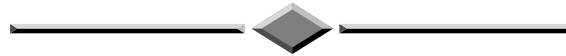




A G E N D A



FOR THE *REGULAR MEETING OF RED DEER CITY COUNCIL*

TO BE HELD IN

THE COUNCIL CHAMBERS, CITY HALL

MONDAY, September 21, 2009

COMMENCING AT 3:00 P.M.



- (1) Confirmation of the Minutes of the Regular Meeting of Tuesday September 8, 2009 and the Regular Meeting of Monday, September 14, 2009
- (2) **UNFINISHED BUSINESS**
 1. Legislative and Administrative Services Manager – *Re: Land Use Bylaw Amendment 3357/M-2009 - Addition of St. Luke's Anglican Church and North Cottage School to the Historical Preservation Overlay* ..1
(Consideration of Motion to Table)
 2. Legislative and Administrative Services Manager– *Re: Land Use Bylaw Amendment 3357/L-2009 – Escarpment Areas* ..3
(Consideration of Motion to Table)

3. Legislative and Administrative Services Manager- *Re: Land Use Bylaw Amendment 3357/F-2009 - Dynamic Signage and Show Home Open House* ..5
(Consideration of Motion to Table)
4. Legislative and Administrative Services Manager - *Re: Southpointe Junction Neighbourhood Area Structure Plan 3217/E-2009* ..7
(Consideration of Third Reading)
5. Parkland Community Planning Services - *Re: Riverside Meadows*
 1. *Bylaw 3261/A-2009 to Adopt Riverside Meadows Area Redevelopment Plan*
(Consideration of First Reading)
 2. *Land Use Bylaw Amendment 3357/U-2009 - To Implement Land Use Recommendations from the Riverside Meadows Area Redevelopment Plan*
(Consideration of First Reading)
 3. *Riverside Meadows Community Plan and Residential Design Criteria (See Attachment "B")* ..18
6. Legislative & Administrative Services Manager and Public Works Manager and Engineering Services Manager - *Re: 2009 Off-Site Levy Rates Bylaw 3436/2009* ..31
(Consideration of First Reading)
7. Bylaw Research Coordinator and Inspections & Licensing Manager - *Re:*
 1. *Bylaw 3429/2009 The Dog Bylaw*
(Consideration of Three Readings)
 2. *Council Policy 4416-C - Dog Bylaw License Fees*
 3. *Council Policy 4418-C - Aggressive Dog Designation* ..53

(3) **PUBLIC HEARINGS**

1. Parkland Community Planning Services and Legislative and Administrative Services Manager – *Re: Naturescaping – Land Use Bylaw Amendment 3357/T-2009* ..65
(Consideration of Second and Third Readings)
2. Parkland Community Planning Services and Legislative and Administrative Services Manager – *Re: Land Use Bylaw Amendment 3357/V-2009 – Remove HS-2 Overlay from the former Arlington Hotel Site* ..79
(Consideration of Second and Third Readings)
3. Parkland Community Planning Services and Legislative and Administrative Services Manager – *Re: Land Use Bylaw Amendment 3357/AA-2009 Dimension Hospitality Corporation Lot 1, Block 2 Plan 042-2838; Southpointe Common 2 (Days Inn / Motel 6 Site) Rezoning from C2A Commercial (Regional Shopping Centre) District to C4 Commercial (Major Arterial) District* ..82
(Consideration of Second and Third Readings)
4. Parkland Community Planning Services and Legislative and Administrative Services Manager – *Re: Land Use Bylaw Amendment 3357/CC-2009 Timberstone Park – Phase 2 Peter & Kathy Lacey, Laebon Developments* ..86
(Consideration of Second and Third Readings)

(4) **REPORTS**

1. Bylaw Research Coordinator – *Re: Veteran Recognition Program* ..89
2. Parkland Community Planning Services – *Re: Notice of Intent to Designate the Red Deer Cenotaph (East end, 4900 Block, 50*

	<i>Street) a Municipal Historic Resource under the Alberta Historical Resources Act</i>	..96
3.	Parks Planning & Technical Services Supervisor – <i>Re: “The Oxbows” Off Leash Dog Park – Development Plan</i>	..103
4.	Parkland Community Planning Services – <i>Re: Land Use Bylaw Amendment 3357/FF-2009 – Oxbows Off Leash Dog Park Closed Landfill Site (NE 33-37-27-4)</i> (Consideration of First Reading)	..108
(5)	CORRESPONDENCE	
(6)	PETITIONS AND DELEGATIONS	
(7)	NOTICES OF MOTION	
(8)	ADMINISTRATIVE INQUIRIES	
(9)	BYLAWS	
1.	3357/T-2009 – Land Use Bylaw Amendment – request from Water Conservation Specialist, Environmental Services to amend the water conservation strategies with regard to landscaping regulations (2 nd & 3 rd Readings)	..115 ..65
2.	3357/V-2009 – Land Use Bylaw Amendment – Proposed removal of the HS-2 overlay from the former Arlington Hotel site. (2 nd & 3 rd Readings)	..117 ..79

3. **3357/AA-2009** – Land Use Bylaw Amendment – Proposed East Hill Town Centre and Main Street / Town Square Land Use Districts and new land use districts for designated mixed use areas within the East Hill Major Area Structure Plan ..119
(2nd & 3rd Readings) ..82

4. **3357/CC-2009** – Land Use Bylaw Amendment - Proposed development of Phase 2 of the Timberstone Park Neighbourhood for approximately 6.871 ha of land from A1 Future Urban Development District to R1 Residential (Low Density) District, R1N Residential (Narrow Lot) District and P1 Parks and Recreation District to create 39 R1 lots, 16 R1N lots, 3 public utility lots and 1 municipal reserve lot ..121
(2nd & 3rd Readings) ..86

5. **3357/FF-2009** – Land Use Bylaw Amendment - Oxbows Off Leash Dog Park – Closed Landfill Site (NE 33-37-27-4) ..123
(1st Reading) ..108

6. **3217/E-2009** – Southpointe Junction Neighbourhood Area Structure Plan Bylaw Amendment ..125
(3rd Reading) ..7

7. **3249/2009** – The Dog Bylaw ..199
(3 Readings) ..53

8. **3261/A-2009** – Adoption of the Riverside Meadows Area Redevelopment Plan ..217
(1st Reading) ..5
(Refer to Attachment “A” included with this agenda)

9. **3357/U-2009** – Land Use Bylaw Amendment – Implementation of Land Use Recommendations from the Riverside Meadows Area Redevelopment Plan ..218
(1st Reading) ..18

10. **3436/2009** - 2009 Off Site Levy Rates ..228
(1st Reading) ..31

(10) COMMITTEE OF THE WHOLE

1. Land and Economic Development Manager – Re: Land Matter

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



Unfinished Business Item No. 1

DATE: September 11, 2009
TO: City Council
FROM: Elaine Vincent, Legislative & Administrative Services Manager
SUBJECT: Land Use Bylaw Amendment 3357/M-2009

History:

At the Monday July 13, 2009 Council Meeting Land Use Bylaw Amendment 3357/M-2009 received first reading. A Public Hearing was advertised and held on Monday August 10, 2009 for Land Use Bylaw Amendment 3357/M-2009. Land Use Bylaw Amendment 3357/M-2009 was tabled at the Monday August 10, 2009 Council Meeting, this was to allow additional time to receive the Waiver of Compensation for the North Cottage School.

Administration requires additional time to receive the Waiver of Compensation.

Recommendation:

That Council consider:

- 1) Passing a resolution lifting from the table Land Use Bylaw Amendment 3357/M-2009 and ;
- 2) Passing a resolution to table Land Use Bylaw Amendment 3357/M-2009 for an additional four weeks to the Monday October 19, 2009 Council Meeting.

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

Elaine Vincent
Manager

Comments:

We support the recommendation of Administration.

“Morris Flewwelling”
Mayor

“Craig Curtis”
City Manager

FILE COPY



Council Decision – September 21, 2009

DATE: September 22, 2009

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

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: Land Use Bylaw Amendment 3357/M-209 – Addition of St. Luke's Anglican Church and North Cottage School to the Historical Preservation Overlay

Reference Report:
Legislative and Administrative Services Manager, dated September 11, 2009

Bylaw Readings:
Land Use Bylaw Amendment 3357/M-2009 received first reading at the Monday, July 13, 2009 Council Meeting, and was then advertised. A Public Hearing was held on Monday, August 10, 2009 for Land Use Bylaw 3357/M-2009 and was tabled to allow for additional time to receive the Waiver of Compensation for the North Cottage School. At the September 21, 2009 Land Use Bylaw Amendment 3357/M-2009 was tabled for an additional four weeks.

Resolution:

"Resolved that Council of the City of Red Deer tables consideration of the Land Use Bylaw Amendment 3357/M-2009, St. Luke's Anglican Church and North Cottage School as additions in the HP-Historical Preservation Overlay District for four weeks to the Monday, October 19, 2009 Council Meeting."

MOTION CARRIED

Report Back to Council: Yes – Monday, October 19, 2009

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

Elaine Vincent
Legislative and Administrative Services Manager

cc: Director of Development Services
Director of Corporate Services
Engineering Services Manager
Financial Services Manager
Assessment and Tax Manager
City Assessor
Inspections & Licensing Manager
Leigh-Ann Butler, Graphics Supervisor
LAS File

Kim Woods

2357/m-2009.

Backup

From: Tara Lodewyk
Sent: September 11, 2009 9:54 AM
To: Kim Woods
Subject: RE: North Cottage School Waiver of Compensation

We will need to table it again then. Annoying but true!

Thanks,
Tara

From: Kim Woods
Sent: September 11, 2009 9:44 AM
To: Tara Lodewyk
Subject: RE: North Cottage School Waiver of Compensation

monday the 14th

From: Tara Lodewyk
Sent: September 11, 2009 9:41 AM
To: Kim Woods
Subject: FW: North Cottage School Waiver of Compensation

Hi Kim,

This is the email I got back from the school district. I still don't know but should know next week. When is your deadline?

Thanks,
Tara

From: Cody McClintock [mailto:CMcClintock@rdpsd.ab.ca]
Sent: September 09, 2009 5:28 PM
To: Tara Lodewyk
Subject: Re: North Cottage School Waiver of Compensation

Tara,

Requested a letter from our lawyer on this. I think it came in while I was out of the office yesterday. I am gone for the next couple of dayw. Will review next week and let you know.

Cody McClintock
Associate Superintendent, Business Services
Red Deer Public Schools
4747 - 53 Street
Red Deer, Alberta T4N 2E6
phone: 403 342-3702
fax: 403 347-8190

"Tara Lodewyk" <Tara.Lodewyk@pcps.ab.ca> writes:
Hi Cody,

I thought I would touch base with you to see how things are going in getting that Waiver of Compensation signed for North Cottage School.

I understand this must be a crazy time with back to school so when you have a moment drop me a note.

Thanks,
Tara

Planner, ACP, MCIP
Parkland Community Planning Services
Suite 404, 4808 Ross Street
Red Deer, AB T4N 1X5
Ph: 403.343.3394
Fax: 403.346.1570

[The information contained in this message is confidential and is intended for the addressee only. If you have received this message in error, please notify the sender immediately and delete the message. The unauthorized use, disclosure, copying or alteration of this message is strictly forbidden.]

[Please consider the environment before printing this e-mail.]

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

[Please consider the environment before printing this e-mail.]



Unfinished Business Item No. 2

DATE: September 11, 2009

TO: City Council

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: Unfinished Business
Land Use Bylaw Amendment 3357/L-2009
Escarpment Areas

History:

At the Monday August 24, 2009 Council Meeting Land Use Bylaw Amendment 3357/L-2009 was tabled for four weeks to allow Administration additional time to update the report and maps for the amendment. Administration requires additional time and requests Council consider tabling the report to the Monday October 19, 2009 Council Meeting.

Recommendation:

That Council consider:

- 1) Passing a resolution lifting from the table consideration of Land Use Bylaw Amendment 3357/L-2009 and;
- 2) Passing a resolution to further table Land Use Bylaw Amendment 3357/L-2009 to the Monday October 19, 2009 Council Meeting.

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

Elaine Vincent
Manager

Comments:

We support the recommendation of Administration.

“Morris Flewwelling”
Mayor

“Craig Curtis”
City Manager

Council Decision – September 21, 2009

DATE: September 22, 2009

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

FROM: Elaine Vincent, Legislative & Administrative Services Manager

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

Reference Report:

Legislative and Administrative Services Manager, dated September 11, 2009

Bylaw Readings:

At the Monday, August 24, 2009 Council Meeting Land Use Bylaw Amendment 3357/L-2009 was tabled for four weeks to allow Administration additional time to update the report and maps for the amendment. At the Monday, September 21, 2009 Council Meeting Land Use Bylaw Amendment 3357/L-2009 was tabled to the Monday, October 19, 2009 Council Meeting.

Resolution:

"Resolved that Council of the City of Red Deer tables consideration of the Land Use Bylaw Amendment 3357/L-2009, Escarpment Areas, for four weeks to the Monday, October 19, 2009 Council Meeting."

MOTION TO TABLE CARRIED

Report Back to Council: Yes – Monday, October 19, 2009


Elaine Vincent

Legislative and Administrative Services Manager

cc: Development Services Director
Corporate Services Director
Community Services Director
Parks Superintendent
Engineering Services Manager
Financial Services Manager
LAS File

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



Unfinished Business Item No. 3

DATE: September 11, 2009
TO: City Council
FROM: Elaine Vincent, Legislative & Administrative Services Manager
SUBJECT: Land Use Bylaw Amendment 3357/F-2009 Dynamic signage and Show Home Open House

History:

At the Monday August 24, 2009 Council Meeting Land Use Bylaw Amendment 3357/F-2009 was tabled for four weeks to the Monday September 21, 2009 Council Meeting. Land Use Bylaw Amendment 3357/F-2009 was not advertised.

Land Use Bylaw Amendment 3357/F-2009 provides for amendments required for one minor Show Home Open House amendment and an amendment to address reader board (dynamic signs).

Administration is requesting that this report be delayed for two more weeks.

Recommendation:

That Council consider:

- 1) Passing a resolution lifting from the table Land Use Bylaw Amendment 3357/F-2009 and ;
- 2) Passing a resolution to table Land Use Bylaw Amendment 3357/F-2009 for an additional two weeks to the Monday October 5, 2009 Council Meeting.

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

Elaine Vincent
Manager

Comments:

We support the recommendation of Administration.

“Morris Flewwelling”
Mayor

“Craig Curtis”
City Manager



Council Decision – September 21, 2009

DATE: September 22, 2009

TO: Emily Damberger, Parkland Community Planning Services
Nancy Hackett, City Planning Manager
Tony Lindhout, Assistant City Planning Manager

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: Land Use Bylaw Amendment 3357/F-2009 Dynamic Signage and Show Home Open House

Reference Report:

Legislative and Administrative Services Manager, dated September 11, 2009

Bylaw Readings:

At the Monday, August 24, 2009 Council Meeting Land Use Bylaw Amendment 3357/F-2009 was tabled for four weeks. At the Monday, September 21, 2009 Land Use Bylaw Amendment 3357/F-2009 was tabled for additional two weeks to the Monday, October 5, 2009 Council Meeting.

Resolution:

"Resolved that Council of the City of Red Deer tables consideration of the Land Use Bylaw Amendment 3357/F-2009, Dynamic Signage and Show Home Open House, for two weeks to the Monday, October 5, 2009 Council Meeting."

MOTION TO TABLE CARRIED

Report Back to Council: Yes – Monday, October 5, 2009

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

Elaine Vincent
Legislative and Administrative Services Manager

cc: Development Services Director
Corporate Services Director
Engineering Services Manager
Financial Services Manager
Assessment and Taxation Manager
City Assessor

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



Unfinished Business Item No. 4

DATE: September 11, 2009

TO: City Council

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: Southpointe Junction Neighbourhood Area Structure Plan 3217/E-2009

History:

At the Monday, August 10, 2009 Council Meeting Southpointe Junction Neighbourhood Area Structure Plan Bylaw Amendment 3217/E-2009 received first reading. The Southpointe Junction Neighbourhood Area Structure Plan Bylaw Amendment was advertised and brought back for consideration by Council. At the Tuesday, September 8, 2009 Council Meeting, the amended Southpointe Junction Neighbourhood Area Structure Plan (NASP) 3217/E-2009 received second reading and the following resolution was passed:

“Resolved that Council of the City of Red Deer after considering the report from the Legislative and Administrative Services Manager and Parkland Community Planning Services dated August 28, 2009 Re: Revisions to Bylaw 3217/E-2009 Southpointe Junction Neighbourhood Area Structure Plan, hereby amends Southpointe Junction Neighbourhood Area Structure Plan Amendment 3217/E-2009 as follows:

1. Page 23 paragraph 4, line 9 add the following: “.. will be based primarily on the C2A”
2. Page 24, Table 1 Under Commercial add the following: DC (C2A/C3)
3. Page 25 Table 2 add the following: DC (C2A/C3) (Commercial) and Table 3 add: DC (C2A/C3) (Commercial)
4. Page 26, paragraph 1, line 4, add the following: “ are based primarily on the bylaws”
5. Page 43, paragraph 4, change title to: General Principles for DC(C2A/C3)
6. Page 51, paragraph 2, line 16, delete: “..are to be considered
7. Page 42, paragraph 2 add: delete and replace section starting with "Lots D & E" with the following: “Lots D & E will have a different type of commercial development and effective pedestrian access will only be provided along the north boundary and into the site development. Care also be taken to ensure that the facades along the freeway will have aesthetic treatment”

MOTION CARRIED

Page 2

Southpointe Junction Neighbourhood Area Structure Plan

At the Monday, September 14, 2009 Council Meeting, Council tabled third reading of the amended Southpointe Junction Neighbourhood Area Structure Plan Bylaw 3217/E-2009 to the Monday, September 21, 2009 Council meeting.

Attached is the report for Council's consideration related to the Amended Southpointe Junction Neighbourhood Area Structure Plan Amendment 3217/E-2009.

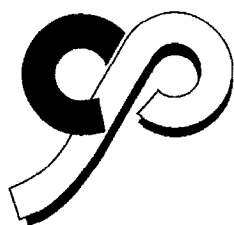
Recommendation:

Council consider:

- 1.) Passing a resolution lifting from the table the Southpointe Junction Neighbourhood Area Structure Plan Amendment 3217/E-2009 ; and
- 2.) Third reading of the amended Southpointe Junction Neighbourhood Area Structure Plan Bylaw 3217/E-2009.

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

Elaine Vincent
Manager

**PARKLAND
COMMUNITY
PLANNING
SERVICES**

Originally presented at the
Monday September 8 2009
Council Meeting

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: August 28, 2009

TO: Elaine Vincent, Legislative Services Manager

FROM: Haley Horvath, Planner

RE: Revisions to Bylaw 3217/E-2009
Southpointe Junction Neighbourhood Area Structure Plan (NASP)

Background

Bylaw 3217/E-2009 was given first reading on August 10, 2009. Please reference report by Parkland Community Planning Services, dated July 30, 2009. A few items as outlined below, have resulted in revisions to the *Southpointe NASP* prior to consideration of second and final readings by City Council. These revisions are minor and do not change the intent of the plan.

1) Land Use Changes**Private Road Located in NE Corner of Plan Area**

Following first reading, PCPS noted that the private road leading to Red Deer College was shown as partly carrying A2 zoning. Private roads should carry the zoning of the parcel they are associated with, and as such the zoning of this road was changed to PS to ensure consistency. PCPS felt that leaving a portion of the road zoned A2 would not be an accurate representation because when the road is developed the land will no longer be in its natural state.

Private Road Located in SW Corner of Plan Area

PCPS noted that this private road also did not carry the zoning of the parcel it is associated with. PCPS felt it was necessary to show this road as having direct control zoning to ensure the zoning is consistent with the parcel it is associated with.

2) Changes to figures**Changed text on lot F from DC (C2A) to DC (C3) in figures 7, 10, 11 and 13.**

This change was made because it was felt that the C3 district better represented the vision for this lot than the C2A district. The general purpose of the C3 district is to facilitate the development of local convenience trade centres whereas the purpose of the C2A district is to facilitate the development of regional trade centres. The uses within C3 district are primarily intended to serve residents within a one kilometre radius (the "adjoining neighbourhood"). The C2A district is intended to serve the City and the region, as a whole.

The C3 district does not allow for as many types of commercial uses as the C2A district. In addition, the minimum site area for the C3 is smaller than the minimum site area for the C2A. Lot F is smaller than the minimum site area outlined in the C2A but fits within the site area outlined in the C3 district. This is the primary reason for changing Lot F from DC (C2A) to DC (C3).

Revisions to Bylaw Amendment 3217/E-2009

Page 2

Change to land use and corresponding color on private roads located in the NE and SW corners of the plan area in figures 7, 8 and 8A.

Changed date to September 2009 on figures 4 through 10, 13, 15, 16, 17, 18, 20.

3) Changes to text

Changes to page 23:

- 4th paragraph, 9th line: added word "...will be based ***primarily*** on the C2A...."
- Last paragraph, 2nd line: changed to DC(C3)

These changes were made because it was felt that the C3 district better represents the vision for this lot than the C2A.

Changes to Page 24 Table 1:

- Under Commercial – added DC(C2A/C3)

Changes to Page 25 Table 2:

- added DC(C2A/C3)(Commercial)
- Table 3: added DC(C2A/C3)(Commercial)

Changes to Page 26:

- 1st paragraph, 4th line: added word "are based ***primarily*** on the bylaws...."

Again this change was made to recognize the addition of the C3 based zoning in Lot F

Changes to Page 43:

- 4th paragraph, change title to "General Principles for DC(C2A/C3)"

Changes to Page 51:

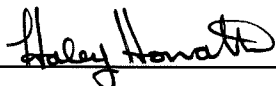
- 2nd paragraph, 16th line, removed last portion of sentence "....are to be considered ***therefore a reduced road ROW is being proposed.***"

The last portion of this sentence was removed because it was felt that it may be misleading. Although the size of the driving lane is smaller than the standard, the size of the right of way proposed is larger than the standard for some local roads. The right of way for this private road is 17m while the smallest residential right of way found in the City of Red Deer Engineering Design Guidelines is 15m. A larger right of way is necessary to accommodate the slope on either side of the roadway and the retaining wall that will have to be constructed.

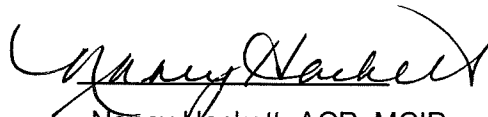
Recommendation

That following the public hearing City Council considers second and third reading of the revised Bylaw 3217/E-2009 to adopt the *Southpointe Neighbourhood Area Structure Plan*.

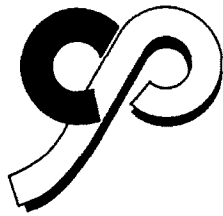
Respectfully Submitted,



Haley Horvath, ACP, MCIP
Planner



Nancy Hackett, ACP, MCIP
City Planning Manager



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

Originally submitted at the
Monday August 10 2009
Council Meeting

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: July 30, 09

TO: Elaine Vincent, Legislative Services Manager

FROM: Haley Horvath, Planner

RE: Bylaw 3217/E-2009
Southpointe Junction Neighbourhood Area Structure Plan

Pursuant to the City's *Neighbourhood Planning Guidelines and Standards* document, the attached proposed Southpointe Neighbourhood Area Structure Plan (NASP) is being submitted to City Council for approval.

Adopted NASPs form the basis for future decisions regarding land use designations (zoning), subdivision and development within a plan area.

BACKGROUND

The Southpointe Neighbourhood Area Structure Plan (NASP) has been submitted by Interplan on behalf of Qualico, Red Deer College, and the Bower family. The 63.5 hectare (157 acre) plan area, is located in the southwestern corner of the city of Red Deer between the Queen Elizabeth II Highway and Taylor Drive, South of Waskasoo Creek, and North of 19th Street. The plan area consists of five (5) parcels, the largest of which are owned by Red Deer College and the Bower family. Planning staff requested that the proposed NASP cover the area owned by Red Deer College as the development of the Bower lands is integral to the future development of the Red Deer College lands.

In August 2007, Red Deer City Council passed a motion directing Administration to enter into an agreement with the developer and landowner to purchase a significant portion of the treed escarpment within the Bower Natural Area. This agreement also set out provisions for the sale of some additional open space to the city for the price of \$1.00 with the remaining value to be credited as a tax deductible donation. These areas are identified within the Plan and can be found in Figure 8, Open Space Concept.

DEVELOPMENT CONCEPT

The vision for the Southpointe neighbourhood is a mixed use urban village concept incorporating residential, retail, office, recreation amenities, and potentially a hotel/conference facility. The developer hopes to achieve the balance of uses required to create a multi dimensional live-work-play community. As a point of clarification, please note that the developer refers to the Plan as the Southpointe NASP while the area within the NASP to be developed is referred to as Southpointe Junction.

The plan area contains a large amount of open space including the Bower Natural Area, the

Waskasoo Creek Natural Area, a central public utility lot featuring a constructed wetland and public gathering space, and a public utility lot running along the existing transmission line. The trail network proposed in the NASP connects these green spaces with the proposed commercial and residential areas as well as with the Red Deer College lands to the north and west. Trails located within the natural areas will remain in their current natural state while trails in the development areas will have either a concrete or asphalt surface. A pedestrian bridge will be constructed in the Bower Natural Area over the road linking Lots G and H to the commercial area. Environmental Reserve will also be provided along Waskasoo creek at time of subdivision.

In terms of public service facilities, Red Deer College owns property within the NASP area while the existing developed college campus is located adjacent to the north boundary of the NASP. The college offers numerous opportunities for education and recreation to the public.

It is proposed that the majority of the lands within this NASP area will be under direct control zoning due to parcel size, lot configuration and to allow for some unique development features. Within the commercial areas of the NASP, provisions have been made that would permit the allowable office space for all 5 commercial lots to locate on one or two of the commercial lots. Other unique features of the commercial direct control district include encouraging commercial uses at the ground floor, encouraging double frontage retail shops, and reduced setbacks along the collector road to create a more pedestrian friendly feel. These direct control districts have generally been modelled after the current C2A commercial district. The NASP area is not considered a town centre; therefore office space will be limited to the amount currently outlined in the C2A district.

The residential parcels within the Plan are also proposed to be zoned direct control. These districts are based on the R2 and R3 districts found in the LUB with provisions for some unique features proposed in the NASP. These include reduced setbacks to create a more pedestrian oriented feel, provisions for "live work units", and varying widths for townhouse blocks to provide housing options such as in-law suites, student housing, and possibilities for the expansion of units.

The developer is also proposing the inclusion of a District Energy Facility on Lot F. The facility would be a private co-generation unit that heats hot water and hot water heating systems within the individual residential buildings. An additional benefit of the District Energy Facility is that it creates surplus electrical energy which can also be fed into the buildings or sold to the electrical grid. The facility would be owned and operated by Qualico in partnership with an energy management company. The city would have no involvement in the construction or operation of the facility but they would still be the approval body for matters relating to the facility.

With a proposed build out capacity of 700 residential dwelling units within the Southpointe Junction development area, the proposed neighbourhood density is 18.2 units per net developable hectare or 91 units per net residential hectare. This exceeds the minimum density of 14.8 dwelling units per net developable hectare set out in the MDP. Interplan has also submitted a geotechnical investigation report and a Phase 1 environmental site assessment in support of their NASP application.

NASP CIRCULATION

The draft NASP document was circulated to all applicable City Departments outside agencies (utility, school authorities, etc.), Red Deer River Naturalists and Rethink Red Deer for comment and identification of issues. Subsequent administration consultation with the developer resulted

in a draft NASP document (dated November 21, 2008) that was presented at a neighbourhood meeting on January 28, 2009 for public input. Some minor revisions were made to the NASP following the public meeting and the most recent draft dated May 5, 2009 has been submitted as the final document.

NEIGHBOURHOOD MEETING

On January 28, 2009 PCPS hosted a neighbourhood meeting to discuss and gather community input on the proposed Southpointe NASP. The meeting notice was circulated to area landowners located south of 32nd street, east of Highway QEII and west of Gaetz Avenue. The meeting, which was held at Red Deer College, was attended by approximately 20 people. Both Qualico and Interplan staff presented information on the proposed NASP. Representatives from both the City's Engineering and Recreation, Parks & Culture departments were also present to provide information and assist in answering questions.

There were no concerns raised at the public meeting and PCPS received one comment sheet in support of the plan. In general, those that attended the public meeting were excited about what was being proposed in the NASP, and many positive comments were made about the amount of green space being retained in the area.

MUNICIPAL PLANNING COMMISSION MEETING

The Proposed Southpointe NASP was initially presented to the Municipal Planning Commission (MPC) on July 6th, 2009. At that time MPC requested that the item be tabled until July 20th to allow members more time to review the document and also to allow PCPS and the developer to provide answers to some questions MPC members had. This list of questions and answers can be found attached in the agenda package. At the July 20th MPC considered the Southpointe NASP and recommended its approval to City Council.

SUMMARY and PLANNING ANALYSIS

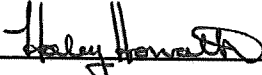
This proposed NASP is situated in an area that does not have an overriding Major Area Structure Plan (MASP). Typically the MASP will provide broad overall planning direction (e.g. land use, transportation, major infrastructure, etc.) to guide the preparation of neighbourhood area structure plans. Because there is no MASP for this area, direction for this NASP is taken directly from the Municipal Development Plan (MDP).

