to be 12.2 metres (40 feet). Minimum side yard regulations are to be maintained in Parkvale. (Refer to diagrams 2 and 3)

Guideline 2. No subdivision of a consolidated title is to result in a lot width less than 11.4 metres (37.5 feet).

Guideline 3. The front yard setback is to be determined by averaging the setback of all existing buildings on the same block as the proposed development. On corner properties, the front yard shall be in the same direction as front yards on the remainder of the block. (Refer to diagram 2.)

Guideline 4. In addition to the maximum building height indicated in the Land Use Bylaw, the building envelope is to be restricted such that along the side property lines from a height of 5.5 metres (18 feet) up, the building envelope is to slope inward at a 45degree angle up to the maximum building height. (Refer to Diagram 3)



Figure 6. This is an example of a larger house next to a smaller house. The front elevation is broken up into three gable elements which serve to reduce the appearance of the building's mass. (Guideline 6)

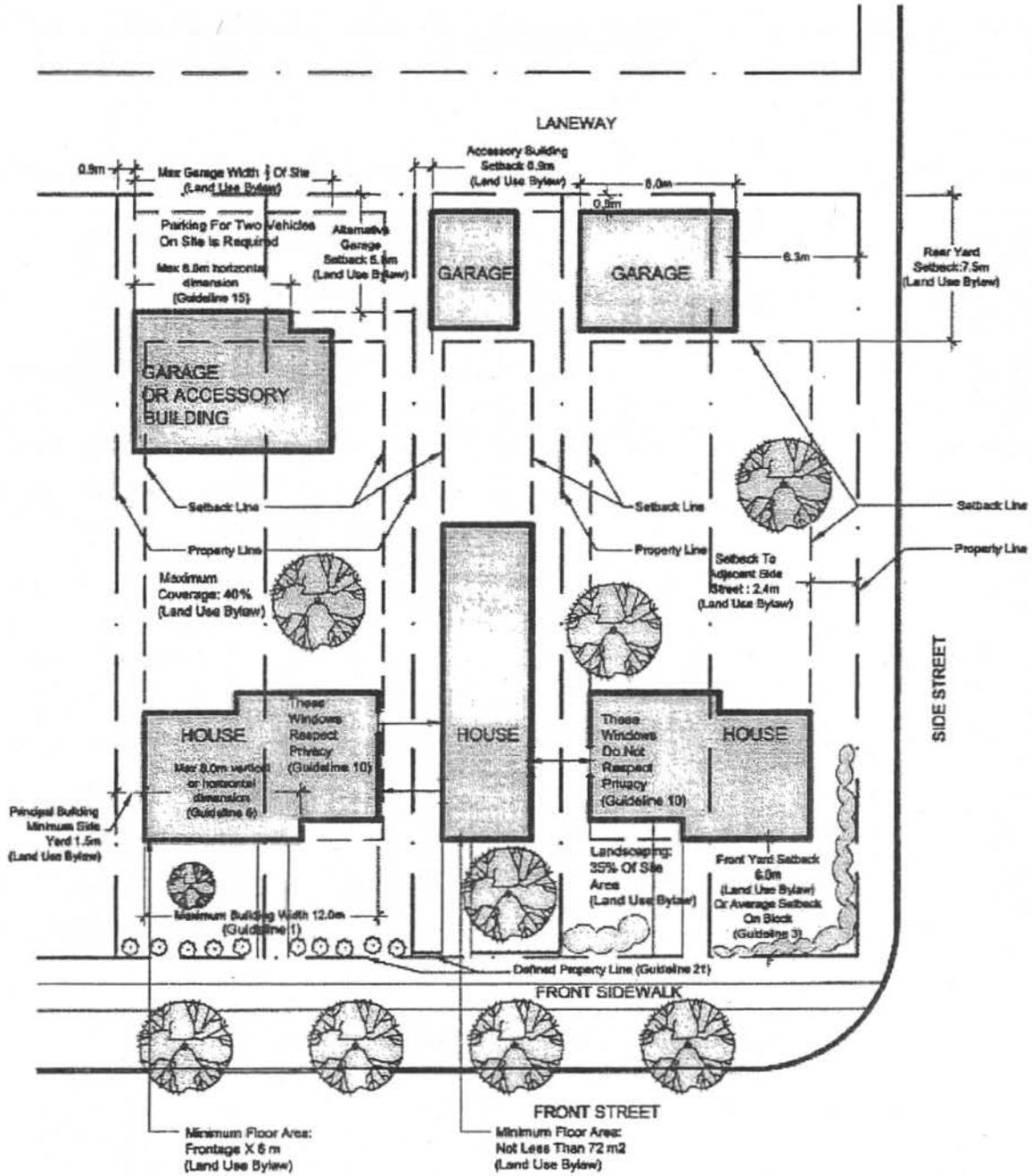


Diagram 2. Plan illustration of site development criteria from the Land Use Bylaw and these guidelines

4.2. PRINCIPAL BUILDING DESIGN

Design Principles

Create interest and vitality in new buildings using colour and architectural elements found within the existing neighbourhood such as porches, gables, dormers etc. The architectural design of development does not have to mimic the older styles of local buildings to comply, but it must respect it.

Contemporary exterior materials and architectural styles may be used provided that, in the opinion of the Development Authority, the overall site development including landscaping is of a high visual quality and responsive to the streetscape character of the area.

Guidelines

Guideline 5. The main floor of the principal building is to be a maximum height of 1.2 metres (4 feet) above grade of adjacent sidewalk. Consideration is to be given only where the existing sewer service depth would prevent a 2.4 metres (8 feet) ceiling in the basement. (Refer to diagram 3)

Guideline 6. Design features of the principal building including projections, recesses, variations, terracing, and gables are to be used to minimize the perception of mass and height and to break up large flat surfaces, including roof faces. On elevations facing streets or lanes, surfaces with a vertical or horizontal wall length greater than 8 metres (26 feet) in either direction are not to be permitted. (Refer to diagrams 2 & 3)



Figure 7. Design features minimize the perception of mass. (Guideline 6)

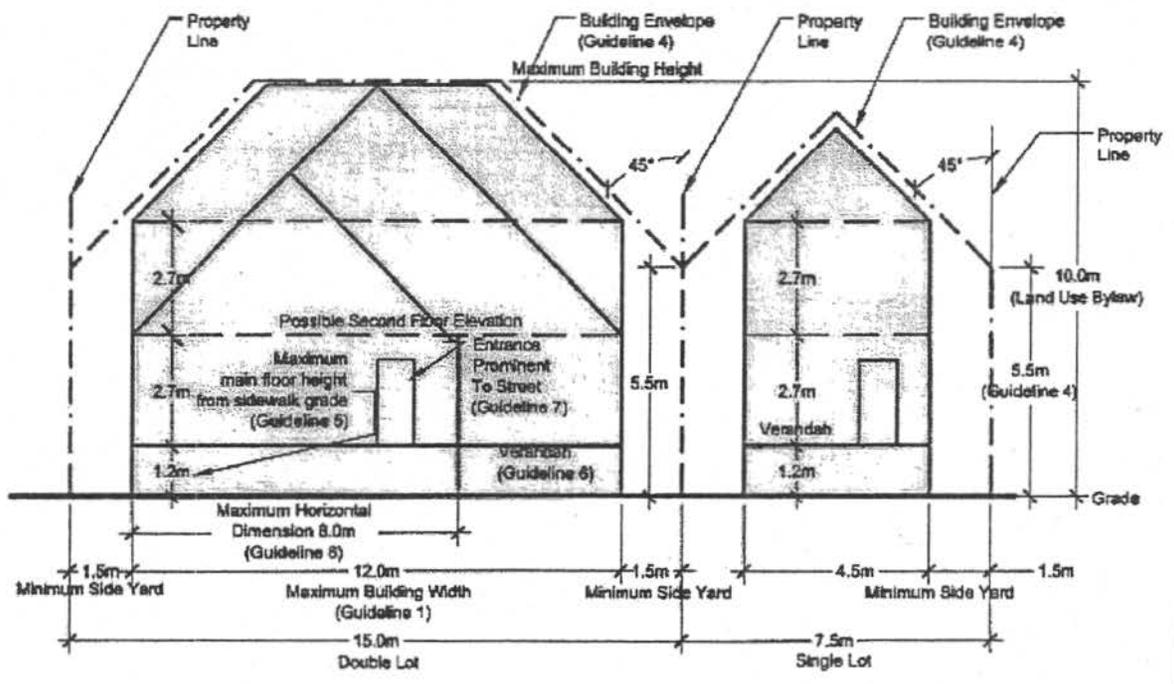


Diagram 3. illustration of vertical guidelines

Guideline 7. The main entrance of the principal building is to be on the front of the building, prominent to the street and be located in a manner which respects the privacy of the neighbours. (Refer to diagram 3)

Guideline 8. On corner lots, the main entrance of the principal building is to face in the same direction as the other house entrances on its block.

Guideline 9. Corner lot development is to address both frontages with equal quality of architectural treatment given to both elevations.

Guideline 10. Side windows and balconies are to respect privacy of neighbours. They should be located to minimize direct views into existing neighbouring windows and views overlooking neighbouring yards. (Refer to diagram 2)

Guideline 11. For duplexes as allowed on properties zoned R1A, each unit should be treated with distinction.

Guideline 12. The use of vibrant colours and textures are to be encouraged. Bright colours are an attractive quality of the existing buildings.

Guideline 13. Overhead utility services are to be connected onto the side or the rear of the principal building. No meters are to be allowed on the front of the building



Figure 8. A front porch with the principal entrance facing the street. (Guideline 7)



Figure 9. A front porch with the principal entrance facing the street. (Guideline 7)

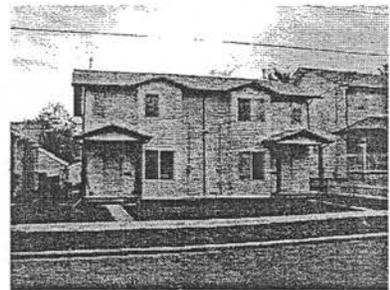


Figure 10. Front overhead utility service is not desirable. (Guideline 13)

4.3. GARAGES AND ACCESSORY BUILDINGS

Design Principles

Accommodate vehicle parking and circulation in a manner that respects the existing neighbourhood condition. Vehicle parking should not dominate front yards and should not detract from the character of the neighbourhood.

Guidelines

Guideline 14. Garages and other accessory buildings are to be designed to compliment the principal building on same property. This may be achieved by utilizing similar or compatible exterior materials, colours and architectural details. This guideline applies to both new developments as well as new garages on lots with existing houses.

Guideline 15. On elevations facing streets or lanes, accessory buildings with horizontal walls that are greater than 8 metres (26 feet) in either direction are to have design features including projections, recesses, variations, or gables to minimize the perception of mass and height and to break up large flat surfaces, including roof faces. (Refer to diagram 2)

Guideline 16. On properties with a lane, all vehicle access to the property is to be from the lane. This applies to corner properties as well.

Guideline 17. On properties that do not have a lane, vehicle access is to be permitted from the front. On corner properties without a lane, vehicle access is to be from the side. These accesses are to be hard surfaced, i.e. asphalt, concrete.

Guideline 18. Front or side garages are not to protrude beyond the front wall of the principal building. Boulevard trees are not to be removed to accommodate any front vehicular access.



Figure 11. This is an example of a garage that would be permitted which is accessible from a lane. (Guideline 15)



Figure 12. This is an example of a front garage that would be permitted where there is no lane. (Guideline 18)



Figure 13. This is an example of a front garage that would not be permitted because it dominates the streetscape and the main entrance is not prominent. (Guideline 18)



Figure 14. This is an example of a garage that would not be permitted because it has a surface dimension greater than 8 metres without any design features. (Guideline 15)

4.4. LANDSCAPING

Design Principles

Landscaping treatment shall reduce scale of large developments, enhance the overall visual appearance of the site and preserve the general rich character of the existing streetscape.

Guidelines

Guideline 19. Mature trees contained within residential properties are to be preserved to the greatest extent possible.

Guideline 20. In developments with new principal buildings, where mature vegetation or landscaping material has been removed, new landscaping material is to be added to the front yard.

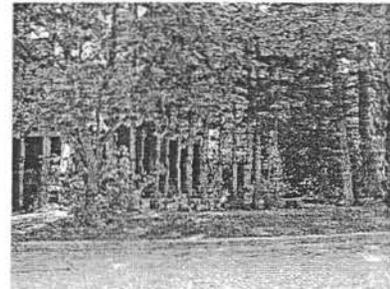


Figure 15. Trees defining a property boundary. (Guideline 20)

4.5. APPLICATION PROCESS

Where an application for development does not comply with the regulations of the Land Use Bylaw and these Design Guidelines, the application is to be forwarded by the City to the Community Association for review and comment. In addition to the requirements of the Land Use Bylaw, any development application for a new building or major structural renovation, alteration, addition and/or reconstruction of any existing building is to include:

1. A site plan showing the existing and proposed grades, trees, landscaping features, buildings, extent of demolition, proposed height of the main floor, fence locations and utility service locations.
2. A sketch showing the window locations of existing adjacent buildings.
3. Any part of the proposed development which does not comply with the Land Use Bylaw and these design guidelines is to be clearly indicated on the development application.

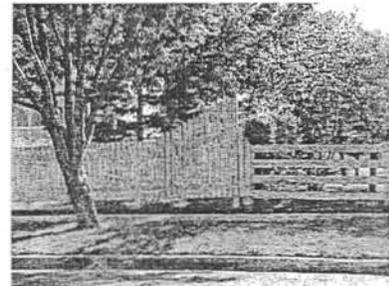


Figure 16. A sample of the variety in fencing styles in the neighbourhood. (Guideline 20)



Figure 17. A carefully manicured hedge forms a site boundary. (Guideline 20)

FILE



LEGISLATIVE & ADMINISTRATIVE SERVICES

November 4, 2003

Dawna Barnes, President
Parkvale Community Association
4633 - 47 Street
Red Deer, AB T4N 1R1

Dear Dawna:

***Land Use Bylaw Amendment 3156/RR-2003
Parkvale Design Guidelines***

At the City of Red Deer's Council meeting held Monday, November 3, 2003, Council reviewed a report from the City Solicitor clarifying Land Use Bylaw Amendment 3156/RR-2003 with respect to incorporating the principles of the Parkvale Community Modest Infill Design Guidelines as guidelines or regulations.

As you are aware, Council agreed as follows:

1. To amend this Land Use Bylaw Amendment, to clarify that compliant applications for development in Parkvale need not go to the Municipal Planning Commission for consideration.
2. To approve this Land Use Bylaw Amendment, as amended, that reflects regulations. A copy of the bylaw is enclosed for your information.

Thank you for your commitment to the community.

Please call if you have any questions.

Sincerely,

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

Kelly Kloss
Manager
/attach.

c Parkland Community Planning Services



FILE

LEGISLATIVE & ADMINISTRATIVE SERVICES

November 4, 2003

Mr. & Mrs. Rees
4519 – 46 Street
Red Deer, AB T4N 1M5

Dear Mr. & Mrs. Rees:

*Land Use Bylaw Amendment 3156/RR-2003
Parkvale Design Guidelines*

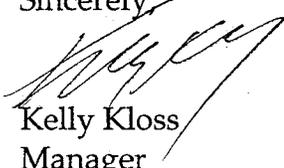
Thank you for submitting your comments regarding Land Use Bylaw Amendment 3156/RR-2003 – Parkvale Design Guidelines.

Council reviewed all comments submitted in determining if the principles outlined in the Parkvale Community Modest Infill Design Guidelines should apply to development in the Parkvale Community.

At the November 3, 2003 Council Meeting, Council agreed that regulations be included in the Land Use Bylaw for development in Parkvale to comply with Infill Design Guidelines. However, there is a provision that should an individual want to vary the regulations, based on certain development needs, application can be made to the Municipal Planning Commission to relax these regulations.

For your reference, I have included the approved Land Use Bylaw Amendment and the Infill Design Guidelines. Should you have any questions regarding the regulations, please contact Mr. Tony Lindhout at Parkland Community Planning Services at 343-3394 or myself regarding the Council process.

Sincerely,



Kelly Kloss

Manager

/attach.

c Parkland Community Planning Services



FILE

LEGISLATIVE & ADMINISTRATIVE SERVICES

November 4, 2003

Mr. Steve Cross
4603 – 44 Street
Red Deer, AB T4N 6S7

Dear Steve:

*Land Use Bylaw Amendment 3156/RR-2003
Parkvale Design Guidelines*

Thank you for submitting your comments regarding Land Use Bylaw Amendment 3156/RR-2003 – Parkvale Design Guidelines.

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Sincerely,

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

Kelly Kloss
Manager
/attach.

c Parkland Community Planning Services



FILE

LEGISLATIVE & ADMINISTRATIVE SERVICES

November 4, 2003

Occupant
4616 – 46 Street
Red Deer, AB T4N 1M8

Dear Sir/Madam:

*Land Use Bylaw Amendment 3156/RR-2003
Parkvale Design Guidelines*

Thank you for submitting your comments regarding Land Use Bylaw Amendment 3156/RR-2003 – Parkvale Design Guidelines.

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Sincerely,

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Kelly Kloss
Manager
/attach.

c Parkland Community Planning Services



FILE

LEGISLATIVE & ADMINISTRATIVE SERVICES

November 4, 2003

Ms Jane Brock
4601 – 46 Street
Red Deer, AB T4N 1M7

Dear Ms. Brock:

*Land Use Bylaw Amendment 3156/RR-2003
Parkvale Design Guidelines*

Thank you for submitting your comments regarding Land Use Bylaw Amendment 3156/RR-2003 – Parkvale Design Guidelines.

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Sincerely,

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Kelly Kloss
Manager
/attach.

c Parkland Community Planning Services



FILE

LEGISLATIVE & ADMINISTRATIVE SERVICES

November 4, 2003

Ms Laurel Mutch
4539 – 46 Street
Red Deer, AB T4N 1M5

Dear Ms Mutch:

*Land Use Bylaw Amendment 3156/RR-2003
Parkvale Design Guidelines*

Thank you for submitting your comments regarding Land Use Bylaw Amendment 3156/RR-2003 – Parkvale Design Guidelines.

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Sincerely,

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Kelly Kloss
Manager
/attach.

c Parkland Community Planning Services



FILE

LEGISLATIVE & ADMINISTRATIVE SERVICES

November 4, 2003

Ms Sandra McKendrick
4532 - 45 Street
Red Deer, AB T4N 1K1

Dear Ms McKendrick:

*Land Use Bylaw Amendment 3156/RR-2003
Parkvale Design Guidelines*

Thank you for submitting your comments regarding Land Use Bylaw Amendment 3156/RR-2003 - Parkvale Design Guidelines.

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Kelly Kloss
Manager
/attach.

c Parkland Community Planning Services



LE

LEGISLATIVE & ADMINISTRATIVE SERVICES
November 4, 2003

Occupant
4536 – 45 Street
Red Deer, AB T4N 1K1

Dear Sir/Madam:

*Land Use Bylaw Amendment 3156/RR-2003
Parkvale Design Guidelines*

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Sincerely,

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Kelly Kloss
Manager
/attach.

c Parkland Community Planning Services

LEGISLATIVE & ADMINISTRATIVE SERVICES

November 4, 2003

Mr. Don Newsham
4532 – 45 Street
Red Deer, AB T4N 1K1

Dear Mr. Newsham:

*Land Use Bylaw Amendment 3156/RR-2003
Parkvale Design Guidelines*

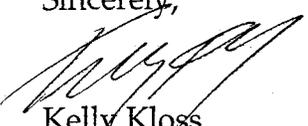
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Sincerely,



Kelly Kloss
Manager
/attach.

c Parkland Community Planning Services



FILE

LEGISLATIVE & ADMINISTRATIVE SERVICES

November 4, 2003

Holly Coutts
4313 - 46 Avenue
Red Deer, AB T4N 3M7

Dear Ms Coutts:

*Land Use Bylaw Amendment 3156/RR-2003
Parkvale Design Guidelines*

Thank you for submitting your comments regarding Land Use Bylaw Amendment 3156/RR-2003 - Parkvale Design Guidelines.

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Sincerely,

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Kelly Kloss
Manager
/attach.

c Parkland Community Planning Services



FILE

LEGISLATIVE & ADMINISTRATIVE SERVICES

November 4, 2003

Dennis Roszell
4411 - 46 Avenue
Red Deer, AB T4N 3M9

Dear Mr. Roszell:

*Land Use Bylaw Amendment 3156/RR-2003
Parkvale Design Guidelines*

Thank you for submitting your comments regarding Land Use Bylaw Amendment 3156/RR-2003 - Parkvale Design Guidelines.

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Sincerely,

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

Kelly Kloss
Manager
/attach.

c Parkland Community Planning Services



LEGISLATIVE & ADMINISTRATIVE SERVICES

November 4, 2003

Teresa Neuman
4627 - 48 Street
Red Deer, AB T4N 1S4

Dear Ms. Neuman:

*Land Use Bylaw Amendment 3156/RR-2003
Parkvale Design Guidelines*

Thank you for submitting your comments regarding Land Use Bylaw Amendment 3156/RR-2003 - Parkvale Design Guidelines.

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Sincerely,

Kelly Kloss

Manager

/attach.

c Parkland Community Planning Services



LEGISLATIVE & ADMINISTRATIVE SERVICES

November 4, 2003

Jo-Anne Hallman
4617 - 48 Street
Red Deer, AB T4N 1S4

Dear Ms. Hallman:

*Land Use Bylaw Amendment 3156/RR-2003
Parkvale Design Guidelines*

Thank you for submitting your comments regarding Land Use Bylaw Amendment 3156/RR-2003 - Parkvale Design Guidelines.