The City of Red Deer Municipal Development Plan identifies the area covered by the NASP as a mixed use and intensification opportunity area. The MDP describes mixed use a combination of different uses, such as, but not limited to, residential, office commercial, retail commercial, public, or entertainment, which are horizontally and/or vertically integrated within a single compact form of development. It goes on to specify that the mix of uses are to be compatible, mutually beneficial, and integrated into the community. Mixed use also relates to a range of dwelling types that could provide residences to a variety of living arrangements and incomes.

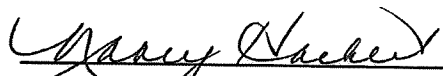
The proposed Southpointe neighbourhood includes a mix of uses within the larger Plan area as well as within some of the individual parcels and as such, it achieves the objectives outlined for this area in the MDP. From a planning and land use perspective, planning staff support the approval of the Southpointe Neighbourhood Area Structure Plan.

RECOMMENDATION

That City Council proceed with first reading of Bylaw 3217/E-2009 to adopt the Southpointe Neighbourhood Area Structure Plan.



Haley Horvath, ACP, MCIP
Planner



Nancy Hackett, ACP, MCIP
City Planning Manager

Attachments: Southpointe Neighbourhood Area Structure Plan, dated May 5, 2009.
Questions from MPC members

Feedback on NASP for Southpointe Junction

City Council Presentation, Sept. 8, 2009, Brian Stackhouse

My interest in Southpointe Junction is three fold:

1. Preservation of as much of the natural area as can reasonably be done. Thank you to the City, the Bower family, Qualico, and Red Deer College for your commitments to doing this.

2. Maintaining viable Cross Country Ski trails in the area. After the August, 2007 City Council meeting, I thought this area would effectively be lost for XC Skiing because of road crossings and I am now delighted to see the pedestrian bridge over the private access road to lots G and H. I also hope that the second private road on the West/SouthWest side of Lot G (circle on the attached map) will be primarily an emergency exit only and that a XC ski trail can cross that road so that skiers won't have to take their skis off to cross the road.

3. Maintaining an extended natural trail loop so that the trail network can continue to be used to host Cross Country Running competitions. The existing natural trails presently provide an outstanding XC Running race site that has been used for many events including an annual high level College and Open competition, periodic Alberta Colleges (ACAC) Championships, and in 2002, the Canadian Colleges (CCAA) XC Running Championships. Top XC runners race in spiked shoes (aka "spikes") and it is important that XC courses be on natural trails and/or grass surfaces. Although occasional short sections of asphalt or cement are acceptable, extended sections of asphalt and/or cement are not acceptable for XC races. The attached map also shows the 3.8 km loop we have used for XC races. I commend Qualico, the Bower family, and the College for their commitment to keeping the trails natural in both the Bower Natural Area and the Waskasoo Creek Natural Area. It is also valuable to have natural or grass connecting trails in order to retain this area as a suitable competition site and I hope these will be incorporated into the plans.

Generally, I like the Southpointe Junction NASP and I look forward to the opportunity to consider purchasing one of the units where I will have access to such a beautiful nature area at my door.

Thank you for the opportunity to comment.



Brian Stackhouse
71 Anders Close
Red Deer, AB T4R 1C2
Phone 403 343 2731.

THE CITY OF RED DEER
Legislative & Administrative Services

RECEIVED	
TIME	2:40 pm
DATE	Aug. 31/09
BY	Vanessa Connor

MAY 5, 2000

SOUTHPOINTE NASP

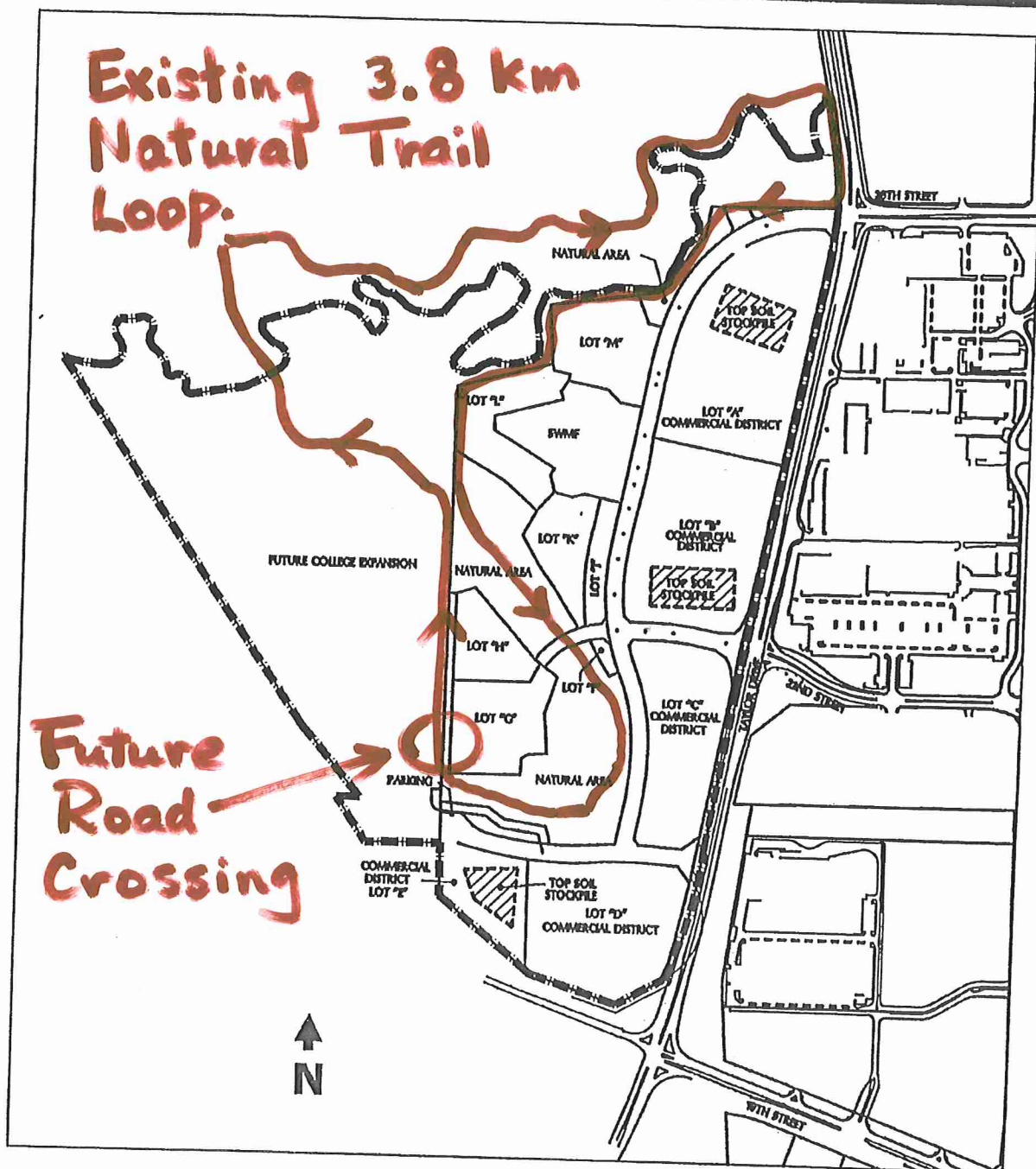


FIGURE 19: TOPSOIL STOCKPILE LOCATIONS

Source: City of Red Deer

Comments:

We support the recommendation of Administration.

“Morris Flewwelling”
Mayor

“Craig Curtis”
City Manager

DATE: September 22, 2009

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

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: Southpointe Junction Neighbourhood Area Structure Plan 3217/E-2009

Reference Report:

Legislative and Administrative Services Manager, dated September 11, 2009
Parkland Community Planning Services, dated August 28, 2009

Bylaw Readings:

Southpointe Junction Neighbourhood Area Structure Plan 3217/E-2009 received first reading at the Monday, August 10, 2009 Council Meeting. At the Tuesday, September 8, 2009 Council Meeting, Southpointe Neighbourhood Area Structure Plan 3217/E-2009 received second reading. At the Monday, September 21, 2009 Southpointe Neighbourhood Area Structure Plan 3217/E-2009 third reading was tabled for up to 2 months to allow time to get an agreement signed.

Resolution:

"Resolved that Council of the City of Red Deer agrees to table consideration of Southpointe Junction Neighbourhood Area Structure Plan Amendment 3217/E-2009 for up to two months."

MOTION CARRIED

Report Back to Council: Yes, within 2 months time.



Elaine Vincent
Legislative and Administrative Services Manager

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

BACKUP

Christine Kenzie

From: Elaine Vincent
Sent: September 14, 2009 12:39 PM
To: Kim Woods; Christine Kenzie
Subject: FW: Southpointe NASP

fyi

Elaine Vincent
Manager, Legislative and Administrative Services
The City of Red Deer
Phone: 403-342-8134
Fax: 403-346-6195
elaine.vincent@reddeer.ca

From: Trevor Poth
Sent: Monday, September 14, 2009 12:01 PM
To: Colleen Jensen; Craig Curtis
Cc: Elaine Vincent
Subject: FW: Southpointe NASP

Please see below...It looks like third reading will need to be tabled to the 21st.

Trevor Poth
Parks Superintendent
(w) 403-342-8372
(c) 403-506-3066

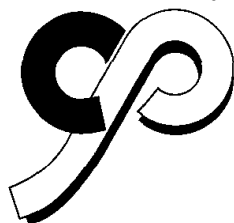
 Please consider the environment before printing this email.

From: Brent MacKay [mailto:BMacKay@qualico.com]
Sent: September 14, 2009 11:58 AM
To: Trevor Poth
Subject: Southpointe NASP

Hi Trevor, I have not had an opportunity to follow up with the respective lawyers as of yet so today's council session is doubtful.

Thanks.

2009/09/14

**PARKLAND
COMMUNITY
PLANNING
SERVICES****Unfinished Business
Item No. 5**

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: September 14, 2009

TO: Elaine Vincent, Legislative and Administrative Services

FROM: Tara Lodewyk, Planner

RE: **Bylaw 3261/A-2009 to adopt *Riverside Meadows Area Redevelopment Plan & Land Use Bylaw Amendment 3357/U-2009 & Riverside Meadows Community Plan and Residential Design Criteria***

Parkland Community Planning Services (PCPS) presented the *Riverside Meadows Area Redevelopment Plan (ARP)* and *Riverside Meadows Community Plan and Residential Design Criteria* to City Council for information on August 24, 2009. City Council tabled the plans for up to six weeks for City Council to review the documents and for PCPS to present the plans to the Municipal Planning Commission for a recommendation to Council.

There are three items proposed for consideration at the September 21, 2009 Council meeting.

- 1) First reading of Bylaw 3261/A-2009 to adopt the *Riverside Meadows Area Redevelopment Plan (ARP)*
- 2) First reading of Land Use Bylaw Amendment 3357/U-2009 to implement land use recommendations from the ARP
- 3) Resolution to table adoption of *Riverside Meadows Community Plan and Residential Design Criteria (CP)* as a planning tool until final readings of the ARP

Background**1) The Riverside Meadows Area Redevelopment Plan (ARP)**

The ARP is statutory and adopted by Bylaw 3261/A-2009. The ARP contains policies that address proposed land uses, planned densities, building forms, utilities and transportation systems.

2) The Riverside Meadows Community Plan and Residential Design Criteria (CP)

This plan has many components including a description of the planning process, history of the neighbourhood, planning context, community policy statements, implementation strategies and residential design criteria. This document is non-statutory and proposed for adoption as a planning tool by resolution.

3) Land Use Bylaw Amendment 3357/U-2009

Several amendments to the *Land Use Bylaw* are also proposed in the ARP policies and Map 3: Land Use Concept. It is proposed that these are implemented simultaneously with the ARP. The amendment includes:

- Implementation of the residential design criteria by amending LUB section 7.11 Riverside Meadows Overlay District. This section was put in place in June 2007 with the adoption of *Design Criteria for Identified Redevelopment Sites in the Riverside Meadows Overlay District*. The proposed amendment amalgamates the June 2007 criteria with the new residential

- criteria proposed in the plan. Removal of Figure 17 because overlay is shown on land use bylaw maps. (ARP 1.2 Building Form)
- Modification of existing Direct Control District 13 (ARP1.4 Mix of Residential and Commercial DC 13):
 - Add place of worship, semi-detached and multi-attached residential as allowed uses;
 - Reword district to reflect the addition of design criteria and no longer need to reference 'single family residential appearance of buildings';
 - Add allowance for relaxations to parking; and
 - Remove the community association from the referral process.
 - Expand DC(13) district to 59th Street and to sites along 54 Avenue to encourage redevelopment. (ARP1.4 Mix of Residential and Commercial DC 13)
 - Creation of a new redevelopment exception to allow multi-family buildings currently located in a R1 districts to redevelop as multi-family residential to the same existing square footage and maximum 2 storeys. (ARP1.5 Redevelopment Exception)
 - Deletion of site specific exceptions (h), (i), and (j) which are being replaced with the new redevelopment exception or the site is being rezoned to allow the current use. (ARP1.6 Land Use Site Exception Removal)
 - Creation of an exception to allow back to back duplexes on lots that have frontage on to two streets. (ARP1.9 Back to Back Semi-detached Housing)
 - Addition of new direct control district DC(26) for Valley Park Manor, a potential major redevelopment site in the community. (ARP1.11 Valley Park Manor)
 - The rezoning of a narrow strip (10m x 40m) of land located at 5503 58A Street from PS-Public Service District to R3-Multi-family Residential District to match the R3 parcel. (ARP1.12 5503 58A Street Public Service Site)

Consultation

The proposed plan has been circulated to City Administration, the Riverside Meadows Community Association and applicable referral agencies such as Red Deer River Naturalists and Rethink Red Deer for review and comment. Responses indicate there is support for the ARP and CP.

In addition to circulating the plan, public meetings were held with major stakeholders, business and property owners along Kerry Wood Drive and 54 Avenue to explain proposed changes. Modifications were made to the plans based on comments received.

As well a neighbourhood public meeting was held in May 2009 to gather comments from the public on the proposed plan. The neighbourhood was invited with a flyer delivered to each household and a direct mail to the non-resident landowners. A notice was also in the community association newsletter. 37 people attended the public meeting. 5 comment sheets were submitted and verbal comments were recorded.

Several comments were centered on specific site requests to rezone. Other comments and questions related to safety, green space, signage, secondary suites, the former Harper Metals site and Valley Park Manor. A summary of the comments and changes made is attached. Several of the comments received were in support of the plan.

Update since August 24, 2009 Council Meeting

The Municipal Planning Commission discussed the Riverside Meadows ARP and CP at their September 14, 2009 meeting. A motion to support the Riverside Meadows Area Redevelopment Plan and Riverside Meadows Community Plan and Residential Design Criteria was passed.

At MPC there was a discussion on several items in the plans. Planning staffs response to these concerns is as follows:

- A concern was raised about being able to manage neighbourhood traffic as the neighbourhood is built out and more people reside in Riverside Meadows. The ARP suggests that Kerry Wood Drive be maintained at a collector standard, less than 5,000 vehicles per day. The last traffic count of 4,400 vehicles per day was done in 1999 when Kerry Wood Drive was still a truck route and industrial uses were common. A lot of the traffic is due to people short cutting through the neighbourhood to neighbourhoods in the north or other arterials such as Gaetz Avenue or Taylor Drive. Since 1999 traffic calming has been put in place, public transit and many of the industrial uses have relocated. New traffic counts need to be done to measure today's traffic movements. As well traffic studies may be requested by Engineering Services when large developments apply for development permits. Engineering will determine which accesses are important.
- A member of MPC commented that bike lanes should not be forgotten when doing road improvements. In light of this comment ARP2.2 Road Network has been modified to add a reference to bike lanes after the sentence that talks about ensuring the safety of pedestrians and other modes of transportation.
- A member of MPC asked if the funds from the Community Revitalization Levy (CRL) can be saved until enough funds have been accumulated from the education tax prior to complete the improvements. This would minimize the funds the City would have to borrow up front. I have asked Alberta Municipal Affairs and will have the response for Council at first reading.

PCPS has had several calls from developers and investors requesting property specific information. One question was whether existing multi family residential buildings that are be rezoned to DC13 could convert individual units in to commercial or business uses. As an example this would be converting one existing townhouse in a complex to a realtors office. PCPS has now clarified this by adding a sentence in ARP policy 1.4 that says *"It is not the intent of the district to encourage partial conversion of existing multi-unit residential buildings to business or commercial type uses. New buildings or those extensively renovated are better able to manage the combination of varying uses."*

Due to a mathematical error the lot area minimum has been changed in DC13 to 300m² (30m x 10m is 300m² not 360m²).

As well it has been brought to PCPS's attention that the standard 100m referral process to neighbours of development applications is not required in DC13 if it is a commercial redevelopment. A sentence has been added to the DC13 District in the ARP that says *"Applications for redevelopment adjacent to or across the street from residential shall be circulated to all property owners located within 100m of the boundary of the site."* This is to ensure that residents living near these sites have the opportunity to comment.

Planning Analysis

The ARP and CP works towards the community's vision for the neighbourhood. Solutions and strategies have been developed to address community issues identified at the community workshop. The plans build on the work completed in the 2000 ARP and continue to guide the

Riverside Meadows ARP & Riverside Meadows CP**LUB Amendment 3357/U-2009****Page 4**

redevelopment of this downtown neighbourhood in transition. The plans work within the City's current policy framework.

The plans are consistent with the 2008 City Strategic Plan objective "*to increase community pride and capacity through encouraging citizen involvement in neighbourhoods and community*". The plans employ the strategy of using "*community development practices to bring together citizens in their neighbourhood*".

The plans meet the policies in the *Municipal Development Plan* to encourage infill of underutilized land, intensify established neighbourhoods and to prepare and adopt area redevelopment plans. The plans comply with objectives of the *Red Deer Trails Master Plan* and *Crime Prevention and Policing Strategy*.

The redevelopment of Riverside Meadows is a sustainable development practice and advances The City's 19 smart growth principles as outlined in the City's 2002 *Red Deer Growing Smarter* document. The upgrading of existing infrastructure is more sustainable than building new infrastructure and expanding the city outward. The plan encourages a range of housing sizes and types allowing for an economically integrated neighbourhood. The neighbourhood is well linked to the rest of the city minimizing stress on existing transportation systems.

The general community and Riverside Meadows Community Association support the plans. Riverside Meadows has a strong community association with a history of collaborating with City and other community stakeholders to complete projects in the 2000 ARP. There is enthusiasm to move forward with initiatives in these plans.

City administration supports the plans. There is an understanding that any of the public improvements proposed in the plans are subject to the City's capital and operating budgets and approval processes.

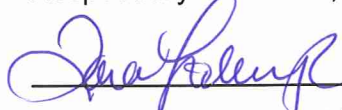
For these reasons, planning staff support approval of the *Riverside Meadows Area Redevelopment Plan*, *Riverside Meadows Community Plan and Residential Design Criteria*, and Land Use Bylaw Amendment 3357/U-2009.

Recommendation


It is recommended that City Council proceed with first reading of Bylaw 3261/A-2009 to adopt the *Riverside Meadows Area Redevelopment Plan*; and that City Council proceed with first reading of Land Use Bylaw Amendment 3357/U-2009.

It is further recommended that City Council table the adoption of the *Riverside Meadows Community Plan and Residential Design Criteria* as a planning tool for four weeks or until such time that the *Riverside Meadows Area Redevelopment Plan* receives final reading.

Respectfully Submitted,



Tara Lodewyk, ACP, MCIP
Planner



Nancy Hackett, ACP, MCIP
City Planning Manager

cc. Colleen Jensen, Riverside Meadows ARP Steering Committee

Riverside Meadows Neighbourhood Meeting May 6, 2009

Comment Sheet

Response	
Request to have 6009 56 Ave zoned from R1 to R1A or for a 4-plex <ul style="list-style-type: none"> develop to highest and best use next to two 4-plexes south of him back on to green space 	No change. The four plexes were built in 1975 and 1978. Intent is to maintain single family in this area and current R1 zoning. Parking is already an issue on this street because it is a close. Multi only allowed because existing and can only redevelop to same square footage. The neighbourhood has a lot of multi-family.
Would like the use 'designated seniors supportive living' added to the DC district in addition to the uses listed.	Added designated seniors supportive living as a discretionary use for Valley Park Manor.
The overall plan seems sensible. There is a need to increase density as a practical way to reduce our city's significant urban sprawl.	
Would love to see/liked in the plan: <ul style="list-style-type: none"> Street address signs have the historic names included. Getting green space around the train bridge manicured. People have their wedding pictures taken there and I think the overgrowth really deters from the space. Not to mention how it collects garbage. Design criteria to help with bland and boring finishes for buildings. Dislike the length of the process and do not think the levy to pay for power lines to go underground is viable. In the grand scheme of things we look at a lot more visual garbage than power lines. 	The levy is still being explored. More of a chance to input later on.
Rezoned 5713 57 Ave from R1 to R1A. There is enough room on lot for a duplex & surrounded by R1A.	Change made because R1A zoning on three sides of home.
Verbal Comments	
Comment that didn't like townhouses on VPM site because high density.	Response Townhouses are similar density to duplexes. No change.
Need to change the piece of 53 Ave road right of way along 60 Street from P1 to DC 13 to allow access off of 60 St to site.	Change to DC13 on land use concept.
Public School District asked that remove community garden site from Fairview elementary school site	Removed garden site location from school on map and in policy.
Another place for community garden is adjacent to tennis courts on the flat space off of 56 Ave	Policy still encourages school participation.
Noise is a concern from the basketball courts.	Policy leaves it open to add garden sites in the future without amending the plan.
Concerns with safety at the bridge and parks	
Concern that Kerry Wood Drive is being used to travel to 67 th Street Tim Hortons now that it goes straight through Oaklands Drive.	CPTED evaluation completed at the bridge and improvements underway. Policy to work on identifying issues and solutions.
Want to see Harpers site redeveloped	Traffic calming in place and policy to minimize shortcutting in plan.
Develop a way to start replacing older trees in the neighbourhood at the end of their lifespan.	
A suggestion was made for the land locked park area to get playground equipment.	We brainstormed ideas for a tree program- ie. give out trees as part of Green Deer or Communities in Bloom; could do discount tree sale if bought in bulk. Added a sentence acknowledging this is happening and RMCA to look at some programming. CP2.3
Call from owner of 5921 51 Avenue and like R2 proposed. Had questions about subdivision for two single family homes.	There are not enough eyes on the green space to make the park safe if there was equipment provided there. No change.
The idea of signage is good. The current street number system is confusing bc carry across the river. Would like to see the streets renamed. Maybe to all start with R.	
Observation made by a counter for the pedestrian traffic counts at train bridge. 5 to 8 people asked for directions and where the trail continues. Trail signage would be good at this location.	There is worry it would create even more confusion with emergency services and citizens. There is currently a policy to explore incorporating historic street names on new sign blades. There is a policy that suggests exploring this.



DATE: September 14, 2009
TO: City Council
FROM: Municipal Planning Commission
SUBJECT: Riverside Meadows Area Redevelopment Plan and Riverside Meadows Community Plan and Residential Design Criteria

On Monday, September 14, 2009 the Municipal Planning Commission gave consideration to the Riverside Meadows Area Redevelopment Plan and Riverside Meadows Community Plan and Residential Design Criteria and the following motion was passed:

"Resolved that the Municipal Planning Commission supports the proposed Riverside Meadows Area Redevelopment Plan and Riverside Meadows Community Plan and Residential Design Criteria and recommends approval by City Council."

MOTION CARRIED

I trust that the above is satisfactory.

Sincerely,

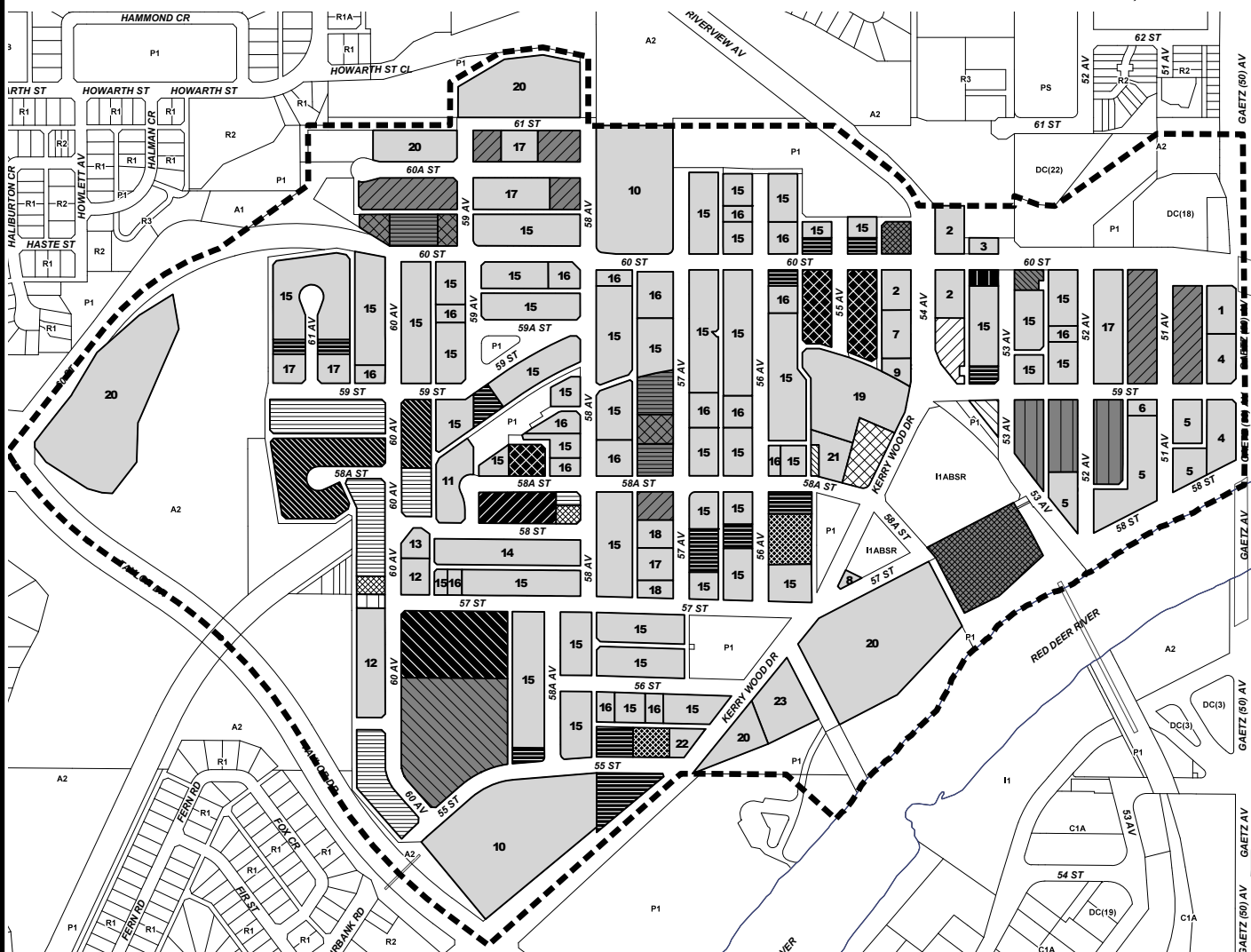
A handwritten signature in black ink that reads 'Morris Flewwelling'. The signature is written in a cursive, flowing style.

Morris Flewwelling, Chairperson
Municipal Planning Commission

Proposed Amendment to Land Use Bylaw 3357/2006

Change District from:

	C1(i) to C1		IIA/BSR(i)(j) to IIA/BSR		R1(h)(i)(j) to R1A		R1(i)(j) to R2		R2(i)(j) to DC(13)
	C3(i) to C3		IIA/BSR(i)(p) to IIA/BSR(p)		R1(h)(i)(j) to R1A(u)		R1(i)(j) to R2(u)		R2(i)(j) to P1
	C3(i)(j) to C3		IIA/BSR(o(i)(j)) to IIA/BSRo(i)		R1(h)(i)(j) to R1A(v)		R1A(i) to P1		R2(i)(j) to R2
	C4(i) to C4		PS(i) to PS		R1(h)(i)(j) to R2(u)		R1A(i)(j) to DC(13)		R3(i)(j) to DC(26)
	DC(13)(i)(j) to DC(13)		PS(i)(j) to R3		R1(h)(j) to R1		R1A(i)(j) to R1		R3(i)(j) to R3
	DC(13)(i)(j)e(ii) to DC(13)e(ii)		R1(h)(i) to R1		R1(i)(j) to DC(13)		R1A(i)(j) to R1(u)		R3D58(i)(j) to R3D58
	DC(14)(i)(j) to DC(13)		R1(h)(i)(j) to P1		R1(i)(j) to R1		R1A(i)(j) to R1A		R3D69(i)(j) to R3D69
	DC(17)(i)(j) to DC(13)		R1(h)(i)(j) to R1		R1(i)(j) to R1(u)		R1A(i)(j) to R1A(u)		R3D95(i)(j) to R3D95
	R3(i)(j) to R2		R1(h)(i)(j) to R1(u)		R1(i)(j) to R1A		R1A(i)(j) to R2		Riverside Meadows Overlay District



Affected Districts:

C1 - Commerical (City Centre) District

C3 - Commerical (Neighbourhood Convenience) District

C4 - Commerical (Major Arterial) District

DC - Direct Control District

P1 - Parks and Recreation District

PS - Public Service (Institutional and Government) District

R1 - Residential (Low Density) District

R1A - Residential (Semi Detached Dwelling) District

R2 - Residential (Medium Density) District

R3 - Residential (Multiple Family) District

IIA/BSR - (Light Industrial and Buisness Services-Residential) District



North
Not to Scale



Proposed Amendment

Map: 11/2009

Bylaw: 3357/U-2009

**PARKLAND
COMMUNITY
PLANNING
SERVICES**

Originally Presented at
the August 24, 2009
Council Meeting

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: August 14, 2009

TO: Elaine Vincent, Legislative and Administrative Services

FROM: Tara Lodewyk, Planner

RE: Introduction to the *Riverside Meadows Area Redevelopment Plan* and *Riverside Meadows Community Plan and Residential Design Criteria*

Purpose

The purpose of this report is to introduce Council to the *Riverside Meadows Area Redevelopment Plan* (ARP) and *Riverside Meadows Community Plan and Residential Design Criteria* (CP). The intent is for Council to table these plans for further review prior to first reading. Parkland Community Planning Services (PCPS) will do a presentation summarizing the plans at the meeting.

A formal discussion and first reading of the ARP, CP and corresponding *Land Use Bylaw* amendments would happen at Council two weeks later. The ARP and corresponding *Land Use Bylaw* amendments would receive first reading at this time. The CP would be discussed but not be approved as a planning tool until final readings of the ARP.

Background

The existing *North Red Deer- Riverside Meadows Revitalization and Action Plan* (ARP) was prepared by Parkland Community Planning Services (PCPS) through an intensive community consultation process beginning in September 1998. The ARP was adopted by City Council in May 2000.

The 2000 ARP brought positive change for the neighbourhood with over 80% of the recommendations being implemented including (but not limited to) redevelopment of Burnt Lake Park/Riverside Meadows Park, installation of the story stones project, traffic calming along Kerry Wood Drive, development of new residential lots on 58A Street (Habitat for Humanity homes), redevelopment of river front properties (the former Perma Green, Kent House and Cass' Stagger Inn buildings), removal of the truck route, and rezoning of residential properties to R1 Single Family residential. A complete list of recommendations that were implemented can be found in Appendix E of the CP.

As part of the 2000 ARP it states that "a major review will be undertaken every five years to analyze implementation progress and evaluate plan objectives."

Beginning in fall 2007, Parkland Community Planning Services (PCPS), on behalf of The City of Red Deer, worked with a steering committee to lead the update and review of the 2000 ARP. The steering committee was comprised of a representative from Riverside Meadows Community Association, a citizen of Red Deer, a business person and resident from Riverside Meadows neighbourhood.

The result of the update is the following two planning documents which are attached for your review:

Riverside Meadows ARP and Riverside Meadows CP**Page 2**

1) The Riverside Meadows Area Redevelopment Plan (ARP)

The ARP is statutory and adopted by Bylaw 3261/A-2009. The ARP contains policies that address proposed land uses, planned densities, building forms, utilities and transportation systems.

2) The Riverside Meadows Community Plan and Residential Design Criteria (CP)

This plan has many components including a description of the planning process, history of the neighbourhood, planning context, community policy statements, implementation strategies and residential design criteria. This document is non-statutory and proposed for adoption as a planning tool by resolution.

A summary of key policy statements from the plans is attached.

Several amendments to the *Land Use Bylaw* are also proposed in the ARP. These will be implemented simultaneously with the ARP and brought forward with first reading of the ARP in two weeks.

Why redevelop Riverside Meadows neighbourhood?

There are many reasons to redevelop and invest in Riverside Meadows. They include the following:

- To fulfill policies in the *Municipal Development Plan* to encourage infill of underutilized land, intensify established neighbourhoods and to prepare and adopt area redevelopment plans.
- Riverside Meadows is in close proximity and well linked to the downtown and trail system.
- Healthy downtown neighbourhoods contribute to the strength of the downtown.
- It is one of the oldest neighbourhoods in the city, formerly the Village of North Red Deer, and is rich with history.
- The neighbourhood is still transitioning and contains industrial uses.
- Riverside Meadows has a range of housing sizes, types and prices. This allows for an economically integrated neighbourhood.
- Riverside Meadows has a strong community association that represents the residents with a history of collaborating with City and other community stakeholders to complete projects.
- The upgrading of Riverside Meadows existing infrastructure is more sustainable than building new infrastructure and expanding the city outward.
- There are some negative perceptions of the area from Red Deer residents.
- Over 70% of the units are rental/investment properties with the potential of redevelopment. This is 40% higher than the city overall.
- Major redevelopment sites are still awaiting redevelopment along Kerry Wood Drive and there is some uncertainty related to the long term use of Valley Park Manor.
- Redevelopment advances The City's 19 smart growth principles as outlined in the City's 2002 *Red Deer Growing Smarter* document.
- To achieve the 2008 City Strategic Plan objective "to increase community pride and capacity through encouraging citizen involvement in neighbourhoods and community". The plans employ the strategy of using "community development practices to bring together citizens in their neighbourhood".

Process

PCPS and the steering committee held a community workshop to review the vision, identify neighbourhood issues and strengths, and determine what residential redevelopment should look like. This was completed by reviewing the current vision, listing and rating issues, completing a residential image survey and a mapping exercise. The listing of community issues can be found on page 10 of the CP. The top five issues were:

- Potential redevelopment of Valley Park Manor site
- Overhead utilities detract from the neighbourhood
- Maintain a mix of housing types and not just social housing projects
- Safety of bus stops, cross walks and C.P.R bridge
- Maintain and improve river front access and utilization

Additional research was completed to update the background and statistical information for Riverside Meadows. The steering committee also conducted pedestrian counts and recorded turning movements at the north end of the CPR pedestrian bridge where the trails intersect. Over 1300 movements were recorded in a two day period (Appendix C). The steering committee also did walkabout with the City's Recreation, Parks and Culture Department staff to better understand river front park and trail issues.

The proposed plan has been circulated to City Administration, Riverside Meadows Community Association and applicable referral agencies such as Red Deer River Naturalists and Rethink Red Deer for review and comment. There is support for the ARP and CP.

Prior to hosting a public meeting, smaller meetings were held with major stakeholders, business and property owners along Kerry Wood Drive and 54 Avenue to explain proposed changes. Modifications were made to the plans based on comments received.

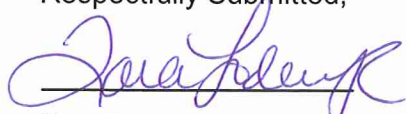
A neighbourhood public meeting was held in May 2009 to gather comments from the public on the proposed plan. The neighbourhood was invited with a flyer delivered to each household and a direct mail to the non-resident landowners. A notice was also in the community association newsletter. 37 people attended the public meeting. 5 comment sheets were submitted and verbal comments were recorded. A summary of the comments will be provided when first reading is considered.

Comments were centered on specific site requests to rezone and questions were regarding secondary suites, and future plans for the former Harper Metals Site and Valley Park Manor. Several of the comments received were in support of the proposed policies.

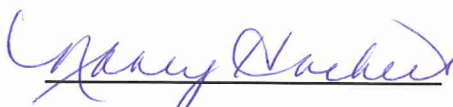
Recommendation

PCPS recommends that City Council table the *Riverside Meadows Area Redevelopment Plan* and *Riverside Meadows Community Plan and Residential Design Criteria* for two weeks to allow time to review the plans prior to first reading.

Respectfully Submitted,



Tara Lodewyk, ACP, MCIP
Planner



Nancy Hackett, ACP, MCIP
City Planning Manager

cc. Colleen Jensen, Riverside Meadows ARP Steering Committee

Highlights from Riverside Meadows Plans

The following is a list of key policy statements summarized from the plans. Please refer to the plans for a comprehensive list and background. The plan policy number is found in brackets at the end of the point.

Riverside Meadows Area Redevelopment Plan (ARP)

- Create a new redevelopment exception to allow multi-family buildings currently located in a single family district to redevelop as multi-family residential to the same square footage and a maximum 2 storeys. (ARP1.5)
- Encourage a mix of housing types, higher densities and simplifying the zoning in the neighbourhood by deleting of several site exceptions and two direct control districts and the creation of the redevelopment exception or rezoning sites to the current use. (ARP1.6)
- Expand the DC13 district 3 blocks to encompass the entire area between 58th and 59th Street and to a few sites along 54 Avenue. (ARP1.4)
- Modify the current DC13 to add place of worship, semi-detached and multi-attached residential as a use; reword to reflect the addition of design criteria and no longer need to reference 'single family residential appearance of buildings'; add allowance for relaxations to parking; and remove the community association from the referral process.(ARP1.4)
- Create an exception to allow back to back duplexes on one block where the lots have frontage on to two streets (58A and 58 Street). (ARP 1.9)
- Add a new direct control district DC(26) for Valley Park Manor that allows a nursing home, physical rehabilitation centre, seniors lodge, children's day care, school, single family homes, duplexes and townhouses. (ARP1.11)
- Consider improvements to the intersection of Kerry Wood Drive and 59th St.
- Implement design criteria for the residential areas of the neighbourhood to ensure that infill is compatible and maintains character of the neighbourhood. (ARP1.2)
- Create a safe school drop off in front of Fairview Elementary School. (ARP2.3)
- Explore programs and funding to bury overhead power lines. Priority areas are 58th St, 52 Ave and 53 Ave.(ARP2.4)
- Incorporate community garden plots and identify potential locations. (ARP 1.13)

Riverside Meadows Community Plan and Residential Design Criteria (CP)

- Make 58th St a focal point. Add design elements and define the line between the natural river bank and the groomed trail. (CP1.2)
- Promote year round activities and uses along the riverfront. (CP1.3)
- Encourage The City to clear snow on the riverfront trail. (CP1.4)
- Educate the community on the benefits of maintaining their property and the process for reporting unkept yards, lanes and graffiti. (CP2.1)
- Residents conduct a neighbourhood sweep to identify and report City bylaw infractions.(CP2.2)

- Improve streetscapes along Kerry Wood Drive, 54 Ave, 59th St and 58th St with improved lighting, benches, public art, signage, etc. (CP3.2)
- Incorporate interactive public art in the neighbourhood. (CP3.5)
- Community to research and explore the possibility of a Community Revitalization Levy as a way of leveraging funds to complete streetscaping projects, upgrade utilities, bury power lines, etc.. (CP3.6)
- Create a promotional strategy and distinctive street signs for the neighbourhood. (CP4.2&CP5.1)
- Strengthen relationships with neighbourhood social agencies.(CP5.2)
- Create a community driven strategy of crime prevention and problem oriented policing. Host a policing town hall in the neighbourhood. (CP6.1 & CP6.2)
- Develop north end of the CPR bridge as a parkette to improve site lines and encourage legitimate use. Install an entrance sign to the neighbourhood. (CP6.3)
- Improve sight lines where boat launch and trail meet. Explore upgrading this area in the long term.(CP6.4)
- Continue with historic plaques, walking tours, and story stones. Explore new projects. Designate historic sites. Celebrate the 2011 centennial year of the neighbourhood. (CP7.2 to CP7.5)
- Educate the community on the special development regulations for sites in a landfill setback. Address former landfills in the neighbourhood and the negative affect it has on redevelopment. (CP7.6)

The following is a list of some of the proposed residential design criteria:

- No subdivision shall result in a lot less than 11m (36 ft) unless located east of 54 Ave then no lots less than 10m (33 ft). Maximum building width is 15m (50 ft)
- No more than 6 townhouses in one building block.
- Break up large flat surfaces on elevations that face streets with architectural elements.
- Facades on corner lots shall have equal architectural treatment.
- Use more than one type of high quality and innovative material such as, but not limited to, brick, stone, concrete and stucco on the façade in a variety of combinations.
- All main floor dwelling units including multi-family buildings shall have an individual front entry that can be accessed directly from the public sidewalk or trail.
- Side windows and balconies shall respect privacy of neighbours by minimizing direct views.
- Each side in a duplex shall give the appearance of two separate units or look like one large home with a single entrance.
- Garages facing streets or lanes shall have design elements. Garages shall not extend beyond the face of the home including porches and verandahs. Boulevard trees can not be removed to accommodate vehicular access. Garage width shall not be more than 35% of the total lot frontage.
- Large multi-family developments should have underground parking.

Comments:

We support the recommendation of Parkland Community Planning Services and that Council consider first reading of Bylaw 3261/A-2009 and Land Use Bylaw Amendment 3357/U-2009. Public Hearings will be held on Monday, October 19, 2009 at 6:00 p.m. in Council Chambers during Council's regular meeting.

"Morris Flewwelling"
Mayor

"Craig Curtis"
City Manager

FILE COPY



Council Decision – September 21, 2009

DATE: September 22, 2009

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

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: Bylaw 3261/A-2009 to adopt Riverside Meadows Area Redevelopment Plan & Land Use Bylaw Amendment 3357/U-2009 & Riverside Meadows Community Plan and Residential Design Criteria

Reference Report:

Parkland Community Planning Services, dated September 14, 2009

Bylaw Readings:

At the Monday, September 21, 2009 Council Meeting Bylaw 3261/A-2009 received first reading. A copy of the bylaw is attached.

Land Use Bylaw Amendment 3357/U-2009 also received first reading at the Monday, September 21, 2009 Council Meeting. A copy of the bylaw is attached.

Resolution:

“Resolved that Council of the City of Red Deer, having considered the report from Parkland Community Planning Services, dated September 14, 2009, Re: Bylaw 3261/A-2009 to Adopt the Riverside Meadows Area Redevelopment Plan, Land Use Bylaw Amendment 3357/U-2009 and Riverside Meadows Community Plan and Residential Design Criteria, hereby tables adoption of the Riverside Meadows Community Plan and Residential Design Criteria as a planning tool until final readings of Bylaw 3261/A-2009, Riverside Meadows Area Redevelopment Plan.”

MOTION CARRIED

Report Back to Council: Yes – Monday, October 19, 2009

Comments/Actions:

Public Hearings will be held on Monday, October 19, 2009 at 6:00 p.m. in Council Chambers during Council’s regular meeting for Bylaw 3261/A-2009 and Land Use Bylaw Amendment

3357/U-2009. This office will now proceed with advertising for the bylaws. Bylaw 3261/A-2009 allows for the adoption of the Riverside Meadows Area Redevelopment Plan. Land Use Bylaw Amendment 3357/U-2009 is a proposed implementation of Land Use Recommendations from the Riverside Meadows Area Redevelopment Plan. The Riverside Meadows Community Plan and Residential Design Criteria is proposed for adoption as a planning tool with regards to history of the neighbourhood, planning, community policy statements and strategies and residential design criteria.



Elaine Vincent
Legislative and Administrative Services
Manager
/attach.

cc: Development Services Director
Corporate Services Director
Engineering Services Manager
Financial Services Manager
Assessment and Taxation Manager
City Assessor

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

BACKUP

SEPT 17/09

Christine Kenzie

To:
Subject:

Elaine Vincent
Resolution to Table Adoption of Riverside Meadows Community Plan & Residential Design
Criteria --- Why are we doing this?

I spoke to Tara Lodewyk at PCPS. This is the first time that PCPS is bringing the design criteria forward in this manner. The design criteria needs to come forward at the same time as the ARP because it contains a lot of the design details (but can't be used until the ARP is passed) The resolution on August 24, 2009 tabled both the ARP and design criteria. Tara wants to make sure that the design criteria is not adopted until the ARP is given all readings. I read her the resolution drafted for this and she seemed to think the resolution would work.

If you need more info or further clarification, you can speak to Tara at 343-3394 -- or on Monday at Council.

Christine Kenzie
Council Services Coordinator

Legislative & Administrative Services
City of Red Deer
Phone: 403.356.8978 Fax: 403.346.6195
christine.kenzie@reddeer.ca



PARKLAND COMMUNITY PLANNING SERVICES

Unfinished Business
Item No. 5

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: September 14, 2009

TO: Elaine Vincent, Legislative and Administrative Services

FROM: Tara Lodewyk, Planner

RE: Bylaw 3261/A-2009 to adopt *Riverside Meadows Area Redevelopment Plan & Land Use Bylaw Amendment 3357/U-2009 & Riverside Meadows Community Plan and Residential Design Criteria*

Parkland Community Planning Services (PCPS) presented the *Riverside Meadows Area Redevelopment Plan* (ARP) and *Riverside Meadows Community Plan and Residential Design Criteria* to City Council for information on August 24, 2009. City Council tabled the plans for up to six weeks for City Council to review the documents and for PCPS to present the plans to the Municipal Planning Commission for a recommendation to Council.

There are three items proposed for consideration at the September 21, 2009 Council meeting.

- 1) First reading of Bylaw 3261/A-2009 to adopt the *Riverside Meadows Area Redevelopment Plan* (ARP)
- 2) First reading of Land Use Bylaw Amendment 3357/U-2009 to implement land use recommendations from the ARP
- 3) Resolution to table adoption of *Riverside Meadows Community Plan and Residential Design Criteria* (CP) as a planning tool until final readings of the ARP

Background

1) The Riverside Meadows Area Redevelopment Plan (ARP)

The ARP is statutory and adopted by Bylaw 3261/A-2009. The ARP sets out the proposed land uses, planned densities, building forms, utilities, and other development standards.

2) The Riverside Meadows Community Plan and Residential Design Criteria

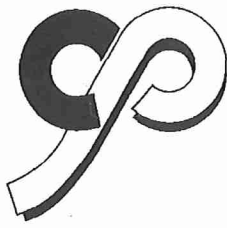
This plan has many components including a description of the neighbourhood, planning context, community policy, and residential design criteria. This document is non-statutory and is implemented by resolution.

3) Land Use Bylaw Amendment 3357/U-2009

Several amendments to the *Land Use Bylaw* are also proposed. It is proposed that these are implemented by a single amendment includes:

- o Implementation of the residential design criteria by amending section 7.11 Riverside Meadows Overlay District. This section was put in place in June 2007 with the adoption of *Design Criteria for Identified Redevelopment Sites in the Riverside Meadows Overlay District*. The proposed amendment amalgamates the June 2007 criteria with the new residential

Why do we do P+3
Why not just read @ 3rd reading of Bylaw?



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

ORIGINAL

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: September 14, 2009

TO: Elaine Vincent, Legislative and Administrative Services

FROM: Tara Lodewyk, Planner

RE: Bylaw 3261/A-2009 to adopt *Riverside Meadows Area Redevelopment Plan & Land Use Bylaw Amendment 3357/U-2009 & Riverside Meadows Community Plan and Residential Design Criteria*

Parkland Community Planning Services (PCPS) presented the *Riverside Meadows Area Redevelopment Plan* (ARP) and *Riverside Meadows Community Plan and Residential Design Criteria* to City Council for information on August 24, 2009. City Council tabled the plans for up to six weeks for City Council to review the documents and for PCPS to present the plans to the Municipal Planning Commission for a recommendation to Council.

There are three items proposed for consideration at the September 21, 2009 Council meeting.

- 1) First reading of Bylaw 3261/A-2009 to adopt the *Riverside Meadows Area Redevelopment Plan* (ARP)
- 2) First reading of Land Use Bylaw Amendment 3357/U-2009 to implement land use recommendations from the ARP
- 3) Resolution to table adoption of *Riverside Meadows Community Plan and Residential Design Criteria* (CP) as a planning tool until final readings of the ARP

Background

1) The Riverside Meadows Area Redevelopment Plan (ARP)

The ARP is statutory and adopted by Bylaw 3261/A-2009. The ARP contains policies that address proposed land uses, planned densities, building forms, utilities and transportation systems.

2) The Riverside Meadows Community Plan and Residential Design Criteria (CP)

This plan has many components including a description of the planning process, history of the neighbourhood, planning context, community policy statements, implementation strategies and residential design criteria. This document is non-statutory and proposed for adoption as a planning tool by resolution.

3) Land Use Bylaw Amendment 3357/U-2009

Several amendments to the *Land Use Bylaw* are also proposed in the ARP policies and Map 3: Land Use Concept. It is proposed that these are implemented simultaneously with the ARP. The amendment includes:

- Implementation of the residential design criteria by amending LUB section 7.11 Riverside Meadows Overlay District. This section was put in place in June 2007 with the adoption of *Design Criteria for Identified Redevelopment Sites in the Riverside Meadows Overlay District*. The proposed amendment amalgamates the June 2007 criteria with the new residential

criteria proposed in the plan. Removal of Figure 17 because overlay is shown on land use bylaw maps. (ARP 1.2 Building Form)

- Modification of existing Direct Control District 13 (ARP1.4 Mix of Residential and Commercial DC 13):
 - Add place of worship, semi-detached and multi-attached residential as allowed uses;
 - Reword district to reflect the addition of design criteria and no longer need to reference 'single family residential appearance of buildings';
 - Add allowance for relaxations to parking; and
 - Remove the community association from the referral process.
- Expand DC(13) district to 59th Street and to sites along 54 Avenue to encourage redevelopment. (ARP1.4 Mix of Residential and Commercial DC 13)
- Creation of a new redevelopment exception to allow multi-family buildings currently located in a R1 districts to redevelop as multi-family residential to the same existing square footage and maximum 2 storeys. (ARP1.5 Redevelopment Exception)
- Deletion of site specific exceptions (h), (i), and (j) which are being replaced with the new redevelopment exception or the site is being rezoned to allow the current use. (ARP1.6 Land Use Site Exception Removal)
- Creation of an exception to allow back to back duplexes on lots that have frontage on to two streets. (ARP1.9 Back to Back Semi-detached Housing)
- Addition of new direct control district DC(26) for Valley Park Manor, a potential major redevelopment site in the community. (ARP1.11 Valley Park Manor)
- The rezoning of a narrow strip (10m x 40m) of land located at 5503 58A Street from PS-Public Service District to R3-Multi-family Residential District to match the R3 parcel. (ARP1.12 5503 58A Street Public Service Site)

Consultation

The proposed plan has been circulated to City Administration, the Riverside Meadows Community Association and applicable referral agencies such as Red Deer River Naturalists and Rethink Red Deer for review and comment. Responses indicate there is support for the ARP and CP.

In addition to circulating the plan, public meetings were held with major stakeholders, business and property owners along Kerry Wood Drive and 54 Avenue to explain proposed changes. Modifications were made to the plans based on comments received.

As well a neighbourhood public meeting was held in May 2009 to gather comments from the public on the proposed plan. The neighbourhood was invited with a flyer delivered to each household and a direct mail to the non-resident landowners. A notice was also in the community association newsletter. 37 people attended the public meeting. 5 comment sheets were submitted and verbal comments were recorded.

Several comments were centered on specific site requests to rezone. Other comments and questions related to safety, green space, signage, secondary suites, the former Harper Metals site and Valley Park Manor. A summary of the comments and changes made is attached. Several of the comments received were in support of the plan.

Update since August 24, 2009 Council Meeting

The Municipal Planning Commission discussed the Riverside Meadows ARP and CP at their September 14, 2009 meeting. A motion to support the Riverside Meadows Area Redevelopment Plan and Riverside Meadows Community Plan and Residential Design Criteria was passed.

At MPC there was a discussion on several items in the plans. Planning staffs response to these concerns is as follows:

- A concern was raised about being able to manage neighbourhood traffic as the neighbourhood is built out and more people reside in Riverside Meadows. The ARP suggests that Kerry Wood Drive be maintained at a collector standard, less than 5,000 vehicles per day. The last traffic count of 4,400 vehicles per day was done in 1999 when Kerry Wood Drive was still a truck route and industrial uses were common. A lot of the traffic is due to people short cutting through the neighbourhood to neighbourhoods in the north or other arterials such as Gaetz Avenue or Taylor Drive. Since 1999 traffic calming has been put in place, public transit and many of the industrial uses have relocated. New traffic counts need to be done to measure today's traffic movements. As well traffic studies may be requested by Engineering Services when large developments apply for development permits. Engineering will determine which accesses are important.
- A member of MPC commented that bike lanes should not be forgotten when doing road improvements. In light of this comment ARP2.2 Road Network has been modified to add a reference to bike lanes after the sentence that talks about ensuring the safety of pedestrians and other modes of transportation.
- A member of MPC asked if the funds from the Community Revitalization Levy (CRL) can be saved until enough funds have been accumulated from the education tax prior to completing the improvements. This would minimize the funds the City would have to borrow up front. I have asked Alberta Municipal Affairs and will have the response for Council at first reading.

PCPS has had several calls from developers and investors requesting property specific information. One question was whether existing multi family residential buildings that are be rezoned to DC13 could convert individual units in to commercial or business uses. As an example this would be converting one existing townhouse in a complex to a realtors office. PCPS has now clarified this by adding a sentence in ARP policy 1.4 that says *"It is not the intent of the district to encourage partial conversion of existing multi-unit residential buildings to business or commercial type uses. New buildings or those extensively renovated are better able to manage the combination of uses."*

Due to a mathematical error the lot area minimum has been changed in DC13 to 300m² (30m x 10m is 300m² not 360m²).

As well it has been brought to PCPS's attention that the standard 100m referral process to neighbours of development applications is not required in DC13 if it is a commercial redevelopment. A sentence has been added to the DC13 District in the ARP that says *"Applications for redevelopment adjacent to or across the street from residential shall be circulated to all property owners located within 100m of the boundary of the site."* This is to ensure that residents living near these sites have the opportunity to comment.

Planning Analysis

The ARP and CP works towards the community's vision for the neighbourhood. Solutions and strategies have been developed to address community issues identified at the community workshop. The plans build on the work completed in the 2000 ARP and continue to guide the

redevelopment of this downtown neighbourhood in transition. The plans work within the City's current policy framework.

The plans are consistent with the 2008 City Strategic Plan objective "*to increase community pride and capacity through encouraging citizen involvement in neighbourhoods and community*". The plans employ the strategy of using "*community development practices to bring together citizens in their neighbourhood*".

The plans meet the policies in the *Municipal Development Plan* to encourage infill of underutilized land, intensify established neighbourhoods and to prepare and adopt area redevelopment plans. The plans comply with objectives of the *Red Deer Trails Master Plan* and *Crime Prevention and Policing Strategy*.

The redevelopment of Riverside Meadows is a sustainable development practice and advances The City's 19 smart growth principles as outlined in the City's 2002 *Red Deer Growing Smarter* document. The upgrading of existing infrastructure is more sustainable than building new infrastructure and expanding the city outward. The plan encourages a range of housing sizes and types allowing for an economically integrated neighbourhood. The neighbourhood is well linked to the rest of the city minimizing stress on existing transportation systems.

The general community and Riverside Meadows Community Association support the plans. Riverside Meadows has a strong community association with a history of collaborating with City and other community stakeholders to complete projects in the 2000 ARP. There is enthusiasm to move forward with initiatives in these plans.

City administration supports the plans. There is an understanding that any of the public improvements proposed in the plans are subject to the City's capital and operating budgets and approval processes.

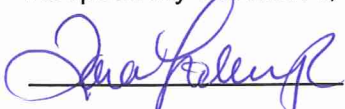
For these reasons, planning staff support approval of the *Riverside Meadows Area Redevelopment Plan*, *Riverside Meadows Community Plan* and *Residential Design Criteria*, and Land Use Bylaw Amendment 3357/U-2009.

Recommendation

It is recommended that City Council proceed with first reading of Bylaw 3261/A-2009 to adopt the *Riverside Meadows Area Redevelopment Plan*; and that City Council proceed with first reading of Land Use Bylaw Amendment 3357/U-2009.

It is further recommended that City Council table the adoption of the *Riverside Meadows Community Plan* and *Residential Design Criteria* as a planning tool for four weeks or until such time that the *Riverside Meadows Area Redevelopment Plan* receives final reading.

Respectfully Submitted,



Tara Lodowyk, ACP, MCIP
Planner



Nancy Hackett, ACP, MCIP
City Planning Manager

cc. Colleen Jensen, Riverside Meadows ARP Steering Committee

Riverside Meadows Neighbourhood Meeting May 6, 2009

Comment Sheet

Response	
No change. The four plexes were built in 1975 and 1978. Intent is to maintain single family in this area and current R1 zoning. Parking is already an issue on this street because it is a close. Multi only allowed because existing and can only redevelop to same square footage. The neighbourhood has a lot of multi-family.	Request to have 6009 56 Ave zoned from R1 to R1A or for a 4-plex <ul style="list-style-type: none"> o develop to highest and best use o next to two 4-plexes south of him o back on to green space
Added designated seniors supportive living as a discretionary use for Valley Park Manor.	Would like the use 'designated seniors supportive living' added to the DC district in addition to the uses listed.
	The overall plan seems sensible. There is a need to increase density as a practical way to reduce our city's significant urban sprawl.
	Would love to see/liked in the plan: <ul style="list-style-type: none"> o Street address signs have the historic names included. o Getting green space around the train bridge manicured. People have their wedding pictures taken there and I think the overgrowth really deters from the space. Not to mention how it collects garbage. o Design criteria to help with bland and boring finishes for buildings. o Dislike the length of the process and do not think the levy to pay for power lines to go underground is viable. In the grand scheme of things we look at a lot more visual garbage than power lines.
The levy is still being explored. More of a chance to input later on.	Rezoned 5713 57 Ave from R1 to R1A. There is enough room on lot for a duplex & surrounded by R1A.
Change made because R1A zoning on three sides of home.	
Response	Verbal Comments
Townhouses are similar density to duplexes. No change.	Comment that didn't like townhouses on VPM site because high density.
Change to DC13 on land use concept.	Need to change the piece of 53 Ave road right of way along 60 Street from P1 to DC 13 to allow access off of 60 St to site.
Removed garden site location from school on map and in policy.	Public School District asked that remove community garden site from Fairview elementary school site
Policy still encourages school participation.	Another place for community garden is adjacent to tennis courts on the flat space off of 56 Ave
Policy leaves it open to add garden sites in the future without amending the plan.	Noise is a concern from the basketball courts.
CPTED evaluation completed at the bridge and improvements underway. Policy to work on identifying issues and solutions.	Concerns with safety at the bridge and parks
Traffic calming in place and policy to minimize shortcutting in plan.	Concern that Kerry Wood Drive is being used to travel to 67 th Street Tim Hortons now that it goes straight through Oaklands Drive.
We brainstormed ideas for a tree program- ie. give out trees as part of Green Deer or Communities in Bloom; could do discount tree sale if bought in bulk. Added a sentence acknowledging this is happening and RMCA to look at some programming. CP2.3	Want to see Harpers site redeveloped
There are not enough eyes on the green space to make the park safe if there was equipment provided there. No change.	Develop a way to start replacing older trees in the neighbourhood at the end of their lifespan.
	A suggestion was made for the land locked park area to get playground equipment.
There is worry it would create even more confusion with emergency services and citizens. There is currently a policy to explore incorporating historic street names on new sign blades.	Call from owner of 5921 51 Avenue and like R2 proposed. Had questions about subdivision for two single family homes.
There is a policy that suggests exploring this.	The idea of signage is good. The current street number system is confusing bc carry across the river. Would like to see the streets renamed. Maybe to all start with R.
	Observation made by a counter for the pedestrian traffic counts at train bridge. 5 to 8 people asked for directions and where the trail continues. Trail signage would be good at this location.