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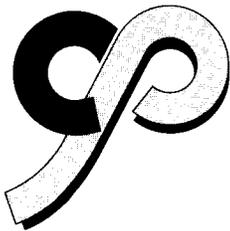
At the November 3, 2003 Council Meeting, Council agreed that regulations be included in the Land Use Bylaw for development in Parkvale to comply with Infill Design Guidelines. However, there is a provision that should an individual want to vary the regulations, based on certain development needs, application can be made to the Municipal Planning Commission to relax these regulations.

For your reference, I have included the approved Land Use Bylaw Amendment and the Infill Design Guidelines. Should you have any questions regarding the regulations, please contact Mr. Tony Lindhout at Parkland Community Planning Services at 343-3394 or myself regarding the Council process.

Sincerely,

Kelly Kloss
Manager
/attach.

c Parkland Community Planning Services



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

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

DATE: October 28, 2003
TO: Kelly Kloss, Legislative & Administrative Services Manager
FROM: Tony Lindhout, Planner
RE: Proposed Land Use Bylaw Amendment 3156/RR-2003
Development Regulations – Parkvale Special (Overlay) District

Background

City Council at their meeting of October 20, 2003, following the public hearing on proposed Land Use Bylaw Amendment 3156/RR-2003, gave second reading to the Bylaw however, third reading of the Bylaw was tabled as provided in the following resolution:

“Resolved that Council of the City of Red Deer hereby agrees to table third reading of Land Use Bylaw Amendment 3156/RR-2003 for 2 weeks to allow the City Solicitor to review the wording of the bylaw to provide for guidelines as opposed to regulations”

Land Use Bylaw Amendment 3156/RR-2003 proposes to take design guidelines contained in the Parkvale community *“Modest Infill Design Guidelines”* document and implement them through the City’s Land Use Bylaw as development regulations in a special use district pursuant to Part 7 (Special Districts) of the Bylaw. This Bylaw amendment proposes to create a special (overlay) district in which additional development regulations will be applied over the underlying R1 and R1A residential zones in Parkvale. The decision to propose this method of implementation was based on the following:

- The need to ensure that enhanced Parkvale community design principles would be integrated into the City’s development approval process in a manner that ensures development applications in Parkvale will be evaluated in an orderly and seamless manner within the City’s existing development approval process including its appeal process.
- The City’s Inspections & Licensing Department indication of the importance of being able to apply community design principles in a manner consistent with the current method of evaluating development proposals against development standards/criteria as contained in the Land Use Bylaw.
- This method (development regulations in a special district) is being successfully used in other Alberta cities to sustain and enhance older residential neighbourhoods.

Meeting with City Solicitors

Planning staff in consultation with the City Solicitors concluded the following:

- a) As “regulations”, the design parameters will be binding on the landowners unless MPC agrees to grant a relaxation. This means that development applications which comply with the regulations can be approved by the Inspections and Licensing Department without having to go to MPC – a much more efficient method of dealing with development applications.
- b) Landowners have the option to ask MPC to grant relaxation of “development regulations” in those situations where they are not able to strictly comply with every detail of the regulations. This allows

for flexibility and ensures that only contentious or special case applications will go before MPC. In these situations, input from adjoining landowners and the Community Association is required and would be provided to MPC for their consideration in evaluating the development application.

- b) Because they are incorporated right into the Land Use Bylaw, “development regulations” can be easily located by the public and City staff.
- c) As “design guidelines”, they would be approved by Council by resolution pursuant to Section 224 of the Land Use Bylaw. The effect of design guidelines is primarily informational as they set out standards of development that the City would like to see achieved and that the Development Authority can refer to when considering development applications; design guidelines would not be binding on MPC. All development applications in Parkvale would continue to be brought to MPC as a “re-development” requiring approval under Section 179 to ensure compatibility with the existing neighbourhood; this process includes referral to the Community Association.

Summary

The main advantage of enacting “development regulations” under Part 7 of the Land Use Bylaw would be to reduce the work of MPC by allowing the Development Officer to “approve” developments which conform to the community’s design principles. There would be no need for the application to go to MPC or for requesting input from adjoining landowners or the Community Association. An applicant still has the right to apply, through MPC, to construct a development that does not fully comply with the regulations. MPC’s time would be spent dealing with unique situations, special cases or contentious circumstances as opposed to dealing with each and every Parkvale development application that the City receives.

Finally, adopting regulations under the Land Use Bylaw serves the very significantly useful purpose of ensuring that all development regulations are kept within a single source. This provides for easy reference to all parties involved in the development application process.

If Council chooses to use ‘development regulations’ as the implementation mechanism, a minor change to Sections 179 and 184(7) of the Land Use Bylaw is required as part of Bylaw Amendment 3156/RR-2003 in order to eliminate the current requirement that all development applications in Parkvale need to be forwarded to MPC for a decision.

Recommendation

Planning staff agree with the comments made by the City Solicitor in his letter of October 28, 2003 and concur that City Council proceed with third and final reading of Land Use Bylaw Amendment 3156/RR-2003 as amended.



Tony J. Lindhout, ACP, MCIP
PLANNER

Attachment

- c. Nick Riebeek, City Solicitor
Don Simpson, City Solicitor
Greg Scott, Inspections & Licensing Manager

BYLAW NO. 3156/RR-2003

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

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

1 The following subsection is added to Part 7, Special Districts:

“MATURE NEIGHBOURHOOD - PARKVALE DISTRICT

223.1 (1) General Purpose

The purpose of this District is to ensure that new and infill low density residential development in the Parkvale neighbourhood is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape and ensures privacy and sun penetration on adjacent properties. This District provides a means to regulate unique design attributes of the mature Parkvale neighbourhood in a manner which cannot be satisfactorily addressed through conventional land use zoning.

This District is comprised of additional development regulations for the Parkvale neighbourhood, which add to the regulations of the underlying use districts.

(2) Permitted and Discretionary Uses

Those uses listed as permitted and discretionary in the underlying use districts.

(3) Application

- (a) The regulations in this District apply to the construction of any new principal or accessory building and to any major structural renovation, alteration, addition and/or reconstruction of an existing building on lands located in the low density residential areas of Parkvale, the boundaries of which are shown in Figure 11 of Schedule “A”.
- (b) An application for development approval shall include a site plan which shows:
 - i. existing and proposed grades;

- ii. existing and proposed landscaping and buildings;
 - iii. proposed building demolition, if any;
 - iv. the height of main floor above grade;
 - v. the location of proposed fences;
 - vi. the location of existing side yard windows in any adjacent building; and
 - vii. the location of all underground/overhead utility services and their connection points to any building.
- (c) Where the building regulations of the underlying use district are in conflict with the development regulations of this District, then the development regulations of this District shall govern, and the building regulations of the underlying District shall be deemed to be repealed to the extent of the inconsistency.
- (d) Where a proposed development does not comply with the development regulations of this District, the applicant shall:
- i. contact the Parkvale Community Association and each owner of property located within a distance of 30m of the site of the proposed development (the “affected parties”);
 - ii. describe to the affected parties in detail the manner in which the proposed development does not comply with the development regulations of this District and solicit their comments on the proposed development;
 - iii. document the comments of the affected parties with respect to the proposed development;
 - iv. describe any modifications to the proposed development made by the applicant to address the concerns of the affected parties, if any; and
 - v. submit as part of the Development Application documents showing the foregoing requirements have been complied with.
- (e) Where a proposed development is to be forwarded to the Municipal Planning Commission for a decision, the Development Authority shall notify the affected parties of the time and date at which the application will be considered.

(4) Development Regulations for Residential Buildings

- (a) Maximum building width for all residential structures: 12.2m
- (b) Minimum side yard: 1.5m
- (c) Minimum frontage (lot width) for detached dwellings: 11.43m
- (d) Minimum front yard setback shall be equal to the setback of the existing building or, where the existing building is to be replaced or there is no existing building, the average setback of the existing residential buildings on the block.
- (e) The main entrance shall be located on the front elevation of the building, facing the street.
- (f) On corner properties, the front building elevation and main entrance shall be located in the same direction as the residences on the remainder of the block.
- (g) On corner lots, the two elevations facing the street shall have consistent and complimentary design elements, in terms of building materials, colour and architectural details.
- (h) Maximum side yard vertical building height shall fit within a building envelope that measures 5.5m in height on the side parcel boundary, then angles inward and up at a maximum 45 degree slope to the maximum permitted total building height.
- (i) The main floor shall not be located higher than 1.2m above grade of the front public sidewalk, unless basement heights for the site are restricted by the depth of a shallow sanitary sewer service.
- (j) Large flat wall surfaces on building elevations facing a street or lane, including roof gable ends, shall not have any single horizontal or vertical wall lengths greater than 8.0m unless it is broken up by the use of such design features as porches, projections, terracing, recesses, jogs, gables or windows.
- (k) Side windows and/or balconies shall not be located directly facing similar facilities in adjoining residential buildings, in order to maintain privacy between neighbours.
- (l) Use of vibrant (strong, bright, bold) colours and building textures shall be permitted.

- (m) On lands where semi-detached housing is permitted, the front building elevation shall contain separate non-symmetrical architectural design elements (i.e. different roof lines, different window/door configurations and locations) for each unit.
- (n) No overhead power/telephone/cable services or utility meters shall be connected to, or located on, the front elevation of any building.
- (o) Front driveways or front drive attached garages shall not be permitted on parcels with a lane at the rear of the property.
- (p) Front driveways or front drive attached/detached garages may only be permitted on laneless parcels provided that the garage shall not protrude forward beyond the front wall of the principal building;
- (q) On laneless corner lots, driveways or an attached/detached garage with driveway will be permitted from the side street but the garage shall not protrude forward beyond the side wall of the principal building.
- (r) Driveways from any front or side street shall be hard surfaced (i.e. concrete, asphalt, paving stones).
- (s) No tree(s) located in a City boulevard shall be removed to accommodate any front or side driveway or front or side drive garage access.

(5) Development Regulations for Accessory Buildings

- (a) The elevations of accessory buildings which face a street or lane, including roof gable ends, shall not have any single horizontal or vertical wall lengths greater than 8.0m unless it is broken up by use of such design features as projections, recesses, jogs, gables or windows.
- (b) Maximum building width: 12.2m
- (c) Accessory buildings shall be designed to compliment the principal building by utilizing consistent design elements, in terms of building materials, colour and architectural details.
- (d) On parcels having a lane, including corner parcels, vehicle access to any accessory building shall be only from the lane; front drive detached garages shall not be permitted.

Christine Kenzie

From: Don Simpson [dsimpson@chapmanriebeek.com]
Sent: October 28, 2003 2:42 PM
To: chrisk@city.red-deer.ab.ca
Subject: PARKVALE LAND USE BYLAW AMENDMENT



BL parkvalew
6-95.doc

Christine:

We are recommending a minor wording change to the draft bylaw amendment and I attach a revised bylaw for your consideration for addition to the agenda. Please note the change is towards the end of the bylaw just before paragraph 2.

Donald J. Simpson
Chapman Riebeek
Barristers and Solicitors
208 - 4808 Ross Street
Red Deer, Alberta
T4N 1X5
Tel: (403) 346-6603
Fax: (403) 340-1280
email<<dsimpson@chapmanriebeek.com>>

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

BYLAW NO. 3156/ -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 following subsection is added to Part 7, Special Districts:

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(2) Permitted and Discretionary Uses

Those uses listed as permitted and discretionary in the underlying use district.

(3) Application

- (a) The regulations of this District apply to the construction of any new principal or accessory building and to any major structural renovation, alteration, addition and/or reconstruction of an existing building on lands located in the Parkvale community, the boundaries of which are shown in Figure 11 of Schedule "A".
- (b) An application for development approval shall include a site plan which shows:
- (i) existing and proposed grades;
 - (ii) existing and proposed landscaping and buildings;
 - (iii) proposed building demolition, if any;
 - (iv) the height of the main floor above grade;

- (v) the location of proposed fences; and
 - (vi) the location of all underground/overhead utility services and their connection points to any building.
- (c) Where the building regulations of the underlying use district are in conflict with the development regulations of this District, then the development regulations of this district shall govern, and the building regulations of the underlying district shall be deemed to be repealed to the extent of the inconsistency.
- (d) Where a proposed development does not comply with the development regulations of this District, the applicant shall:
- (i) contact the Community Association for the neighbourhood in which the proposed development is located and each owner of property located within a distance of 30m of the site of the proposed development (the "affected parties");
 - (ii) describe to the affected parties in detail the manner in which the proposed development does not comply with the development regulations of this district and solicit their comments on the proposed development;
 - (iii) document the comments of the affected parties with respect to the proposed development;
 - (iv) describe any modifications to the proposed development made by the applicant to address the concerns of the affected parties, if any; and
 - (v) submit as part of the Development Application documents showing the foregoing requirements have been complied with
- (e) Where a proposed development is to be forwarded to the Municipal Planning Commission for a decision, the Development Authority shall notify the affected parties of the time and date at which the application will be considered.

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- (i) The main floor shall not be located higher than 1.2m above the grade of the front public sidewalk, unless basement heights for the site are restricted by the depth of a shallow sanitary sewer service.
- (j) Large flat wall surfaces on building elevations facing a street or lane, including roof gable ends, shall not have any single horizontal or vertical wall lengths greater than 8.0m in area unless it is broken up by the use of such design features as porches, projections, terracing, recesses, jogs, gables or windows.
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- (m) On lands where semi-detached housing is permitted, the front building elevation shall contain separate non-symmetrical

architectural design elements (i.e. different roof lines, different window/door configurations and locations) for each unit.

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- (q) On laneless corner lots, driveways or an attached/detached garage with driveway will be permitted from the side street but the garage shall not protrude forward beyond the side wall of the principal building.
- (r) Driveways from any front or side street shall be hard surfaced (i.e. concrete, asphalt, paving stones).
- (s) No tree(s) located in a City boulevard shall be removed to accommodate any front or side driveway or front or side drive garage access.

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- (b) Maximum building width 12.2m.
- (c) Accessory buildings shall be designed to complement the principal building by utilizing consistent design elements, in terms of building materials, colour and architectural details.
- (d) On parcels having a lane, including corner parcels, vehicle access to any accessory building shall be only from the lane; front drive detached garages shall not be permitted.

(6) Regulations for Vegetation and Landscaping

Where mature vegetation needs to be removed to facilitate new development or, where no mature vegetation exists in a front yard, new landscaping material shall be added.

1.1 Section 179 is renumbered to 179(a) and new section 179(b) is added as follows:

"(b) Section 179 (a) shall not apply to development applications which comply with section 223.1.

1.2 Section 184(7) is renumbered to 184(7)(a) and new section 184(7)(b) is added as follows:

"(b) Section 184(7) (a) shall not apply to development applications which comply with section 223.1."

2. Schedule "A" of the Land Use Bylaw is amended by adding Figure 11.

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



FILE

LEGISLATIVE & ADMINISTRATIVE SERVICES

October 20, 2003

Dawna Barnes, President
Parkvale Community Association
4633 – 47 Street
Red Deer, AB T4N 1R1

Dear Dawna:

*Land Use Bylaw Amendment 3156/RR-2003
Parkvale Design Guidelines*

Thank you for your presentation at the October 20, 2003 Red Deer City Council Meeting.

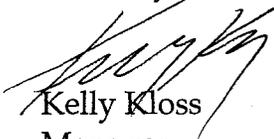
Council reviewed Land Use Bylaw Amendment 3156/RR-2003 – Parkvale Design Guidelines and gave second reading to the Bylaw Amendment. Prior to third reading, concerns were raised regarding the wording of the bylaw based on guidelines as opposed to regulations.

Council tabled third reading for two weeks to allow the City Solicitor to review the wording of the bylaw and report back to Council.

This item will be presented to Council at the November 3, 2003 Council Meeting.

Please call if you have any questions.

Sincerely,



Kelly Kloss
Manager



Council Decision – October 20, 2003

Legislative & Administrative Services

DATE: October 21, 2003

TO: Tony Lindhout, Parkland Community Planning Services
Nick Riebeek, City Solicitor

FROM: Kelly Kloss, Manager, Legislative & Administrative Services

SUBJECT: Request for Comments for November 3, 2003 Council Meeting:
Land Use Bylaw Amendment 3156/RR-2003
Parkvale Design Guidelines

Reference Report:

Parkland Community Planning Services, dated September 12, 2003.

Bylaw Readings:

Land Use Bylaw Amendment 3156/RR-2003 was amended by the following resolution:

“Resolved that Council of the City of Red Deer hereby agrees to amend Land Use Bylaw Amendment 3156/RR-2003 as to clause 223.1 (4) (p) by:

- (a) deleting the word “wall” and substituting the words “building face”.
- (b) add following the word “building” the words “(including porches and verandas)”.

Third reading of Land Use Bylaw Amendment 3156/RR-2003 was tabled as provided in the following resolution:

“Resolved that Council of the City of Red Deer hereby agrees to table third reading of Land Use Bylaw Amendment 3156/RR-2003 for 2 weeks to allow the City Solicitor to review the wording of the bylaw to provide for guidelines as opposed to regulations”

Resolutions:

“Resolved that Council of the City of Red Deer having adopted the Parkvale Community Modest Infill Design Guidelines dated September 12, 2003, at the September 22, 2003 Council Meeting hereby agrees that the Guidelines be amended as to Section 4.3 Garages and Accessory Buildings, by deleting Guideline 18 and substituting in its place the following Guideline 18:

“Front end side garages are not to protrude beyond the front building face of the principal building (including porches and verandas).
Boulevard trees are not to be removed to accommodate any front vehicular access.”

Report Back to Council: Yes – for the November 3, 2003 Council Meeting.

Comments/Further Action:

- a) Parkland Community Planning Services: Please update the Parkvale Community Modest Infill Design Guidelines in accordance with the above resolution.
- b) City Solicitor: Please review the Land Use Bylaw wording and provide a report, through Parkland Community Planning Services, on changed wording based on guidelines as opposed to regulations by Monday, October 27, 2003.



Kelly Kloss
Manager

/chk

/attach.

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

BYLAW NO. 3156/RR-2003

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

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 - iv. the height of main floor above grade;
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(6) Regulations for Vegetation and Landscaping

- (a) Where mature vegetation needs to be removed to facilitate new development or, where no mature vegetation exists in a front yard, new landscaping material shall be added consisting of not less than the following standards:
 - i. deciduous trees - minimum caliper 65 mm (measured 450 mm from ground level);
 - ii. coniferous trees – minimum height 2.5m;
 - iii. deciduous shrubs – minimum 0.6m height; and
 - iv. coniferous shrubs – minimum 0.4m height or spread.
- (b) Landscaping in a front yard shall consist of at least one (1) tree and one (1) shrub.”

2. Schedule “A” of the Land Use Bylaw is amended by adding Figure 11.

READ A FIRST TIME IN OPEN COUNCIL this 22nd day of September 2003.

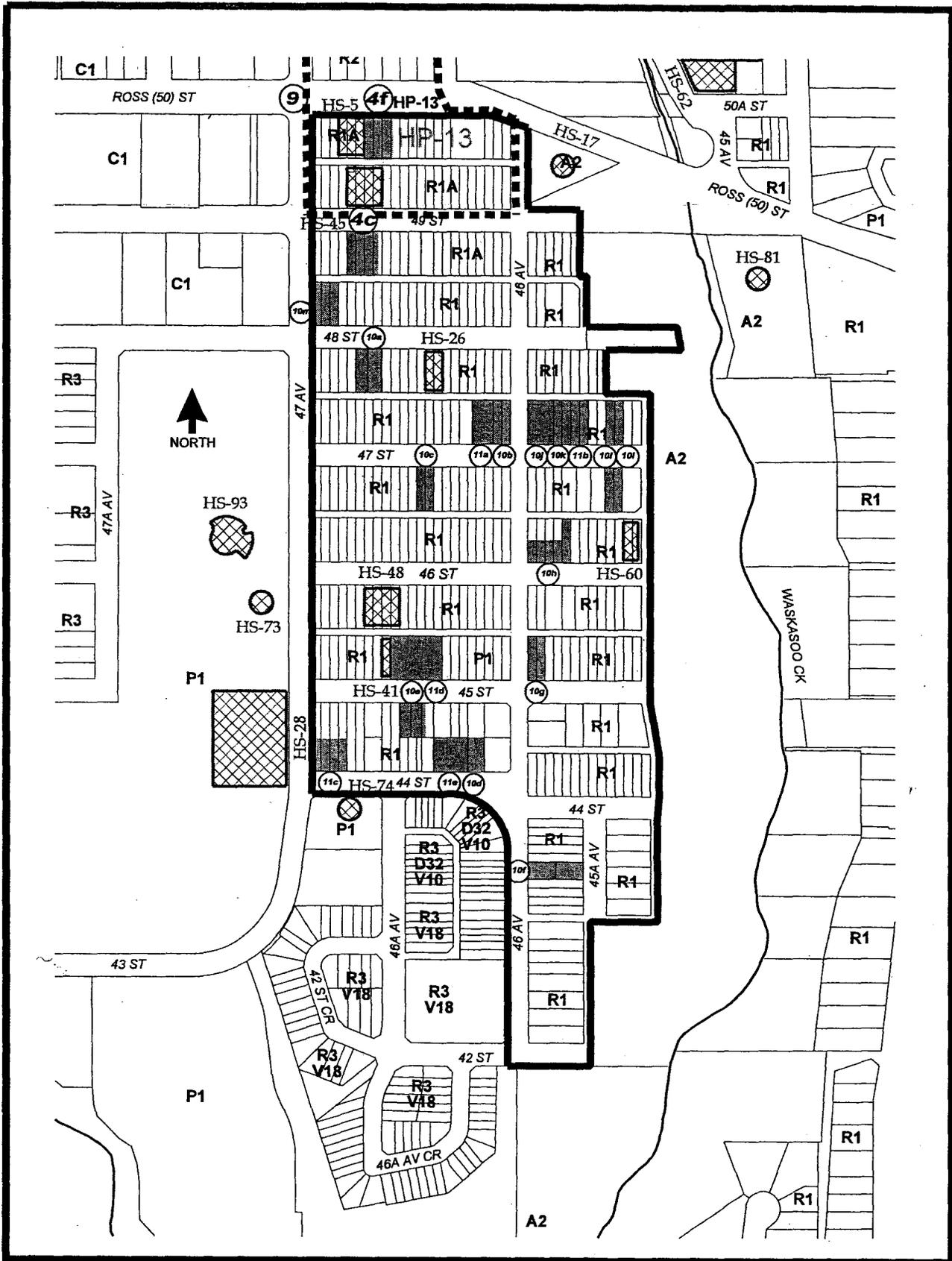
READ A SECOND TIME IN OPEN COUNCIL this 20th day of October 2003.