DATE: September 14, 2009
TO: City Council
FROM: Municipal Planning Commission
SUBJECT: Riverside Meadows Area Redevelopment Plan and Riverside Meadows Community Plan and Residential Design Criteria

On Monday, September 14, 2009 the Municipal Planning Commission gave consideration to the Riverside Meadows Area Redevelopment Plan and Riverside Meadows Community Plan and Residential Design Criteria and the following motion was passed:

"Resolved that the Municipal Planning Commission supports the proposed Riverside Meadows Area Redevelopment Plan and Riverside Meadows Community Plan and Residential Design Criteria and recommends approval by City Council."

MOTION CARRIED

I trust that the above is satisfactory.

Sincerely,

Morris Flewwelling, Chairperson
Municipal Planning Commission



Unfinished Business Item No. 6

DATE: September 11, 2009
TO: City Council
FROM: Elaine Vincent, Legislative & Administrative Services Manager
SUBJECT: Unfinished Business
2009 Off Site Levy Rates Bylaw 3436/2009

History:

At the Tuesday September 8, 2009 Council Meeting Off Site Levy Rates Bylaw 3436/2009 was tabled for two weeks.

Recommendation:

That Council consider:

- 1) Passing a resolution lifting from the table consideration of the report and Off Site Levy Bylaw 3436/2009 and;
- 2) First reading of Off Site Levy Rates Bylaw 3436/2009.

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

Elaine Vincent
Manager



Date: September 11, 2009

To: Legislative & Administrative Services Manager

From: Public Works Manager
Engineering Services Manager

Re: **Proposed 2009 Off-Site Levy Rates**

The following report will provide you with information concerning Red Deer's off-site levy rates, including background, rate changes, rate calculations, proposed adjustments to each rate (water, sanitary, storm, and roads), rate review with and without the industrial lands, identification of emerging issues, and recommendations. Additional information, such as the detailed rate calculation spreadsheet can be provided to you upon request.

1. Background

The City charges off-site levies on new development lands within the City to cover the cost of extending trunk water, sanitary, and storm mains, arterial roadways, and associated facilities to serve these areas. The cost of expanding water and wastewater treatment facilities are funded through utility rates, and are not included in the off-site levy calculation. The off-site levy rates are reviewed on an annual basis to account for the following items:

- Reconciliation of levy rate spreadsheets with accounting's general ledger.
- Revenues received from new developments during the previous year.
- Expenditures made to construct new facilities during the previous year.
- The effect of inflation on the current Off-site Levy Fund debt or surplus.
- Re-estimation of construction costs for future off-site facilities, and changes in future infrastructure plans, levy basin areas, and funding sources.

Ideally, the levy rate review process is scheduled within the last quarter of the year in order to have the rates set for the following development year. Due to the significant third quarter swing in the economy, or more accurately the anticipation of an extensive review period that was needed to present accurate rates, an interim estimated rate of \$175,000 per hectare was established in December 2008. This interim rate was set with the understanding that a rate adjustment will occur once the actual 2009 rates are approved. This process has been exercised in the past and was found to be acceptable with developers.

2. 2008 Rate Changes

In September 2008, Council approved the 2008 levy rate of \$156,120 per hectare. This rate was based on tendered 2007 unit prices and an estimated combined 27% inflation and project scope increase for 2008. The 2008 unit price estimating guide was confirmed to be accurate and representative based on a unit price review with several 2008 tendered projects.

3. Service Basin Changes

There are no changes proposed to the levy service basins for 2009. For reference, attached are Schedules A, B, C, and D, which illustrate service basin boundaries and infrastructure for the water, sanitary, storm, and road basins respectively.

As requested, the results of the rate impact assessment due to the inclusion of the Queens Industrial Lands in 2007, has been addressed in Section 8 of this report.

4. 2009 Rate Calculation

Future construction costs are based on prior year unit prices that are adjusted to reflect anticipated market place trends. Consistent with this methodology, the 2009 capital project estimates and first draft of the 2009 levy rates were calculated with a 14% inflation factor over and above 2008 unit rates. The 14% increase was recommended by Financial Services in mid 2008.

In light of the recent significant economic downturn, Engineering Services has delayed recommending the 2009 rate, founded on a 14% increase, in effort to better understand and appreciate the magnitude of any market place changes or corrections.

In review of a few early season tenders, it appears that 2009 unit prices in general are holding to, or slightly lower than, 2008 rates (0% construction inflation from 2008 to 2009). It is unquestionable that economy has slowed, but to what degree, for how long, and for what items, is difficult to clearly predict. It appears that 2009 will be a highly competitive year for construction work and specialized services; however, it is unclear how or if prior year purchased materials and other variables will influence tender prices. Based on the few marginally comparable early season tenders, 2009 RDC / 32 Street Improvements, 2009 Transit Improvements, 2009 Crown Paving and the 2009 Public Works asphalt supply and install programs, the following early season rate changes, on average, were noted:

- Concrete unit rates range from -10% to plus 30% over 2008 rates (avg. +20%).
- Asphalt unit rates are down -10 to -30% over 2008 rates (avg. -20%).
- Granular base course and pitrun unit rates are more or less unchanged (avg. 0%).

Legislative & Administrative Services Manager
September 11, 2009
Page 3

There is inadequate data to fairly assess unit price changes for any underground work including the supply and installation of pipe material. Land prices are likely to remain unchanged from 2008.

In an ideal setting, the 2009 rates would be set later in the year after having time to observe how the current economic instability will affect tendered unit rates. Understandably, this approach does not serve the developer, new home owners or the levy well. In all reality, the levy is an estimate, based on the best information at the time and is subject to change year after year. With this in mind, along with the knowledge that few new development phases will likely occur in 2009, a conservative or low risk approach would be to hold 2008 unit prices for the 2009 levy rates, monitor the market over and make the necessary changes within the 2010 levy rate review.

Table 1 outlines the 2009 Water, Sanitary, Storm and Roadway off-site levy rates based on 14% inflation from 2008 to 2009. This calculated 2009 rate is valued at \$213,320 per hectare and is \$57,200 (37%) greater than the approved 2008 rate of \$156,120 per hectare.

Table 2 outlines the 2009 Water, Sanitary, Storm and Roadway off-site levy rates based on 0% inflation from 2008 to 2009. This calculated 2009 rate is valued at \$191,585 per hectare and is \$35,465 (23%) greater than the approved 2008 rate of \$156,120 per hectare.

As evident in Table 2, even though the project estimates are calculated using 2008 unit prices (0% inflation) the 2009 levy rate has increased from \$156,120 to \$191,585. The following factors account for the proposed rate increase.

- a. The greatest impact to the levies stems from the Arterial Roadway section. Assuming that the inflation from 2008 to 2009 is 14%, the project budgets for Northland Drive has gone up by \$39 million, construction of 20th Avenue and upgrades to Highway 11A has increased by 35 million, and Queens Industrial arterials have gone up by \$4 million. These significant increases, totaling \$72 million, are mainly due to design refinements and increased project scope. In comparison, by holding the 2009 unit rates to 2008 (0% inflation), all future arterial roadway costs drop by \$28 million from \$239 million to \$211 million. Although this equates to reduction of \$15,000 per hectare (\$120,980 per hectare to \$105,625 per hectare), the roads component alone is over \$105,000 per hectare and is greater than 50% of the total combined levy rate.

- b. Common to the Water, Sanitary, Storm and Road levies, land costs have continued to increase significantly over the last few years. Undeveloped land, next in line for residential development is valued in the order of \$90,000 per acre up from approximately \$75,000 per acre in 2007. A 0% unit rate increase for 2009 would effectively reduce estimated land costs by 14%.
- c. Specific to the Water Levy, recent debt financing has introduced a \$1.8 million dollar carrying charge that will be serviced over the next ten years. Offsetting these debenture changes, the 2008 Easthill Function Study identified trunk infrastructure changes - namely the removal of a section of water trunk along 30th Avenue north of 67th Street. This change generated a reduction of \$1.3 million to the levy. In addition, trunk lines to service the lands north of Highway 11A were removed, creating a reduction of \$2.4 million.
- d. With respect to the sanitary levy report, changes due to a few minor project scope refinements along with debt carrying and repayment costs.
- e. In review of the Storm levy, the most visible change is with the Northland Drive 30th Avenue trunk and outfall project. This project has increased by \$3.6 million from \$2.9 million to \$7.5 million. Secondly, debt financing to borrow \$12.3 million has introduced a carrying cost of \$3.3 million over the next ten years.
- f. In each successive development year, the levy basin becomes smaller in size, reducing the developable area that will equally shoulder the costs of future servicing trunk and arterial infrastructure. Fundamentally, a smaller basin will experience greater rate changes due to project scope changes, project inclusions and exclusions. In 2008 approximately 100 hectares were developed, reducing the basin size by approximately 8%. Although there was revenue gained from the 100 hectares, any further project refinement or scope changes will have an impact on the rates, stressing the importance to maintain a relatively large basin area in effort to develop rate stability.

Figure 1 illustrates the growth in the levy rates from 1992. This growth is primarily due to project scope changes, project revisions and construction inflation. In comparison, the dashed line on Figure 2, illustrates the order of impact the Northland Drive project has on the overall levy rate (i.e. the levy rate with 0% funding of the NLD project from development).

5. Impact to the New Home Owner

As a gauge to measure the impact of new levy rates, these rates are often compared to the overall capital cost to construct a new residential home. On average, new single family homes including the lot costs in the order of \$350,000.

Based on 14 residential lots per hectare, the 2008 levy rate of \$156,120/ha equates to \$11,151 per unit, while the proposed 2009 rate (0% unit price increase from 2008) of \$191,585/ha equates to \$13,680 per unit. Although the proposed increase of \$2,534 per unit is significant, it is proportionally similar to the housing price increase incurred this year and is still relatively small (3.9%) in comparison to the average cost of a home.

6. Levy Rate Comparison with other Alberta Municipalities

It is very difficult to make an 'apples to apples' comparison between the various Alberta cities with respect to their off-site levies because all municipalities have varying policies, practices, scopes and levels of service that can be impacted by other factors such as contractor availability, competition, basin size and account management. The attached Table 3 lists levy rates, ranging from \$50,000 to \$200,000 per hectare, commonly in the \$150,000 range for a cross section of municipalities in Alberta.

For example, Lethbridge's rate is valued at \$140,000 per hectare; however, after a quick review, this rate does not include or fund storm pond construction or river bridge crossings. Based on land costs of \$222,000 per hectare, a typical storm pond could inflate these rates by approximately \$15,000 to \$20,000 per hectare.

In some jurisdictions, standalone utility companies such as EPCOR in Edmonton, own and operate the water infrastructure. EPCOR collects transmission related infrastructure costs through their utility rates. This approach results in no direct water levy rates for new development in Edmonton.

Interestingly, Calgary has other levy rates including: Traffic Signage and Road Marking Levy, Transportation Assessment Levy, Major Road Standard Oversize Assessment Levy, Utility Oversize Assessment Levy, Storm Sewer Assessment Levy and others, which further complicates direct comparisons.

In contrast, Fort McMurray levies are assessed by lot, landuse and hectare within 13 basins. This basin by basin approach, reflecting varying infrastructure needs and costs, is believed to ensure that each development bears a proportionate share of the costs associated with the development.

Red Deer County levy rates range from \$25,000 to \$75,000 per hectare for their three development areas.

Grant funding might be required in some municipalities to offset infrastructure costs and levy rates.

7. Emerging Issues

During our review, we identified a number of issues that could affect off-site levy rates in the future. Some of these issues are outlined below:

- a. Due to less than expected land development occurring in 2009, levy rate revenue is expected to fall short of anticipated cash flow projections. This will require borrowing by the City. Engineering is monitoring this situation.
- b. In the event that some conceptual central Alberta regional utility initiatives start to take form, percent capacity or size differential oversize funding streams will need to be established and budgeted for. Depending on what funding structure is negotiated and subject to funding timelines, these expenditures may have significant impact on the levy rate.
- c. Melcor Developments Ltd. is currently investigating options for providing service to the east half of Section 2 (Hurlbert and Hansen quarter sections). If these areas are determined to be serviceable, the current Off-site Levy basin could be expanded to include them and funding of sanitary and storm oversize costs currently being financed by Melcor may be considered for inclusion in the off-site fund.
- d. Pursuant to the 2004 Transportation Study, The City is investigating alternative transportation improvements to address growing traffic volumes on 32 Street between 40 Avenue and Gaetz Avenue. Options discussed have included 32 Street widening, Delburne Road widening, and/or construction of Molly Banister Drive. As these yet to be determined improvements are related to City growth, funding of all or a portion of such improvements should come from Off-site Levies.

8. UDI Comments to 2009 Calculated Rate

As noted in the attached May 12, 2009 letter from the Urban Development Institute (UDI), the development industry is primarily concerned about:

Cost to Construct Northland Drive

UDI believes that the cost of this project is beyond the capacity of which development can afford. Recent project increases have and will continue to strain the market, unless this project is removed or delayed until such time that there is 90% funding available from outside sources. The remaining 10% could be shared by the off-site levy fund and the City of Red Deer. Section 9 will review the current funding structure and explore alternative funding options.

Inclusion of Industrial Lands to Levy Basin

UDI is requesting that the Queens Industrial Lands be excluded from the city wide levy basin, and should form a new separate basin. This request is based on the desire to have, in their opinion, appropriate distribution of development costs.

During the 2008 levy rate calculation, UDI requested further information to understand what impact the inclusion of the Queens Industrial lands would have on the overall off-site levy rates.

The results of this analysis confirmed that industrial developments, which are comprised of larger parcels, fewer sewers and few roads, have lower off-site levy rates in comparison to similar residential developments. In fact, the inclusion of the industrial lands serves to reduce the overall net levy rates. For example, Table 1 reports a residential and industrial combined Levy rate of \$213,320 per hectare. In comparison, by paring out the industrial lands, this results in a rate increase of \$27,945 to \$241,265 per hectare for the residential lands only. In turn, the stand-alone levy rate for the industrial lands would drop from the aggregate rate of \$213,320 to \$149,568. This analysis, completed assuming a 14% inflation factor, will result in similar differentials for the 0% increase from 2008 to 2009 unit rate scenario.

In response to the request to separate the two residential and industrial areas into two distinct levy basins, we understand that this is common for many municipalities, where natural geographical or municipal limits occur. However, Engineering Services does not support this approach for Red Deer because the Queens Industrial water, sanitary, storm and roadway infrastructure support, tie into, and utilize capacity within existing infrastructure. Secondly, future basin expansions to the north and west will draw from and tie into the Queens industrial infrastructure, thus forming a fully integrated infrastructure system, not limited to an area east or west of highway QE2.

9. Northland Drive

As noted above, UDI is greatly concerned about the cost of the Northland Drive Project (NLD) and its impact on levy rates. Section 4 identifies changes to the cost to complete the NLD project as a major driver, valued at \$23 million even if inflation is held to 0% from 2008 to 2009.

The NLD project funding arrangement is structured 50/50, with the City and Off-site levies contributing equally. This cost sharing arrangement, developed in 2005, was based on an equal 'regional' and 'development' capacity allocation. This partnership would fund the construction of the first two lanes of a four lane road cross section. A staged approach would have the future levy basin expansions to the east, and fund the third and fourth lanes. Prior to 2005, the Transportation Grant shouldered as much as 75% of this NLD project cost.

The NLD project has over time grown in scope, complexity and cost, initially estimated to be \$32 million in 2005, to the order of \$112 – 122 million in 2009. An estimate received recently from Engineering set the value of this project in the order of \$139 million, of which \$8 million is due to anticipated land expropriation costs.

Northland Drive Funding Scenarios

The NLD project shares similarities to Edmonton's Anthony Henday Drive and other major ring-road projects. Although functionally similar, the Anthony Henday Drive was constructed with Provincial grants not from development levies. UDI has long pressed the need to lobby Provincial and Federal Governments for alternative funding streams to support this ring road project.

For your information and consideration, the following alternative funding scenarios have been calculated to demonstrate what effect they have on the overall levy rate. This analysis was based on a NLD project cost of \$112 million (0% inflation from 2008 to 2009).

Scenario	City / Developer	NLD cost	Levy rate, \$/ ha.	% change
2008 levy rate baseline	50/50	\$ 88,000,000	\$156,120	
2009 proposed (0% inflation)	50/50	\$112,281,000	\$191,585	+23%
Two thirds, one third	67/33	\$112,281,000	\$177,095	+13%
Interim rate, \$175,000	70/30	\$112,281,000	\$174,540	+12%
Three quarter, one quarter	75/25	\$112,281,000	\$170,280	+9%
90% grant funded, equal share	95/5	\$112,281,000	\$153,230	-2%

From above, the 2009 proposed (0% inflation) scenario would have the City and Developer fund the \$112 million dollar project equally. On the other end of the scale, if the City shouldered 95% of the project cost, the City's contribution would increase by \$50.5 million, from \$56 million to \$107 million and the levy rate would drop to approximately \$153,230.

It is important to note that any changes to the current 50/50 funding share can have a significant under-funding impact on revenues, cash flow, and future off-site levy rates.

10. Further Considerations

In consideration of UDI's comments and in review of the City's current financial standing and projected limitations, it is realistic to assume that the phase one of the North Highway Connector project will likely not be constructed until such time that additional Provincial or Federal funding minimally in the order of 50% is secured.

Based on the assumption that the North Highway Connector Project will be funded 50% from Grants, 25% from the City and 25% from the development levy, the total combined 2009 off-site levies will be \$174,845 per hectare as noted in Table 3 and graphically illustrated in Figure 3.

This assessment also assumes that phase one of the NHC will proceed in advance of the need to modify the 30th Avenue and 67th Street intersection due to new development required access and capacity. If per chance, funding as noted above is not secured, and the 30th Avenue and 67th Street intersection requires upgrades, additional staged expenses will need to be assessed and included within the levy rate calculation.

Legislative & Administrative Services Manager
September 11, 2009
Page 10

10. Recommendations

In light of the recent economic shift, UDI comments, and the assumption that Phase 1 of the North Highway Connector will receive 50% Grant funding as noted above, Engineering Services recommends the following:

1. The levy rate for 2009 be based on 0% construction inflation from 2008,
2. The Queens Industrial Lands remain within the current levy basin.
3. The proposed 2009 off-site levies are as follows:

Proposed 2009 Off-site Levy Rates (retroactive to January 1, 2009)

• Water	\$ 14,400	(8% decrease)
• Sanitary	\$ 19,920	(4% increase)
• Storm	\$ 51,645	(17% increase)
• Roads	\$ 88,910	(15% increase)

Total: \$ 174,875 / ha (12% increase)

Gregory J. Sikora, M.Sc., P.Eng.
Public Works Manager



Frank Colosimo, P.Eng.
Engineering Services Manager

GJS/ldr
Att.

TABLE 1					
2009 OFF-SITE LEVY RATE SUMMARY					
(2009 unit prices = 1.14 * 2008 unit prices)					
	Water	Sanitary	Storm	Roads	Totals
ESTIMATED EXPENDITURES AND REVENUES TO DATE					
Net Balance at Beginning of Year					
Estimated 2008 Expenditures	\$680,574	(\$139,365)	(\$848,198)	(\$4,153,363)	(\$4,460,352)
Estimated 2008 Revenues	\$6,705,329	\$3,826,485	\$7,408,681	\$927,334	\$18,867,830
CPI Carrying Cost on beginning balance	(\$7,947,573)	(\$6,334,847)	(\$15,377,252)	(\$6,218,666)	(\$35,878,338)
Net Balance at	\$0	\$0	\$0	\$0	\$0
Estimated December 31, 2008	(\$561,670)	(\$2,647,726)	(\$8,816,769)	(\$9,444,695)	(\$21,470,859)
FUTURE EXPENDITURE ESTIMATES					
Projected Future Construction Costs	\$20,685,620	\$27,346,904	\$72,290,650	\$239,924,251	\$360,247,425
City and Provincial Funding				(\$68,292,865)	(\$68,292,865)
Net Future Expenditures:	\$20,685,620	\$27,346,904	\$72,290,650	\$171,631,386	\$291,954,560
TOTAL NET COSTS AND RATE CALCULATION					
Total Costs	\$20,123,951	\$24,699,178	\$63,473,881	\$162,186,691	\$270,483,701
Remaining Development Area (2008)	1,319	1,180	1,130	1,341	
Proposed 2009 Rates (\$/ha)	\$15,260	\$20,930	\$56,150	\$120,980	\$213,320
COMPARISON TO 2008 RATES					
2008 Rates	\$15,660	\$19,185	\$43,935	\$77,340	\$156,120
Rate Change	(\$400)	\$1,745	\$12,215	\$43,640	\$57,200
Percent Change	-2.6%	9.1%	27.8%	56.4%	36.6%

1 QBP (if = 1, includes Queens Industrial Lands in Levy Calculations. if = 0, excludes Queens Industrial Lands in Levy Calculations)

50 NHC (% funding from CITY towards Phase 1 of North Highway Connector)

TABLE 2
2009 OFF-SITE LEVY RATE SUMMARY
 (2009 unit prices = 2008 unit prices)

	Water	Sanitary	Storm	Roads	Totals
ESTIMATED EXPENDITURES AND REVENUES TO DATE					
Net Balance at Beginning of Year					
Estimated 2008 Expenditures	\$680,574	(\$139,365)	(\$848,198)	(\$4,153,363)	(\$4,460,352)
Estimated 2008 Revenues	\$6,705,329	\$3,826,485	\$7,408,681	\$927,334	\$18,867,830
CPI Carrying Cost on beginning balance	(\$7,947,573)	(\$6,334,847)	(\$15,377,252)	(\$6,218,666)	(\$35,878,338)
Net Balance at	\$0	\$0	\$0	\$0	\$0
Estimated December 31, 2008	(\$561,670)	(\$2,647,726)	(\$8,816,769)	(\$9,444,695)	(\$21,470,859)
FUTURE EXPENDITURE ESTIMATES					
Projected Future Construction Costs	\$19,551,508	\$26,154,652	\$67,196,615	\$211,340,495	\$324,243,270
City and Provincial Funding				(\$60,298,530)	(\$60,298,530)
Net Future Expenditures:	\$19,551,508	\$26,154,652	\$67,196,615	\$151,041,964	\$263,944,740
TOTAL NET COSTS AND RATE CALCULATION					
Total Costs	\$18,989,839	\$23,506,926	\$58,379,846	\$141,597,270	\$242,473,881
Remaining Development Area (2008)	1,319	1,180	1,130	1,341	
Proposed 2009 Rates (\$/ha)	\$14,400	\$19,920	\$51,645	\$105,620	\$191,585
COMPARISON TO 2008 RATES					
2008 Rates	\$15,660	\$19,185	\$43,935	\$77,340	\$156,120
Rate Change	(\$1,260)	\$735	\$7,710	\$28,280	\$35,465
Percent Change	-8.0%	3.8%	17.5%	36.6%	22.7%

1 QBP (if = 1, includes Queens Industrial Lands in Levy Calculations. if = 0, excludes Queens Industrial Lands in Levy Calculations)

50 NHC (% funding from CITY towards Phase 1 of North Highway Connector)

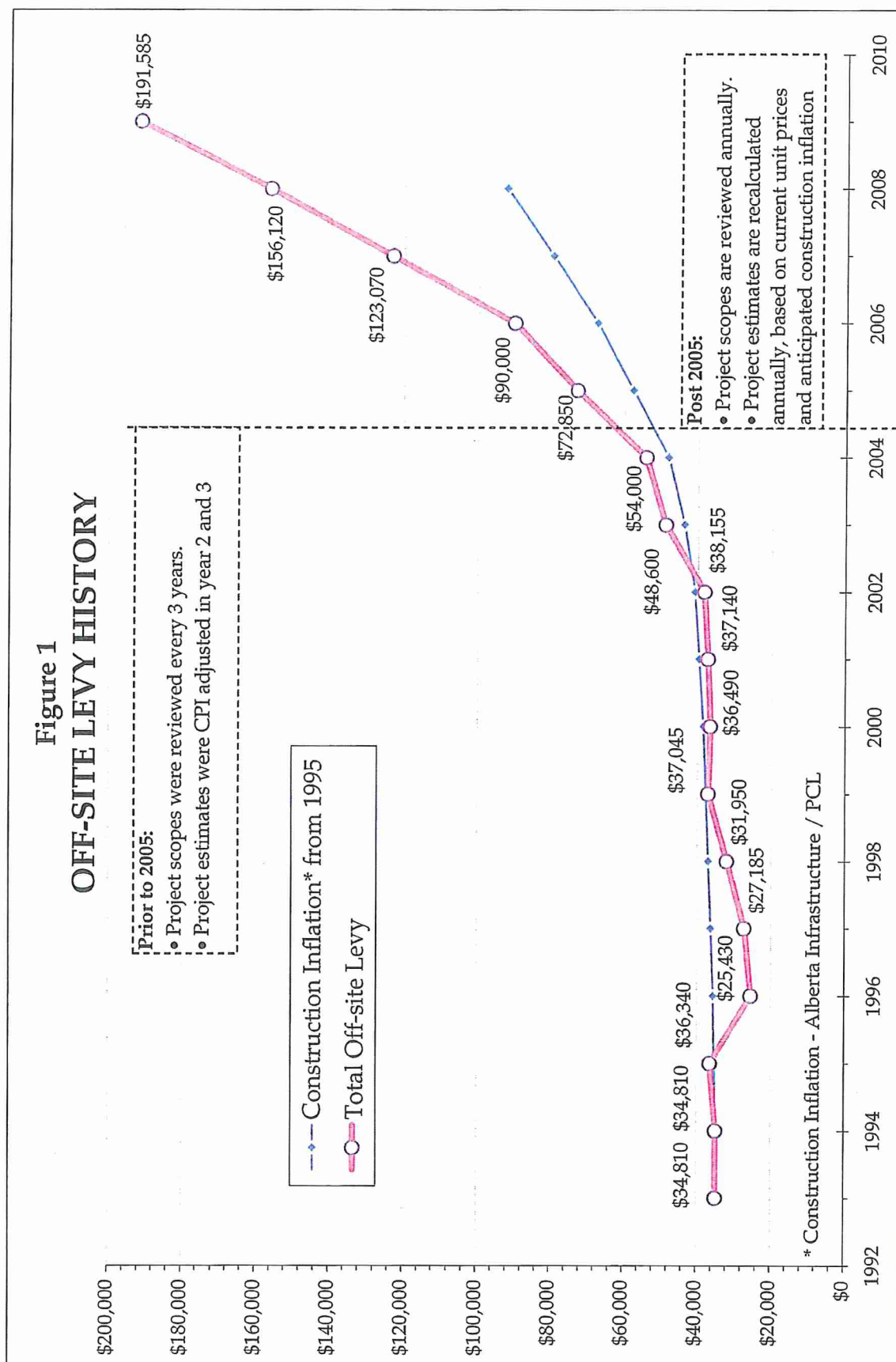
TABLE 3

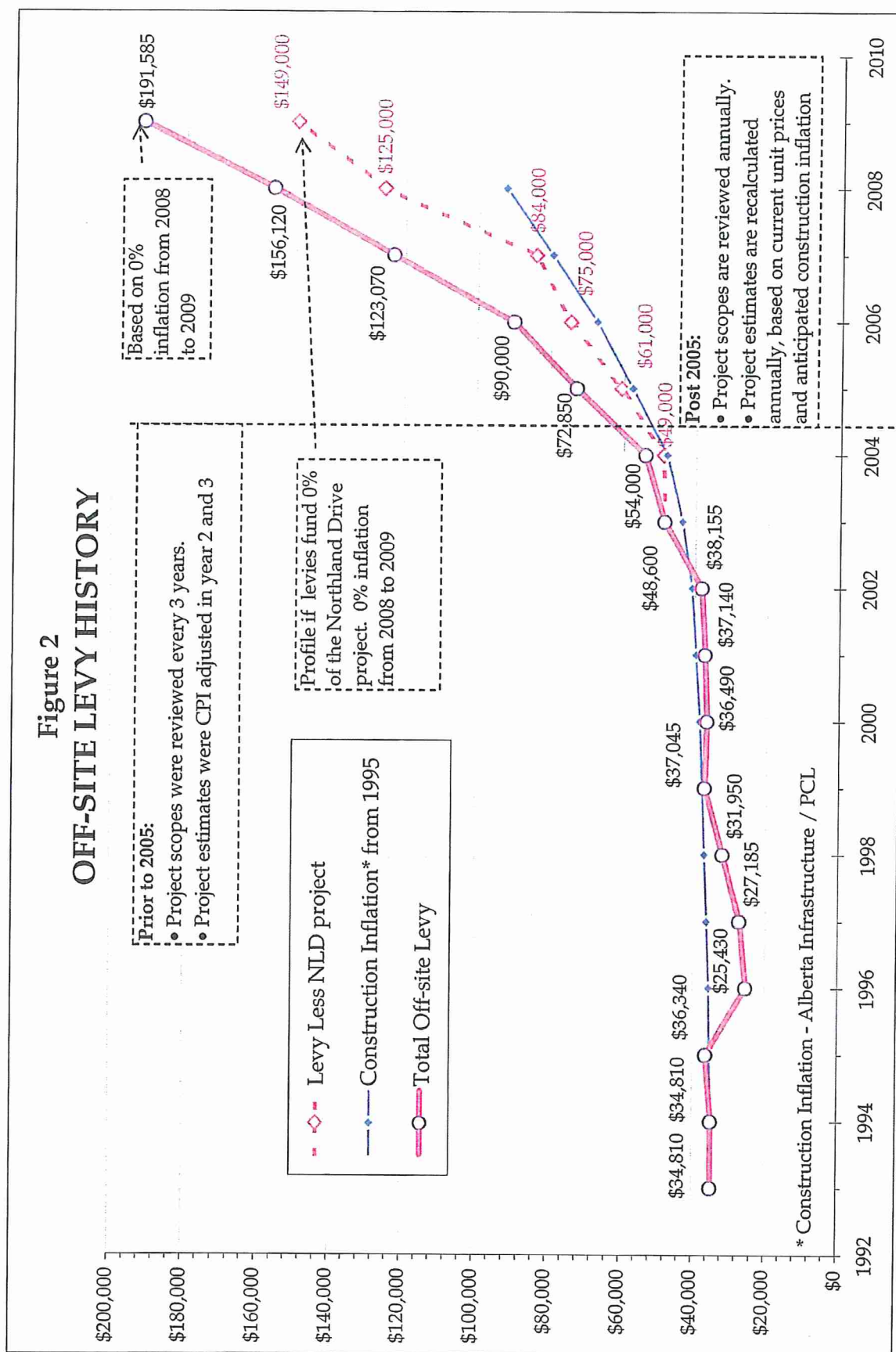
2009 OFF-SITE LEVY RATE SUMMARY

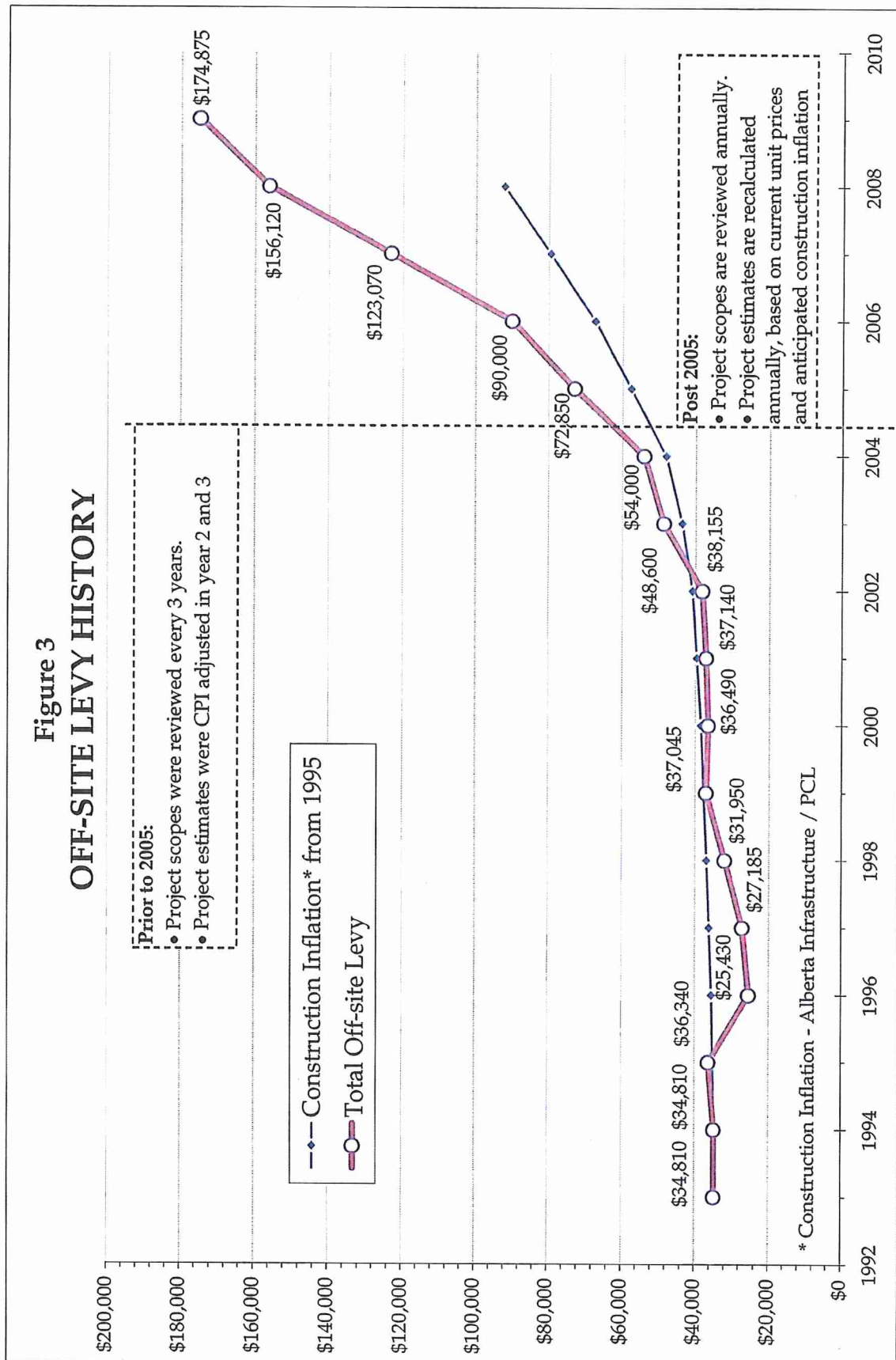
0% inflation (2009 unit prices = 2008 unit prices)

Funding 50% Grants, 25% City, 25% Development

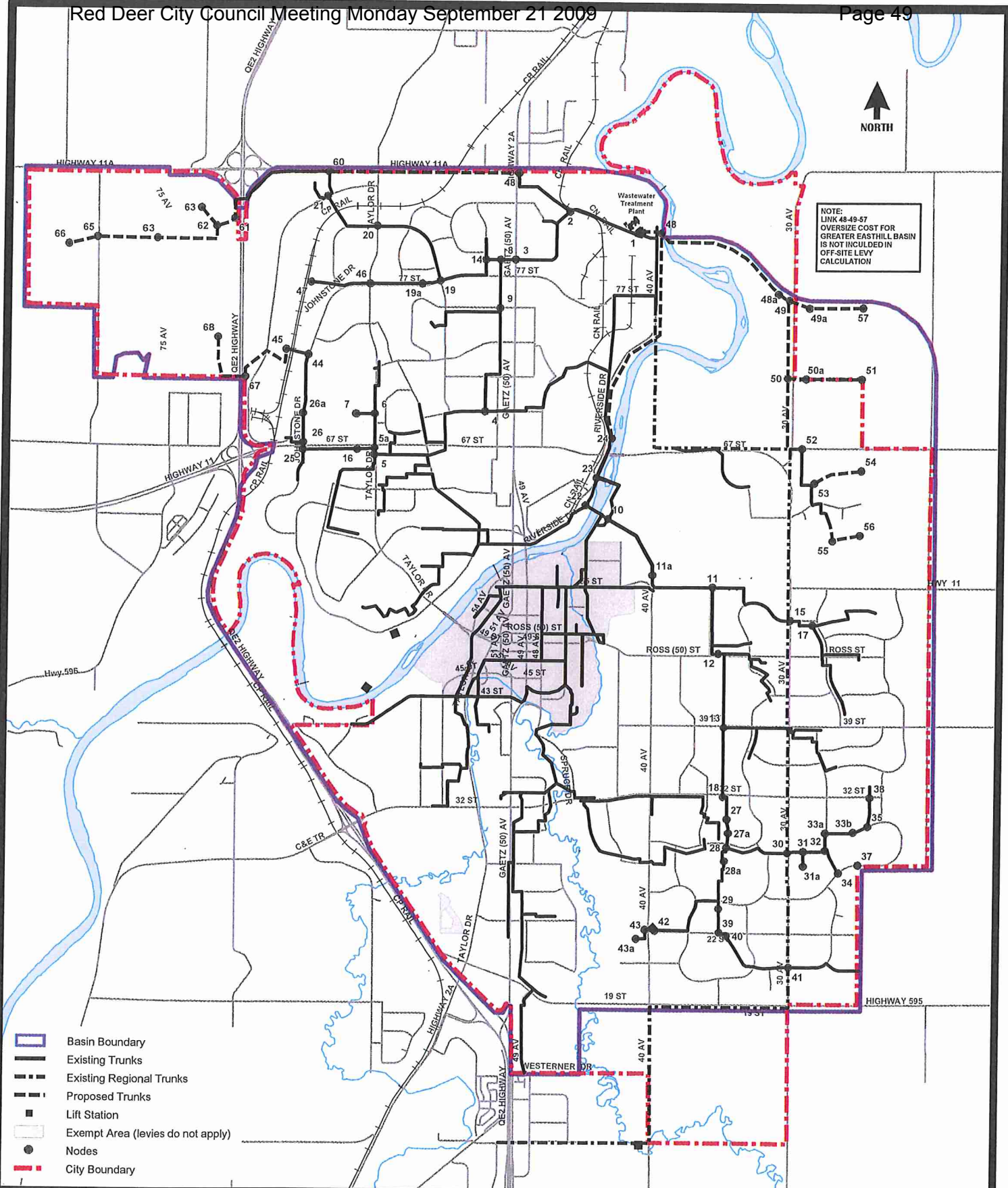
		Water	Sanitary	Storm	Roads	Totals
ESTIMATED EXPENDITURES AND REVENUES TO DATE						
Net Balance at Beginning of Year	January 1, 2008	\$680,574	(\$139,365)	(\$848,198)	(\$4,293,953)	(\$4,600,941)
Estimated 2008 Expenditures		\$6,705,329	\$3,826,485	\$7,408,681	\$927,334	\$18,867,830
Estimated 2008 Revenues		(\$7,947,573)	(\$6,334,847)	(\$15,377,252)	(\$6,294,321)	(\$35,953,993)
CPI Carrying Cost on beginning balance		\$0	\$0	\$0	\$0	\$0
Net Balance at	Estimated December 31, 2008	(\$561,670)	(\$2,647,726)	(\$8,816,769)	(\$9,660,940)	(\$21,687,104)
FUTURE EXPENDITURE ESTIMATES						
Projected Future Construction Costs	1	\$19,551,508	\$26,154,652	\$67,196,615	\$235,915,471	\$348,818,246
City and Provincial Funding					(\$107,062,164)	(\$107,062,164)
Net Future Expenditures:		\$19,551,508	\$26,154,652	\$67,196,615	\$128,853,307	\$241,756,082
TOTAL NET COSTS AND RATE CALCULATION						
Total Costs		\$18,989,839	\$23,506,926	\$58,379,846	\$119,192,367	\$220,068,979
Remaining Development Area (2008)		1,319	1,180	1,130	1,341	
Proposed 2009 Rates (\$/ha)		\$14,400	\$19,920	\$51,645	\$88,910	\$174,875
COMPARISON TO 2008 RATES						
2008 Rates		\$15,660	\$19,185	\$43,935	\$77,340	\$156,120
Rate Change		(\$1,260)	\$735	\$7,710	\$11,570	\$18,755
Percent Change		-8.0%	3.8%	17.5%	15.0%	12.0%
1 QBP (if = 1, includes Queens Industrial Lands in Levy Calculations. if = 0, excludes Queens Industrial Lands in Levy Calculations)						
75 NHC (% funding from Grants and City towards Phase 1 of North Highway Connector)						







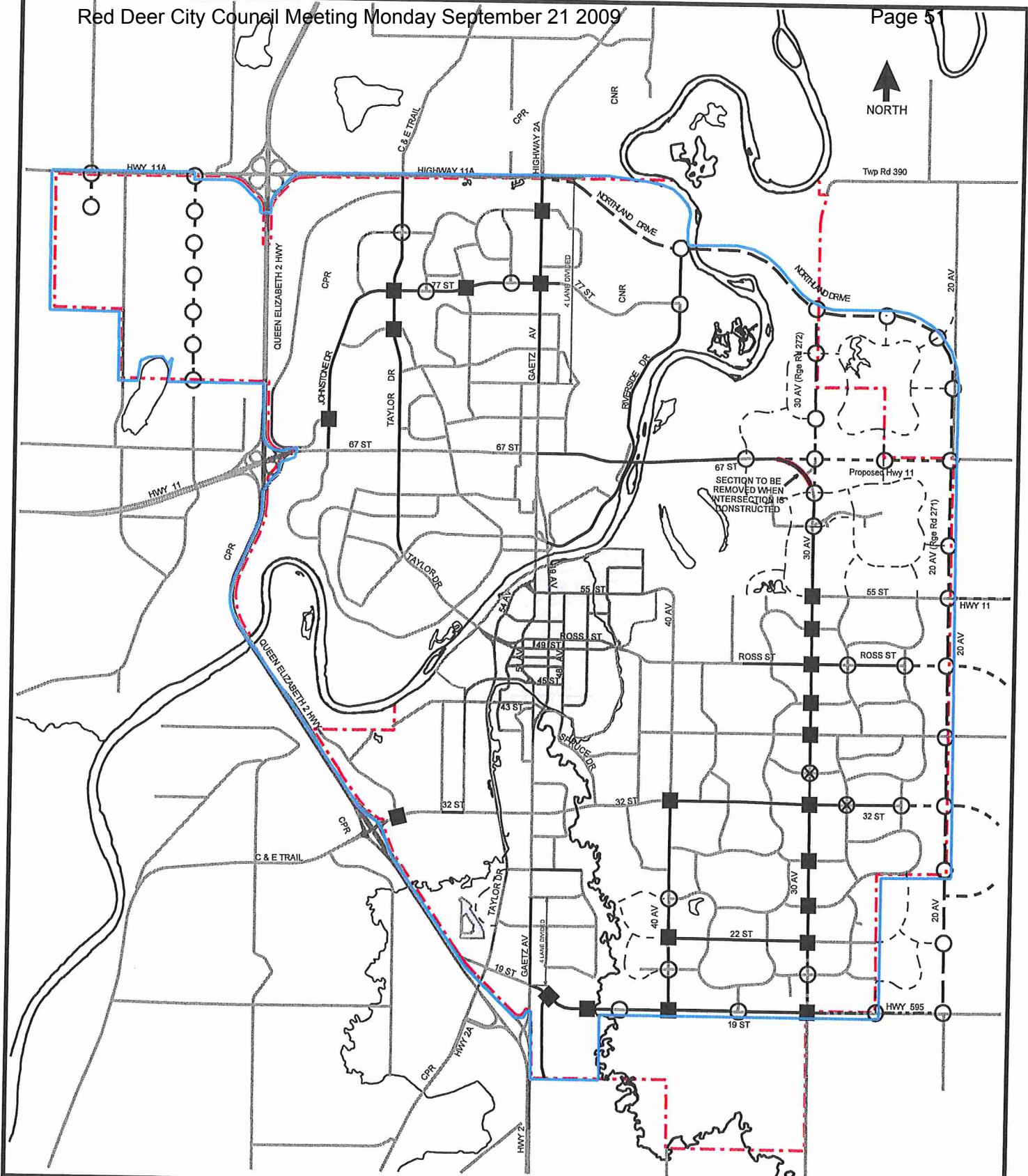






Not to Scale

**OFF-SITE LEVY
BYLAW 3436 / 2009
SCHEDULE "C"**



- Basin Boundary
- Existing 4 lane road (included in levy rate)
- - - - Proposed 4 lane road
- . - . - Proposed 4 lane with 2 existing lanes
- - - - Initial 2 lanes of 4 lane divided roadway
- - - - Proposed Collector Roadway
- - - - City Boundary

- Exempt Area (levies do not apply)
- Existing traffic lights included in offsite levy rate
- Proposed traffic lights included in offsite levy rate
- X
 Not funded by Levy

MAJOR THOROUGHFARE LEVY

**OFF-SITE LEVY
BYLAW 3436 / 2009
SCHEDULE "D"**

Not to Scale

August 2009

Comments:

We support the recommendation of Administration and that Council give first reading to Bylaw 3436/2009 - Off-Site Levy Bylaw as discussions with the development industry resulted in rates being lowered to support concerns from all orders of government and the community. The bylaw will be brought back to the October 19, 2009 Council meeting for consideration of second and third readings.

"Morris Flewwelling"
Mayor

"Craig Curtis"
City Manager

FILE COPY



Council Decision – September 21, 2009

DATE: September 22, 2009
TO: Greg Sikora, Public Works Manager
Frank Colosimo, Engineering Services Manager
FROM: Elaine Vincent, Legislative & Administrative Services Manager
SUBJECT: Proposed 2009 Off-Site Levy Rates - Bylaw 3436/2009

Reference Report:

Legislative and Administrative Services Manager, dated September 11, 2009
Public Works Manager and Engineering Services Manager, dated September 11, 2009

Bylaw Readings:

At the Monday, September 21, 2009 Council Meeting Bylaw 3436/2009 received first reading. A copy of the bylaw is attached.

Report Back to Council: Yes, October 19, 2009

Comments/Actions:

Second and third readings of Bylaw 3436/2009 will be held Monday, October 19, 2009 meeting at 6:00 p.m. in Council Chambers during Council's regular meeting. Our office will now proceed with advertising for Bylaw 3436/2009. Bylaw 3436/2009 provides for off-site levies to be charged on new development lands within the City to cover the cost of extending trunk water, sanitary, and storm mains, arterial roadways, and associated facilities to serve the areas.

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

Elaine Vincent
Legislative and Administrative Services Manager

/attach.

cc: City Manager
Director of Development Services
Director of Corporate Services
Development Coordinator
Traffic Engineer
Engineering Administrative Supervisor
UDI Chapter Chairman, Mr. S. Banack
LAS File

BYLAW NO. 3436/2009

Being a Bylaw of The City of Red Deer to provide a uniform levy of off-site costs in respect of previously undeveloped land.

1. WHEREAS pursuant to provisions of Section 648 of the Municipal Government Act, The City may by bylaw:
 - (a) Provide for the imposition and payment of a levy to be known as an "off-site levy" in respect of land that is to be developed or subdivided, and
 - (b) Authorize an agreement to be entered into in respect of the payment of the levy.
2. An off-site levy may be used only to pay for all or part of the capital cost of any or all of the following:
 - (a) New or expanded facilities for the storage, transmission, treatment, or supplying of water;
 - (b) New or expanded facilities for the treatment, movement, or disposal of sanitary sewage;
 - (c) New or expanded storm sewer drainage facilities;
 - (d) New or expanded roads required for or impacted by a subdivision or development;
 - (e) Land required for or in connection with any facilities described in clauses (a) to (d);

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

1 This bylaw may be cited as "The Off-Site Levy Bylaw".

2 Definitions:

For the purpose of this bylaw:

(1) "Development" shall mean:

(a) a change of use of land, or an act done in relation to land that results in or is likely to result in a change in the use of the land, or

(b) a change in the intensity of the use of land or an act done in relation to land that results in, or is likely to result in, a change of the intensity of the use of the said land.

(2) "Gross Development Area" means each and every hectare or part thereof as shown on the Plan of Subdivision for a development which has been approved by the Municipal Planning Commission, including any area which may be dedicated for roads, lanes, walkways, parks, reserve parcels, schools, or any other public use.

- (3) "Net Development Area" means the area remaining after the deletion of the following lands (deemed undevelopable) from the Gross Development Area:
- (a) previously developed lands for which off-site levies have already been paid,
 - (b) expressway and arterial road right of ways as defined by The City,
 - (c) Environmental Reserves as defined in the Municipal Government Act (e.g. native wetlands, rivers, creeks, lakes, ravines, steeply sloped areas),
 - (d) major tree stands that are identified by the City for preservation and are in excess of the 10% municipal reserve dedication required by the MGA,
 - (e) The power transmission right of way extending across the south end of city. Parts of this land that are subdivided from the right of way for development purposes would not be excluded from the Gross Development Area.
- (4) "Trunk Water" means an existing or proposed water main; generally having an internal diameter of 350 mm or greater, complete with related pumping and storage facilities; that has been designated by The City as a trunk facility, the cost of same having been included in the calculation of the Water Off-site Levy rate.

- (5) "Trunk Water Off-site Levy Rate" means the amount to be assessed per hectare of developable land; the calculation of which is based on the actual or estimated cost of the Trunk Water facilities identified on Schedule "A" less the Water Off-site Levy revenues collected to date, plus interest on borrows funds, divided by the Net Development Area within the Basin Boundary identified on Schedule "A".
- (6) "Trunk Sanitary" means an existing or proposed sanitary sewer; generally having an internal diameter of 375 mm or greater, or having a depth of cover greater than 6.0 m, complete with related pumping facilities; that has been designated by The City as a trunk facility, the cost of same having been included in the calculation of the Sanitary Off-site Levy rate.
- (7) "Trunk Sanitary Off-site Levy Rate" means the amount to be assessed per hectare of developable land; the calculation of which is based on the actual or estimated cost of the Trunk Sanitary facilities identified on Schedule "B" less the Sanitary Off-site Levy revenues collected to date, plus interest on borrows funds, divided by the Net Development Area within the Basin Boundary identified on Schedule "B".
- (8) "Trunk Storm" means an existing or proposed storm sewer; generally defined as having an internal diameter of 1,200 mm or greater, as well as storm water storage facilities and associated outlet piping; that has been designated by The City as a trunk facility, the cost of same having been included in the calculation of the Storm Off-site Levy rate.

- (9) "Trunk Storm Off-site Levy Rate" means the amount to be assessed per hectare of developable land; the calculation of which is based on the actual or estimated cost of the Trunk Storm facilities identified on Schedule "C" less the Storm Off-site Levy revenues collected to date, plus interest on borrows funds, divided by the Net Development Area within the Basin Boundary identified on Schedule "C".
- (10) "Major Thoroughfare" means an existing or proposed expressway, divided arterial roadway, or undivided arterial roadway, including the land for right of way, storm drainage, traffic signals, and street lighting, that has been designated as a major thoroughfare by The City; the cost of same having been included in the calculation of the Major Thoroughfare off-site levy rate.
- (11) "Major Thoroughfare Off-site Levy Rate" means the amount to be assessed per hectare of developable land; the calculation of which is based on the actual or estimated cost of the Major Thoroughfare facilities identified on Schedule "D" less the Major Thoroughfare Off-site Levy revenues collected to date, plus interest on borrows funds, divided by the Net Development Area within the Basin Boundary identified on Schedule "D".

3

That effective January 1, 2009, The City of Red Deer hereby levies an off-site levy upon all land within The City boundaries to be subdivided or developed within the areas described below and calculated as follows:

- (1) In all the area outlined in the attached Schedule "A", the sum of \$14,400 per hectare for each hectare or part thereof within the Net Development Area for Trunk Water Infrastructure (the "Trunk Water Off-site Levy Rate").
- (2) In all the area outlined in the attached Schedule "B", the sum of \$19,920 for each hectare or part thereof within the Net Development Area for Trunk Sanitary Sewer Infrastructure (the "Trunk Sanitary Off-site Levy Rate").
- (3) In all the area outlined in the attached Schedule "C", the sum of \$51,645 for each hectare or part thereof within the Net Development Area for Trunk Storm Sewer Infrastructure (the "Trunk Storm Off-site Levy Rate").
- (4) In all the area outlined in the attached Schedule "D", the sum of \$88,910 for each hectare or part thereof within the Net Development Area for Major Thoroughfares (the "Major Thoroughfare Off-site Levy Rate").

5 Service Basin areas lying beyond City limits are used for purposes related to calculation of Off Site Levy rates only. Off-site Levies shall not apply to areas beyond The City's jurisdiction.

6 All levies imposed under this bylaw shall be in addition to the fee payable for development permits or building permits, and shall be paid to The City following approval of a subdivision plan and prior to the issuance of a development permit or a building permit, as the case may be.

- 7 Off-site levies imposed and collected under Bylaw 3412/2008 shall be deemed to have been imposed and collected under this Bylaw.
- 8 Bylaw 3412/2008 is hereby repealed.

READ A FIRST TIME IN OPEN COUNCIL this 21st day of September 2009.

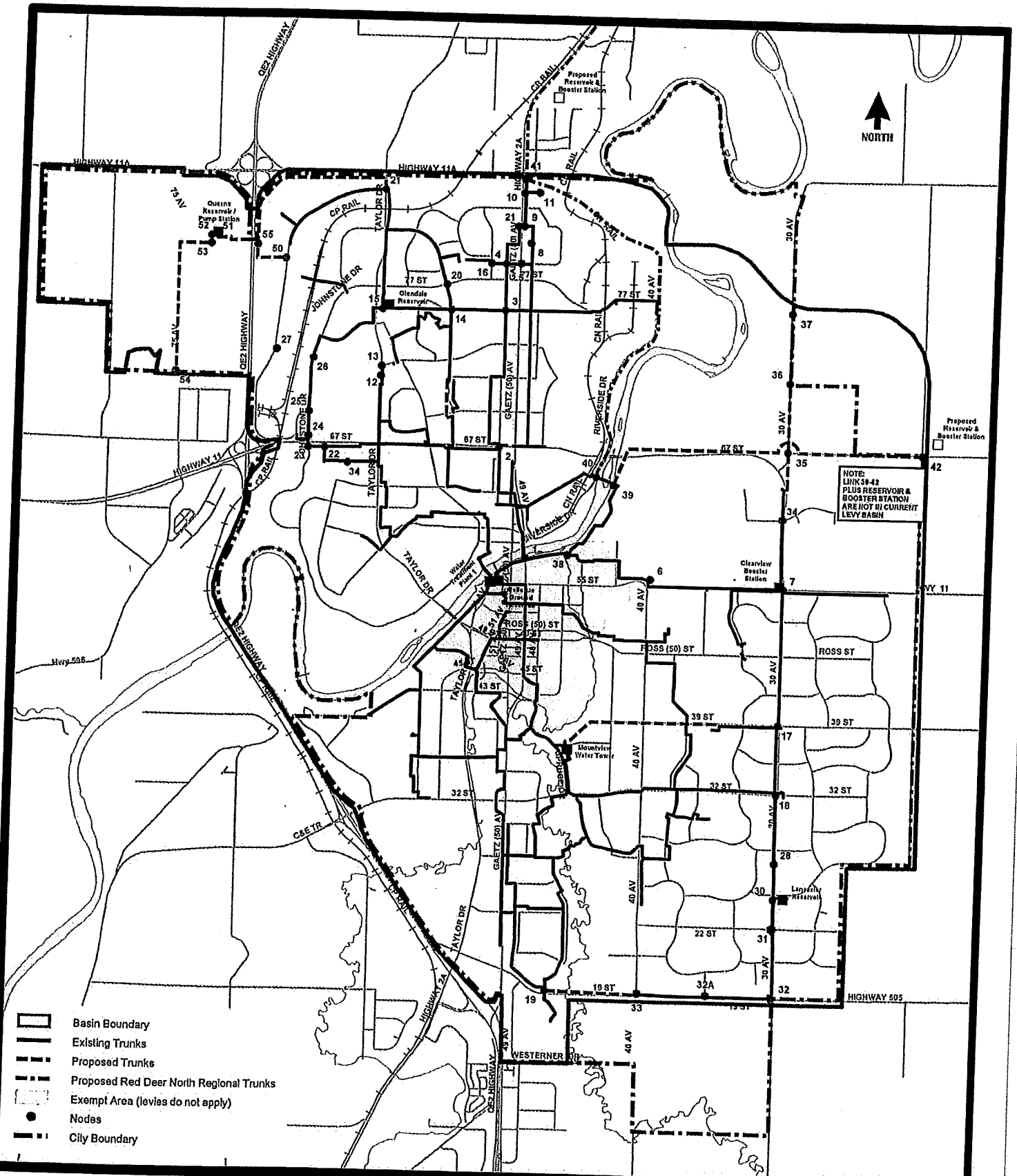
READ A SECOND TIME IN OPEN COUNCIL this day of 2009.