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



**MATURE NEIGHBOURHOOD - PARKVALE DISTRICT
FOR LOW DENSITY RESIDENTIAL DEVELOPMENT**

— Area of Application

FIGURE 11

BYLAW No. 3156 / RR-2003

Legislative & Administrative Services

DATE: November 4, 2003

TO: Don Simpson, City Solicitor
Tony Lindhout, Parkland Community Planning Services

FROM: Kelly Kloss, Legislative & Administrative Services Manager

SUBJECT: Land Use Bylaw Amendment 3156/RR-2003
Parkvale Design Guidelines

Reference Report:

City Solicitor, dated October 28, 2003

Resolutions:

“Resolved that Council of the City of Red Deer, having considered the report from the City Solicitor, dated October 28, 2003, hereby agrees to amend Land Use Bylaw Amendment 3156/RR-2003 by adding Section 3 and 4 as follows:

3. Renumber Section 179 to 179(a) and add new Section 179(b) as follows:
 - (b) Section 179(a) shall not apply to development applications which comply with Section 223.1.
4. Renumber section 184(7) to 184(7)(a) and add new Section 184(7)(b) as follows:
 - (b) Section 184(7)(a) shall not apply to development applications which comply with Section 223.1.”

Bylaw Readings:

Land Use Bylaw Amendment 3156/RR-2003, as amended, was given third reading. A copy of the bylaw is attached.

Report Back to Council: No

Council Decision – November 3, 2003
Land Use Bylaw Amendment 3156/RR-2003
Page 2

Comments/Further Action:

This office will amend the Land Use Bylaw and distribute copies in due course.



Kelly Kloss
Manager

/chk
attchs.

- c Director of Development Services
Inspection & Licensing Manager
Land & Economic Development Manager
City Assessor
D. Kutinsky, Graphics Designer
B. Greter, Clerk Steno



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

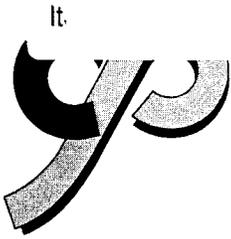
A Public Hearing has been advertised for Monday, November 3, 2003 at 7:00 p.m. in Council Chambers during Council's regular meeting.

Recommendations

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



Kelly Kloss
Manager



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)



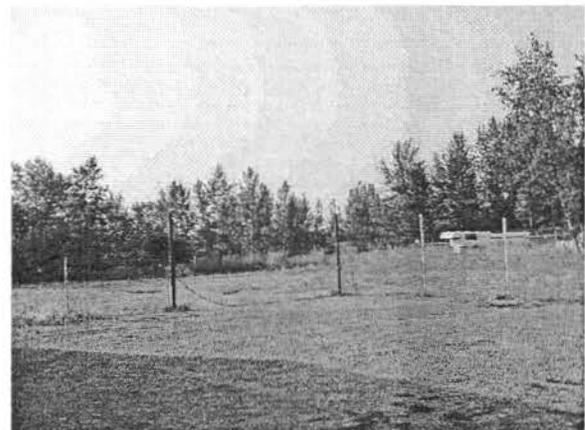
Site facing Red Deer River (south)



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

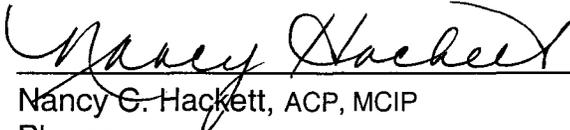
From a planning perspective, the subject site is vacant and a good candidate for multi-family redevelopment. The site is close to neighbourhood amenities such as parks, schools, and churches and the site is surrounded by other multi-family developments. The site is on a bus route, is close to the downtown, 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.

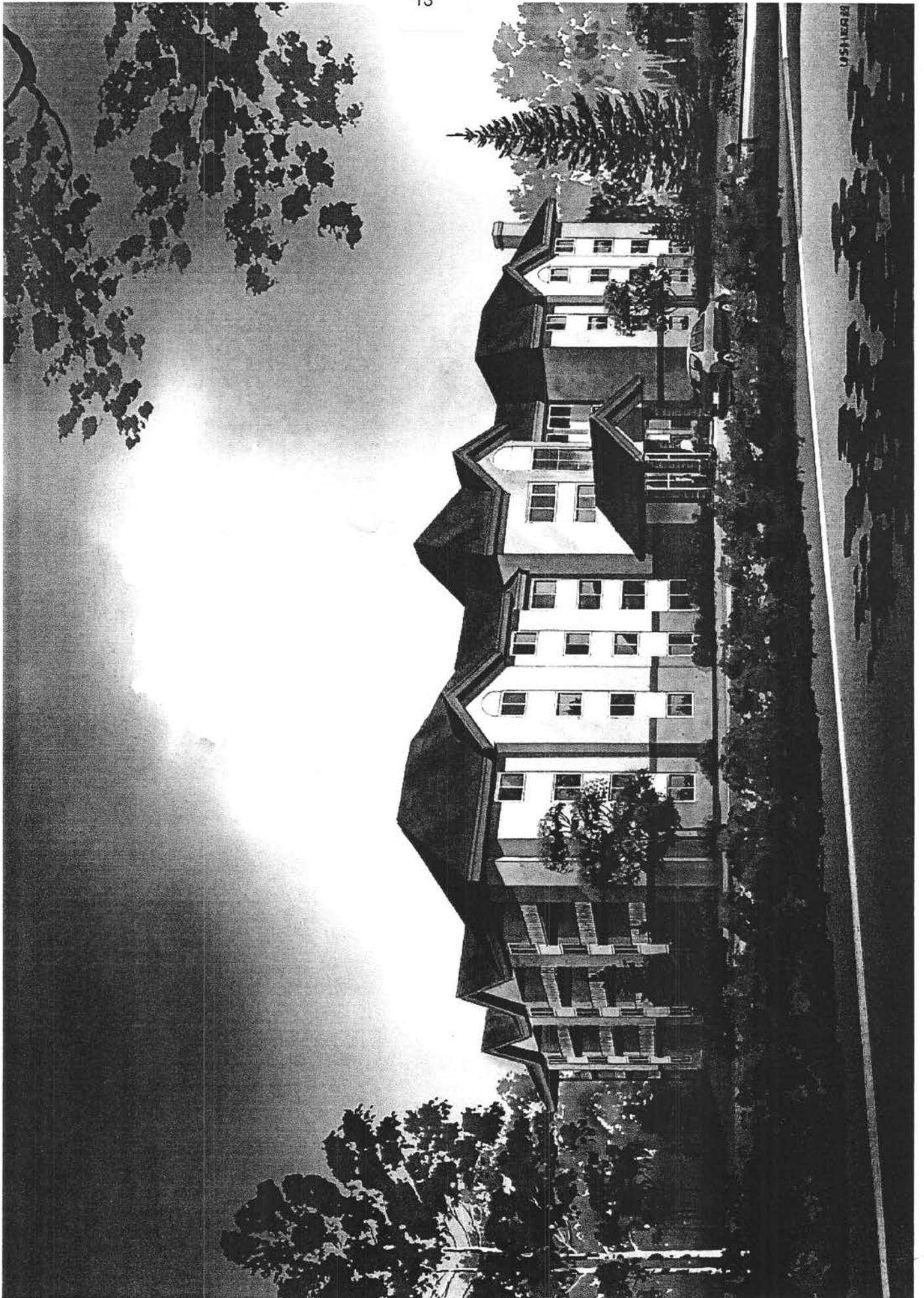
We trust that you will respond positively to this proposal, which has received community approval, particularly with respect to the upscale character and the screening which will be provided from the adjacent streets.

Yours truly,

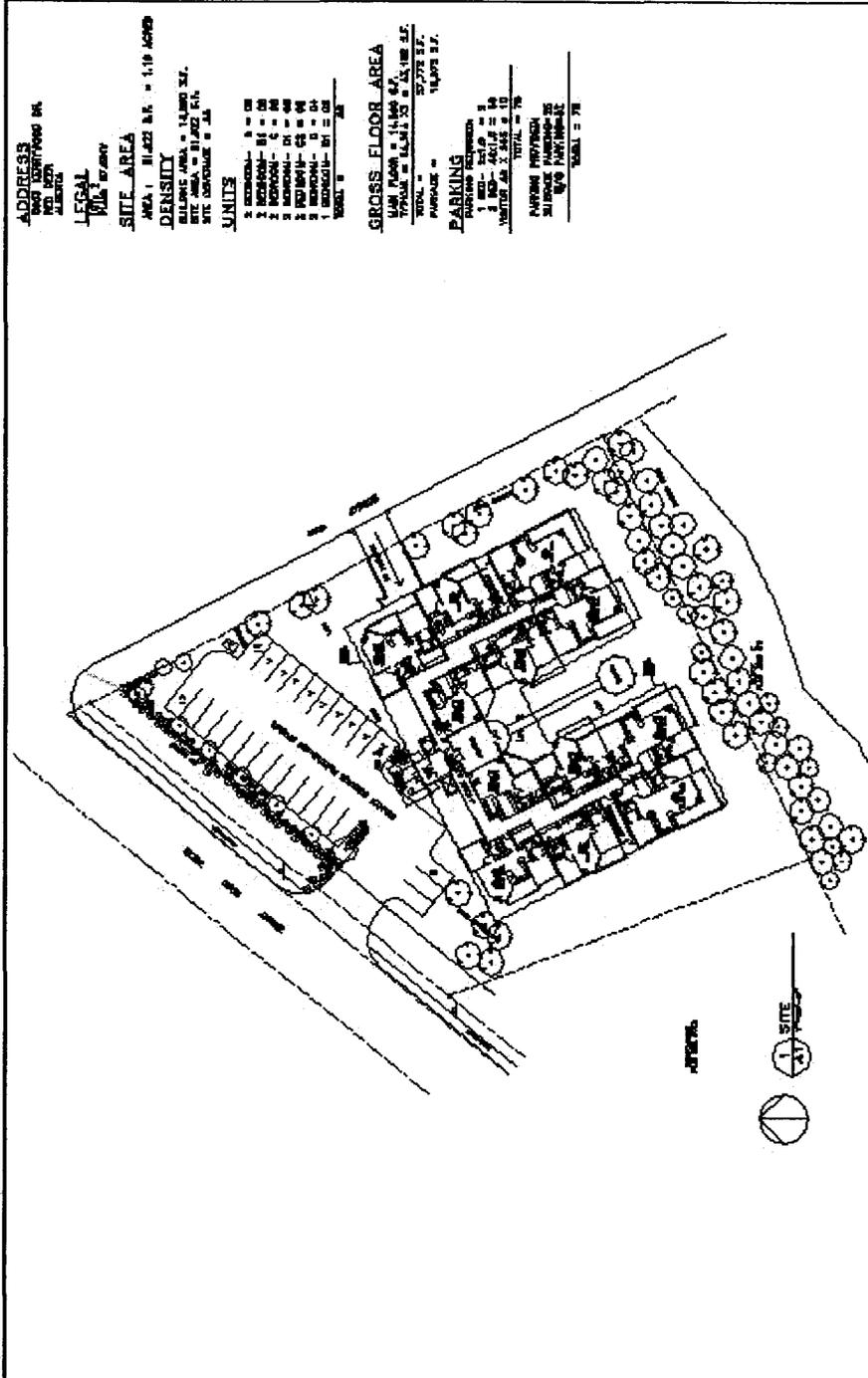
NUTERRA DEVELOPMENTS INC.

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



USHIER



ADDRESS
 100 WESTFOOT DR.
 ALBERTA

LEGAL
 1/2 Sec 10, T10N, R10W, S14

SITE AREA
 11.19 ACRES

DENSITY
 11 UNITS PER ACRE

UNITS
 120 TOTAL UNITS

- 1 BROWNSHAW - 10
- 2 BROWNSHAW - 10
- 3 BROWNSHAW - 10
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GROSS FLOOR AREA

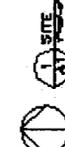
PLAN AREA = 1,119,000 SQ. FT.
 TOTAL = 1,119,000 SQ. FT.
 PERCENT = 100%

PARKING

MINIMUM REQUIRED = 140
 PROVIDED = 140
 TOTAL = 140

LANDSCAPING
 MINIMUM PROVIDED = 100
 PROVIDED = 100
 TOTAL = 100

NOTES:



1501-09-26-03 SITE
DAVIDSON ENGINEERING

The City of Red Deer

PROPOSED LAND USE BYLAW AMENDMENT



Change from :
 R3 - D80 to R3 - D95

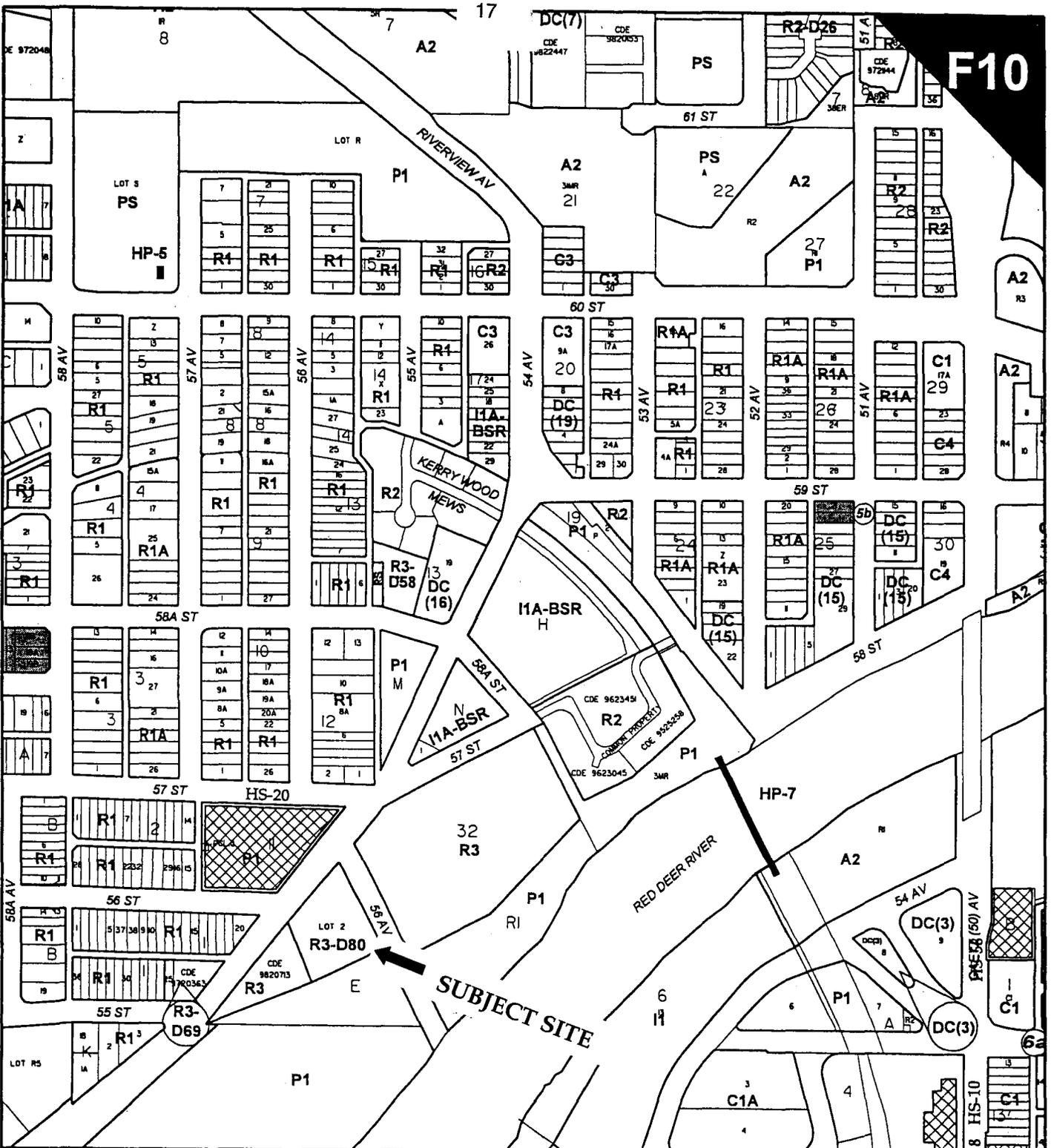


AFFECTED DISTRICTS:

- 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



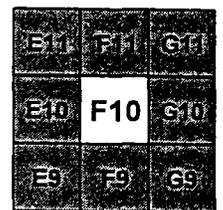
NORTH
Scale 1:5,000

© The City of Red Deer, Engineering Department

The City of Red Deer Land Use Bylaw 3156/96

Amendments to SE¼ 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		



SE¼ Sec 20
Twp 38- Rge 27 - W4th

printed on
July 21, 2003



FILE

LEGISLATIVE & ADMINISTRATIVE SERVICES

November 4, 2003

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

Dear Mr. Baker:

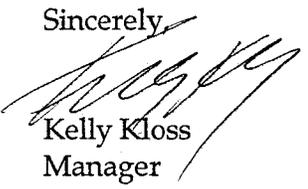
Land Use Bylaw Amendment 3156/TT-2003
Rezoning of 5601 Kerry Wood Drive from R3-D80 to R3-D95

At the City of Red Deer's Council Meeting held November 3, 2003, a Public Hearing was held with respect to *Land Use Bylaw 3156/TT-2003*. Following the Public Hearing, *Land Use Bylaw Amendment 3156/TT-2003* was given second and third readings, a copy of which 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.

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

Sincerely,



Kelly Kloss
Manager

/attach.

c Parkland Community Planning Services

LE



Council Decision – November 3, 2003

Legislative & Administrative Services

DATE: November 4, 2003
TO: Nancy Hackett, Parkland Community Planning Services
FROM: Kelly Kloss, Legislative & Administrative Services Manager
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 September 26, 2003

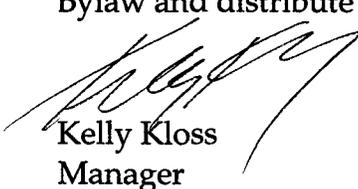
Bylaw Readings:

Land Use Bylaw Amendment 3156/TT-2003 was given second and third readings. A copy of the bylaw is attached.

Report Back to Council: No

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 amend the Land Use Bylaw and distribute copies in due course.


Kelly Kloss
Manager

/chk
attchs.

c Director of Development Services
Inspection & Licensing Manager
Land & Economic Development Manager
City Assessor
D. Kutinsky, Graphics Designer
B. Greter, Clerk Steno



640-228A

Engineering Services

Date: October 28, 2003

To: Legislative & Administrative Services Manager

From: Engineering Services Manager

**Re: Cities Special Transportation Grant Program (2003 - 2006)
Functional Planning Study for Gaetz Avenue
71 Street to Highway 11A including the Highway 11A
Intersection**

The Province of Alberta in July of this year released a new three year Grant Program for Alberta Cities (excluding Edmonton and Calgary) designed to assist with the implementation of larger high priority road, transit, and airport projects that are beyond The City's normal financial abilities under other Grant Programs.

Under the first round of grant applications, which ended in July 31, 2003, Red Deer was successful with the Red Deer Regional Airport Improvements conditionally approved for construction in 2004. Red Deer should now submit a transportation project within the City limits by January 31, 2004 for the next round of applications.

The project identified in the 1996 Transportation Plan for submission under this program is the widening of Gaetz Avenue, from 71 Street to north of 77 Street, to a six-lane divided arterial section. This is one of the last major projects that were identified in the 1996 Plan as being in place prior to the 68,000-population level. Due the need to spend Basic Capital Grant Funds on arterial roadways in other areas, this project has been deferred in past Capital Budgets and is now overdue. In view of development outside the City limits, the continuing development of the adjacent residential and industrial lands within the City limits, and public concerns received regarding traffic operations associated with existing intersections, the project has been extended northwards to include the Highway 11A intersection. The preliminary cost to undertake the improvements to this 2.4 km section of roadway is estimated at \$5.6 million.