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

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

MAYOR

CITY CLERK



NOTE:
LINK 39-42
PLUS RESERVOIR &
BOOSTER STATION
ARE NOT IN CURRENT
LEVY BASIN

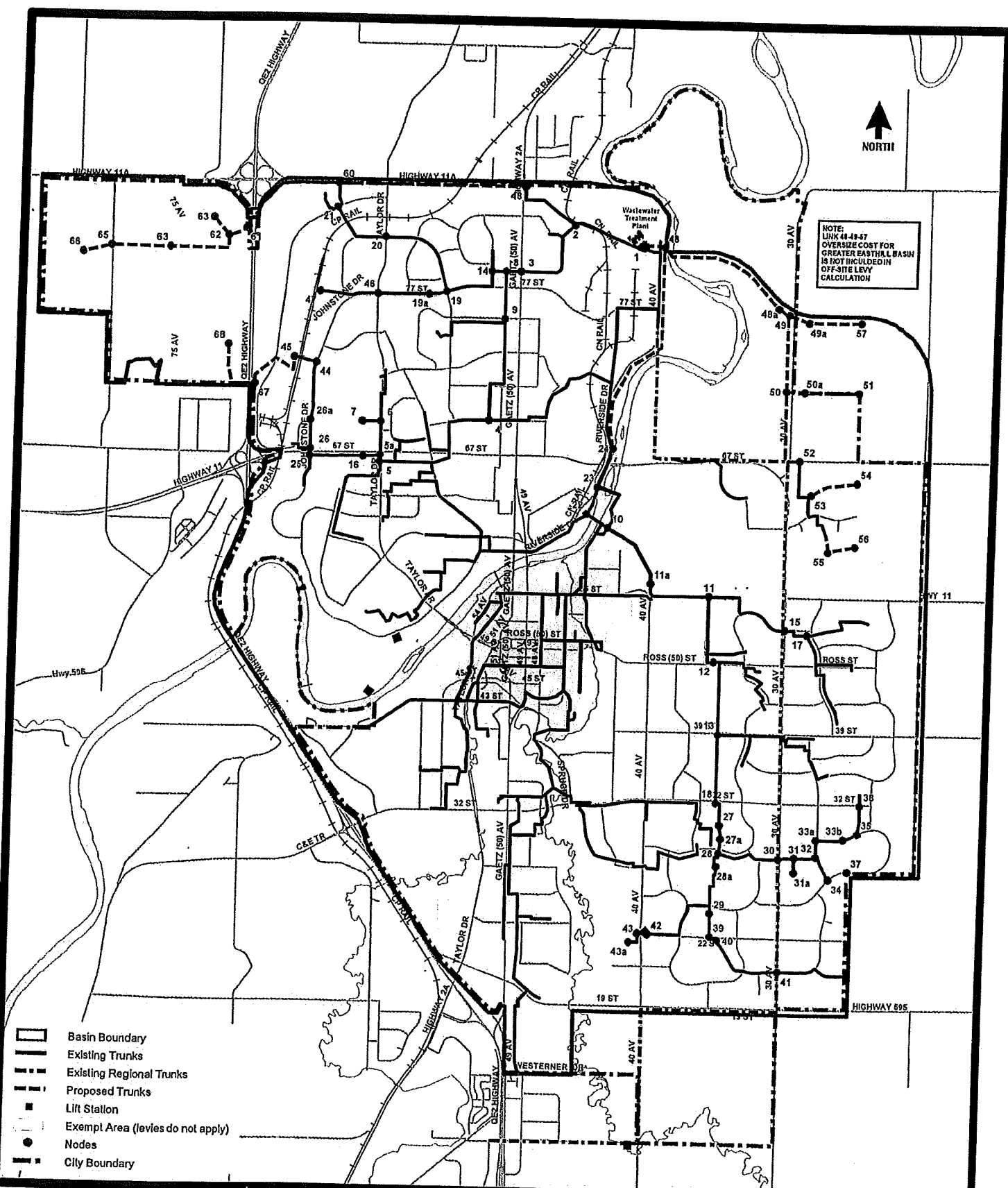


WATER TRUNKS

Not to Scale

August 2009

OFF-SITE LEVY
BYLAW 3436 / 2009
SCHEDULE "A"

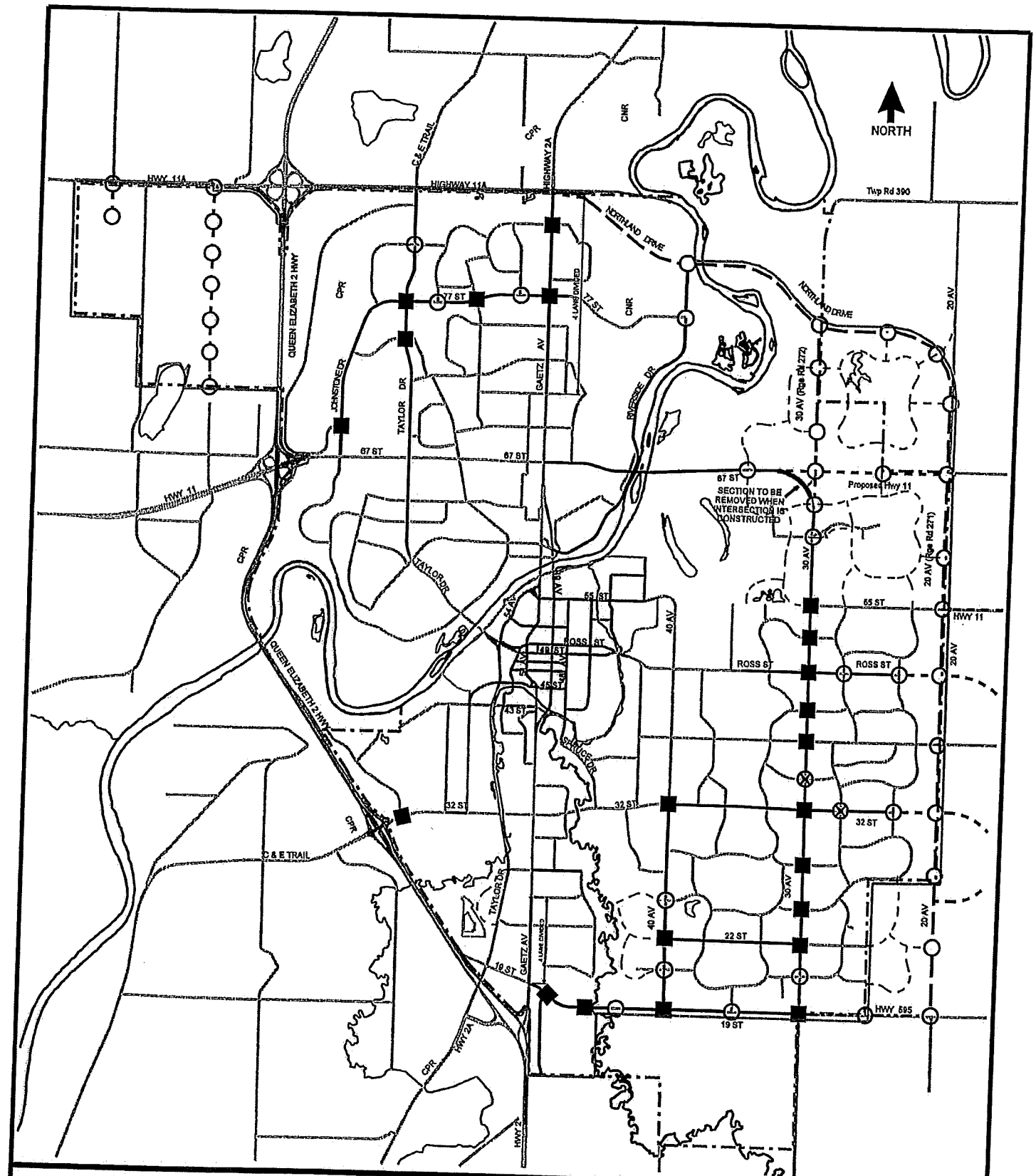


SANITARY TRUNKS

Not to Scale

August 2009

OFF-SITE LEVY
BYLAW 3436 / 2009
SCHEDULE "B"



Twp Rd 390

MAJOR THOROUGHFARE LEVY

OFF-SITE LEVY
BYLAW 3436 / 2009
SCHEDULE "D"

Not to Scale

August 2009

- Basin Boundary
- Existing 4 lane road (Included in levy rate)
- Proposed 4 lane road
- Proposed 4 lane with 2 existing lanes
- Initial 2 lanes of 4 lane divided roadway
- Proposed Collector Roadway
- City Boundary
- Exempt Area (levies do not apply)
- Existing traffic lights Included in offsite levy rate
- Proposed traffic lights Included in offsite levy rate
- Not funded by Levy

Unfinished Business Item No. 7



DATE: September 14, 2009

TO: Elaine Vincent – Legislative & Administrative Services Manager

FROM: Jennifer Smith – Bylaw Research Coordinator
Paul Meyette – Inspections & Licensing Manager

RE: Bylaw 3429/2009 The Dog Bylaw

The City of Red Deer's current Dog Bylaw was enacted in 1987 to establish standards for dog licensing and reducing dog-related nuisances. While this Dog Bylaw has been effective for its intended purpose, it is lacking in one important area: it does not contain regulations for designating, licensing, or controlling aggressive dogs.

Inspections & Licensing began researching the need for a stronger dog bylaw in 2002, following a series of high profile dog attacks. This research culminated in a presentation to City Council on May 19, 2009, where we presented the proposed Dog Bylaw as information and requested a six-week period for community consultation.

Following the public consultation period, we presented a revised draft of the Dog Bylaw to Council on June 29, 2009. During that presentation, Council recommended several changes to the Bylaw and accompanying Council Policy.

We have addressed these concerns as follows:

BYLAW

1. Permitted Leash Length – Section 3(16)

City Council suggested we review the two-meter permitted leash length and make it only applicable to aggressive dogs.

As tickets are rarely written for leashes longer than the permitted length, this has been revised to apply only to aggressive dogs. A dog owner that is using an excessively long leash may still be ticketed under the running at large offence if the dog is not under control or capable of being controlled as a result of the leash length.

2. Dog Tag Vendors – Section 9(1)(a)

City Council suggested we permit veterinarians to sell dog tags. Inspections & Licensing will work to determine if there is interest in the business community for other establishments to sell dog tags.

3. Carrying Dog Tags – Section 9(1)(c)

City Council suggested we include clarification that no ticket would be given if the owner can present a dog tag when the dog is not wearing it.

The enforcement of all laws relies on the discretion of the officer designated to enforce them, and the Dog Bylaw is no different. Although an Animal Control Officer may opt not to issue a ticket if an owner is able to present a dog tag, that should be left to his discretion.

It is important for dogs to wear dog tags at all times when they are off their owners' properties. This helps to ensure that a lost dog can be safely returned to its owner. If an owner simply carries the dog tag, there is little that animal control can do to reunite the dog with its owner should the dog get lost.

Inspections & Licensing reviewed the option of lighter-weight tags and determined that smaller tags are harder to read and to notice on dogs when checking for tags. The existing dog tags are already very light aluminum, so they should not pose a problem for dogs.

4. Notification of the Death of an Aggressive Dog - Section 9(3)(c)

City Council suggested that we remove the provision that requires the owner of an aggressive dog to notify The City if the aggressive dog dies. We have removed this as per Council's suggestion.

5. Obedience Versus Behavioral Training – Section 9(3)(e)

City Council suggested we change the wording of "obedience training" to "behavioral training." We have adjusted this as per Council's suggestion.

6. Dogs and Bicycles – Section 10(1)(h)

City Council suggested we remove the prohibition for dog owners to exercise their dogs while bicycling. We have removed this provision as per Council's suggestion.

7. Dogs in Truck Boxes – Section 10(1)(i)

City Council suggested we include a provision in the bylaw prohibiting dogs from riding unsecured in truck boxes. We have included this provision as per Council's suggestion.

8. Threatening Behavior – Section 12(4)

City Council suggested that the offence for dogs displaying threatening behavior be adjusted so that guard dogs are not unduly penalized. We have adjusted this so that the

offence does not apply to a dog that is confined within a building or securely fenced area on any land.

9. Aggressive Dog Report Submission – Section 15(1)

City Council suggested that the wording be changed so that an Animal Control Officer “shall” submit an aggressive dog report to the Inspections & Licensing Manager and that we refer to the associated policy and procedure. The current policy indicates that the Animal Control Officer “may” submit a report.

While we agree that referring to the Council Policy is expedient, we feel that the use of the word “may” gives The City and its animal control contractor more opportunity to use discretion.

In cases of minor incidents, the animal control contractor may not believe the incident warrants an aggressive dog report.

The departmental procedure associated with this process clearly outlines when animal control will submit a report to the Inspections & Licensing Manager. By changing “may” to “shall” within the bylaw, we may become overly restrictive in terms of the judgment exercised by the Animal Control Officers.

10. Aggressive Dog Designation Responsibility – Section 15(3)

City Council suggested we have an animal behavioral expert involved in the process for designating a dog as aggressive.

An aggressive dog designation and any subsequent administrative work will require a significant degree of time, effort, and resources. Because of this expenditure, The City should not be responsible for providing an animal behavioral expert to contribute to the process.

As with most other types of appeal processes, the alleged aggressive dog owner will be invited to include any interested parties or representatives, including animal behavioral experts.

11. Animal Control Officers and Private Property – Section 19(3)

City Council expressed concern about the provision that authorizes the Animal Control Officer to enter any privately owned premises, other than a dwelling unit. Council requested that we clarify the need for this or create stronger parameters for this.

The Animal Control Officers require this provision in instances where a dog may run into a yard and they need to enter the yard to take control of the dog.

12. Acting on Veterinarian Advice - Section 19(10)

City Council suggested that the Animal Control Contractor consult with the owner, when possible, before acting on the advice of a veterinarian for a sick or injured dog. We have adjusted this as per Council’s suggestion.

13. High First Penalties – Schedule “A”

City Council suggested that some of the first penalties are too high.

Calgary has seen a 90 per cent licensing compliance rate for dogs, and the high penalty for failing to license a dog (\$250) is partially responsible for this.

A high penalty acts as a strong incentive for people to license their dogs. When the penalty is significantly higher than the cost of the tag, a dog owner is less likely to risk being caught with an unlicensed dog.

Red Deer’s current penalty for failing to license a dog is \$65, only \$42 more than an altered dog tag and \$12 more than an unaltered dog tag. The City’s current compliance rate for licensing dogs is around 50 per cent.

While high penalties may seem overly punitive, Calgary has seen a significant degree of success with this approach.

14. Third Penalty for Causing Death to a Person – Schedule “A”

City Council suggested that it may be unnecessary to include a third penalty fine for a dog causing death to a person. Council also recommended we include wording that would allow the destruction of the dog.

It is unnecessary to include wording about issuing an order to destroy within the penalty section, as the process for that is addressed in the Council Policy.

Although there are concerns that it may be foolish to include a third penalty for killing a person, we feel it is a necessary measure to ensure we cover all our bases.

Anything can happen during an appeal process, and while it is unlikely that a dog would not be destroyed after killing a person, it is possible that the owner may successfully appeal the order to destroy – in which case we should have a penalty associated with that.

COUNCIL POLICY**1. Without provocation – Section 1: Level 1 Incident**

City Council suggested we factor provocation in when determining if a dog is displaying threatening behavior.

Provocation is very difficult to define and ascertain. In some instances – for example, when a person is harming the dog – the owner could successfully argue the dog was provoked. In instances, however, that are less clear-cut – say, if a child were to run past a dog that is startled by the movement – an owner may also argue the dog was provoked by the movement.

The bylaw leaves these grey areas to the discretion of the Animal Control Officer and the Inspections and Licensing Manager, both of whom will be able to use reasonable judgment as to whether provocation was a factor in the incident.

2. Threatening Behavior toward an Animal – Section 1: Levels 1 and 2 Incidents

City Council suggested that we only evaluate a dog for displaying threatening behavior toward a person, not an animal. We have adjusted this as per Council's suggestion.

3. Death of a Domestic Animal – Section 1: Level 4 Incident and Section 3(b)

City Council suggested that a Level 5 incident should also warrant an order to destroy. We have adjusted this as per Council's suggestion. As a result of this change, we have removed the provision that classifies "causing death to another domestic animal" as a Level 5 incident and shifted it to the Level 4 classification.

We have shifted this because, though The City should designate a dog as aggressive if it kills another domestic animal, it should not order the dog destroyed

4. Additional Aggressive Dog Incidents – Section 3(a)

City Council suggested that euthanasia should not be ordered for an aggressive dog involved in subsequent minor Level 1 and Level 2 incidents; rather, an aggressive dog should only be ordered to be euthanized for any subsequent incidents evaluated at Levels 3, 4, or 5. We have adjusted this as per Council's suggestion.

RECOMMENDATION

We have carefully considered all the feedback City Council provided about the proposed Dog Bylaw. Where feasible, we have changed the Bylaw to reflect Council's wishes, and in instances where we did not adjust the bylaw, we have provided rationalization as to why the change was not practical.

Based on these adjustments, Inspections & Licensing recommends that Council adopt:

1. Bylaw No. 3429/2009 as attached to regulate aggressive dogs and increase offense penalties;
2. Council Policy 4416-C for dog bylaw license fees to increase dog license fees annually by the Consumer Price Index (CPI); and
3. Council Policy 4418-C for aggressive dog designation.

Respectfully submitted,



Jennifer Smith
Bylaw Research Coordinator



Paul Meyette
Inspections & Licensing Manager

**Dog Bylaw License Fees****Purpose:**

To establish Dog Bylaw license fees.

Policy Statements:**Dog License Fees**

The dog license fees for 2010 will be as follows:

- | | |
|--|----------|
| • Male or Female Unaltered Dogs | \$56.00 |
| • Male or Female Altered Dogs | \$26.00 |
| • Male or Female Unaltered Aggressive Dogs | \$350.00 |
| • Male or Female Altered Aggressive Dogs | \$250.00 |
| • Replacement Dog Tag | \$10.00 |
| • Annual Kennel License Fee | \$50.00 |

Annual Dog License Fee Calculation After 2010

The above license fees will be automatically adjusted effective January 1 of every year starting with the year 2011 to reflect the change in the Alberta average Consumer Price Index (CPI) from the previous calendar year.

Authorities and Responsibilities:

The City Manager shall ensure that:

1. Calculations are done annually to determine whether an adjustment should be made to the dog license fees based on the change in the CPI, and if so, to adjust the dog license fees.
2. A full review of all dog license fees is conducted every five years from the date of this policy, and presented in a report to City Council.

Scope/Application:

License Inspectors, dog owners, aggressive dog owners and organizations that sell dog licenses are affected by this policy.



Dog Bylaw License Fees

Definitions:

Aggressive Dog	Any dog that: (a) has been designated an aggressive dog by the Inspections & Licensing Manager; or (b) has been made the subject of an order under the <i>Dangerous Dog Act</i> .
Altered	Spayed or neutered.
Consumer Price Index	A statistical device that measures the change in the cost of living for consumers. For the purposes of this policy, the Alberta average Consumer Price Index will be used.
Dog Tag	The annual tag issued by the City to an owner for each licensed dog.
Kennel	Premises intended or used for the overnight keeping or harbouring of more than three Dogs at the same time, but does not include premises used for the sale of Dogs as permitted under The City of Red Deer Land Use Bylaw or premises operated by a veterinary surgeon used solely for the care and treatment of animals.
License Inspector	The Inspections and Licensing Manager for the City or any member of the License Inspection Department.
Threatening Behaviour	Behaviour that creates a reasonable apprehension of a threat of physical injury and may include growling, lunging, snarling or chasing in a menacing fashion.

References / Links:

- Bylaw 3429/2009 The Dog Bylaw – <http://www.reddeer.ca/City+Government/City+Services+and+Departments/Legislative+and+Administrative+Services/City+Bylaws/default.htm>
- The Municipal Government Act – <http://www.qp.gov.ab.ca/Documents/acts/M26.CFM>
- The Dangerous Dog Act – http://www.qp.gov.ab.ca/documents/Acts/D03.cfm?frm_isbn=0779700600



Dog Bylaw License Fees

- Statistics Canada –
www.statcan.ca

Contact Person:

License Inspector, Inspections & Licensing

Document History:

Date
Original Approval:



Aggressive Dog Designation

Purpose:

To set out the criteria The City will use to determine and designate a dog as aggressive and to order the euthanasia of a dog or an aggressive dog.

Policy Statements:

1. The City will use the following behaviour assessment chart when evaluating a dog for aggressive behaviour:

Level	Description
1	Dog growls, lunges, and/or snarls. Chases a person in a menacing fashion. No teeth touch skin. Mostly threatening behaviour toward a person.
2	Teeth touch skin but no puncture of the skin. May have red mark/minor bruising. A minor injury to a person.
3	Puncture wounds to the skin, no more than ½ the length of the dog's canine tooth; one to four puncture holes from a single bite. No tearing or slashing of the skin. Probable bruising. A minor injury.
4	One to four holes from a single bite; one hole deeper than ½ the length of the canine tooth, typically with contact or punctures from more than just the canines only. Deep tissue bruising, tears, and/or slashing wounds. Dog usually clamped down and held, shook, or slashed the victim. A severe injury. Also, an attack that results in the death of another domestic animal.
5	Multiple bites at Level 4 or above. A concerted, repeated attack. A severe injury.
6	Any bite resulting in the death of a human.

2. The City may designate a dog as aggressive if:
 - a) the dog has been involved in more than three incidents evaluated to be at Level 1;
 - b) the dog has been involved in more than two incidents evaluated to be at Level 2 or 3; or
 - c) the dog has been involved in an incident evaluated to be at Level 4.
3. The City may order euthanasia of a dog if:



Aggressive Dog Designation

- a) the aggressive dog has been involved in any additional incidents evaluated at levels 3, 4, or 5; or
- b) the dog or aggressive dog is involved in an incident evaluated to be at Level 5 or 6.



Aggressive Dog Designation

Definitions:

Aggressive dog	any dog that: <ul style="list-style-type: none"> (a) has been designated an aggressive dog by the Inspections & Licensing Manager; or (b) has been made the subject of an order under the <i>Dangerous Dog Act</i>.
Minor injury	any physical injury to another domestic animal or a person, caused by a dog or aggressive dog, that results in bleeding, bruising, tearing of skin, or any other injury that is not life-threatening, disfiguring, or debilitating.
Severe injury	any physical injury to another domestic animal or a person, caused by a dog or aggressive dog, that results in broken bones or lacerations requiring sutures or cosmetic surgery.
Threatening behaviour	behaviour that creates a reasonable apprehension of a threat of physical injury and may include growling, lunging, snarling, or chasing in a menacing fashion.

References / Links:

1. Bylaw 3429/2009 The Dog Bylaw – <http://www.reddeer.ca/City+Government/City+Services+and+Departments/Legislative+and+Administrative+Services/City+Bylaws/default.htm>
2. The Municipal Government Act – <http://www.qp.gov.ab.ca/Documents/acts/M26.CFM>
3. The Dangerous Dog Act – http://www.qp.gov.ab.ca/documents/Acts/D03.cfm?frm_isbn=0779700600
4. 4416 - DP Dog Bylaw Aggressive Dog Designation procedure

Document History:

Date
Approved:

Comments:

We support the recommendation of Administration and that Council consider three readings of Bylaw 3429/2009 The Dog Bylaw and the adoption of Council Policy 4416-C for dog bylaw license fees as well as Council Policy 4418-C for aggressive dog designation. We recognize the considerable care, diligence, public consultation and effort that has been made for a reasonable and fair compromise between all of the parties.

“Morris Flewwelling”
Mayor

“Craig Curtis”
City Manager

FILE COPY



Council Decision – September 21, 2009

DATE: September 22, 2009
TO: Jennifer Smith , Bylaw Research Coordinator
Paul Meyette, Inspections & Licensing Manager
FROM: Elaine Vincent, Legislative & Administrative Services Manager
SUBJECT: Bylaw 3429/2009 The Dog Bylaw

Reference Report:

Bylaw Research Coordinator and Inspections & Licensing Manager, dated September 14, 2009

Bylaw Readings:

At the Monday, September 21, 2009 Council Meeting Bylaw 3429/2009 The Dog Bylaw received first, second and third readings. A copy of the bylaw is attached.

Resolution:

"Resolved that Council of the City of Red Deer, having considered the report from the Bylaw Research Coordinator and the Inspections and Licensing Manager dated September 14, 2009, hereby

1. Adopts Council Policy 4416-C – Dog License Fees to increase dog license fees annually by the Consumer Price Index (CPI), as presented to Council on Monday, September 21, 2009.
2. Adopts Council Policy 4418-C – Aggressive Dog Designation, as presented to Council on Monday, September 21, 2009."

MOTION CARRIED

Report Back to Council: No

Comments/Actions:

Bylaw 3429/2009 , The Dog Bylaw, is a proposed bylaw to regulate dogs and increase offense penalties. Council Policy 4416-C is for dog bylaw license fees to increase dog license fees annually by the Consumer Price Index (CPI) and Council Policy 4418-C is proposed for aggressive dog designation.

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

Elaine Vincent
Legislative and Administrative Services Manager

cc: Development Services Director
Corporate Services Director
Inspections & Licensing Supervisor

Policy & Research Coordinator
LAS File

BYLAW NO. 3429/2009

Being a Bylaw to regulate and control Dogs within The City of Red Deer.

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

Short Title

1. This Bylaw may be called the "Dog Bylaw."

Part 1 – Purpose and Definitions

Purpose

2. The purpose of this Bylaw is to regulate and control Dogs and Dog ownership in The City of Red Deer.

Definitions

3. (1) "Aggressive Dog" means any Dog that:
 - (a) has been designated an Aggressive Dog by the Inspections and Licensing Manager; or
 - (b) has been made the subject of an order under the *Dangerous Dog Act*.
- (2) "Altered" means spayed or neutered.
- (3) "Animal Control Manager" means a person or business under contract with The City to enforce this bylaw and to maintain and administer an impound facility for animals.
- (4) "Animal Control Officer" means a person employed under the contract between The City and its Animal Control Manager to enforce the provisions of this Bylaw and any other person designated as such by the Inspections and Licensing Manager.
- (5) "Assistance Dog" means any professionally trained Dog, including a guide, hearing or service Dog, that works in partnership with a disabled person to increase his or her independence, safety and mobility.
- (6) "Dog" means any domesticated dog.
- (7) "Dog Tag" means the annual tag issued by The City to an Owner for each licensed Dog.

- (8) "Inspections and Licensing Manager" means the person acting in the position of Inspections and Licensing Manager for The City of Red Deer or a person designated to act on his or her behalf.
- (9) "Kennel" means premises intended or used for the overnight keeping or harbouring of more than three Dogs at the same time, but does not include retail premises used for the sale of Dogs as permitted under The City of Red Deer Land Use Bylaw or premises operated by a veterinary surgeon used solely for the care and treatment of animals.
- (10) "License Inspector" means the City employee occupying the position of License Inspector or any other person designated by the Inspections and Licensing Manager to perform the duties of that position.
- (11) "Minor Injury" means any physical injury to another domestic animal or a person, caused by a Dog or Aggressive Dog, that results in bleeding, bruising, tearing of skin or any other injury that is not life-threatening, disfiguring or debilitating.
- (12) "Off-Leash Area" means an area designated by The City where a Dog is not required to be controlled by a leash.
- (13) "Owner" means the owner of a Dog and includes any person or group of people:
 - (a) named as owner on a Dog Tag application;
 - (b) in possession or control of a Dog; or
 - (c) in possession or control of the property where a Dog appears to reside, either temporarily or permanently.
- (14) "Park or Parkland" includes all lands used for picnic grounds, campgrounds, playgrounds, playing fields or any other public open space, including all bicycle and hiking trails, beaches, swimming pools, wading pools and all lakes, rivers and other water bodies within the control and jurisdiction of The City, whether located within the boundaries of The City of Red Deer or not, and whether or not the custody, care, management or control of such areas or facilities has been delegated to another body or agency and regardless of whether all members of the public have the right of access thereto.
- (15) "Park Control Officer" means a Peace Officer, a Bylaw Enforcement Officer and any other person designated by the City Manager as a Park Control Officer.

- (16) "Permitted Leash" means a leash that is less than two meters in length and made of material capable of restraining the Aggressive Dog on which it is being used.
- (17) "Running at Large" means any Dog that is off the premises of the Owner and is not under the control of any person.
- (18) "Severe Injury" means any physical injury to another domestic animal or a person caused by a Dog or Aggressive Dog that results in broken bones or lacerations requiring sutures or cosmetic surgery.
- (19) "Threatening Behaviour" means behaviour that creates a reasonable apprehension of a threat of physical injury and may include growling, lunging, snarling or chasing in a menacing fashion.

Part 2 – Licensing

Licensing Requirements for Dogs not Designated Aggressive

- 4. (1) The Owners of all Dogs three months of age or older shall apply for a Dog Tag immediately upon becoming the Owner of the Dog and shall obtain or renew the Dog Tag prior to January 1 of each year.
- (2) Upon completing a Dog Tag application in the form specified by the Inspections and Licensing Manager from time to time and paying in full the specified annual fee, the Owner will be issued a Dog Tag.

Licensing Requirements for Aggressive Dogs

- 5. (1) The Owner of an Aggressive Dog shall apply for a Dog Tag for an Aggressive Dog:
 - (a) immediately upon becoming the Owner of the Aggressive Dog or within seven days after a Dog has been designated as Aggressive, whichever occurs first; and
 - (b) prior to January 1 of each year.
- (2) An Aggressive Dog Tag shall be issued to the Owner of an Aggressive Dog provided that the Owner has:
 - (a) completed a Dog Tag application in the form specified by the Inspections and Licensing Manager;
 - (b) paid the specified annual fee; and
 - (c) supplied proof that he or she has:

- (i) homeowner's liability insurance covering damage and personal injury caused by the Aggressive Dog, in an amount not less than \$500,000.00; and
- (ii) had the Aggressive Dog tattooed or implanted with an identification microchip to the reasonable satisfaction of the License Inspector.

Kennel Licensing Requirements

- 6. Any person wishing to operate a Kennel must obtain a license from the License Inspector or a designate, which shall be issued upon payment of the specified fee, provided that the proposed Kennel meets the requirements of all applicable laws governing Kennels, including compliance with The City Land Use Bylaw.

General Licensing Provisions

- 7. (1) When a Dog Tag is lost or destroyed, the Owner shall apply for a replacement, which shall be issued upon payment of the specified fee.
- (2) A Dog Tag is valid only for the period January 1 to December 31 in the year for which it is issued.
- (3) A Dog Tag is not transferable from one Dog to another, and no refund will be made for any issued Dog Tag.
- (4) Where ownership of a Dog licensed under this Bylaw is transferred, the new Owner shall promptly report the change of ownership to the License Inspector or a designate.

Fees

- 8. (1) Fees payable under this bylaw shall be those specified in City Council Policy 4416-C - Dog Bylaw License Fees.
- (2) The Owner of an Assistance Dog will be issued a Dog Tag free of charge.

Part 3 – Licensing Offences

Licensing Offences for Dogs and Aggressive Dogs

- 9. (1) The Owner of a Dog is guilty of an offence if he or she:
 - (a) fails to obtain a Dog Tag;
 - (b) provides false or misleading information on a Dog Tag application;
 - or

- (c) fails to ensure that the Dog wears a collar and Dog Tag when the Dog is off the Owner's premises.
- (2) Any person who operates a Kennel without first having obtained a Kennel License is guilty of an offence.
- (3) The Owner of an Aggressive Dog is guilty of an offence if he or she:
 - (a) fails to obtain a Dog Tag for an Aggressive Dog;
 - (b) provides false or misleading information on an application for a Dog Tag for an Aggressive Dog;
 - (c) fails to notify the License Inspector in writing when the Aggressive Dog is transferred to another person;
 - (d) fails to ensure that the Aggressive Dog wears a collar and Dog Tag for an Aggressive Dog when the Aggressive Dog is off the Owner's premises; or
 - (e) fails to have the Aggressive Dog successfully complete behavioral training to the satisfaction of The City, and provide proof of same to The City, within six months of the day the Dog has been designated Aggressive.

Part 4 – Offences

Offences Applicable to All Dogs

10. (1) The Owner of a Dog or Aggressive Dog is guilty of an offence if:
- (a) he or she has more than three Dogs or more than one Aggressive Dog on any land which contains, or is permitted under The City Land Use Bylaw to contain, a dwelling unit;
 - (b) the Dog or Aggressive Dog barks or howls so as to disturb the peace of others;
 - (c) the Dog or Aggressive Dog defecates on any public or private property not owned or occupied by the Owner and the Owner fails to immediately remove the defecation;
 - (d) he or she allows the defecation of the Dog or Aggressive Dog to accumulate on private property to such an extent that it is reasonably likely to annoy or pose a health risk to others;

- (e) the Dog or Aggressive Dog destroys or damages any private or public property;
- (f) he or she fails to confine a Dog or Aggressive Dog in the Owner's residence or in a licensed Kennel during the entire period it is in heat, except for allowing the Dog or Aggressive Dog outside for the purpose of defecating or exercising while supervised on the property of the Owner;
- (g) the Dog or Aggressive Dog is in a Park or on any Parkland where Dogs are prohibited;
- (h) he or she exercises the Dog or Aggressive Dog while he or she is riding in a motor vehicle;
- (i) he or she allows the Dog or Aggressive Dog to be outside the passenger cab of a motor vehicle on a highway without ensuring the Dog is secured, whether the vehicle is parked or moving:
 - (a) in a topper enclosing the bed area of the truck;
 - (b) in a ventilated kennel or similar device fastened securely to the motor vehicle, including the bed of a pick-up truck; or
 - (c) by a tether in such a manner that it:
 - (i) is not standing on bare metal;
 - (ii) cannot jump or be thrown from the vehicle;
 - (iii) is not in danger of strangulation; and
 - (iv) cannot reach beyond the outside edges of the box, of the pick-up truck.
- (j) he or she fails to carry a leash while with a Dog, not an Aggressive Dog, in a designated Off-Leash Area;
- (k) he or she leaves the Dog or Aggressive Dog unattended on any public or private property to which the public has express or implied access; or
- (l) the Dog or Aggressive Dog is Running at Large.

Offences Applicable Only to Aggressive Dogs

11. (1) The Owner of an Aggressive Dog is guilty of an offence if:
- (a) the Aggressive Dog is not muzzled, under control and on a Permitted Leash held by a person who is able to control the Aggressive Dog at all times when the Aggressive Dog is off the Owner's property;

- (b) the Aggressive Dog is on the Owner's property and is:
 - (i) not indoors; or
 - (ii) if outdoors, not in a locked pen or other structure capable of preventing the escape of the Aggressive Dog and preventing the entry of any person not in control of the Aggressive Dog;
- (c) the Aggressive Dog is on the Owner's property and is in a locked pen that is within one meter of the property line or within five meters of a neighbouring dwelling unit;
- (d) he or she fails to display, within 10 days after the Dog has been designated Aggressive, clear and visible signs, as specified in Schedule "B" of this Bylaw, warning of the presence of an Aggressive Dog on the Owner's property at each entrance to the property and on the locked pen or structure in which the Aggressive Dog is confined;
- (e) the Aggressive Dog is in a designated Off-Leash Area; or
- (f) he or she fails to immediately notify the License Inspector and the Animal Control Manager if the Aggressive Dog is Running at Large.

Part 5 – Threatening Behaviour, Injuries, and Death

Threatening Behaviour

12. (1) The Owner of a Dog is guilty of an offence if the Dog is in an Off-Leash Area and exhibits Threatening Behaviour toward any other domestic animal or a person and the Owner fails to remove it immediately from the Off-Leash Area.
- (2) The Owner of a Dog is guilty of an offence if, whether on or off the Owner's property, the Dog:
 - (a) exhibits Threatening Behaviour toward another domestic animal or a bicycle or motor vehicle that is being operated; or
 - (b) exhibits Threatening Behaviour toward a person.
- (3) The Owner of an Aggressive Dog is guilty of an offence if, whether on or off the Owner's property, the Aggressive Dog:

- (a) exhibits Threatening Behaviour toward another domestic animal or a bicycle or motor vehicle that is being operated; or
 - (b) exhibits Threatening Behaviour toward a person.
- (4) Subsections (2) and (3) do not apply to Threatening Behaviour by a dog that is confined within a building or securely fenced area on any land.

Minor Injury

13. (1) The Owner of a Dog is guilty of an offence if the Dog:
- (a) bites, attacks or causes Minor Injury to another domestic animal; or
 - (b) bites, attacks or causes Minor Injury to a person.
- (2) The Owner of an Aggressive Dog is guilty of an offence if the Aggressive Dog:
- (a) bites, attacks or causes Minor Injury to another domestic animal; or
 - (b) bites, attacks or causes Minor Injury to a person.

Severe Injury and Death

14. (1) The Owner of a Dog is guilty of an offence if the Dog:
- (a) causes Severe Injury to another domestic animal; or
 - (b) causes Severe Injury to a person.
- (2) The Owner of an Aggressive Dog is guilty of an offence if the Aggressive Dog:
- (a) causes Severe Injury to another domestic animal; or
 - (b) causes Severe Injury to a person.
- (3) The Owner of a Dog is guilty of an offence if the Dog:
- (a) causes death to another domestic animal; or
 - (b) causes death to a person.

- (4) The Owner of an Aggressive Dog is guilty of an offence if the Aggressive Dog:
 - (a) causes death to another domestic animal; or
 - (b) causes death to a person.

Part 6 – Aggressive Dogs

Aggressive Dog Designation

15. (1) The Animal Control Manager or an Animal Control Officer may, as per Council Policy 4418-C, submit a report to the Inspections and Licensing Manager alleging that a Dog is an Aggressive Dog.
- (2) The report shall be in the form specified from time to time and shall include the following information:
 - (a) the full names, addresses and telephone numbers of the following people:
 - (i) the complainant;
 - (ii) the Owner of the alleged Aggressive Dog; and
 - (iii) any witnesses to the incident that prompted the report, investigation or Aggressive Dog allegation.
 - (b) a detailed description of the incident that prompted the report, investigation or Aggressive Dog allegation;
 - (c) the severity of the incident that prompted the report, investigation or Aggressive Dog allegation; and
 - (d) any previous incidents of a similar or related nature involving the alleged Aggressive Dog.
- (3) After evaluating the report submitted by the Animal Control Manager or Animal Control Officer, the Inspections and Licensing Manager may designate a Dog as an Aggressive Dog if he or she determines that the Dog has caused or is likely to cause damage, injury or death to another domestic animal or a person.
- (4) An Aggressive Dog designation continues to apply if the Aggressive Dog is sold, gifted or transferred.

Order to Euthanize a Dog or Aggressive Dog

16. (1) The Inspections and Licensing Manager may order that a Dog or Aggressive Dog be euthanized, provided he or she is satisfied that the Dog or Aggressive Dog constitutes a continuing danger to persons or domestic animals and cannot be rehabilitated.
- (2) The Inspections and Licensing Manager shall forthwith notify the Owner of the Dog or Aggressive Dog that an order to euthanize has been issued.
- (3) No Dog or Aggressive Dog may be euthanized until 10 days after the date of delivery of notice to the Owner or, where an appeal has been filed, until that appeal has been resolved.
- (4) Section 16 does not apply to any Dog in respect of which an order under the Dangerous Dogs Act is in effect or under active consideration.

Appeal

17. (1) When a Dog has been designated as an Aggressive Dog, or where an order has been issued to euthanize an Aggressive Dog, the Owner may appeal the designation or order to the Appeal Committee established under the Committees Bylaw in accordance with the procedure specified in that Bylaw.
- (2) If no Appeal Committee has been established under the Committees Bylaw, the Owner may appeal such designation to the City Manager.
- (3) On hearing the appeal, the Appeal Committee or City Manager, as the case may be, may revoke or confirm the designation or order.

Reclassification of an Aggressive Dog

18. An Owner may apply to the Inspections and Licensing Manager for a revocation of an Aggressive Dog designation if the Owner of the Aggressive Dog has not been convicted of any offences under this Bylaw for a continuous period of three years.

Part 7 – Enforcement and Penalties

General Enforcement Provisions Applicable to Dogs and Aggressive Dogs

19. (1) Any Animal Control Officer, Park Control Officer, License Inspector or Peace Officer may seize and impound:

- (a) any Dog Running at Large;
 - (b) any Dog not wearing a Dog Tag while off the premises of its Owner;
 - (c) any Dog found on Parkland contrary to this Bylaw or the Parks and Public Facilities Bylaw;
 - (d) any female Dog in heat not confined and housed; or
 - (e) any Dog that has caused or is alleged to have caused a Minor Injury or Severe Injury, pending consideration of designation as an Aggressive Dog.
- (2) Upon receiving any Dog for impound, the Animal Control Manager or its staff shall make reasonable efforts to identify and contact the Owner of the Dog.
- (3) The Animal Control Officer is authorized to enter any privately owned premises, other than a dwelling house, at any reasonable time for the purposes of enforcing the provisions of this Bylaw.
- (4) Any person is guilty of an offence if the person:
 - (a) interferes with, attempts to interfere with or obstructs any Animal Control Officer, Park Control Officer, License Inspector or Peace Officer who is attempting to capture or has captured any Dog or Aggressive Dog;
 - (b) unlocks, unlatches or otherwise opens or enters without permission any pen or vehicle in which Dogs or Aggressive Dogs captured for impoundment have been placed;
 - (c) removes or attempts to remove any Dog or Aggressive Dog from the possession of any Animal Control Officer, License Inspector or Peace Officer; or
 - (d) provides false or misleading information to any Animal Control Officer, License Inspector or Peace Officer.
- (5) The Animal Control Manager shall keep all impounded Dogs for a period of at least three days, not including the day of impounding, Sundays or statutory holidays. During this time, any healthy Dog may be returned to its Owner upon payment to the Animal Control Manager of:
 - (a) the appropriate Dog Tag fee if the Dog is not licensed; and

- (b) kennel fees as specified from time to time in the contract between The City and its Animal Control Manager for every 24 hour period or fraction thereof that the Dog has been impounded.
- (6) Any Owner attempting to claim an impounded Dog shall present government-issued identification to the Animal Control Officer or the staff of the impound facility.
- (7) Where an impounded Dog has not been claimed from the impound facility within the time set forth in Section 19(5), the Animal Control Manager is deemed to be the Owner of the Dog.
- (8) Notwithstanding anything contained in Section 19(5), an impounded Dog shall not be returned to its Owner until the fourth day after the date of impoundment:
 - (i) if the Animal Control Officer has reasonable grounds to believe, and does believe, that the Dog is a continuing danger to people, other animals or property; and
 - (ii) if the Animal Control Officer has made a request to the Inspections and Licensing Manager to designate the Dog as an Aggressive Dog or to order that the Dog be euthanized.
- (9) Notwithstanding anything in this Bylaw, if an order has been issued to euthanize the Dog, it shall not be returned to its Owner unless and until an Appeal of that order has resulted in the order being set aside.
- (10) The Animal Control Manager or Animal Control Officer shall report any apparent illness, communicable disease, injury or unhealthy condition of any Dog to a veterinarian and act upon his recommendation, after consulting with the Owner when possible. The Owner of the Dog shall be responsible for all resulting costs and charges.

Fines and Penalties

- 20. (1) Where an Animal Control Officer, License Inspector, Park Control Officer or Peace Officer has reasonable grounds to believe that a person has contravened any provision of this Bylaw, he or she may serve upon the person an offence tag allowing payment of the specified penalty as set out in Schedule "A" of this Bylaw, which payment will be accepted by The City in lieu of prosecution for the offence, or he or she may issue a violation ticket in accordance with the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, allowing a voluntary payment or requiring a person to appear in court without the alternative of making a voluntary payment.

- (2) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable, on summary conviction, to the specified penalty as set out in Schedule "A" and in default of payment of the specified penalty, to imprisonment for up to six months.
- (3) Any person who contravenes the same provision of this Bylaw twice within a 12 month period is guilty of a second offence and is liable, on summary conviction, to a specified penalty for a second offence as set out in Schedule "A" and in default of payment of the specified penalty, to imprisonment for up to six months.
- (4) Any person who contravenes the same provision of this Bylaw three or more times within a 12 month period is guilty of a third or subsequent offence and is liable, on summary conviction, to a specified penalty for a third or subsequent offence as set out in Schedule "A" and in default of payment of the specified penalty, to imprisonment for up to six months.
- (5) When a penalty is not specified under this Bylaw, a person who is guilty of an offence is liable to a fine not exceeding \$10,000.00, and in default of payment of the fine, to imprisonment for not more than six months.
- (6) For an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day or part of a day on which it continues. Any person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.

Exemption for Police Service Dogs

- 21. This Bylaw does not apply to an RCMP Service Dog while it is in active service.

General

- 22. (1) In this Bylaw, the singular may be read as though the plural were expressed and the masculine gender may be read as though the feminine or neuter were expressed, wherever the context in which this Bylaw has application so required.
- (2) The headings in this Bylaw may be used as aids to interpret the provisions following the headings.
- (3) It is the intention of the Council of The City that each separate provision of this Bylaw will be deemed independent of all other provisions, and it is further the intention of the Council that if any provision of this Bylaw be declared invalid for any reason by a Court of competent jurisdiction, then all other provisions of this Bylaw will remain valid and enforceable.
- (4) Bylaw No. 2943/87 is hereby repealed.

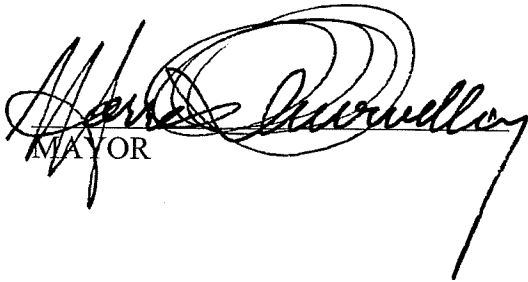
- (5) This Bylaw comes into force on the day it is passed.

READ A FIRST TIME IN OPEN COUNCIL this 21st day of September 2009

READ A SECOND TIME IN OPEN COUNCIL this 21st day of September 2009

READ A THIRD TIME IN OPEN COUNCIL this 21st day of September 2009

AND SIGNED BY THE MAYOR AND CLERK this 21st day of September 2009


MAYOR


CITY CLERK

SCHEDULE "A"
PENALTIES

SECTION	DESCRIPTION	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE
9(1)(a)	Failing to obtain a Dog Tag	\$250	\$500	\$750
9(1)(b)	Providing false or misleading information on Dog Tag application	\$250	\$500	\$750
9(1)(c)	Failing to ensure the Dog is wearing a Dog Tag	\$250	\$500	\$750
9(2)	Operating a Kennel without a license	\$250	\$500	\$750
9(3)(a)	Failing to obtain an Aggressive Dog Tag	\$500	\$750	\$1,000
9(3)(b)	Providing false or misleading information on Aggressive Dog Tag application	\$500	\$750	\$1,000
9(3)(c)	Failing to notify License Inspector when Aggressive Dog is transferred	\$500	\$750	\$1,000
9(3)(d)	Failing to ensure Aggressive Dog is wearing Aggressive Dog Tag	\$500	\$750	\$1,000
9(3)(e)	Failing to have the Aggressive Dog successfully complete behavioral training	\$500	\$750	\$1,000
10(1)(a)	Having more than three Dogs or more than one Aggressive Dog on land that contains, or is intended to contain, a dwelling unit	\$250	\$500	\$750
10(1)(b)	Dog or Aggressive Dog barking/howling so as to disturb the peace	\$250	\$500	\$750
10(1)(c)	Failing to immediately remove Dog or Aggressive Dog defecation	\$250	\$500	\$750
10(1)(d)	Allowing Dog or Aggressive Dog defecation to accumulate on private property	\$250	\$500	\$750
10(1)(e)	Dog or Aggressive Dog destroying/damaging property	\$250	\$500	\$750
10(1)(f)	Failing to confine a female Dog or Aggressive Dog in heat	\$250	\$500	\$750

10(1)(g)	Having Dog or Aggressive Dog on parkland where Dogs are prohibited	\$250	\$500	\$750
10(1)(h)	Exercising Dog or Aggressive Dog while in motor vehicle	\$250	\$500	\$750
10(1)(i)	Failing to adequately secure a dog that is outside the passenger cab of a truck	\$250	\$500	\$750
10(1)(j)	Failing to carry leash in Off-Leash Area	\$250	\$500	\$750
10(1)(k)	Leaving Dog or Aggressive Dog unattended on public or private property that the public has access to	\$250	\$500	\$750
10(1)(l)	Dog or Aggressive Dog Running at Large	\$250	\$500	\$750
11(1)(a)	Aggressive Dog not muzzled, under control and on Permitted Leash	\$1,000	\$2,500	\$5,000
11(1)(b)	Aggressive Dog not indoors or, when outdoors, not in locked pen	\$1,000	\$2,500	\$5,000
11(1)(c)	Aggressive Dog in pen within one meter of the property line or five meters of neighbouring dwelling unit	\$1,000	\$2,500	\$5,000
11(1)(d)	Failing to display Aggressive Dog sign	\$1,000	\$2,500	\$5,000
11(1)(e)	Having Aggressive Dog in Off-Leash Area	\$1,000	\$2,500	\$5,000
11(1)(f)	Failing to notify that Aggressive Dog is Running at Large	\$500	\$750	\$1,000
12(1)	Failing to remove a Dog exhibiting Threatening Behaviour from an Off-Leash Area	\$250	\$500	\$750
12(2)(a)	Dog exhibiting Threatening Behaviour toward animal, bicycle or motor vehicle	\$250	\$500	\$750
12(2)(b)	Dog exhibiting Threatening Behaviour toward a person	\$500	\$750	\$1,000
12(3)(a)	Aggressive Dog exhibiting Threatening Behaviour toward animal, bicycle or motor vehicle	\$500	\$750	\$1,000
12(3)(b)	Aggressive Dog exhibiting Threatening Behaviour toward a person	\$1,000	\$2,500	\$5,000

13(1)(a)	Dog biting/attacking/causing Minor Injury to another domestic animal	\$500	\$750	\$1,000
13(1)(b)	Dog biting/attacking/causing Minor Injury to a person	\$1,000	\$2,500	\$5,000
13(2)(a)	Aggressive Dog biting/attacking/causing Minor Injury to another domestic animal	\$1,000	\$2,500	\$5,000
13(2)(b)	Aggressive Dog biting/attacking/causing Minor Injury to a person	\$2,500	\$5,000	\$7,500
14(1)(a)	Dog causing Severe Injury to another domestic animal	\$1,000	\$2,500	\$5,000
14(1)(b)	Dog causing Severe Injury to a person	\$2,500	\$5,000	\$7,500
14(2)(a)	Aggressive Dog causing Severe Injury to another domestic animal	\$2,500	\$5,000	\$7,500
14(2)(b)	Aggressive Dog causing Severe Injury to a person	\$5,000	\$7,500	\$10,000
14(3)(a)	Dog causing death to another domestic animal	\$2,500	\$5,000	\$7,500
14(3)(b)	Dog causing death to a person	\$5,000	\$7,500	\$10,000
14(4)(a)	Aggressive Dog causing death to another domestic animal	\$5,000	\$7,500	\$10,000
14(4)(b)	Aggressive Dog causing death to a person	\$7,500	\$10,000	\$10,000
19(4)(a)	Interfering with an Animal Control Officer	\$500	\$750	\$1,000
19(4)(b)	Opening or entering pen or vehicle housing impounded Dog or Aggressive Dog	\$500	\$750	\$1,000
19(4)(c)	Removing Dog or Aggressive Dog from Animal Control Officer or Peace Officer's possession	\$500	\$750	\$1,000
19(4)(d)	Providing false or misleading information to an Animal Control Officer, Peace Officer or License Inspector	\$500	\$750	\$1,000

SCHEDULE "B"
AGGRESSIVE DOG SIGNAGE



Dog BYLAW

BACKUP

Christine Kenzie

From: Kim Woods
Sent: September 14, 2009 3:22 PM
To: Christine Kenzie
Subject: FW: Bylaw 3429/2009 The Dog Bylaw - Supplementary Materials

Attachments: Departmental Procedure - Aggressive Dog Designation_final_Sept 21_with comments.doc;
Bylaw 3429-2009 The Dog Bylaw_final_Sept 21_with comments.doc; Council Policy 4418-C
Aggressive Dog Designation_final_Sept 21_with comments.doc

Check with Elaine - but I think we could print this in a separate package just for Council, or maybe Elaine wants it distributed further.

Kim Woods

Project Coordinator, Legislative and Administrative Services
The City of Red Deer
Phone: 403.342.8201
Email: kim.woods@reddeer.ca

From: Jennifer Smith
Sent: September 14, 2009 3:01 PM
To: Kim Woods
Cc: Paul Meyette; Julia Townell; Lisa Hannah
Subject: Bylaw 3429/2009 The Dog Bylaw - Supplementary Materials

Hi Kim,
In meeting with Councilor Mulder about the Dog Bylaw, I provided her with copies of the bylaw and Council Policy that showed where changes were made and explained why some of the requested changes were not made. She indicated that was very helpful, so I am hoping you can provide these documents to all of Council prior to the September 21 meeting so they have the same information in the same format.



Departmental
Procedure - Aggre...

Thank you,



Bylaw 3429-2009
The Dog Bylaw_...

Jennifer Smith
Communications Officer



Council Policy
4418-C Aggressi...

City Gr with Projects
City of Red Deer
Phone: 403.342.8764
jennifer.smith@reddeer.ca

Aggressive Dog Designation

Purpose:

To set out the criteria The City will use to determine and designate a dog as aggressive and to order the euthanasia of a dog or an aggressive dog.

Policy Statements:

1. The City will use the following behaviour assessment chart when evaluating a dog for aggressive behaviour:

Level	Description
1	Dog growls, lunges, and/or snarls. Chases a person in a menacing fashion. No teeth touch skin. Mostly threatening behaviour toward a person.
2	Teeth touch skin but no puncture of the skin. May have red mark/minor bruising. A minor injury to a person.
3	Puncture wounds to the skin, no more than ½ the length of the dog's canine tooth; one to four puncture holes from a single bite. No tearing or slashing of the skin. Probable bruising. A minor injury.
4	One to four holes from a single bite; one hole deeper than ½ the length of the canine tooth, typically with contact or punctures from more than just the canines only. Deep tissue bruising, tears, and/or slashing wounds. Dog usually clamped down and held, shook, or slashed the victim. A severe injury. Also, an attack that results in the death of another domestic animal.
5	Multiple bites at Level 4 or above. A concerted, repeated attack. A severe injury.
6	Any bite resulting in the death of a human.

2. The City may designate a dog as aggressive if:
 - a) the dog has been involved in more than three incidents evaluated to be at Level 1;
 - b) the dog has been involved in more than two incidents evaluated to be at Level 2 or 3; or
 - c) the dog has been involved in an incident evaluated to be at Level 4.
3. The City may order euthanasia of a dog if:
 - a) the aggressive dog has been involved in any additional incidents evaluated at levels 3, 4, or 5; or
 - b) the dog or aggressive dog is involved in an incident evaluated to be at Level 5 or 6.

Comment [J1]: It was suggested we add "without provocation."

Reason for not changing this: Provocation is very difficult to define and ascertain. In some instances – for example, when a person is harming the dog – the Owner could successfully argue the dog was provoked. In instances, however, that are less clear-cut – say, if a child were to run past a dog that is startled by the movement – an Owner may also argue the dog was provoked by the movement.

The bylaw leaves these grey areas to the discretion of the Animal Control Officer and the Inspections and Licensing Manager, both of whom will be able to use reasonable judgement as to whether provocation was a factor in the incident.

Deleted: barks,

Deleted: or animal

Comment [J2]: It was suggested this be only for people, not other animals.

Update:
This has been revised as per the suggestion.

Comment [J3]: It was suggested this be only for people, not other animals.

Update:
This has been revised as per the suggestion.

Comment [J4]: Update:
This has been moved from Level 5 to Level 4 so that Level 5 could be included with Level 6 in an order to destroy.

... [1]

Deleted: Also, an attack that results in the death of another domestic animal.

Deleted: or 5

Comment [J5]: It was suggested this be changed to read: "any additional incidences evaluated at levels 3, 4, or 5."

... [2]

Deleted: more than one incident evaluated at any level

Comment [J6]: It was suggested we include Level 5.

Update:
This has been revised as per the ... [3]

Aggressive Dog Designation

Definitions:

Aggressive dog	any dog that: <ul style="list-style-type: none"> (a) has been designated an aggressive dog by the Inspections & Licensing Manager; or (b) has been made the subject of an order under the <i>Dangerous Dog Act</i>.
Minor injury	any physical injury to another domestic animal or a person, caused by a dog or aggressive dog, that results in bleeding, bruising, tearing of skin, or any other injury that is not life-threatening, disfiguring, or debilitating.
Severe injury	any physical injury to another domestic animal or a person, caused by a dog or aggressive dog, that results in broken bones or lacerations requiring sutures or cosmetic surgery.
Threatening behaviour	behaviour that creates a reasonable apprehension of a threat of physical injury and may include growling, lunging, snarling, or chasing in a menacing fashion.

References / Links:

1. Bylaw 3429/2009 The Dog Bylaw –
<http://www.reddeer.ca/City+Government/City+Services+and+Departments/Legislative+and+Administrative+Services/City+Bylaws/default.htm>
2. The Municipal Government Act –
<http://www.qp.gov.ab.ca/Documents/acts/M26.CFM>
3. The Dangerous Dog Act –
http://www.qp.gov.ab.ca/documents/Acts/D03.cfm?frm_isbn=0779700600
4. 4416 - DP Dog Bylaw Aggressive Dog Designation procedure

Document History:

Date
Approved:

Page 1: [1] Comment [J4]

JenniferS

2009/08/19 11:25:00 AM

Update:

This has been moved from Level 5 to Level 4 so that Level 5 could be included with Level 6 in an order to destroy.

The City should designate a dog as aggressive if it kills another domestic animal, but it should not order the dog destroyed.

Page 1: [2] Comment [J5]

JenniferS

2009/08/19 11:24:00 AM

It was suggested this be changed to read: "any additional incidences evaluated at levels 3, 4, or 5."

Update:

This has been revised as per the suggestion.

Page 1: [3] Comment [J6]

JenniferS

2009/08/19 11:24:00 AM

It was suggested we include Level 5.

Update:

This has been revised as per the suggestion.

Purpose:

1. To establish the process for designating a dog as aggressive as required by the Dog Bylaw.
2. To establish parameters for ordering the euthanasia of a dog or aggressive dog.

Insofar as the procedures set out in this document apply to the Inspections and Licensing Manager, they are intended to be guidelines only and not to detract from the overall discretionary authority of the Inspections and Licensing Manager under the Bylaw.

Procedure:

- Step 1 The Animal Control Officer responds to a complaint by attending the scene of the incident.
- Step 2 The Animal Control Officer receives statements from the witnesses, including a detailed description of the incident; the full names, addresses, and telephone numbers of the witnesses; signatures from the witnesses; and photos of the injuries, where applicable.
- Step 3 The Animal Control Officer reviews any previous incidences of aggression for the dog by examining records maintained by the Animal Control Manager and by speaking with the dog's owner.
- Step 4 The Animal Control Officer will evaluate the severity of the incident based upon the following behaviour assessment:

Level	Description
1	Dog growls, lunges, and/or snarls. Chases a person in a menacing fashion. No teeth touch skin. Mostly threatening behaviour toward a person.
2	Teeth touch skin but no puncture of the skin. May have red mark/minor bruising. A minor injury on a person.
3	Puncture wounds to the skin, no more than ½ the length of the dog's canine tooth; one to four puncture holes from a single bite. No tearing or slashing of the skin. Probable bruising. A minor injury.
4	One to four holes from a single bite; one hole deeper than ½ the length of the canine tooth, typically with contact or punctures from more than just the canines only. Deep tissue bruising, tears, and/or slashing wounds. Dog usually clamped down and held, shook, or slashed the victim. A severe injury. Also, an attack that results in the death of another domestic animal.
5	Multiple bites at Level 4 or above. A concerted, repeated attack. A severe injury.
6	Any bite resulting in the death of a human.

Comment [J1]: It was suggested we add "without provocation".

Reason for not changing this: Provocation is very difficult to define and ascertain. In some instances – for example, when a person is harming the dog – the Owner could successfully argue the dog was provoked. In instances, however, that are less clear-cut – say, if a child were to run past a dog that is startled by the movement – an Owner may also argue the dog was provoked by the movement.