Project Funding is anticipated to be as follows:

October 28, 2003

1.	Cities Special Grant Program	\$3.00 million
2.	Red Deer's 25% share	\$1.00 million
3.	100% Provincial Funding for Highway 11A	\$1.00 million
4.	Basic Capital Grant Program	\$0.45 million
5.	Red Deer's 25% share	<u>\$0.15 million</u>
	TOTAL	\$5.60 million

As part of the funding application, the Province is suggesting that The City of Red Deer will significantly strengthen its application by undertaking a Functional Planning Study that would address the following issues:

- a. Document the capacity inadequacy and the expected life span of the project.
- b. Define geometric, operational, cost, priority, and land requirements based on projected traffic volumes.
- c. Relate vehicle collision rates to the proposed improvements.
- d. Determine the impact on the region and the provincial highway system.
- e. Confirm the need for this route to form part of the truck and dangerous goods route system for the City.
- f. Identify environmental issues or benefits.
- g. Document how future annexation may be served by this project.
- h. Define the design treatment of the adjacent service roads and major intersections along Gaetz Avenue.

As the time frame to complete a functional plan is very short, we have prepared a Terms of Reference and requested engineering proposals from four local engineering firms. The study schedule is outlined as follows:

- 1) Engineering Proposals due October 30, 2003.
- 2) Project Funding to be considered by Council at the November 3, 2003 meeting.
- 3) Consultant selection and notice to proceed by November 4, 2003.

October 28, 2003

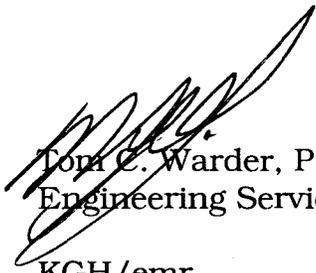
- 4) Draft Functional Design Report by December 12, 2003.
- 5) Final Functional Design Report by January 9, 2004.
- 6) Submission of Application to Alberta Transportation by January 31, 2004.

The Study cost will not be known until the proposals have been received. Based upon the preliminary project cost estimate, we believe that this Study will cost in the range of \$75,000 to \$100,000.

Funding for the Study would initially be taken from the Capital Reserve Fund on a 100% basis. If the project were successful under the Cities Special Transportation Grant Program, the funding would be adjusted to a 25% City/75% Provincial Grant basis in 2004. If the project is not successful, the functional design will be available for the project when it is rescheduled under the Basic Capital Funding Program.

RECOMMENDATION

In order to take the opportunity to secure \$3.0 million additional Provincial Funding for this project, we would respectfully recommend that Council consider approving funds, not to exceed \$100,000, as outlined above. This will allow the Administration to complete the required Functional Study and submit the Grant application to the Province by the end of January 2004.



Tom C. Warder, P. Eng.
Engineering Services Manager

KGH/emr

- c. Director of Corporate Services
Engineering Accountant

Comments:

I agree with the recommendations of the Engineering Services Manager.

"N. Van Wyk"
City Manager



ALBERTA
MINISTER OF TRANSPORTATION

MLA Vegreville - Viking

Copy Gary Mullin
Bryon 7206 Jeffers
Tom Warden
Kelly Kloss

Nov 3 Council

APR 21 2004

Her Worship Gail Surkan
City of Red Deer
PO Box 5008
Red Deer AB T4N 3T4

Dear Mayor *Surkan*:

On behalf of the Government of Alberta, I am pleased to advise that the Gaetz Avenue and Highway 11A upgrading applied for under the Cities Special Transportation Grant component of the Alberta Cities Transportation Partnership has been approved. Your MLA, the Honourable Victor Doerksen, was very supportive of this project.

Our regional office is preparing the project agreement and will be contacting your administration to finalize the details of the agreement shortly. Once the agreement has been completed by the City, an initial grant payment will be forwarded to the City to support an early start of the project.

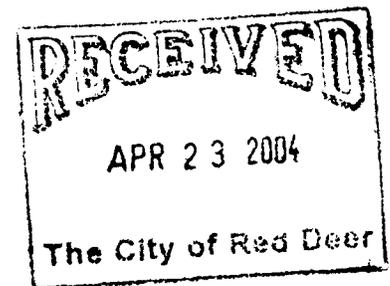
The mutual benefits of your proposal to include improvements to the Highway 11A intersection outside the City as part of the Gaetz Avenue project is appreciated, however, our 2004/05 highway construction budget is fully committed at this time. We will keep you informed of any changes in this situation.

If you have any questions, please contact Mr. Brian Reid, Infrastructure Manager in Red Deer at (403) 340-5166.

Best wishes for success with this project.

Yours truly,

Ed Stelmach
Minister



cc: Hon. Victor Doerksen, MLA
Mr. Brian Reid

320 Legislature Building, Edmonton, Alberta, Canada T5K 2B6 Telephone 780/415-9390, Fax 780/415-9412
Box 451, 4945 - 51 Avenue, Vegreville, Alberta, Canada T9C 1R6 Telephone 780/632-6840, Fax 780/632-6888

FILE



Council Decision – November 3, 2003

Legislative & Administrative Services

DATE: November 4, 2003
TO: Tom Warder, Engineering Services Manager
FROM: Kelly Kloss, Legislative & Administrative Services Manager
SUBJECT: Cities Special Transportation Grant Program (2003 – 2006)
Functional Planning Study for Gaetz Avenue
71 Street to Highway 11A including the Highway 11A Intersection

Reference Report:

Engineering Services Manager, dated October 28, 2003

Resolutions:

“Resolved that Council of the City of Red Deer, having considered the report from the Engineering Services Manager, dated October 28, 2003, re: Cities Special Transportation Grant Program (2003-2006), Functional Planning Study for Gaetz Avenue, 71 Street to Highway 11A Including Highway 11A Intersection, hereby amends the 2003 Operating Budget to include the Functional Planning Study in the amount of \$100,000 funded from the Capital Reserve Fund.”

Report Back to Council: No

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

Kelly Kloss
Manager

/chk

c Director of Development Services
Director of Corporate Services
Treasury Services Manager

Item No. 2

DATE: October 23, 2003
TO: City Council
FROM: Legislative & Administrative Services Manager
RE: **Records Retention & Disposition Bylaw**
Bylaw No. 3305/2003

History:

In the Municipal Government Act prior to 1995 it stated that the Council shall make provision for the proper maintenance of all books and records of the municipality. This was implemented through a City Manager Policy.

In 1995 with the revamp of Municipal Government Act the section pertaining to records management was changed with a focus on rules governing the destruction of records. The City Manager's policy did cover the destruction of records however the Act specified that this must be authorized by way of a bylaw. Due to an oversight this bylaw was not put into place.

Legislation:

The Municipal Government Act, section 214 states: "A council may pass a bylaw respecting the destruction of other records and documents of the municipality."

Discussion:

A Record Classification, Retention and Disposition Manual has been developed which identifies the various records of The City, assigns a classification number, provides a description of the records, and establishes retention periods and disposition actions based on statutory requirements and business operational needs. The bylaw as presented provides the authority for The City to enact the retention and disposition actions on corporate records.

There are many other facets to our Records Management Program that will continue to be covered through Administrative Policy.

Recommendation:

That Council approve Bylaw 3305/2003, the Records Retention & Disposition Bylaw.



Kelly Kloss
Manager
attch.

Comments:

I agree with the recommendations from the Legislative & Administrative Services Manager.

"N. Van Wyk"
City Manager

FILE



Council Decision – November 3, 2003

Legislative & Administrative Services

DATE: November 4, 2003
TO: Steve Neilly, Records Information Officer
FROM: Kelly Kloss, Legislative & Administrative Services Manager
SUBJECT: Records Retention & Disposition Bylaw
Bylaw No. 3305/2003

Reference Report:

Legislative & Administrative Services Manager, dated October 23, 2003

Bylaw Readings:

Records Retention & Disposition Bylaw No. 3305/2003 was given three readings. A copy of the bylaw is attached.

Report Back to Council: No

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

Kelly Kloss
Manager

/chk

c

CENTRAL ALBERTA BAR ASSOCIATION
DONNA C. PURCELL – Treasurer
c/o 600, 4911 – 51 Street
Red Deer, AB T4N 6V4
Telephone: (403) 343-3320
Fax: (403) 343-6069
E-mail: dpurcell@swslawyers.com

VIA COURIER

October 21, 2003

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

Attention: Kelly Kloss
Member of Legislative & Administrative Services

Dear Sir:

Re: Emergency Protection Orders

I am writing on behalf of the Central Alberta Bar Association regarding a matter of grave concern to our community. **We seek to have this issue placed before City Council on November 3, 2003.** We are asking City Council to send a letter of support to the Alberta Minister of Justice requesting a sitting Justice of the Peace in Red Deer.

We wish to bring to Council's attention the lack of availability of a sitting Justice of the Peace ("JP") in Central Alberta. Simply put, we do not have a sitting JP who has the authority to grant bail, a search warrant or an Emergency Protection Order ("EPO"). If a sitting JP is required, telephone contact has to be made with either Edmonton or Calgary.

Currently there are at least three potential safeguards for victims of family violence. These include civil restraining orders, criminal charges with the appropriate terms of release (if bail is granted) and Emergency Protection Orders.

Emergency Protection Orders, by legislation, are generally police driven applications. That is that the police are usually the ones to initiate the call to the JP to obtain the EPO. That being said, an individual can apply directly to a sitting JP but there are no sitting JPs in Central Alberta and a complainant would have to go to Calgary or Edmonton to the sitting JP's office in one of those cities to apply in person. EPOs can be obtained without the use of a lawyer and are designed to be granted immediately upon application where there are grounds to believe that violence or threats of violence have occurred in domestic situations.

The intention of the legislation is to provide immediate protection to a complainant and permit the complainant, if it is appropriate in the circumstances, to remain in the matrimonial home instead of being potentially victimized again by having to leave the home, often with children and pets in tow, and attend at a shelter. An additional problem here is that many police and JPs assume that if a woman is in a shelter the "emergency" as set out in the *Protection Against Family Violence Act* has passed. This, of course, is erroneous as it is certainly an emergency when one is displaced from their home, and as is often the case, may not be able to attend at their work or take their children to school until something is put in place to ensure the safety of the individual and their family.

In Central Alberta, there have been relatively few EPO applications despite having a population base of 250,000 people. There may be several factors affecting the bringing of such applications but paramount is the lack of resources and/or initiative by the police to use this legislation as it was intended.

While a further educational component may be necessary for the RCMP, their main reluctance we believe is the time and resources needed to obtain an EPO. The police must access a JP either in Calgary or Edmonton by telephone for such orders. As it is most often required that information be faxed back and forth to the JP's office, the officer must attend back at his precinct to place the call and deal with the paperwork there. In a small detachment that might mean that the only officer on duty is then not available to deal with any other calls for 2 to 4 hours depending on how busy the JP's office is and how difficult the EPO is to put together. Additionally, this might also mean that the officer has the complainant, the children and sometimes even the Respondent all at his small detachment. As a result, many situations that call for an EPO application do not get one.

When the police do not apply for an EPO, the individual would then have to go to Calgary or Edmonton to try to access a JP in person and make the application there themselves. This is a very daunting task for someone experiencing domestic violence and all that goes with that. Most individuals do not understand the process and if they have to attend at Edmonton or Calgary the support resources the individual has accessed in central Alberta are often not able to take the time to attend with the individual that far afield.

Presently, there are staff shortages for the police in Red Deer and the surrounding areas. While family violence is a priority offense in this region (as in the rest of Alberta) the time and resources the police must use to obtain an EPO is a very real factor in whether or not the police seek such Orders.

In addition, when such applications have been made in the past the JPs have responded by declining such Orders because they are mistakenly using a criminal standard for the evidence placed before them instead of the civil standard or on the basis that Criminal Code charges could also be pursued, with an appropriate recognizance restricting contact between the parties. This lack of success in obtaining EPOs also contributes to their lack of use.

The lack of police resources and/or will of the police due to the circumstances to pursue EPOs, combined with the inability of an individual to apply themselves, in person, to a sitting JP

directly in Central Alberta operates to effectively put EPOs beyond the reach of many of the individuals who most need them. Increased accessibility to the Justice system is one of our provincial government's primary goals. Providing a sitting JP in Red Deer would certainly go a long way towards that goal of accessibility for a very vulnerable group that badly needs the assistance.

In order to protect and convey to the public that the City of Red Deer has family violence as a priority, City Council's letter of support towards the establishment of a sitting JP system and the subsequent use of this system by the police and by individuals would be seen as a positive step, both by the police and the public.

The recent tragedy in Red Deer concerning the murder and suicide of three individuals may not have been prevented if Emergency Protection Orders had been more readily available through the availability of a local sitting JP. However, Emergency Protection Orders are a valuable tool in preventing tragedies of that nature. What the tragedy demonstrates is that in Central Alberta such horrific events can occur. In our view, all that can be done ought to be done to ensure that the necessary tools are there to offer protection to the citizens of Red Deer.

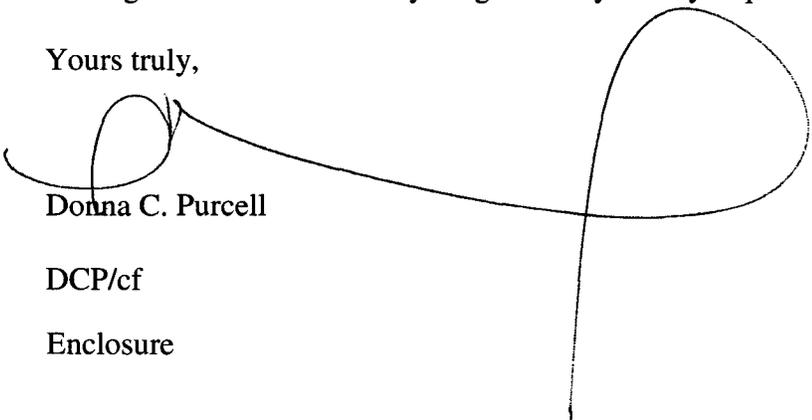
Sharon Crooks has volunteered to attend the November 3, 2003 Council meeting to present our position to City Council. Ms. Crooks is a member of the executive of the Central Alberta Bar Association and is presently a practicing lawyer in Central Alberta. In the past she has been Senior Counsel for Legal Aid conducting most of the Emergency Protection Order hearings, has been co-chair of the Board of the Crisis Centre and has conducted many presentations at Domestic Violence Cross Training Sessions. She is perhaps the lawyer in Central Alberta who has the most knowledge in the area of family violence and will be able to give you the benefit of her experience and answer any questions.

We also advise that we have now received the support requested from County Council (last week I believe).

Further, we enclose a copy of letter from Inspector Calvert of the Red Deer City RCMP Detachment directed to Bert Skinner, Acting Chief Crown Counsel (and also a member of the Central Alberta Bar Association) that we have been permitted to place before you.

Thank you for your consideration of this most important community issue. Please confirm when we might be heard and of anything further you may require.

Yours truly,



Donna C. Purcell

DGP/cf

Enclosure



Royal Canadian
Mounted Police

Gendarmerie royale
du Canada

Security Classification/Designation
Classification/désignation sécuritaire

Mr. W. Albert Skinner - A/C Crown Counsel
Suite 601, Provincial Bldg
4920 - 51 St.,
Red Deer, Alta. T4N 6K8

Your File - Votre référence

Our File - Notre référence

Insp. P. Calvert
Operations Officer - Red Deer City RCMP
4811 - 49th St.,
Red Deer, Alta. T4N 6A1

Date

2003-10-17

**Re: Sitting Justices of the Peace
Red Deer, Alta.**

The current lack of a Sitting Justice of the Peace in Red Deer has created unnecessary work for Red Deer City police officers and resulted in volumes of man-hours being needlessly wasted on procedure. The process currently in place reduces the availability of officers to respond to calls for service and puts the community at risk. As a result, Red Deer citizens are not receiving the level of quality service being provided by Alberta Justice to the residents of Calgary and Edmonton.

It has become very apparent that having to utilize a telephone/fax system to receive judicial services is very inefficient and ineffective. Arrests, the need for search warrants, Judicial Interim Release and applications for process such as Emergency Protection Orders come when police officers are most busy. The current telephone system doubles if not triples the time spent completing such undertakings and often the inability of a police officer to afford the needed time equates to the task not being done.

On paper the current process can be argued as having merit. In application, it is proving to be a failure that no longer can be afforded.


P. Calvert, Insp.
Operations Officer
Red Deer City Detachment





Community Services

CS - 7.859

DATE: October 24, 2003

TO: Kelly Kloss, Manager
Legislative and Administrative Services

FROM: Colleen Jensen, Director
Community Services

SUBJECT: Central Alberta Bar Association:
Request for Sitting Justice of the Peace

Background:

The letter provided by Ms. Purcell from the Central Alberta Bar Association asks Council to request the Minister of Justice to have a Sitting Justice of the Peace in Red Deer. The letter provides Council with very clear detail as to current processes necessary to access a Justice of the Peace for such things as search warrants and Emergency Protection Orders. Of primary concern is the fact that Red Deer police and citizens must access services of the Justice of the Peace in Edmonton or Calgary, as there is no longer such a position in Red Deer to serve Central Alberta. The letter also indicates the issues caused by not having a Justice of the Peace in Red Deer. While the letter focuses on Emergency Protection Orders, there is also significant concern from the local detachment of the RCMP about being able to access approval for search warrants as well. The letter from Inspector Calvert indicates some of the local experience, as does the memo from Superintendent Steele related to the request before Council.

In Red Deer, the RCMP, along with the community, see issues of family violence as being very important. The RCMP, in the 2001, 2002 and 2003 Business Plan specifically identify this issue, with strategies that need to occur. This includes the establishment of a specialized team that are trained and current on the best methods of addressing family violence, as well as working with the community in a collaborative approach. This collaboration is happening through a local committee that has been meeting regularly for at least two years consisting of representation from groups like the RCMP, Central Alberta Sexual Assault Centre, Central Alberta Women's Shelter, Social Planning, Child and Family Services etc.

Discussion

Some of the primary issues are as follows:

- Service to the community of Red Deer, both for the police as well as the general citizen, is compromised by not having a Sitting Justice of the Peace. In a community the size of Red Deer, that also serves Central Alberta, there is an expectation that service should be very similar to what is found in Edmonton or Calgary.
- If citizens need an Emergency Protection Order where they would be appearing in person to make the request, it may be very difficult for the person to get to Edmonton or Calgary due to factors such as not having transportation, financial resources or the knowledge or emotional support necessary to undertake such a process.
- The time necessary to access a Sitting Justice of the Peace in Edmonton or Calgary can be significant. This means that police officers are engaged in paperwork and administration rather than providing much needed frontline work in the community.

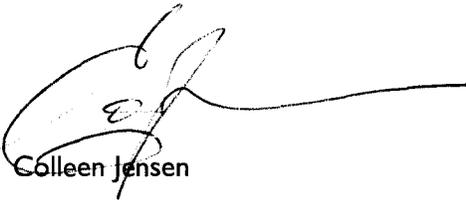
**Community Services**

- The experience of local officers has been that requests are not always granted when calls are made to Edmonton or Calgary. As noted in the correspondence, this is very frustrating to the officers who are trying to address our local issues, and also is a deterrent for future requests.

In view of the above, it is seen as very important that that a Sitting Justice of the Peace be re-established in Red Deer.

Recommendation:

That Council for The City of Red Deer send a letter to the Alberta Minister of Justice, Heather Forsyth, requesting that a Sitting Justice of the Peace be re-established in Red Deer to serve Red Deer and the Central Alberta area.



Colleen Jensen

:slm

- c. Superintendent Steele, RCMP
Donna Purcell, Treasurer, Central Alberta Bar Association

DATE: 27 OCT 2003

TO: Kelly Kloss - Manager - Legislative & Administrative Services

FROM: Supt. J. Steele - OIC Red Deer City RCMP

RE: **Emergency Protection Orders - Request For Sitting Justice of the Peace**

The letter directed to Mr. Skinner, Chief Crown Counsel, Red Deer, Alberta by Insp. Calvert, very clearly describes a number of the problems being experienced by the Red Deer City RCMP officers as a result of not having Sitting Justices of the Peace in Red Deer. These concerns not only reveal the inefficiencies of the current Justice of the Peace process, but reflect the cost borne by the community in added hours officers now spend tangled in the process.

I also concur with many of the points raised by Ms. Purcell, in her letter to you, as she explains the broader affect to the citizens of Central Alberta of not having a Sitting Justice of the Peace in Red Deer. Ms. Purcell correctly states that Family Violence is a very serious issue for all Albertans and that Emergency Protection Orders were designed to be a valued tool in assisting the police in tackling the problem. However, designing a tool and being able to use it are two entirely different matters.

Emergency Protection Orders have been time consuming to obtain through the Calgary Justice of the Peace office. We have also experienced inconsistencies in having the orders issued. Of the six applied for in 2002, only four were approved and as recently as 22 OCT 03, an application made by a Red Deer City officer was refused as the circumstances were deemed to lack seriousness or urgency. From the enactment of this particular legislation, the name Emergency Protection Order has been in conflict with the requisite ingredients as seen by the Legislators, that being serious or urgent. Often the Justice of the Peace has ruled there is no emergency because the complainant is now with the police, out of danger and thus, denied the application.

The investigational path that has been used by Red Deer City RCMP has been that of a criminal charge. Officers, when speaking to a client seeking an Emergency Protection Order, will look to gather evidence in support of a substantive criminal offense. This will lead to an arrest and release through an Undertaking or Recognizance by an Officer In Charge that has specific conditions outlined that will help meet the needs of the victim.

RE: Emergency Protection Orders - Request For Sitting Justice of the Peace

This approach requires a higher standard in evidence, reasonable and probable grounds, versus the balance of probabilities and has no mechanism through which to address matrimonial property issues.

This office also deals with the Calgary J.P. office on many other issues, including bail for accused persons and search warrants. Needless to say, these issues take the officer off the road. The Calgary J.P. office has a multitude of issues going at any one time, whereas a local J.P. can give undivided attention to local issues.

Regarding your second question relating to potential expenses, the past Justice of the Peace process was managed by the Provincial Government. Expenses were borne by the Province. I am unable to comment on any costing apportioning that the Province may wish to enter into should they decide to re-instate a Sitting Justice of the Peace to Red Deer. I am unaware of any costs distributed to Edmonton or Calgary for similar services.

I recommend that Council endorse the proposal to have a local J.P.


(J. Steele) Supt.
Officer In Charge
Red Deer City RCMP

Comments:

I agree with the recommendations of the Administration.

“N. Van Wyk”
City Manager

Subsequently 3rd reading as amended was passed with Councillor Moffat being absent from the vote.

MOTION CARRIED

Councillor Moffat returned to Council Chambers at 5:15 p.m.

CORRESPONDENCE

Council considered correspondence from the Central Alberta Bar Association, dated October 21, 2003, **Re: Emergency Protection Orders**. Ms. Sharon Crooks was present to speak to this item. Following discussion the motion shown below was introduced and passed.

Moved by Councillor Flewwelling, seconded by Councillor Hughes

“Resolved that Council of the City of Red Deer, having considered the correspondence from the Central Alberta Bar Association, dated October 21, 2003, re: Emergency Protection Orders, hereby agrees to send a letter from the City of Red Deer to the Alberta Minister of Justice requesting that a Sitting Justice of the Peace be re-established in Red Deer to serve Red Deer and the Central Alberta area.”

MOTION CARRIED

Council recessed for supper at 6:04 p.m. and reconvened at 7:16 p.m.

PUBLIC HEARINGS

A Public Hearing was held with regard to **Land Use Bylaw Amendment 3156/TT-2003 / Rezoning of 5601 Kerry Wood Drive from R3-D80 to R3-D95**. Mr. David Hamilton, David Hamilton Architect Ltd., was present to speak at the meeting. As no further comments were received, Mayor Surkan declared the Public Hearing closed.



Legislative & Administrative Services

DATE: October 22, 2003

TO: Colleen Jensen, Community Services Director
Jim Steele, RCMP Superintendent

FROM: Kelly Kloss, Manager, Legislative & Administrative Services

SUBJECT: Request for Comments by: Monday, October 27, 2003
Emergency Protection Orders - Request from the Central Bar Association

The Central Alberta Bar Association has submitted a request for Council's support for a sitting Justice of the Peace in Red Deer. A copy of their letter is attached.

Please provide your comments, i.e. are you in support of this and will there be any financial implications for The City, by Monday, October 27, 2003 for the Council Agenda of Monday, November 3, 2003.

Please call if you have any questions.



Kelly Kloss
Manager



FILE

LEGISLATIVE & ADMINISTRATIVE SERVICES

November 4, 2003

Donna Purcell
Central Alberta Bar Association
c/o 600, 4911 - 51 Street
Red Deer, AB T4N 6V4

Dear Ms. Purcell:

Emergency Protection Orders

At the Monday, November 3, 2003 Council Meeting, Council reviewed your request to send a letter of support to the Alberta Minister of Justice to request a sitting Justice of the Peace in Red Deer.

Council unanimously agreed to your request and will be sending a letter to the Alberta Minister of Justice requesting that a Sitting Justice of the Peace be re-established in Red Deer to serve Red Deer and the Central Alberta area.

Thank you to you and Sharon Crooks for your efforts on behalf of the community to bring awareness of this important issue to Council.

Sincerely,

Kelly Kloss
Manager

c Community Services Director
Supt. J. Steele, OIC, RCMP

Bev Greter

From: Colleen Jensen
Sent: March 24, 2004 1:02 PM
To: Bev Greter
Subject: FW: Sitting Justice of the Peace

Bev

Just to forward Norbert's response for your info and to let you know that I have contacted Brent (the RCMP guy) and let him know that we will not be sending in an AUMA resolution. If Rocky wishes to do this on their own they can.
CJ

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

From: Norbert Van Wyk
Sent: March 24, 2004 7:48 AM
To: Colleen Jensen
Subject: RE: Sitting Justice of the Peace

Hi Colleen,

I agree. It is not an AUMA issue. We have taken the right steps on this and I see no value in taking this to AUMA.

Norbert.

Norbert Van Wyk, City Manager
City of Red Deer, Box 5008
Red Deer, AB T4N 3T4
Ph. 403-342-8156
Fax 403-342-8365
norbertv@city.red-deer.ab.ca

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

From: Colleen Jensen
Sent: March 23, 2004 5:49 PM
To: Norbert Van Wyk
Subject: FW: Sitting Justice of the Peace

Norbert

This request has come regarding an AUMA resolution about the Sitting Justice of the Peace in Red Deer to serve Central Alberta. My sense is that this is not an AUMA issue, as it does not affect all municipalities. If we were to frame it for a resolution, it would have to be done in a much broader manner than just focus on Central Alberta....let me know how you would like to proceed.

Colleen

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

From: Bev Greter
Sent: March 23, 2004 2:20 PM
To: Colleen Jensen
Subject: Sitting Justice of the Peace

Hi Colleen: I had a call this morning from the RCMP officer from Rocky, Brent Craig -- he's the gentleman who called me last week -- and he had another question. I did fax him a copy of the letter you had Gail sign, that's gone. Now he's inquiring as to whether or not there's going to be a resolution going to AUMA this year from The City of Red Deer in regards to getting a Sitting Justice for our community. I have put -- in the internal mail -- a copy of the fax he sent over this a.m. which is the letter the Town of Rocky sent to the Minister of Justice (it

sounds like he wrote it and the Mayor of Rocky signed it). The gals here tell me you would know whether or not this is happening, has happened, or will be happening. Could you please respond to him when you have a chance to. His fax is: 1-403-845-3230 or his cell is 844-7354.

Thanks muchly.

Bev Greter
Legislative & Administrative Services
Ph: 342-8140
email: bevgr@city.red-deer.ab.ca



TOWN OF ROCKY MOUNTAIN HOUSE

P.O. BOX 1509 5116 50 AVENUE ROCKY MOUNTAIN HOUSE AB T4T 1B2

23 January 2004

Hancock, Dave Hon., Q.C., MLA
Minister of Justice and Attorney General
Justice and Attorney General
208 -- Legislative Building
10800 -- 97 Avenue,
Edmonton, Alberta
T5K 2B6

COPY

Dear Honorable Minister Hancock

The Town of Rocky Mountain House has been concerned with the current system of "Centralized Justice of the Peace". There are currently 15 Justices of the Peace in Edmonton and Calgary has 14. All of the Justices of the Peace are on a Part Time basis. This Provincial system has been in place since 1999 and simply is not working.

Our Community is suffering while R.C.M.P. members are wasting time and money watching over prisoners waiting for custody / bail hearings to proceed. The R.C.M.P. are too busy to sit by a telephone waiting to hear back from out of Town Justices of the Peace (Lawyers) when they have other duties to attend to. R.C.M.P. Members are waiting 3 to 4 hours before hearing back from Justices of the Peace who sometimes render orders that do not protect the victims and are simply ridiculous. The Justices of the Peace are making questionable decisions not realizing we have the same problems big Cities have. We cannot stand by while the system is failing victims who depend on sound decisions made by our police and Justice of the Peace to protect them.

Our Town is currently paying approximately \$918,000.00 for policing in 2004 and with a shortage in members and there is a request from the R.C.M.P. to increase in manpower. Before increasing manpower we are looking at ways to streamline and improve our level of policing. We feel that having Sitting Justices of the Peace in our Community would free up a lot of time to our R.C.M.P. members.

The recent family violence tragedy that occurred in Red Deer has brought attention to the importance of reinstating a sitting Justice of the Peace in the Central Alberta Region. Having immediate access to a sitting JP would alleviate the process that allows victims to access added protection, such as, acquiring an Emergency Protection Order without hesitation.





TOWN OF ROCKY MOUNTAIN HOUSE

P.O. BOX 1509 5116 50 AVENUE ROCKY MOUNTAIN HOUSE AB T4T 1B2

I would like to include three examples of decisions made by JPs who were dealing with the R.C.M.P. in Rocky Mountain House. This information was provided to me by the local R.C.M.P. in Rocky Mountain House.

1. A person held in custody in late 2002 was held overnight. The police had faxed the documents for a bail hearing to the Calgary Bail Office. The Bail hearing was conducted but the release document was not faxed back to the police. The Calgary Bail office closed at midnight and when the officer tried calling to inquire after the document he was directed to the Edmonton bail office by voice mail. The Edmonton Bail Office was contacted and advised they could not help because the hearing and the results were not available to them, having been conducted in Calgary.
2. A young person was arrested on a serious violent crime. A bail hearing was held and he was ordered released to his grandmother on one-dollar surety. To make this happen the police had to arrange for his grandmother to attend and sign the document, she was an aboriginal senior and had to have an interpreter present to conduct her portion of the hearing. In hindsight it would have been easier to release the youth by the police with no conditions.
3. On January 22 at approx. 3:30 AM the police initiated a bail hearing with the Edmonton Bail Office as the Calgary Bail Office was closed for the night. The member received a callback saying they were busy. He was off duty at 4:00 AM and waited at the detachment until 5:30 AM for the hearing office to call back. He eventually gave up and went home. The bail hearing was conducted with the Calgary Bail Office shortly after 8:00 AM

We are making a formal request to you that you re-examine the appointment of a sitting Justice of the Peace for the Central Alberta area to provide for equal access to Justice for residents in central Alberta.

Sincerely,

Lou Soppit,
Mayor



* * * Transmission Result Report (MemoryTX) (Mar.18. 2004 3:20PM) * * *

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

Date/Time: Mar.18. 2004 3:19PM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
3387 Memory TX	14038453230	P. 11	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

Legislative & Administrative Services (403) 342-6132
Email: lae@city.red-deer.ab.ca

DATE: March 18, 2004

OUR FAX NO: (403) 346-6195

NUMBER OF PAGES INCLUDING THIS PAGE: 10

FAX TO: R.C.M.P.

ATTENTION: Brent Craig

THEIR FAX NO: 1-403-945-3230

FROM: Bev Greter

DEPARTMENT: Legislative & Administrative Services

PHONE #: (403) 342-8140

MESSAGE AREA (if required):

Hi Brent: To follow-up with your telephone inquiry this a.m. I am forwarding the correspondence that went to Council on November 3, 2003. I have also enclosed a copy of the Council resolution; there was a follow-up letter from that Council meeting which should have been sent on to the Minister of Justice, it has inadvertently been missed. We are thankful for your inquiry so we can get on top of that letter! If you have any questions, please feel free to call.

Bev Greter

Confidentiality Notice

This communication is directed in confidence solely to the person named above and may not otherwise be distributed, copied or disclosed. It may contain information that is confidential or subject to legal privilege. Further disclosure or use of this communication in whole or in part, by any other person, in any manner, may be an offence under the Freedom of Information and Protection of Privacy Act. If you received this fax in error please telephone us immediately. Thank you for your assistance.

ORIGINAL TO FOLLOW: BY MAIL BY COURIER
NO ORIGINAL WILL BE FORWARDED:

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CONTACT SENDER AT THE PHONE NUMBER SHOWN ABOVE. THANK YOU.

* * * Transmission Result Report (MemoryTX) (Mar.22. 2004 2:31PM) * * *

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

Date/Time: Mar.22. 2004 2:30PM

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E.3) No answerE.2) Busy
E.4) No facsimile connectionP.O. Box 5008, Red Deer, Alberta T4N 3T4
Web Site: www.city.red-deer.ab.caLegislative & Administrative Services (403) 342-8132
Email: la@city.red-deer.ab.ca

DATE: March 22, 2004

OUR FAX NO: (403) 346-6195

NUMBER OF PAGES INCLUDING THIS PAGE: 3

FAX TO: R.C.M.P.

ATTENTION: Brent Craig

THEIR FAX NO: 1-403-845-3230

FROM: Bev Greter

DEPARTMENT: Legislative & Administrative Services

PHONE #: (403) 342-8140

MESSAGE AREA (if required):

Hi Brent: Attached is the letter that was recently sent from the Mayor's Office regarding the Sitting Justice for Red Deer; this is the follow-up letter I made reference to in the fax sent to you last Thursday. Any questions, please call.

Regards,
Bev Greter*Confidentiality Notice*

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NO ORIGINAL WILL BE FORWARDED:

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March 18, 2004

Honourable David Hancock
Minister of Justice
#208, 10800 - 97 Avenue
Edmonton, AB T5K 2B6

Dear Minister Hancock:

RE: Request to Re-establish a Sitting Justice of the Peace in Red Deer, Alberta.

In response to concerns expressed by the Central Alberta Bar Association, our local RCMP members and members of our community, Red Deer City Council passed a resolution "...requesting that a Sitting Justice of the Peace be re-established in Red Deer to serve Red Deer and the Central Alberta area." That resolution is attached for your review.

Red Deer City Council and the RCMP, along with the community, see issues of family violence as having very high priority. Currently, the effectiveness of the RCMP and the safety of our community members are being directly impacted and compromised due to the current level of support provided by the existing Justice structure. As noted in the Resolution, Emergency Protection Orders are of particular concern.

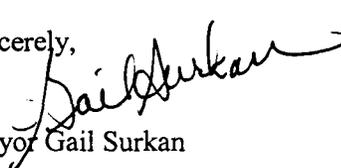
At present, many citizens, when required to appear in person in Edmonton or Calgary to support their request for an Emergency Protection Order, are faced with barriers related to transportation, financial resources or the knowledge or emotional support required to undertake such a process.

In addition, our RCMP officers find the time required to access a Sitting Justice of the Peace in Edmonton or Calgary can often be significant. This means that police officers are engaged in paperwork and administration rather than providing much needed frontline work in the community. Further, local officers have found that their requests are not always being granted due to a lack of detailed knowledge of the situation and community on the part of Justices of the Peace in Calgary and Edmonton. This has created frustration and a deterrent to using Emergency Protection Orders.

Red Deer is Alberta's third largest city. It is a rapidly growing and increasingly complex urban centre. It provides support to over 200,000 people in the Central Alberta region. We believe strongly that our citizens and our police need and deserve the same level of service as is available in Edmonton and Calgary.

The safety of our citizens and effectiveness of our police force and Justice system is a priority in our community. I strongly encourage you to review our situation and respond to our request. I look forward to hearing from you in this regard.

Sincerely,


Mayor Gail Surkan

c Supt. Jim Steele, RCMP
Legislative & Administrative Services, City of Red Deer

THE CITY OF RED DEER

Subsequently 3rd reading as amended was passed with Councillor Moffat being absent from the vote.

MOTION CARRIED

Councillor Moffat returned to Council Chambers at 5:15 p.m.

CORRESPONDENCE

Council considered correspondence from the Central Alberta Bar Association, dated October 21, 2003, **Re: Emergency Protection Orders**. Ms. Sharon Crooks was present to speak to this item. Following discussion the motion shown below was introduced and passed.

Moved by Councillor Flewwelling, seconded by Councillor Hughes

“Resolved that Council of the City of Red Deer, having considered the correspondence from the Central Alberta Bar Association, dated October 21, 2003, re: Emergency Protection Orders, hereby agrees to send a letter from the City of Red Deer to the Alberta Minister of Justice requesting that a Sitting Justice of the Peace be re-established in Red Deer to serve Red Deer and the Central Alberta area.”

MOTION CARRIED

Council recessed for supper at 6:04 p.m. and reconvened at 7:16 p.m.

PUBLIC HEARINGS

A Public Hearing was held with regard to **Land Use Bylaw Amendment 3156/TT-2003 / Rezoning of 5601 Kerry Wood Drive from R3-D80 to R3-D95**. Mr. David Hamilton, David Hamilton Architect Ltd., was present to speak at the meeting. As no further comments were received, Mayor Surkan declared the Public Hearing closed.



ALBERTA
MINISTER OF JUSTICE

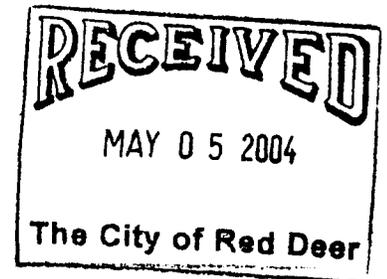
COPIED TO: • Supt. J. STEELE, RCMP
• L. & AS

FILE

208 Legislature Building, 10800 - 97th Avenue N.W., Edmonton, Alberta, Canada T5K 2B6

Telephone 780/427-2339 Fax 780/422-6621

APR 30 2004



Her Worship Gail Surkan
Mayor
City of Red Deer
Box 5008
Red Deer, Alberta
T4N 3T4

Dear Mayor Surkan:

Re: Review of Justice of the Peace Services for Central Alberta Region

Thank you for your letter of March 18, 2004.

In the recent past a number of concerns have been expressed about Justice of the Peace services for the central Alberta region. Alberta Justice conducted a review to evaluate service levels. Before I provide you with the results of the review I would like to comment on the history of the role and duties of the Justices of the Peace in Alberta.

Prior to 1997, in most areas outside of Edmonton and Calgary, regular citizens of the community (with no legal background or experience) were appointed as Justices of the Peace. While working with police agencies, they provided various services such as issuing search warrants, taking informations, issuing process under the Criminal Code and conducting bail hearings. They were paid on a fee-for-service basis and they were called "fee Justices of the Peace".

In 1997, the Supreme Court of Canada decision, *Regina v. Wickman*, compelled Alberta Justice to re-examine legislation and processes regarding its judicial officers, including Justices of the Peace, in order to ensure they were provided with the necessary judicial independence.

One area that was re-examined and changed was the Justice of the Peace system. The *Justice Statutes Amendment Act, 1998*, created three levels of Justices of the Peace: sitting, presiding and non-presiding. The statute provided for a clear distinction between those Justices of the Peace requiring judicial independence (sitting and presiding) and those who do not (non-presiding). Sitting Justices of the Peace would hear trials, primarily on minor Provincial and Municipal offences. Presiding Justices of the Peace would perform all functions requiring judicial decisions under the *Criminal Code*, up to but not including, the hearing of preliminaries and trials. Non-presiding Justices of the Peace would administer oaths or affirmations, take declarations and process bail orders made by other judicial officers (e.g. Judges, presiding Justices of the Peace).

The Judicial Council is independent of government and is an integral component of ensuring that the requirements of judicial independence are met. The Council is responsible for recommending suitable candidates for appointments to the Minister. It determined that, in order to qualify to become a sitting or presiding Justice of the Peace, an applicant must be a lawyer with at least five years experience at the Bar.

To facilitate the application of the *Justice Statutes Amendment Act, 1998*, two Central Hearing Offices, staffed by presiding Justices of the Peace, were established; one in Edmonton and one in Calgary. The Central Hearing Offices provide Justice of the Peace services for the entire province. The presiding Justices of the Peace conduct judicial interim release hearings by telephone, issue summonses and warrants by fax, issue various search warrants by telephone, consider child welfare apprehension applications and applications under the *Protection of Children Involved in Prostitution Act*, and issue emergency protection orders pursuant to the *Protection Against Family Violence Act*.

The review of the current level of Justice of the Peace services was conducted by interviewing elected officials and Central Bar Association members who wrote in support of an appointment for a local presiding Justice of the Peace for central Alberta. In addition, a number of RCMP detachments who serve the central Alberta region were contacted for their views.

The following are the results of our review:

- Some of the individuals who were interviewed expressed concerns about some decisions made by Justices of the Peace. Since Justices of the Peace are judicially independent of government, we cannot influence how they exercise their authority. Stakeholders who had concerns about decisions made by Justices of the Peace were asked to forward their concerns about *Criminal Code* matters to their respective Crown Prosecutor office for review and possible further action.

- There were some concerns expressed that training provided to the RCMP was insufficient. The Criminal Justice Division of Alberta Justice has provided RCMP members with a written process to assist them with bail hearings.
- The individuals who were contacted were asked to provide details about the matters that they had raised so that these issues could be reviewed and effectively dealt with. The people interviewed did not provide details on the issues they raised. I must stress how important it is that we receive specific information so that we can review and address any concerns, and to ensure Hearing Offices are providing a high level of service to all stakeholders.
- In analyzing the results of the interviews, people did not have concerns about the administrative process (document processing). The people interviewed were provided with a Court Services contact name and telephone number to raise concerns regarding administrative processes. The contacts are:

Calgary Hearing Office: Ms. Basem Hage, Senior Manager, Provincial Court,
Calgary, (403) 297-3681

Edmonton Hearing Office: Ms. Lorna Ross, Senior Manager, Provincial Court,
Edmonton, (780) 427-7869

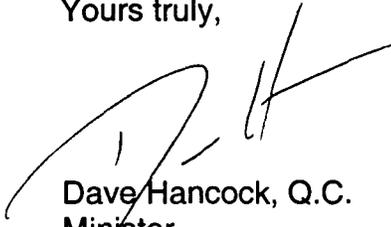
Ms. Hage and Ms. Ross can be reached from 8:15 a.m. to 4:30 p.m., Monday through Friday.

- A few individuals mentioned the length of time it can take to contact a Justice of the Peace, and while there was some mention of timeliness, no specific examples of waiting times were provided to the Court Services representatives. Stakeholders were informed that if summons and warrants are urgent, the detachment can make that indication on a fax cover sheet, and the documents will be given immediate attention by the Hearing Office.
- The RCMP are aware of the process for contacting a Justice of the Peace by telephone, and training in this process is available to RCMP members. The Provincial Court in Red Deer has also indicated a willingness to hear applications for emergency protection orders.
- It should be noted that most elected officials or their designates, when contacted, did not have any knowledge of Justice of the Peace services, nor did they have concerns with how the services were being delivered.

A copy of a summary of our review and the list of people who were interviewed is attached for your information.

Based on the results of our review, I am confident that residents of central Alberta, including victims of domestic violence, are receiving a high level of service through the Hearing Offices in Edmonton and Calgary. Concerns about service, as previously outlined, should be directed to the proper authority so that issues can be quickly and effectively dealt with. If we work together we should be able to resolve any Justice of the Peace problem as it arises. As a result, I have decided to leave Justice of the Peace services for the central Alberta region centralized.

Yours truly,



Dave Hancock, Q.C.
Minister

cc: Honourable Heather Forsyth
Solicitor General

Honourable Victor Doerksen, MLA
Red Deer – South

Mary Anne Jablonski, MLA
Red Deer - North

Superintendent Jim Steele, RCMP
Legislative & Administrative Services, City of Red Deer

Attachments

**Justice of the Peace Service Report
Summary
Province of Alberta
March 2004**

Various stakeholders in Southern Alberta wrote to the Minister asking for a presiding (sitting) Justice of the Peace to be appointed in Red Deer, for the Central Alberta region, as services from the Calgary and Edmonton Hearing Offices are, in their opinion, inadequate.

A review of stakeholders' opinions was conducted at the request of the Minister. The interviewees were stakeholders involved in the use of Justice of the Peace services and were elected officials or their designates, RCMP representatives, and Alberta Bar Association members (table attached).

Concerns

Judicial

- The greatest concern from the policing agencies related to the decisions made by the Justice of the Peace. This was most prevalent in responses to Emergency Protection Orders, search warrant applications, and judicial interim release (bail) hearings. Most agencies were not aware of the processes available to them if they had concerns with the decision of the Justice of the Peace. However, the Red Deer RCMP detachment is aware of the appeal processes and of the process for forwarding concerns to the Crown.
- The police felt that Justices of the Peace in the Hearing Offices were acting like defense lawyers when hearing applications, especially bail applications. One police officer described the process as the "Justice of the Peace acting like a trial judge rather than a Justice of the Peace" and "trying to adduce evidence that would be adducted at trial".
- One elected official said that she was very pleased that there was a requirement for the Justices of the Peace to be legally trained. She felt that the previous system seemed inadequate given the amount of training for the non-legal Justice of Peace.

Administrative

- Overall, the police seem to be satisfied that existing administrative processes ensure documentation is completed in a timely fashion. Although there were comments in relation to timeliness with specific examples, most could be attributed to one's perception of "timeliness". Some agencies felt that an hour (or less) turnaround time was excessive, while other agencies commended the Hearing Office on turnaround times of that length.
- Interviewees made recommendations regarding communication between the Hearing Office and the police agencies. For example, it would be extremely helpful if the Hearing Office staff would alert the police agencies when a delay in processing documents would delay the processing of the prisoner.

Conclusion

- Most elected officials interviewed said that their correspondence to the Minister was as a result of a request to them by Red Deer County to support an initiative for a presiding Justice of the Peace for central Alberta. Due to the increased population growth and the recent murder suicide in the area, the municipalities agreed to support the initiative. As a result, the letters sent to the Minister expressed support rather than concerns with the current service provisions.
- Once Justice of the Peace services were explained to the elected officials, the majority agreed that it would be redundant to provide the same type of service in the Red Deer area that is currently in place in Edmonton and Calgary. The only other comment made to support the appointment of a presiding Justice of the Peace in central Alberta was that they would have a better understanding of the needs of the region than a Justice of the Peace in Edmonton or Calgary.
- What the remaining interviewees want is the previous Justice of the Peace program (a Fee Justice of the Peace in each community). The process allowed for a lay person in the community to be appointed as a Justice of the Peace. Interviewees felt that this person would be more in tune to the local community's issues and culture since they would be reading the local paper, listening to the local news, and being influenced by the community. Consequently, they would provide decisions that would benefit the community.
- Police agencies feel that service from the Edmonton and Calgary Hearing Offices is "far too clinical." The police are of the opinion that a Justice of the Peace in a large urban centre is not in a position to adequately determine the needs of a smaller, rural community. The "personal touch" is what these communities are missing and want back.

Justice of the Peace Services Interview List

City / Town / Area	Police Agency	Person Interviewed	Elected Official (Position)	Person Interviewed
Blackfalds			Chief Elected Official	Wayne Tutty
Village of Delburne			Municipal Administrator	Debbie Bobocel
Eckville			Mayor	Helen Posti*
Elnora			For Mayor Lloyd Cheshire	Michelle Smith, Assistant
Town of Flagstaff	RCMP Killiam	Dwayne Skappak Sergeant	Reeve	William Reister
Town of Hardisty			Town Administrator	Debbie Johannesson
Innisfail	RCMP Innisfail	Ron Klatt, Corporal Ron Bossey, Corporal	For Mayor Ken Fulton	Dale Mather, Chief Administrator
Lacombe County			County Commissioner	Terry Hager
Mountain View County	RCMP Didsbury	Bez Schneidmiller, Liason Officer	For Ian S. Harvie, Reeve	Harold Johnsrude, County Commissioner
Olds	RCMP	Bob Phillips, Sergeant	Mayor	Norma Duncan
Red Deer City			Mayor	Gail Surkan
Red Deer City	RCMP	Peter Calvert, Inspector Jim Steele, Superintendent		
Red Deer Rural	RCMP	Paul Simard, Sergeant		
Red Deer County	Central Alberta Bar Association	Sharon Crooks, Rowan Oak Law Office, Sylvan Lake	Reeve	Earl Kinsella*
Red Deer	Central Alberta Bar Association	Gary Wanless, President		
Red Deer	Central Alberta Women's Outreach Society			Martha Ludtke*
Stettler			Reeve	Janet Fletcher
Sundre	RCMP	Jay Arsenault, Sergeant	Mayor	R. Wayne Gent
Three Hills	RCMP	Greg MacKinnon, Sergeant	For Jack Ramsden, Town Manager	Mirna Bowman Mayor

* Did not return calls.

Legislative & Administrative Services

DATE: November 4, 2003
TO: Colleen Jensen, Community Services Director
FROM: Kelly Kloss, Legislative & Administrative Services Manager
SUBJECT: Central Alberta Bar Association –
Request for Sitting Justice of the Peace

Reference Report:

Community Services Director, dated October 24, 2003 and OIC, RCMP, dated October 27, 2003

Resolutions:

“Resolved that Council of the City of Red Deer, having considered the correspondence from the Central Alberta Bar Association, dated October 21, 2003, re: Emergency Protection Orders, hereby agrees to send a letter from the City of Red Deer to the Alberta Minister of Justice requesting that a Sitting Justice of the Peace be re-established in Red Deer to serve Red Deer and the Central Alberta area.”

Report Back to Council: No

Comments/Further Action:

Please draft a letter, for the Mayor’s signature, to the Alberta Minister of Justice, as per the above resolution, with a copy of the letter provided for members of Council and this office.


Kelly Kloss
Manager

/chk

c Supt. J. Steele, OIC, Red Deer City RCMP

Normandeau Cultural and Natural History Society

4525 - 47A Avenue
 Red Deer, Alberta T4N 6Z6
 Ph: 403-309-8405
 Fax: 403-342-6644

October 2, 2003

- Kerry Wood
 Nature Centre

- Gaetz Lakes
 Sanctuary

- Allen Bungalow

- Fort Normandeau

- Red Deer &
 District Museum

- Heritage Square

- Heritage
 Preservation
 Committee

Mayor Surkan and Members of Council
 City of Red Deer
 Box 5008
 Red Deer, AB T4N 3T4

Dear Mayor Surkan and Councillors,

As you are aware, the Heritage Preservation Committee of the Normandeau Cultural and Natural History Society is dedicated to the identification, preservation and maintenance of human and natural heritage features in and around Red Deer. Through initiatives such as the heritage significance inventory/bylaw and the Heritage Recognition Awards, the Committee strives to recognize and preserve Red Deer's heritage resources.

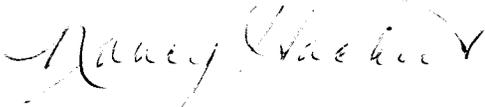
After the tragic fire in June which damaged the Michener Centre Administration/Ladies Presbyterian College building, the Committee felt some action was necessary. Committee representatives met with Red Deer North MLA Mary Anne Jablonski regarding the preservation of the Michener Centre Administration building. She indicated that the province would need to see a demonstration of community support to save the building. The Committee initiated a petition, which to date has been signed by more than 5100 people.

We know that City Council also has an interest in this very important community landmark given that, in 1984, the Michener Centre Administration building was designated a Municipal Historic Resource by City Council. It is one of only a handful of buildings in our City honoured with this distinction and level of recognition.

Furthermore, Red Deer has been designated a Cultural Capital of Canada, in part because its example of heritage and cultural activity in the community. As well, Red Deer is one of only four communities in Alberta which has introduced a municipal heritage designation, another example of civic leadership.

For these reasons, we know you are concerned with the future of the Michener Centre Administration building. We wished to ensure you were aware of our actions and progress. We encourage The City to formally express its support for the preservation of the Michener Centre Administration building, a Municipal Historic Resource and community landmark.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Hackett". The signature is written in dark ink and is positioned above the typed name.

Nancy Hackett
Chairman
Heritage Preservation Committee

NH/sl

Normandeau Cultural and Natural History Society

4525 - 47A Avenue
 Red Deer, Alberta T4N 6Z6
 Ph: 403-309-8405
 Fax: 403-342-6644

October 16, 2003

- Kerry Wood
 Nature Centre

- Gaetz Lakes
 Sanctuary

- Allen Bungalow

- Fort Normandeau

- Red Deer &
 District Museum

- Heritage Square

- Heritage
 Preservation
 Committee

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

Dear Mayor Surkan and Councillors,

The Normandeau Cultural and Natural History Society encourages you to lend The City's support to the petition encouraging the Province to save the Michener Centre Administration Building. This building is a designated Municipal Historic Resource which is also an important landmark in the community.

The Province is taking an extended length of time to make a decision on the building's future. We find it most distressing that during this time, an important heritage asset has been left unprotected from the elements, thus increasing future costs of restoration.

We hope City Council will formally indicate support for preservation of this Municipal Historic Resource.

Sincerely,



Jan Sirrs
 Chairman
 Normandeau Cultural and Natural History Society

JS/sl



Bob Mills, MP
(Red Deer)

Ottawa
920 Confederation Bldg.
Ottawa, Ontario
K1A 0A6
(613) 995-0590
FAX: (613) 995-6831
e-mail: millsb@parl.gc.ca

Red Deer
4921-47th St.
Red Deer, Alberta T4N 1R4
(403) 347-7426
Fax: (403) 347-7423
1-800-667-0523
e-mail: bmillsmp@telusplanet.net

July 14, 2003

Robert Lampard, M.D.
President
Central Alberta Historical Society
4525-47A Avenue
Red Deer, AB
T4N 6Z6

Dear Dr. Lampard:

Thank you for the copy of the letter you sent to Premier Ralph Klein regarding the Michener Services South Administration Building.

The Michener Administration Building is one of Red Deer's few historical landmarks. It is possibly the most visible historical building in the area. As you mentioned, it has maintained a presence in the lives of all Red Deer residents as its roles have changed through the decades. The damage caused by the fire is tragic; it would be a pity to lose such an important part of our heritage.

Again, thank you for keeping me informed. If you have any further questions or comments, please feel free to contact my office.

Yours truly,

Bob Mills, MP
Red Deer



CITY ARCHIVES

October 27, 2003

**The Mayor and Members of Council
City of Red Deer
P.O. Box 5008
Red Deer, Alberta
T4N 3T4**

Your Worship and Members of Council,

At its regular meeting of October 15, 2003, the Red Deer and District Archives Committee discussed the fire at the Michener Centre Administration building on June 18th and the Red Deer Heritage Preservation Committee's subsequent efforts to have the building repaired and restored.

The Archives Committee consequently passed a motion supporting the efforts of the Heritage Preservation Committee to have this important historical site preserved. There are very few beautiful old buildings left in Red Deer and even fewer with an architecture and history as significant as the Michener Centre Administration (Alberta Ladies College) building.

The Archives Committee therefore encourages Council to also take a formal position supporting the preservation of this municipally designated historic resource.

Yours truly,


**Glen Capeling
Chair
Red Deer and District Archives Committee**

The City of Red Deer



Oct 27/03

Dear Council;

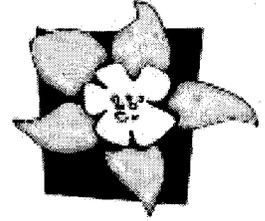
The Michener Administration building's future is now under review at the provincial level of government. I strongly support the local lobby to preserve this historical site.

This building represents one of the last major historical links to our city's early days and the unfortunate fire means its future is in question. Your council could represent a strong voice for the preservation of this municipally designated heritage site if a favourable council vote is presented to the provincial government.

I would like to see a council vote on this issue in order to provide an official Red Deer position to the provincial government. Thank you for this consideration.

Jim Sutherland
Business owner / columnist
in the City of Red Deer

October 24, 2003



Mayor Surkan and Members of Council
City of Red Deer
Box 5008
Red Deer, AB T4N 3T4

**Main
Street
Red Deer**

Dear Mayor Surkan and Councillors;

RE: Michener Centre Administration Building

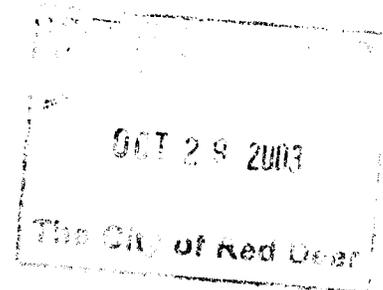
The Red Deer Main Street Project Local Advisory Board is proud to support the preservation and restoration of the Michener Centre Administration Building.

The Project is focused on renewing historic and architectural character then using this new image to restore economic vitality and a source of community identity and pride. Although we concentrate on the historic core of Red Deer, our focus can be applied to the entire City and achieve the same benefits.

Red Deer has been very supportive of our Project and other heritage preservation initiatives. It would be a huge loss to the community to lose this Municipal Historic Resource when we work so hard to educate the community on their importance and work to preserve and restore these Heritage buildings.

Sincerely,

Dennis Zimmer
Chairperson



DATE: October 27, 2003

TO: Kelly Kloss, Manager
Legislative and Administrative Services

FROM: Colleen Jensen, Director
Community Services

SUBJECT: Preservation of the Michener Centre Administration Building

Background

As Council is aware, a request has come forward from the Heritage Preservation Committee asking Council to formally indicate to the province, as owner of the Michener Centre Administration building, support for the restoration of the building.

The oversight of historical resources within the city is primarily undertaken through the Heritage Preservation Committee, which is a sub-committee of the Normandeau Cultural and Natural History Society. Their role is to identify heritage resources and work toward the preservation and maintenance of those resources.

In The City's agreement with the Normandeau Society, it is indicated that the Normandeau Society will provide administrative support to the Heritage Preservation Committee, however, no specific role for the committee is outlined.

For detailed background as to the site, and to The City's HP Historic Preservation District, under the Land Use Bylaw, please refer to the memo from Parkland Community Planning Services.

Discussion

In June, the Michener Centre Administration Building was hit by fire and the Heritage Preservation Committee felt that action was necessary, based on their role, as defined by the Normandeau Cultural and Natural History Society. To that end they met with the MLA's and then undertook to see what the community support for restoring the building might be, through the circulation of a petition. Overall, there has been significant interest in restoring the building. The building is one of the oldest in the community and it is very visible on the city's escarpment. Many people have some personal attachment from either working there or having had family members who worked there or lived there.

In considering The City's position as to whether the building should be restored by the province, the following thoughts are offered:

- The building is a registered municipal heritage resource, and from this, it is seen that the building is valued in a significant way. Parkland Community Planning Services provides the background to clearly understand The City's commitment to preserving heritage in our community.

Community Services

- The cost of restoring the building will likely be high, as it would seem that there could be significant issues in bringing a building of this age up to code. The City must be very clear, that if we choose to officially indicate our support for the owner (the province) undertaking the restoration of the building, that any cost related to such work would not be born by The City. Further, it should be made clear that if the province chooses to expend funding on the restoration of this building, this should not be seen as being in lieu of other funding that might come to the community and/or affect The City's opportunity to access provincial grants and funding for other projects that The City sees as important in providing services to the community. The restoration, of the Michener Centre Administration Building, and the funding of such, remains with the province as the owner.
- It may be to the community's benefit to encourage "adaptive re-use" of the building, if the building is to be restored. In doing so, needs of other groups in the community might be met, while still being able to retain this historical resource that has much community interest. If The City chooses to indicate our support for the owner restoring the building, then we should suggest that adaptive re-use be seriously considered and explored. Financially, this could make the project much more viable for the province.

Recommendation:

That The City of Red Deer indicate support for restoration of the Michener Centre Administration Building by the province as the owner, but clearly indicate some of the above noted comments as part of our letter of support.



Colleen Jensen

:slm

- c. Nancy Hackett, Chair, Heritage Preservation Committee
Wendy Martindale, Director, Red Deer and District Museum
Michael Dawe, City Archivist
Kerry Dawson, Superintendent, Cultural Services

To: Kelly Kloss, Legislative and Administrative Services
From: Paul Meyette, City Planning Manager
Date: October 27, 2003
Re: **Request for Comments on the Preservation of the
Michener Centre Administration Building**

Background

The City of Red Deer has received a letter from the Heritage Preservation Committee of the Normandeau Cultural and Natural History Society detailing its efforts to see the Michener Centre Administration building restored after it sustained fire damage earlier this year. The letter encourages The City to formally express its support to the Province of Alberta for the preservation of the Michener Centre Administration Building, which is a designated municipal heritage resource.

Current Building Status

As City Council will be aware, the Michener Centre Administration Building was struck by lightning on June 18 setting off a fire. Local emergency services personnel worked to ensure much of the building was saved. The building is owned by the Province of Alberta. The building had been used for office space for Michener Centre staff up to the date of the fire, however, following the fire the building was vacated. The Provincial Government is now determining whether they will restore the building or demolish it.

The building is situated on the Michener Centre property on Michener Hill and is designated PS Public Service (Institutional or Governmental) District. The purpose of the PS District is to provide land for uses that are public or quasi-public in nature.

Municipal Heritage Resource

Under the City's Land Use Bylaw the building is also designated as HP Historical Preservation District (HP-10). This designation represents only the most significant historical buildings in Red Deer, which are municipally designated for protection under the Historical Resources Act (a few of the buildings are also designated by the Province as being provincially significant). The general purpose of the historical preservation district is to maintain the historical character of designated buildings and the surrounding area with regard to building appearance, degree of activity, and overall compatibility with historical preservation goals. The district indicates that buildings shall not be demolished, added to, structurally altered or the exterior renovated unless approved by the Development Authority

of the City of Red Deer. In addition, development plans related to the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaped open space and the parking layout shall all be subject to Development Authority approval. Only 13 buildings/structures across the city have been deemed significant enough to merit this level of heritage recognition and protection. These buildings include some of the most recognized landmarks in the City such as the Old Court House, CPR Station, St. Luke's Anglican Church, the Allen Bungalow, North Red Deer Cottage School, Parsons' House, CPR Bridge, Cronquist House, Red Deer Armoury (currently the library), the J.J. Gaetz House (Willow Villa), the Clark House, the McIntosh House and the Michener Administration/Presbyterian Ladies College building. Alberta Public Works, Supply and Services, as the owner of both buildings indicated support of the designation in writing. This letter of support remains on file in the Red Deer Archives.

As an HP building, the Michener Administration Building has the highest level of designation and protection the city can offer under current legislation. This designation was applied in 1984 on a motion by Red Deer City Council. While privately owned buildings with the HP designation would be required to submit plans to demolish or alter the building to the City's Development Authority for approval, the Province as the owner is not required to follow municipal designation regulations. However, typically, the Province attempts to take the municipality's wishes into consideration with regard to such matters.

In follow up to the municipal designation, the City of Red Deer Archives applied in January 1991 to have the Alberta Ladies College/Michener Centre Administration Building designated as a provincial historic resource based on its important historical contribution to all of Alberta. In July 1991 the office of the provincial government responsible for dealing with such designations replied in writing that the application had been received and was in the process of undergoing review. A preliminary evaluation had determined that the building was a potential candidate for designation as a registered historic resource. The letter indicated that an architectural assessment and structural condition evaluation were to be completed by March 30, 1992. A final recommendation to the Provincial Minister on the request for provincial designation was to have been "made shortly thereafter". To date the City of Red Deer has not received the findings of the architectural and structural assessments and no recommendation on the application has been made.

The City of Red Deer was the first municipality in Alberta to designate municipally significant buildings and today is one of only four communities in the entire province that has shown this level of initiative to protect local heritage resources. Red Deer has been a leader in heritage protection in the province of Alberta by working with building owners to convince them of the importance of heritage resources to the broader community. Council is now being asked to continue this level of leadership and remind the Province of Alberta of just how important the Michener Administration Building is to this community and how devastating the loss would be to the past, present, and future generations of Red Deer residents.

Significance to the City of Red Deer

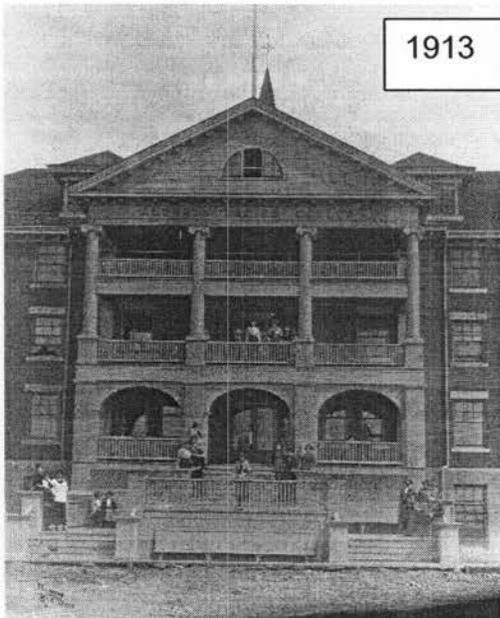
In brief the Michener Centre Administration Building is significant to the City of Red Deer based on its contribution to local history, its status as a landmark in Red Deer, its provincial and national significance, and its municipal designation.

Local History

The Ladies College/Michener Centre Administration Building is very significant (see attachment) and is linked to the development and growth of Red Deer. In addition, this building is the largest surviving pre-World War I institutional structure in Central Alberta; buildings similar in nature/use such as the St. Joseph's Convent and the Indian Institutional School have already been lost. The building represents the progress of Western Canada in that the building was constructed as part of a three part initiative to educate rural women in Canada along with the McDonald Institute in Guelph (now part of the University of Guelph), McDonald College in Quebec (now affiliated with McGill University), and the Alberta Ladies Presbyterian College in Red Deer, Alberta. These institutes have been nationally credited with improving life in rural Canada and in creating career opportunities for women.

Landmark

This building is a key landmark in the City of Red Deer. In its location overlooking the city core from the east hill it is arguably Red Deer's most prominent historic landmark. Only the train station located at the west end of Ross Street can rival its prominence in defining Red Deer's visual identity. In reviewing the historic photos included here, it is evident that the visual impact of the building as a city landmark is as prominent as it was in 1913 when the building was constructed. Similar grand public buildings and landmarks once framed the city on every hill side, St. Joseph's Convent on the brow of the North hill, the original hospital on the South hill, and the Michener Centre/Ladies College Building on the East hill. One by one these buildings have been lost. Only the Ladies College/Michener Building remains. Landmarks such as the Michener Building give character to a community and help in defining it to residents and visitors. The building with its red brick, central entrance with large stair case leading upward, cupolas, and imposing



height was designed to be prominent and to be visible through the valley below/original Red Deer town site. It is a show case building and the most identifiable "jewel" of the Michener Centre property.

National and Provincial Significance

With its ties to national organizations such as the Presbyterian Church of Canada and the Women's Institute, with its initial role in serving young women, later in serving returning soldiers, and still later in serving the mentally challenged from across the entire province of Alberta, with its ties to Canadian war history, and with its link to prominent Canadian families such as the Muldrew family and the Michener family this building is truly of provincial and national significance. Therefore, it is important not just in a local context but in a national and provincial context to restore the building.



Designation Program

This building is the cornerstone of Red Deer's municipal designation program. As such it is eligible for Canada's national registry of significant places (to be completed in 2004) and enhanced funding promised by the Province (for 2004). Initiatives at the provincial and national level have added more emphasis on municipal heritage designation than ever before and for this reason preservation of Red Deer's historic resources and especially this cornerstone building are critical.



City's Ongoing Commitment to Heritage Preservation

The City of Red Deer has been asked to request the Province repair and restore the Michener Centre Administration Building. This request has been made to the City not because they own the building or have statutory authority over the building but instead because of the long track record the City has in proactively and creatively working to maintain heritage resources in this community. Over the years the City has made large effort to retain the heritage resources of our community in four key ways. The City has worked proactively in partnerships and collaborations to see heritage buildings retained and restored, the city has passed regulations protecting heritage resources based on the greater community good in retaining these structures, the City has incorporated heritage features into city facilities to recognize their importance, and the City has occasionally taken

ownership of heritage buildings when appropriate to contribute to the adaptive reuse and restoration of significant buildings in our community.

Partnerships and Collaborations

The City of Red Deer has been an active part of several successful partnerships and collaborations intended to preserve heritage resources in this community. One of the prime examples is the Main Street Programme. The City is a funding partner of the Red Deer Main Street Project which has the mandate of restoring the facades of historic buildings located in downtown with the intent of retaining these resources in the community and revitalizing the core. Buildings such as the Farthing Block, the Old Mill, and the Former Park Hotel have been rehabilitated in downtown Red Deer thanks to the Main Street partners including the City of Red Deer. Several more buildings are currently undergoing restoration this year and into 2004.

The City of Red Deer has also previously worked in collaboration with private land owners to ensure that heritage buildings owned by private individuals such as the CPR Station and the Parsons' House were not demolished. These buildings are today incredible assets to our downtown and community as a whole.

Regulatory Protection

The City of Red Deer has been a leader in using regulatory tools to ensure the protection of heritage resources based on the belief that historic buildings are an asset for the entire community and have a shared community value. The HP and HS designations of the Land Use Bylaw as previously mentioned are examples of the City's efforts to protect heritage resources. Current work on C1 design guidelines to recognize and protect downtown heritage resources are expected to be another example of the involvement of the City in providing regulatory protection to historic buildings.

Incorporation into City Facilities

Many city facilities have been designed or retrofitted to incorporate historical elements in recognition of the importance of preserving local history. Just a few examples include, the Collicut Centre which contains several art pieces representing Central Alberta history, Heritage Square which contains historic structures, and the Ghost Project which places historical sculpture on city land such as street corners or city hall park in recognition of local history. As well, the City's Waskasoo park system contains numerous historic markers throughout. Several city parks including the new downtown plaza park contain historical markers or significant historical components such as the CPR fountain. These examples show the importance of local history to the identity and quality of life of Red Deer residents.

Building Ownership for Adaptive Reuse

The City has on occasion acquired ownership of key historic resources to ensure that they are retained in the community and adaptively reused. One of the most well known examples is the children's library/Red Deer Armoury Building. The building was owned by the Department of National Defense as an armoury until 1961, at that time the building was transferred to the City for use as a fire hall. Just prior to the transfer, ironically, the building was badly damaged in a fire. Rather than demolish the building, it was restored and the city carried on with plans to use the building as a fire hall. When no longer required as a city fire hall, the building found new life again and was renovated for use as the current children's library.

Another example of the City of Red Deer's adaptive reuse of historic buildings is the Old Court House. The province deemed this building to be no longer suitable as a court house. After the building sat vacant for over a year, it was acquired by the City of Red Deer to house a downtown cultural centre and city offices. Only a few years ago the building was sold and once again adapted to a new use as a private office buildings housing numerous offices and commercial uses. Historic buildings such as the Cronquist House and Allen Bungalow are also owned by the City of Red Deer and have been restored for adaptive reuse.

The City of Red Deer has many times over the years taken on the role as stewards and defenders of the preservation of built heritage. The City has been so proactive in the past as to purchase historic buildings, to restore and adaptively reuse these buildings, to use regulatory tools to preserve buildings owned by private individuals, and to provide funding for historical restoration projects. In the case of the Michener Administration Building, City Council is simply being asked to support in writing a request that the Province of Alberta as the owner of the building restore it in order that it continue to remain as a historical asset to the community of Red Deer and Central Alberta.

City Policy on Heritage

The City's commitment to heritage preservation is also reflected in city policy contained in the City of Red Deer 2002-2005 Strategic Plan, Policy 1.5.6 stresses the importance of preserving historic resources while accommodating and planning for community and economic development.

Cultural Capital of Canada

As Council is aware, the City of Red Deer recently received recognition as a cultural capital of Canada. The award application submitted by the city indicated that "we are committed to culture and heritage as integral facets of our municipal identity." This grant application focused on, among other components, the strategies of the City's Community Culture Master for heritage development, the municipal protection program for heritage buildings, and the retrofitting and reuse of historic buildings such as the Cronquist House, Train Station and Old Court House. Upon receipt of the award the recognition provided by the Canadian

Heritage Department commended The City of Red Deer for enriching its “residents and visitors alike by further harnessing the power of the arts, culture, and heritage.” Red Deer has been recognized nationally for its leadership in cultural development and heritage protection.

Is Restoration Viable?

The City has not been made aware of any structural assessments completed on the building nor has any cost for restoration been announced. It is our understanding that these studies have not yet been released by the Province. However it is also our understanding that the fire was largely contained to the roof and top storeys. Staff of the Michener Centre were able to enter the building within a few days to retrieve records, equipment, and furniture. In terms of reuse of the building, there are numerous options to reuse the space if it is deemed surplus by the current tenants.

Petition

Following the fire, a petition was circulated through out Red Deer and Central Alberta requesting the Province to consider restoration of the building if possible. As of October 23, 2003 5,255 signatures in support of the building’s restoration had been collected. This petition was presented to Mary Ann Jabolonski, Red Deer North MLA.

Summary

The City of Red Deer designated the Michener Administration Building in 1984 as a municipal heritage building with the full support of the Province of Alberta who at that time (and still today) own the building. This level of designation is the highest level of historical significance recognition and protection any municipality in Alberta can bestow upon a building. The Michener Administration Building is one of only a select group of the most key buildings in the city to have such a level of designation. It is the largest, most visible, and among the oldest of the entire select group. A few years after approving this level of designation, the City of Red Deer began to pursue provincial designation of the Michener Administration Building given its important role in the history of education, World War I, and care of the mentally disabled. Processing of the application made by the City in 1991 for provincial designation has not been completed by the Province. However, even as a municipally designated building it is eligible for listing in the new national historic registry being developed by the federal government and eligible for increased restoration funding.

City policy contained in the Strategic Plan specifically directs the city to value and preserve historic resources. Over the years, this commitment has been reinforced by numerous initiatives ranging from partnerships such as the Main Street Project, to restoration work such as the Cronquist House and the downtown Library building, to policy development such as the proposed C1 design guidelines for heritage buildings and development of heritage designations in the city’s Land Use Bylaw. These efforts have been recognized nationally

through a recent Cultural Capital of Canada award. Lending support to the request to the Province to restore the Michener Administration Building is consistent with the City's vision for heritage protection and consistent with previous city action in the area of heritage in general and specially with regard to previous initiatives to protect and designate the building in question.

In addition to city policy support, there is community support for the restoration of this building, over 5200 Alberta residents have added their name to the request to see this building restored. Numerous organizations have written letters of support for its restoration and several individuals, businesses, and groups have been active in seeking restoration of this building. Major organizations/private investors have come forward with proposals to see the building adaptively reused to meet community needs. If the province does not have a long term use for the building, it may be to the community's benefit to encourage "adaptive re-use" of the building. In doing so, needs of other groups in the community might be met, while still being able to retain this historical resource that has much community interest.

Economic, environmental, and cultural benefits to the restoration of heritage buildings are well documented throughout planning literature and form the basis for programs such as the Main Street Program and much of the work of Heritage Canada. Members of Council will be familiar with the great benefits cities like Victoria, Edmonton, Niagara-on-the-Lake, Montreal, Halifax and Fredericton reap from their stock of historic buildings

While the future of the building rests in the hands of the Province of Alberta, the City of Red Deer can take on the role of strongly encouraging the Province to restore this historic resource because of its great significance to our local community. This support is urgent because the building has been untarped and open to the elements since the fire of June 18 and may be subjected to extensive weather damage over the upcoming winter months unless swift action is taken.

Recommendation

Based on city policy related to the significance and protection of heritage resources in the city and based on the 1984 designation of the building as a municipally significant heritage resource, it is recommended that City Council express to the Province in writing the great significance of the Alberta Ladies College Building/Michener Centre Administration Building to the local community and request that the Province take urgent action to restore the building.

Respectfully Submitted,

Paul Meyette ACP MCIP
City Planning Manager

- c. Wendy Martindale, Heritage Preservation Committee

Michener Administration Building

Building History

The building is 90 years old. It was constructed in 1912-1913 to serve as the Presbyterian Alberta Ladies College. The concept of a ladies college in Red Deer was initially decided upon by the Synod of the Presbyterian Church in July 1910. The report of the time indicated that Red Deer was selected based on its central location as the college was to serve ladies from across the province and "the beautiful site offered and the charming residential advantages of Red Deer". The Henry Jamieson family donated a site on the east hill to the school an adjoining parcel was purchased through monies raised by private donors and citizens. In May 1911 construction began and the four storey brick structure was completed in early 1913.

The College was operated by Presbyterians but was a non-sectarian Christian institution. The purpose of the College which served 60 to 75 girls per school year "was to give girls in Western Canada – and especially girls in the rural areas – the opportunity of receiving an education". Educating young women was important to "enable them to make their proper contribution to the solution of life's (society's) problems, domestic, social, intellectual and religious." In 1912 Jean Muldrew was hired as the first woman principal. Mrs. Muldrew was heavily involved in the local Women's Institute and became the first secretary-treasurer of the Alberta Women's Institute. She went on to become the assistant superintendent of Provincial Government's Department of Women's Institutes after her time at the College, and in 1918

she was appointed head of the domestic economic branch of the Canada Food Board in Ottawa and later became director of the Home Services Branch of the Soldiers Settlement Board, a nationally significant position which she held for many years. Another prominent national personality affiliated with the building, Mr. E. Michener (father of Governor-General Roland Michener) who later became a Senator served on the board of directors. E. Michener's daughter (Roland Michener's sister), Marian, was a student at the college.

During the First World War the college became too costly to operate in Red Deer and in 1916 was relocated to Edmonton (at the University of Alberta). The provincial government purchased the site for \$125,000. The Province converted the building to a care facility for soldiers returning from World War I who were suffering from physical or mental repercussions of war. Soldiers from throughout the province who had served the nation in war would have been housed in the building.

By 1922-1923 the requirement for such a large facility for returning veterans had decreased. The building then became an institution for the care of the mentally disabled and specifically the care of children with mental disabilities. This represented a change in practice to offer more specialized care to mentally disabled individuals. For almost two decades the building served as a sole treatment centre, school, and residence for children and staff. In 1939 overcrowding finally resulted in the construction of another two-storey residence for children.

Expansion continued and in 1955 the adjoining facilities, Deerhome, were built for adults with mental disabilities. By the late 1960s the institutions peaked at over 2300 residents and 2300 staff. Put in perspective, in 1967 the population of Red Deer was only approximately 26,000 meaning roughly one fifth of the population either lived or worked at the institution and nearly every Red Deer family had some connection to the Michener Centre Administration Building. This building and the Michener Centre facilities were a key means in Red Deer diversifying its economy away from strictly agriculture/agricultural service centre. Its presence continues to have a considerable role in the Red Deer community. Of further significance, this institution began the only school of nursing in Canada to offer specialized training for care of those with mental disabilities. Other such nurse's training programs were offered in Britain and New Zealand.

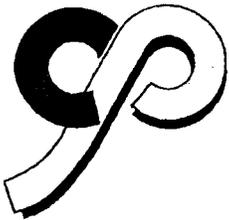
This building represents many ideals of a developing city and community. It represents Red Deer's role in the education of young women at a time when women could not vote in this country, had yet to be declared "legal persons", and before women had the right to hold elected office. Also significant was the role that this building played in Central Alberta's military history. Central Alberta has often been associated with training men to send to war, but sending forces overseas is only part of military responsibility, care must also be extended to those who return. The Administration Building represents a role in which Red Deer took responsibility for the care and

housing of returning soldiers who were suffering the effects of war. This was occurring in a time before province wide medicare services and before the long term interests of veterans were well represented in government and public policy. Because many of the returning soldiers would have been as young as 19 or 20 when they returned to Alberta, they would have great potential but few personal resources, and healing these men was especially significant. This building also represents progression of thought in dealing with mentally disabled individuals. At one time in this province (and through out North America) the mentally challenged were dealt with very differently than today. The specialized nursing and training programs, work opportunities, and community group homes that are now common place across Canada were in some sense pioneered from the Michener Centre experience. The Michener Centre Administration Building has been associated with several prominent Albertans and has served many public purposes in its 90 year lifetime from education to health care and only if the structure remains will it continue to represent these important historic achievements within our community.

Comments:

I agree with the recommendations of the Community Services Director.

"N. Van Wyk"
City Manager



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

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

FACSIMILE TRANSMITTAL SHEET

FAX NUMBER:

TO: *Christine Kenzie*

COMPANY: *Legislative + Admin. Services.*

FROM: *Nancy Hackett*

DATE: *Oct 24 / 03*

RE: *Michener Centre Building*

- URGENT
- FOR REVIEW
- PLEASE COMMENT
- PLEASE REPLY
- FOR YOUR INFO.

COMMENTS:

Please include the attached letter on the Nov 3 agenda for Council's discussion on the Michener Building.

Originals to follow: *No*

total no. of pages including cover: *2*

Parkland Community Planning Services offers consulting services throughout Alberta including public participation programs, Land Use Bylaws, Statutory Plans, mapping, special studies, subdivision designs, streetscapes, growth studies and facilitation.

October 31, 2003

Red City Council

Dear Councilors and Your Worship,

This letter is intended to reinforce the support those of us who signed the petition in favor of restoring the Michener Administration building.

I became involved in helping with the petition drive for several reasons. Firstly, I feel strongly that preservation of historical significance within a community also creates a sense of ownership and that a sense of ownership is vital for a growing community such as Red Deer. Secondly, as an alumni of Leadership Networks 2003 I was a part of a community project called "Protecting Our Legacy" which worked with Normandeau Cultural and Natural History Society and Red Deer Heritage Preservation Committee to develop recommendations and strategies that would increase the level of historical preservation here in Red Deer. We researched other communities in their capacity and methods of heritage preservation then with the recommendations we created a strategic planning template that would facilitate the implementation of those recommendations. During this time the fire of the Michener building occurred and I volunteered my time to help with the petition.

I would like to point out that once people I talked to were aware of the situation, that we could loose this building that has been such a big part of not only Red Deer but also Alberta, they were very willing to sign the petition. Out of the many supporters that I had talked with only two people decided to not support the petition giving reason to the cost. This experience revealed to me that most people *do* find it a viable and worthwhile cost to save the building. The fact that many people didn't know about the history, the fire, or why we should save the building revealed to me that Red Deer residents are not being exposed to the value of heritage preservation which reinforced my need to spread the news!

One last point I would like to make is something that I learned in my Leadership training. The leadership attribute of "modeling the way" (lead by example). If the desire is to increase and encourage historical preservation then saving this building would show Red Deer's commitment to the future of our historical sites. I believe that our residents would take that example to heart and be more inclined to take personal action in preservation.

I hope that you can get behind us, the residents and citizens of Red Deer, to save this historical building and to let Alberta know that we take pride in and want to protect our heritage.

Sincerely,

Terry Whipple



October 31, 2003

Mayor & Council
City of Red Deer
Box 5008
Red Deer, AB T4N 3T4

Dear Mayor Surkan and Members of Council:

The Cultural Charter Partners is an umbrella group of arts and culture organizations in Red Deer. We commend the Heritage Preservation Committee on their efforts in mobilizing community support to preserve the Michener Centre Administration Building.

We encourage City Council to add their voice to these who are encouraging the Province to save this Municipal Historic Resource.

Sincerely,

Wendy Maitelle

per Naomi Hanna
President
Cultural Charter Partners

WM / NH / drg
A:\des general disk \ cultural partners.let

Cultural Charter Partners of Red Deer and District
P.O. Box 24018
Plaza Centre P.O.
Red Deer, AB T4N 6X6

(403) 342-8115
www.artsandculture.ca



November 4, 2003

Honourable Ty Lund
Minister, Infrastructure
Legislature Office
424, 10800 - 97 Avenue
Edmonton, AB T5K 2B6

Dear Minister Lund:

Red Deer is a community that places importance on protecting, preserving, and maintaining human and natural heritage features. A tragic fire this past June has put in jeopardy a key historic building, the Michener Centre Administration/ Ladies Presbyterian College facility. In response, more than 5,200 citizens of Alberta have asked the Provincial Government to preserve and restore this historic building.

Red Deer City Council is also concerned about the future of this historic building and wishes to add its voice in asking the Province to save this important community and provincial landmark. At its meeting on November 3, 2003, Council supported requesting the Province to immediately protect and subsequently restore the Michener Centre Administration/ Ladies Presbyterian College building. This support is based on the following rationale:

- This landmark is a registered Municipal Heritage Resource,
- In January of 1991 Red Deer applied for Provincial designation of this landmark as a Provincial Historic Resource,
- This landmark is eligible in 2004 for Canada's National Registry of Significant Places and enhanced funding by the Provincial and Federal Governments,
- Interest has been expressed in the community for an adaptive reuse of the restored facility.

Additionally, it has come to Council's attention that since the fire, no steps have been taken to protect this building from the weather. I believe that this was an oversight and ask that steps be taken as quickly as possible to reduce further damage to this landmark.

THE CITY OF RED DEER

Honourable Ty Lund

November 4, 2003

Page 2

I know the Province places great importance on, and encourages, initiatives that preserve and interpret Alberta's rich heritage. The Michener Centre Administration/ Ladies Presbyterian College is a part of Alberta's rich heritage that needs to be preserved.

I look forward to hearing from you in the near future.

Sincerely,

Gail Surkan

Gail Surkan
Mayor

Ty,
I am hopeful something can be done to at least protect the building immediately. The community is aware there was insurance coverage beyond "self insurance" and there is growing concern that at least this first logical step has not been taken. Please call me if I can help in any way. We should talk!

c: Honourable Gene Zwozdesky, Minister, Community Development
MLA, Red Deer North, Mary Anne Jablonski
MLA, Red Deer South, Hon. Victor Doerksen
Councillors
Director of Community Services
City Clerk
Normandeau Cultural and Natural History Society
Heritage Preservation Committee

*Cheers -
Gail*

LEGISLATIVE & ADMINISTRATIVE SERVICES

November 4, 2003

Jan Sirrs, Chair
Normandeu Cultural and Natural History Society
4525 – 47A Avenue
Red Deer, AB T4N 6Z6

Dear Ms Sirrs:

Preservation of the Michener Centre Administration Building

At the Monday, November 3, 2003 Council Meeting, Council reviewed a request to support the preservation of the Michener Centre Administration Building.

Council passed the following resolution:

“Resolved that Council of the City of Red Deer, having considered the correspondence from the Normandeu Cultural and Natural History Society, dated October 2, 2003 and the report from the Community Services Director, dated October 27, 2003, re: Support for the Preservation of the Michener Centre Administration Building, hereby agrees to send a letter to the Province supporting immediate protection and subsequent restoration of the Michener Centre Administration Building based on:

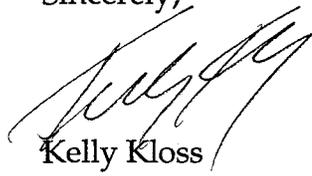
- 1) The building is a registered Municipal Heritage Resource, has had a request to the Province since January, 1991 to designate the building as a provincial historic resource, and the building is eligible for Canada’s national registry of significant places and enhanced funding by the Province for 2004.
- 2) Adaptive re-use be seriously considered and explored
- 3) The restoration of the Michener Centre Administration Building being completed by the Province as the owner as quickly as possible.”

...2/

Normandeau Cultural & Natural History Society
Page 2

A letter of support from the City of Red Deer, with the comments noted in the resolution above, will be sent to the Provincial government.

Sincerely,



Kelly Kloss
Manager

- c Community Services Director
Parkland Community Planning Services
Red Deer & District Archives Committee
Red Deer Main Street Project Local Advisory Board

FILE



Council Decision – November 3, 2003

Legislative & Administrative Services

DATE: November 4, 2003

TO: Colleen Jensen, Community Services Director
Paul Meyette, Parkland Community Planning Services

FROM: Kelly Kloss, Legislative & Administrative Services Manager

SUBJECT: Normandeau Cultural and Natural History Society
Request for City of Red Deer's Support for the Preservation of the Michener
Centre Administration Building

Reference Report:

Community Services Director, dated October 27, 2003 and Parkland Community Planning Services, dated October 27, 2003

Resolutions:

"Resolved that Council of the City of Red Deer, having considered the correspondence from the Normandeau Cultural and Natural History Society, dated October 2, 2003 and the report from the Community Services Director, dated October 27, 2003, re: Support for the Preservation of the Michener Centre Administration Building, hereby agrees to send a letter to the Province supporting immediate protection and subsequent restoration of the Michener Centre Administration Building based on:

- 1) The building is a registered Municipal Heritage Resource, has had a request to the Province since January, 1991 to designate the building as a provincial historic resource, and the building is eligible for Canada's national registry of significant places and enhanced funding by the Province for 2004.
- 2) Adaptive re-use be seriously considered and explored.
- 3) The restoration of the Michener Centre Administration Building being completed by the Province as the owner as quickly as possible."

Report Back to Council: No

Council Decision – November 3, 2003

Support for the Preservation of the Michener Centre Administration Building

Page 2

Comments/Further Action:

Please draft a letter, for the Mayor's signature, to the Province of Alberta, indicating the City of Red Deer's support for the preservation of the Michener Centre Administration Building.

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

Kelly Kloss
Manager

/chk



Legislative & Administrative Services

DATE: October 28, 2003
TO: City Council
FROM: Manager, Legislative & Administrative Services
SUBJECT: Red Deer Downtown Business Association
Board of Director Appointments

The Red Deer Downtown Business Association held their Annual Meeting on October 7, 2003 and five new directors were elected.

The Downtown Business Association requests Council's approval of the new directors. As in the past, names of the directors have been submitted in confidence to Council.

Recommendation

That Council approve the appointment of five new directors to the Red Deer Downtown Business Association for the following terms:

- a) four directors to be appointed for 3-year terms (2004 – 2006)
- b) one director to be appointed for 2-year term (2004 – 2005)


Kelly Kloss
Manager

Comments:

I agree with the recommendations from the Legislative & Administrative Services Manager.

"N. Van Wyk"
City Manager

LEGISLATIVE & ADMINISTRATIVE SERVICES

November 4, 2003

Sonia Sawyer, Executive Director
Downtown Business Association
5024 – 50 Street
Red Deer, AB T4N 1Y3

Dear Sonia:

*Council Approval of
Downtown Business Association Board of Directors for 2004*

At the Monday, November 3, 2003 Council Meeting, Council reviewed your request for approval of the Downtown Business Association Board of Directors for 2004. Council passed the following resolution:

“Resolved that Council of the City of Red Deer, having considered the report from the Legislative & Administrative Services Manager, dated October 28, 2003, re: Red Deer Downtown Business Association, Board of Director Appointments, approves the appointments of the following directors to the Red Deer Downtown Business Association for the terms specified:

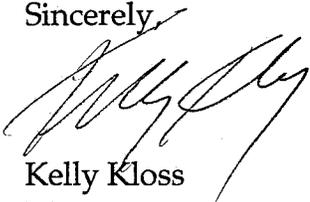
Kevin Beattie	3- year term to expire December 31, 2006
Richard Roth	3-year term to expire December 31, 2006
Nancy Vruwink	3-year term to expire December 31, 2006
Jason Appleyard	3-year term to expire December 31, 2006
Geoff Goodwin	2-year term to expire December 31, 2005”

..2/

Downtown Business Association
Page 2

Please call if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kelly Kloss', written in a cursive style.

Kelly Kloss
Manager

* SPECIAL
2003
COUNCIL - 10/10/03
12/1/03

BYLAW NO. 3156/RR-2003

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

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

1 The following subsection is added to Part 7, Special Districts:

"MATURE NEIGHBOURHOOD - PARKVALE DISTRICT

223.1 (1) General Purpose

The purpose of this District is to ensure that new and infill low density residential development in the Parkvale neighbourhood is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape and ensures privacy and sun penetration on adjacent properties. This District provides a means to regulate unique design attributes of the mature Parkvale neighbourhood in a manner which cannot be satisfactorily addressed through conventional land use zoning.

This District is comprised of additional development regulations for the Parkvale neighbourhood, which add to the regulations of the underlying use districts.

(2) Permitted and Discretionary Uses

Those uses listed as permitted and discretionary in the underlying use districts.

(3) Application

- (a) The regulations in this District apply to the construction of any new principal or accessory building and to any major structural renovation, alteration, addition and/or reconstruction of an existing building on lands located in the low density residential areas of Parkvale, the boundaries of which are shown in Figure 11 of Schedule "A".
- (b) An application for development approval shall include a site plan which shows:
 - i. existing and proposed grades;

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- (b) An application for development approval shall include a site plan which shows:
 - i. existing and proposed grades;

- ii. existing and proposed landscaping and buildings;
 - iii. proposed building demolition, if any;
 - iv. the height of main floor above grade;
 - v. the location of proposed fences;
 - vi. the location of existing side yard windows in any adjacent building; and
 - vii. the location of all underground/overhead utility services and their connection points to any building.
- (c) Where the building regulations of the underlying use district are in conflict with the development regulations of this District, then the development regulations of this District shall govern, and the building regulations of the underlying District shall be deemed to be repealed to the extent of the inconsistency.
- (d) Where a proposed development does not comply with the development regulations of this District, the applicant shall:
- i. contact the Parkvale Community Association and each owner of property located within a distance of 30m of the site of the proposed development (the “affected parties”);
 - ii. describe to the affected parties in detail the manner in which the proposed development does not comply with the development regulations of this District and solicit their comments on the proposed development;
 - iii. document the comments of the affected parties with respect to the proposed development;
 - iv. describe any modifications to the proposed development made by the applicant to address the concerns of the affected parties, if any; and
 - v. submit as part of the Development Application documents showing the foregoing requirements have been complied with.
- (e) Where a proposed development is to be forwarded to the Municipal Planning Commission for a decision, the Development Authority shall notify the affected parties of the time and date at which the application will be considered.

(4) Development Regulations for Residential Buildings

- (a) Maximum building width for all residential structures: 12.2m
- (b) Minimum side yard: 1.5m
- (c) Minimum frontage (lot width) for detached dwellings: 11.43m
- (d) Minimum front yard setback shall be equal to the setback of the existing building or, where the existing building is to be replaced or there is no existing building, the average setback of the existing residential buildings on the block.
- (e) The main entrance shall be located on the front elevation of the building, facing the street.
- (f) On corner properties, the front building elevation and main entrance shall be located in the same direction as the residences on the remainder of the block.
- (g) On corner lots, the two elevations facing the street shall have consistent and complimentary design elements, in terms of building materials, colour and architectural details.
- (h) Maximum side yard vertical building height shall fit within a building envelope that measures 5.5m in height on the side parcel boundary, then angles inward and up at a maximum 45 degree slope to the maximum permitted total building height.
- (i) The main floor shall not be located higher than 1.2m above grade of the front public sidewalk, unless basement heights for the site are restricted by the depth of a shallow sanitary sewer service.
- (j) Large flat wall surfaces on building elevations facing a street or lane, including roof gable ends, shall not have any single horizontal or vertical wall lengths greater than 8.0m unless it is broken up by the use of such design features as porches, projections, terracing, recesses, jogs, gables or windows.
- (k) Side windows and/or balconies shall not be located directly facing similar facilities in adjoining residential buildings, in order to maintain privacy between neighbours.
- (l) Use of vibrant (strong, bright, bold) colours and building textures shall be permitted.

- (m) On lands where semi-detached housing is permitted, the front building elevation shall contain separate non-symmetrical architectural design elements (i.e. different roof lines, different window/door configurations and locations) for each unit.
- (n) No overhead power/telephone/cable services or utility meters shall be connected to, or located on, the front elevation of any building.
- (o) Front driveways or front drive attached garages shall not be permitted on parcels with a lane at the rear of the property.
- (p) Front driveways or front drive attached/detached garages may only be permitted on laneless parcels provided that the garage shall not protrude forward beyond the front building face of the principal building including porches and verandas;
- (q) On laneless corner lots, driveways or an attached/detached garage with driveway will be permitted from the side street but the garage shall not protrude forward beyond the side wall of the principal building.
- (r) Driveways from any front or side street shall be hard surfaced (i.e. concrete, asphalt, paving stones).
- (s) No tree(s) located in a City boulevard shall be removed to accommodate any front or side driveway or front or side drive garage access.

(5) Development Regulations for Accessory Buildings

- (a) The elevations of accessory buildings which face a street or lane, including roof gable ends, shall not have any single horizontal or vertical wall lengths greater than 8.0m unless it is broken up by use of such design features as projections, recesses, jogs, gables or windows.
- (b) Maximum building width: 12.2m
- (c) Accessory buildings shall be designed to compliment the principal building by utilizing consistent design elements, in terms of building materials, colour and architectural details.
- (d) On parcels having a lane, including corner parcels, vehicle access to any accessory building shall be only from the lane; front drive detached garages shall not be permitted.

(6) Regulations for Vegetation and Landscaping

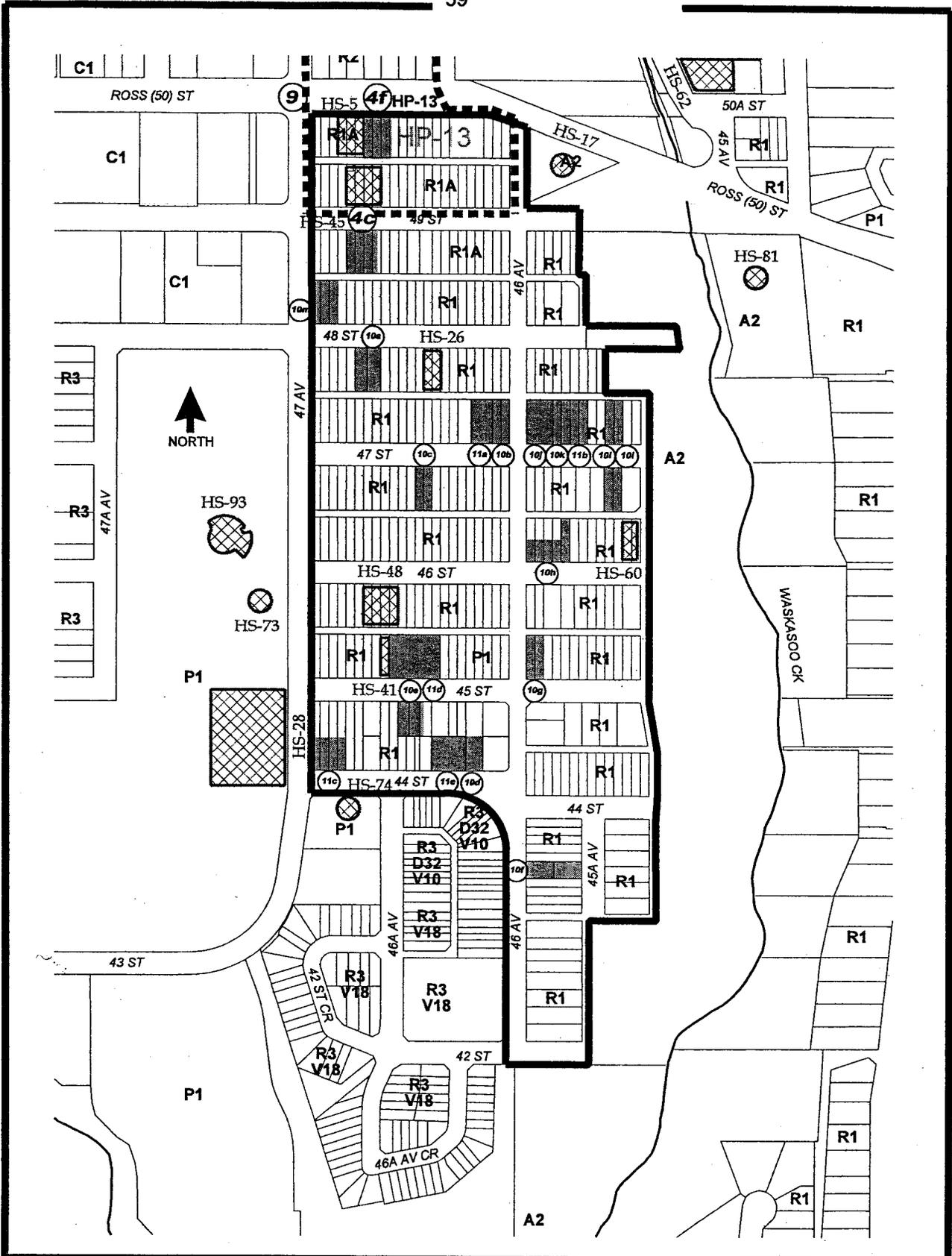
- (a) Where mature vegetation needs to be removed to facilitate new development or, where no mature vegetation exists in a front yard, new landscaping material shall be added consisting of not less than the following standards:
 - i. deciduous trees - minimum caliper 65 mm (measured 450 mm from ground level);
 - ii. coniferous trees – minimum height 2.5m;
 - iii. deciduous shrubs – minimum 0.6m height; and
 - iv. coniferous shrubs – minimum 0.4m height or spread.
- (b) Landscaping in a front yard shall consist of at least one (1) tree and one (1) shrub.”

2. Schedule “A” of the Land Use Bylaw is amended by adding Figure 11.

READ A FIRST TIME IN OPEN COUNCIL this 22nd day of September 2003.
 READ A SECOND TIME IN OPEN COUNCIL this 20th day of October 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



**MATURE NEIGHBOURHOOD - PARKVALE DISTRICT
FOR LOW DENSITY RESIDENTIAL DEVELOPMENT**

— Area of Application

FIGURE 11

BYLAW No. 3156 / RR-2003

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.

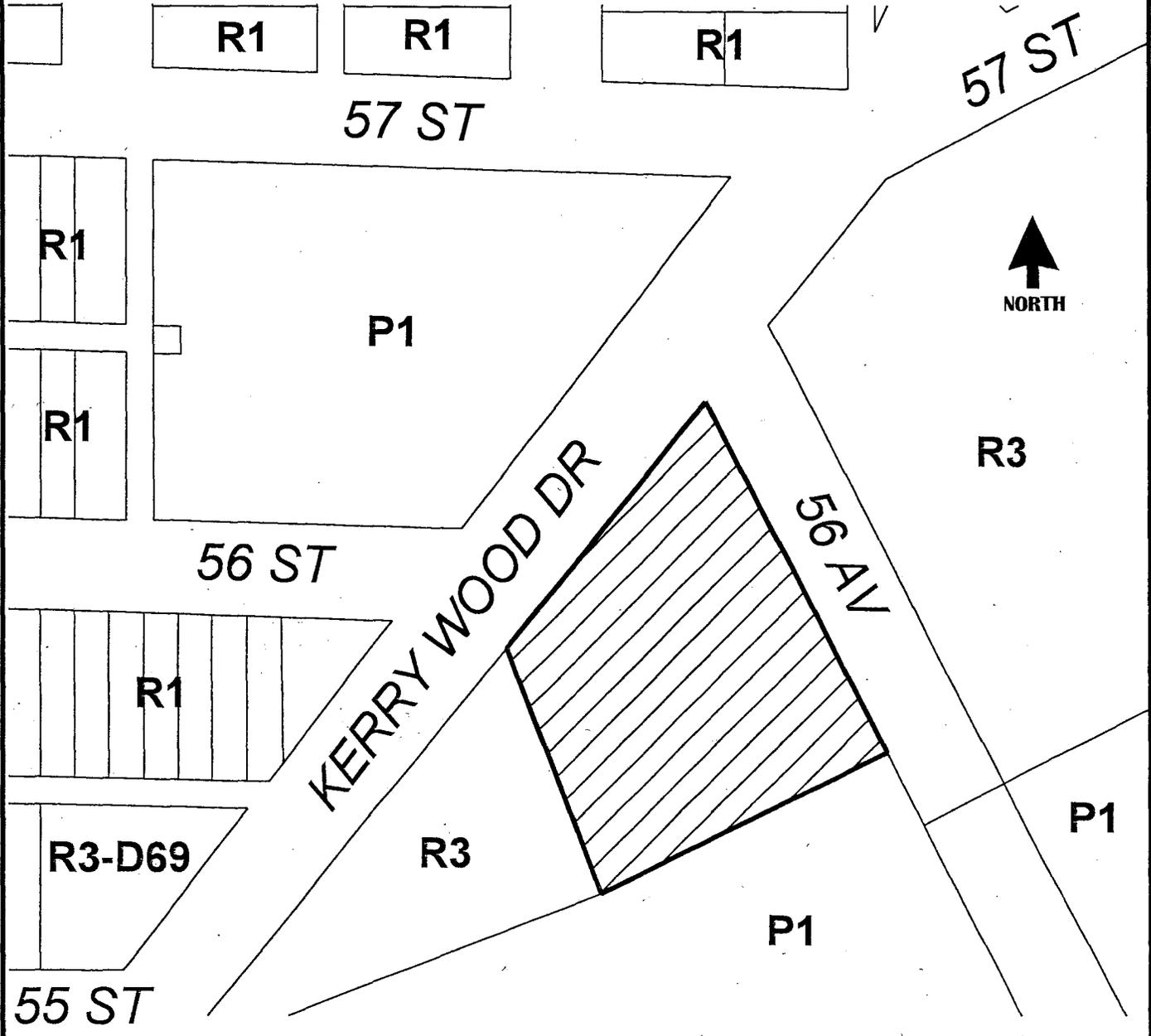
READ A THIRD TIME IN OPEN COUNCIL this day of 2003.

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

BYLAW NO 3305/2003

Being a bylaw to provide for the retention and disposition of the records of the City of Red Deer.

WHEREAS the Municipal Government Act requires the chief administrative officer of a municipality to ensure that the bylaws and minutes of council meetings and all other records and documents of the municipality are kept safe;

WHEREAS the Municipal Government Act permits a council to enact a bylaw respecting the destruction of records and documents of the municipality;

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

TITLE

1. This bylaw is known as the "The Records Retention and Disposition Bylaw".

DEFINITIONS

2. In this bylaw:
 - (a) "financial record" means a record containing information relating to financial transactions of the City of Red Deer, and includes cancelled cheques, receipts, invoices and accounting books and records;
 - (b) "record" means recorded information of any description which is generated in the course of the business of the municipality and which is owned by or is otherwise under the care and control of the municipality, regardless of the media or format in which it is kept.

PERMANENT RETENTION OF RECORDS

3. The Bylaws of the City of Red Deer and the Minutes of the meetings of its Council shall be maintained on a permanent basis and shall not be destroyed.

AUTHORIZATION FOR DESTRUCTION OF RECORDS

- 4. The City Manager may, in his discretion, authorize the destruction of other records of the City of Red Deer after the expiry of the time period shown below:
 - (a) in the case of financial records, 6 years after the end of the year in which the record was created; and
 - (b) in the case of all other records, 2 years after the end of the year in which the record was created.

- 5. The City Manager shall not authorize the destruction of any record:
 - (a) which a statute or regulation requires be retained for periods longer than those provided in this bylaw, until the expiry of the prescribed time period, or
 - (b) which, in the reasonable opinion of the City Manager, is required in connection with any potential or actual litigation, until such time as the litigation is concluded.

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