The bylaw leaves these grey areas to the discretion of the Animal Control Officer and the Inspections and Licensing Manager, both of whom will be able to use reasonable judgement as to whether provocation was a factor in the incident.

Deleted: barks,

Deleted: or animal

Comment [J2]: It was suggested we make this for people, not animals.

Update:
This has been revised as per the suggestion.

Comment [J3]: Update:
This has been moved from Level 5 to Level 4 so that Level 5 could be included with Level 6 in an order to destroy.

The City should designate a dog as aggressive if it kills another domestic animal, but it should not order the dog destroyed.

Deleted: Also, an attack that results in the death of another domestic animal.

**DOG BYLAW
AGGRESSIVE DOG DESIGNATION**

Step 5 The Animal Control Officer attends the dog owner's residence to inform the owner of any pending charges and the process that will be used to designate the dog as aggressive, if the severity of the incident warrants such a designation.

Step 6 The responsibilities, parameters, and process for designating a dog aggressive and for ordering the euthanasia of a dog or aggressive dog are as follows:

The Animal Control Officer will...	If...	And based on that, the Inspections & Licensing Manager may...
Issue a violation ticket to the dog owner	The severity of the incident is evaluated to be at Level 1	Not receive a statement from the Animal Control Officer.
Issue a violation ticket to the dog owner, and submit a report in the form specified to the Inspections & Licensing Manager	There are more than three incidents evaluated to be at Level 1	Designate a dog as aggressive and notify the dog owner immediately.
Issue a violation ticket to the dog owner	The severity of the incident is evaluated to be at Level 2 or 3	Not receive a statement from the Animal Control Officer.
Issue a violation ticket to the dog owner, and submit a report in the form specified to the Inspections & Licensing Manager	There are more than two incidents evaluated to be at Level 2 or 3	Designate a dog as aggressive and notify the dog owner immediately.
Issue a violation ticket to the dog owner, and submit a report in the form specified to the Inspections & Licensing Manager	The severity of the incident is evaluated to be at Level 4,	Designate a dog as aggressive and notify the dog owner immediately.
Issue a violation ticket to the dog owner, and submit a report in the form specified to the Inspections & Licensing Manager	There is more than one incident, evaluated at Levels 3, 4, or 5, by the aggressive dog.	Order the aggressive dog to be euthanized and notify the dog owner immediately.
Issue a violation ticket to the dog owner, and submit a report in the form specified to the Inspections & Licensing Manager	The severity of the incident is evaluated to be at Levels 5 or 6	Order the dog or aggressive dog to be euthanized and notify the dog owner immediately.

Deleted: or 5

Comment [J4]: It was suggested we change this to levels 3, 4, and 5.

Update:
This has been revised as per the suggestion.

Deleted: any level

Comment [J5]: It was suggested we add level 5 to this.

Update:
This has been revised as per the suggestion.



**DOG BYLAW
AGGRESSIVE DOG DESIGNATION**

- Step 7 The dog owner may appeal the aggressive dog designation or order for euthanasia as per the Dog Bylaw. If so, the aggressive dog designation or order for euthanasia will not be effected until the appeal is resolved.

Scope/Application:

The Inspections & Licensing Manager will ordinarily follow the steps and parameters outlined in this procedure before designating a dog as aggressive or ordering a dog or aggressive dog destroyed.

Authority/Responsibility to Implement:

The Inspections & Licensing Manager, or his designate, is responsible for implementing and maintaining this procedure.

Definitions:

Aggressive dog	any dog that: <ul style="list-style-type: none">(a) has been designated an aggressive dog by the Inspections and Licensing Manager; or(b) has been made the subject of an order under the <i>Dangerous Dog Act</i>.
Animal Control Manager	a person or business under contract with The City to enforce The Dog Bylaw and to maintain and administer an impound facility for animals.
Animal Control Officer	a person employed under the contract between The City and its Animal Control Manager to enforce The Dog Bylaw, and any other person designated as such by the Inspections and Licensing Manager.
Inspections and Licensing Manager	the person acting in the position of Inspections and Licensing Manager for The City of Red Deer or a person designated to act on his or her behalf.
Owner	the owner of a dog and includes any person or group of people: <ul style="list-style-type: none">(a) named as owner on a dog tag application;



**DOG BYLAW
AGGRESSIVE DOG DESIGNATION**

- (b) in possession or control of a dog; or
- (c) in possession or control of the property where a dog appears to reside, either temporarily or permanently.

Minor injury	any physical injury to another domestic animal or a person, caused by a dog or aggressive dog, that results in bleeding, bruising, tearing of skin, or any other injury that is not life-threatening, disfiguring, or debilitating.
Severe injury	any physical injury to another domestic animal or a person, caused by a dog or aggressive dog, that results in broken bones or lacerations requiring sutures or cosmetic surgery.
Threatening behaviour	behaviour that creates a reasonable apprehension of a threat of physical injury and may include growling, lunging, snarling, or chasing in a menacing fashion.

References/Links:

- Bylaw 3429/2009 The Dog Bylaw
- Departmental Administrative Policy 4416 – DA Dog Bylaw Aggressive Dog Designation

Inquiries/Contact Person:

Inspections & Licensing Manager, Inspections & Licensing

Document History:

Date	Approver / Reviewer	Title
Original Approval:	"Name" or Signature	
Revision:		



Public Hearings Item No. 1

DATE: September 11, 2009
TO: City Council
FROM: Elaine Vincent, Legislative & Administrative Services Manager
SUBJECT: Naturescaping: Land Use Bylaw Amendment 3357/T-2009

History:

At the Monday July 27, 2009 Council Meeting Land Use Bylaw Amendment 3357/T-2009 was tabled to the Monday October 19, 2009 Council Meeting to provide the Municipal Planning Commission and the Environmental Advisory Committee time to consider the conservation strategies.

The Municipal Planning Commission and the Environmental Advisory Committee were able to provide input for Land Use Bylaw Amendment 3357/T-2009 earlier than expected.

Land Use Bylaw Amendment 3357/T-2009 is a request from the Water Conservation Specialist, Environmental Services to amend the water conservation strategies with regard to landscaping regulations.

At the Monday August 24, 2009 Council Meeting Land Use Bylaw Amendment 3357/T-2009 received first reading. Land Use Bylaw Amendment 3357/T-2009 was advertised.

Public Consultation Process:

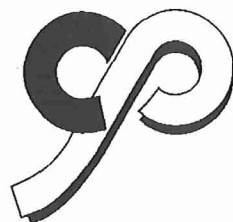
A Public Hearing has been advertised for the above noted bylaw to be held on Monday September 21, 2009 at 6:00 p.m. in Council Chambers, during Council's regular meeting.

Recommendation:

Council consider second and third readings of Land Use Bylaw Amendment 3357/T-2009.

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

Elaine Vincent
Manager



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

Submitted Previously to Council
on Monday, August 24, 2009

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

To: Elaine Vincent, Legislative Services Manager

From: Emily Damberger, Planner

Date: August 12, 2009

Re: Naturescaping: Land Use Bylaw Amendment 3357/T-2009

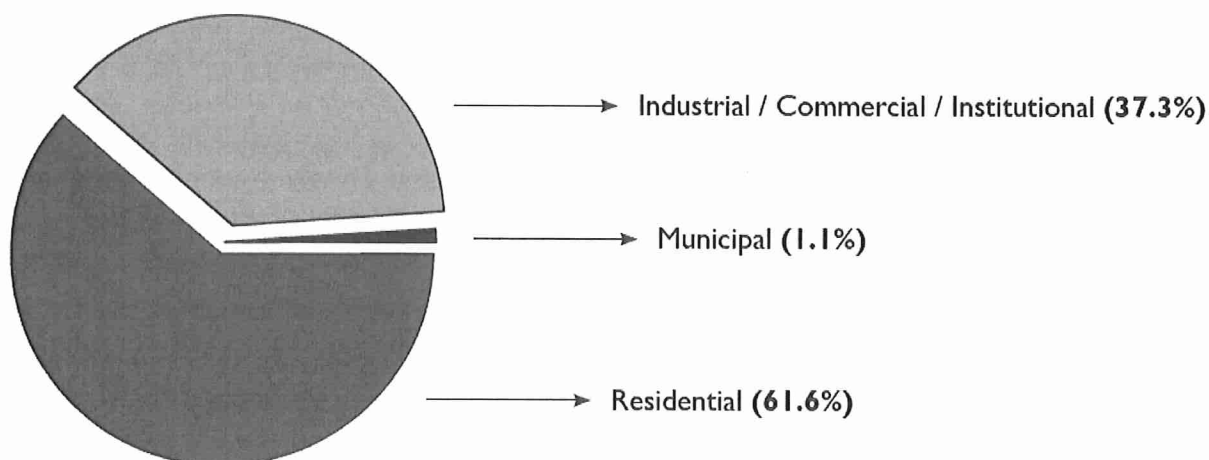
Background

Parkland Community Planning Services has received a request from City of Red Deer Environmental Services Department, Water Conservation Specialist, to amend the Land Use Bylaw to include water conservation strategies with regards to landscaping regulations.

Implementing water conservation strategies through landscaping is one of many methods of conserving water in the city for current and future use. At current average daily water use rates, it is estimated that The City's current water allocation could support between 135, 000 to 170, 000 residents; however, population and economic growth will continue to increase water demand. Water conservation strategies could assist in reducing future demands on the city's water supply.

Water Use

The city of Red Deer water use is approximately 37.3 % industrial, commercial & institutional, 1.1 % municipal and 61.6 % residential.



Land Use Bylaw Amendment**Page 2 of 6**

In Red Deer, peak daily water demands double in summer due to outdoor uses such as lawn watering. Grass is the highest water consumer in landscaping.

The purpose of the proposed bylaw amendment is to promote awareness and encourage water conservation. The method proposed is to reduce water requirements or uses through landscaping regulations within all land use districts. The bylaw amendment would apply to larger commercial and industrial sites as well as large multi-family residential buildings (defined as those developments which require the submission of a landscaping plan). The proposed bylaw amendment naturescaping regulations do not apply to smaller developments, single family or semi-detached residential developments as these developments do not require the submission of landscaping plans with their development permits and would therefore be difficult to regulate.

Though smaller developments are not addressed by this land use bylaw amendment, The City encourages residential water conservation through Water Conservation Tips on the City's Web Page, the Toilet Rebate Program and has developed a Naturescaping pamphlet with suggestions on how to reduce water use through landscaping.

A steering committee composed of Environmental Services, Recreation Parks and Culture, Inspections and Licensing and Parkland Community Planning Services guided the creation of the proposed naturescaping bylaw amendment.

City of Red Deer Guiding Documents*Red Deer Water Conservation Strategy*

The 2007 City of Red Deer Water Conservation Strategy is a long-term, proactive plan that outlines several initiatives The City can implement to reduce water waste and improve water efficiency. A recommendation from this document suggests amending the Land Use Bylaw's landscaping regulations to include water conservation strategies.

The Land Use Bylaw definition of "landscaped area" currently requires a landscaped area to mainly consist of lawn. This definition restricts the potential for creating visually appealing landscaped areas using plants other which could potentially use less water than the traditional "grass lawn". Environmental Services, based on the direction and recommendations within the 2007 City of Red Deer Water Conservation Strategy, requested amendments to the Land Use Bylaw be considered to allow developers to explore water conservation strategies by way of landscaping.

Municipal Development Plan

The City of Red Deer Municipal Development Plan supports the implementation of water conservation strategies through the following policy statement:

Land Use Bylaw Amendment**Page 3 of 6**

"The City shall seek to ensure future growth does not exceed the availability of the water supply from the Red Deer River and shall implement a water conservation strategy to make the best use of available water supplies."

Alberta Municipalities

Many Alberta municipalities recognize the importance of implementing and encouraging water conservation strategies through land use bylaw requirements and resource information available on web pages.

The City of Calgary and the Town of Cochrane both have water conservation strategies regulations within their Land Use Bylaw. The City of Calgary allows a low water landscaping option and a low water irrigation system for major developments. The Town of Cochrane requires all landscaped areas in all districts to contain a naturescaping component:

- 100% on all non-residential developments
- 50% on all multi-unit residential developments
- 25% on all other residential developments.

Proposed Bylaw Amendment

The proposed bylaw amendment includes:

- (a) new naturescaping definition
- (b) modification of the existing landscaped area definition
- (c) naturescaping requirement for major developments
- (d) requirement for a portion of dwelling unit front yards to be landscaped
- (e) more descriptive landscaping requirements to provide clarity to overall landscaping regulations

(a) New Naturescaping Definition:

The proposed bylaw amendment is introducing naturescaping as a method of water conservation and sustainable landscaping practices by creating a definition of naturescaping:

"Naturescaping means the modification and enhancement of a lot or development area to promote water efficiency and reduce the dependence on fertilizers and pesticides. For the purpose of this section, the use of native central Alberta non-invasive vegetation is preferred in combination with other landscaping materials."

The proposed definition has been intentionally created to be flexible rather than prescriptive. This approach is seen to foster a full range of potential water conservation strategies. By leaving the definition non-descriptive a great variety of

Land Use Bylaw Amendment
Page 4 of 6

drought tolerant or native plant species and/or materials such as mulch would be allowed to assist with reducing water evaporation and increase soil moisture retention.

Visually, an area which is “naturescaped” could appear very similar to an average, residential, commercial, industrial or institutional yard, however the plant selection would be more drought tolerant, require less watering and the irrigation could be from a captured water source such as rain barrels. All landscaping plans with a naturescaping component will be subject to Development Authority approval to ensure all plans are aesthetically pleasing.

(b) Modification of the existing landscaped area definition:

Currently the landscaped area definition does not encourage naturescaping materials. The landscaped area definition is proposed to be amended to include naturescaping as an option which could be considered for landscaping in all land use districts.

“Landscaped Area means the portions of a lot or development area which are modified and enhanced through the use of lawn, naturescaping materials, shrubs, trees, flowers or other ornamentals.”

(c) Naturescaping requirement for major developments:

The bylaw amendment proposes to request water conservation strategies or methods to be included with the submission of a landscaping plan. The bylaw amendment proposes that 15 % of plants and/or materials included in landscaping plans be naturescaping. Landscaping plans are required for all major developments throughout all districts of the Land Use Bylaw; however landscaping plans are not required for single family, semi-detached and small multi-family developments.

Examples of how developers could include naturescaping within their landscaping plans could be through various methods:

- Designing for water conservation – group plants of similar light and water requirements together, grading landscaped area to collect moisture, directing downspouts into landscaped area or rain barrel
- Reduce turf area – replace turf with tiered gardens, raised beds, flowering trees, native shrubs or native perennial ground cover, or drought tolerant grass mix such as fescue and ryegrass
- Avoid large impermeable surfaces, allow rainwater and snowmelt to be absorbed
- Provide mulch cover – reduces evaporation and suppresses weeds
- Select drought tolerant trees, plants and shrubs such as:
 - Trees – Amur Maple, Green Ash, Thunderchild Crabapple, Spruce, Bur Oak

Land Use Bylaw Amendment**Page 5 of 6**

- Shrubs – Saskatoon, Juniper, Meyer Lilac
- Perennials – Iris, Daylily, Peony, Poppy

The impact to developers would likely be minimal as 15% is a small area and there are several options available to the developer in terms of methods, material and plant selection. City Administration involved in landscaping plan reviews could provide support and suggestions as to suitable plants and materials. The City of Red Deer "Naturescaping" pamphlet provides resources for how to find plants and materials, along with design and implementation strategies. There could potentially be an overall reduction in maintenance cost due to water conservation.

(d) Requirement for a portion of dwelling unit front yards to be landscaped:

Though single family, semi-detached (duplex) and smaller multi-attached residential developments are not subject the naturescaping requirement proposed (they do not require the submission of landscaping plans) the bylaw amendment proposes a requirement of 25% of the front yard to consist of landscaped area. This requirement will ensure a permeable surface (landscaped, not a paved surface) with water conservation by absorption of stormwater through a permeable surface. This requirement will also ensure some visual aesthetics are maintained in lieu of a potential for the entire front yard becoming a driveway car park surface.

(e) More descriptive landscaping requirements:

Other aspects of the proposed bylaw amendment reflect changes to the landscaping regulations to clarify and be more specific as to the number and size of trees and shrubs required in landscaped areas. The bylaw amendments also clarifies the intent for developers to landscape boulevards adjacent to their lot and that landscaping shall form a visual buffer between residential and non-residential uses.

Consultation

The proposed bylaw amendment was circulated to applicable City Departments and comments were addressed through the planning process. City Administration supports the proposed bylaw amendment.

The City of Red Deer Communications Department prepared a media release containing the key aspects of the bylaw amendment requested comments to be sent to PCPS. Comments received from a property manager stated that many industrial areas already conserve water through minimal irrigation and that the proposed bylaw would not require much change to current practices.

The Red Deer River Naturalist felt that the 25 % landscaped area requirement for front yard landscaping for single family, duplex and small multi-family residents lots should be increased to 50%. 25% coverage allows for double car parking pad and a small landscaped area for the average sized lots. The group representative supports the proposed bylaw amendment as a positive step towards water conservation in the city.

Land Use Bylaw Amendment**Page 6 of 6**

The Environmental Advisory Committee had the following comments:

- Represents a positive change that will promote more conscious development practices and increase the awareness of the alternatives available not to mention the potential reduction in water consumption.
- Support and would like to see Red Deer's bylaw as progressive as Cochrane's but is a positive first step.
- Good initiative, good to include multi-family residential as well as commercial and industrial, would be in favour increasing naturescaping requirement from 15% to 25 %, would make more of an impact

No major objections or concerns were received.

The Municipal Planning Commission recommended support of the Bylaw to City Council.

Planning Analysis

The City of Red Deer along with many other Alberta Municipalities is encouraging water conservation methods be adopted by residential, commercial, industrial and institutional water users. Water is an important limited resource which is becoming increasing scarce due to increase demand in use, economic growth and population growth. Water conservation will ensure this limited resource is properly managed in the present day and available for future use.

The Water Conservation Strategy and the Municipal Development Plan support implementation of water conservation methods. Encouraging water conservation is a planning tool for sustainable development in the City of Red Deer.

The proposed land use bylaw amendment proposes to conserve water by introducing a requirement for larger site developments to landscape at least a small portion of their sites with water efficient materials defined through a naturescaping definition.

Recommendation

It is the recommendation of Parkland Community Planning Services that Council of the City of Red Deer proceed with first reading of Land Use Bylaw 3357/T-2009.


Emily Damberger, ACP, MCIP
Planner


Nancy Hackett, ACP, MCIP
City Planning Manager

cc: Colleen Jensen, Community Services Director
Pam Vust, Environmental Initiatives Coordinator
Doug Evans, Parks and Open Space Designer
Erin Stuart, License/Permit Inspector
Michelle Baer, Chapman Riebeek Solicitors



OFFICE OF THE MAYOR

DATE: August 17, 2009
TO: City Council
FROM: City of Red Deer Municipal Planning Commission
SUBJECT: Naturescaping: Land Use Bylaw Amendment 3357/T-2009

At the Monday, August 10, 2009 Red Deer Municipal Planning Commission meeting, the Commission considered the report dated July 27, 2009 as presented by Parkland Community Planning Services regarding the Land Use Bylaw Amendment No. 3357/T-2009.

Following discussion the resolution as set out below was introduced and passed.

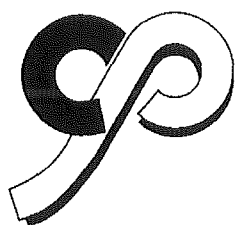
"Resolved that the Municipal Planning Commission support the Land Use Bylaw Amendment No. 3357/T-2009 for naturescaping and recommend its approval to City Council."

MOTION CARRIED

The above is submitted for Council's consideration.

Mayor Morris Flewwelling
Chairperson
City of Red Deer Municipal Planning Commission

cc: Parkland Community Planning Services



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

Submitted Previously to Council
on July 27, 2009

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

To: Elaine Vincent, Manager Legislative and Administrative Services

From: Emily Damberger, Planner

Date: July 20, 2009

Re: Naturescaping: Land Use Bylaw Amendment 3357/T-2009

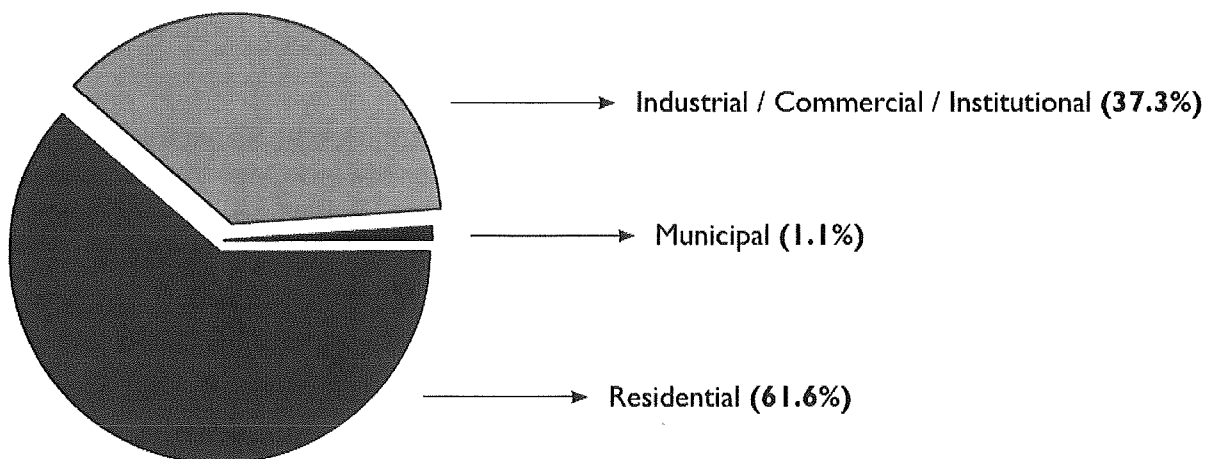
Background

Parkland Community Planning Services has received a request from City of Red Deer Environmental Services Department, Water Conservation Specialist, to amend the Land Use Bylaw to include water conservation strategies with regards to landscaping regulations.

Implementing water conservation strategies through landscaping is one of many methods of conserving water in the city for current and future use. At current average daily water use rates, it is estimated that The City's current water allocation could support between 135, 000 to 170, 000 residents; however, population and economic growth will continue to increase water demand. Water conservation strategies could assist in reducing future demands on the city's water supply.

Water Use

The city of Red Deer water use is approximately 37.3 % industrial, commercial & institutional, 1.1 % municipal and 61.6 % residential.



**City Council
Land Use Bylaw Amendment
Page 2 of 6**

In Red Deer, peak daily water demands double in summer due to outdoor uses such as lawn watering. Grass is the highest water consumer in landscaping.

The purpose of the proposed bylaw amendment is to promote awareness and encourage water conservation. The method proposed is to reduce water requirements or uses through landscaping regulations within all land use districts. The bylaw amendment would apply to larger commercial and industrial sites as well as large multi-family residential buildings (defined as those developments which require the submission of a landscaping plan). The proposed bylaw amendment naturescaping regulations do not apply to smaller developments, single family or semi-detached residential developments as these developments do not require the submission of landscaping plans with their development permits and would therefore be difficult to regulate.

Though smaller developments are not addressed by this land use bylaw amendment, The City encourages residential water conservation through Water Conservation Tips on the City's Web Page, the Toilet Rebate Program and has developed a Naturescaping pamphlet with suggestions on how to reduce water use through landscaping.

A steering committee composed of Environmental Services, Recreation Parks and Culture, Inspections and Licensing and Parkland Community Planning Services guided the creation of the proposed naturescaping bylaw amendment.

City of Red Deer Guiding Documents

Red Deer Water Conservation Strategy

The 2007 City of Red Deer Water Conservation Strategy is a long-term, proactive plan that outlines several initiatives The City can implement to reduce water waste and improve water efficiency. A recommendation from this document suggests amending the Land Use Bylaw's landscaping regulations to include water conservation strategies.

The Land Use Bylaw definition of "landscaped area" currently requires a landscaped area to mainly consist of lawn. This definition restricts the potential for creating visually appealing landscaped areas using plants other which could potentially use less water than the traditional "grass lawn". Environmental Services, based on the direction and recommendations within the 2007 City of Red Deer Water Conservation Strategy, requested amendments to the Land Use Bylaw be considered to allow developers to explore water conservation strategies by way of landscaping.

Municipal Development Plan

The City of Red Deer Municipal Development Plan supports the implementation of water conservation strategies through the following policy statement:

City Council
Land Use Bylaw Amendment
Page 3 of 6

“The City shall seek to ensure future growth does not exceed the availability of the water supply from the Red Deer River and shall implement a water conservation strategy to make the best use of available water supplies.”

Alberta Municipalities

Many Alberta municipalities recognize the importance of implementing and encouraging water conservation strategies through land use bylaw requirements and resource information available on web pages.

The City of Calgary and the Town of Cochrane both have water conservation strategies regulations within their Land Use Bylaw. The City of Calgary allows a low water landscaping option and a low water irrigation system for major developments. The Town of Cochrane requires all landscaped areas in all districts to contain a naturescaping component:

- 100% on all non-residential developments
- 50% on all multi-unit residential developments
- 25% on all other residential developments.

Proposed Bylaw Amendment

The proposed bylaw amendment includes:

- (a) new naturescaping definition
- (b) modification of the existing landscaped area definition
- (c) naturescaping requirement for major developments
- (d) requirement for a portion of dwelling unit front yards to be landscaped
- (e) more descriptive landscaping requirements to provide clarity to overall landscaping regulations

(a) New Naturescaping Definition:

The proposed bylaw amendment is introducing naturescaping as a method of water conservation and sustainable landscaping practices by creating a definition of naturescaping:

“Naturescaping means the modification and enhancement of a lot or development area to promote water efficiency and reduce the dependence on fertilizers and pesticides. For the purpose of this section, the use of native central Alberta non-invasive vegetation is preferred in combination with other landscaping materials.”

The proposed definition has been intentionally created to be flexible rather than prescriptive. This approach is seen to foster a full range of potential water

City Council
Land Use Bylaw Amendment
Page 4 of 6

conservation strategies. By leaving the definition non-descriptive a great variety of drought tolerant or native plant species and/or materials such as mulch would be allowed to assist with reducing water evaporation and increase soil moisture retention.

Visually, an area which is “naturescaped” could appear very similar to an average, residential, commercial, industrial or institutional yard, however the plant selection would be more drought tolerant, require less watering and the irrigation could be from a captured water source such as rain barrels. All landscaping plans with a naturescaping component will be subject to Development Authority approval to ensure all plans are aesthetically pleasing.

(b) Modification of the existing landscaped area definition:

Currently the landscaped area definition does not encourage naturescaping materials. The landscaped area definition is proposed to be amended to include naturescaping as an option which could be considered for landscaping in all land use districts.

“Landscaped Area means the portions of a lot or development area which are modified and enhanced through the use of lawn, naturescaping materials, shrubs, trees, flowers or other ornamentals.”

(c) Naturescaping requirement for major developments:

The bylaw amendment proposes to request water conservation strategies or methods to be included with the submission of a landscaping plan. The bylaw amendment proposes that 15 % of plants and/or materials included in landscaping plans be naturescaping. Landscaping plans are required for all major developments throughout all districts of the Land Use Bylaw, however landscaping plans are not required for single family, semi-detached and small multi-family developments.

Examples of how developers could include naturescaping within their landscaping plans could be through various methods:

- Designing for water conservation – group plants of similar light and water requirements together, grading landscaped area to collect moisture, directing downspouts into landscaped area or rain barrel
- Reduce turf area – replace turf with tiered gardens, raised beds, flowering trees, native shrubs or native perennial ground cover, or drought tolerant grass mix such as fescue and ryegrass
- Avoid large impermeable surfaces, allow rainwater and snowmelt to be absorbed
- Provide mulch cover – reduces evaporation and suppresses weeds
- Select drought tolerant trees, plants and shrubs such as:

City Council
Land Use Bylaw Amendment
Page 5 of 6

- Trees – Amur Maple, Green Ash, Thunderchild Crabapple, Spruce, Bur Oak
- Shrubs – Saskatoon, Juniper, Meyer Lilac
- Perennials – Iris, Daylily, Peony, Poppy

The impact to developers would likely be minimal as 15% is a small area and there are several options available to the developer in terms of methods, material and plant selection. City Administration involved in landscaping plan reviews could provide support and suggestions as to suitable plants and materials. The City of Red Deer “Naturescaping” pamphlet provides resources for how to find plants and materials, along with design and implementation strategies. There could potentially be an overall reduction in maintenance cost due to water conservation.

(d) Requirement for a portion of dwelling unit front yards to be landscaped:

Though single family, semi-detached (duplex) and smaller multi-attached residential developments are not subject the naturescaping requirement proposed (they do not require the submission of landscaping plans) the bylaw amendment proposes a requirement of 25% of the front yard to consist of landscaped area. This requirement will ensure a permeable surface (landscaped, not a paved surface) with water conservation by absorption of stormwater through a permeable surface. This requirement will also ensure some visual aesthetics are maintained in lieu of a potential for the entire front yard becoming a driveway car park surface.

(e) More descriptive landscaping requirements:

Other aspects of the proposed bylaw amendment reflect changes to the landscaping regulations to clarify and be more specific as to the number and size of trees and shrubs required in landscaped areas. The bylaw amendments also clarifies the intent for developers to landscape boulevards adjacent to their lot and that landscaping shall form a visual buffer between residential and non-residential uses.

Consultation

The proposed bylaw amendment was circulated to applicable City Departments and comments were addressed through the planning process. City Administration supports the proposed bylaw amendment.

The City of Red Deer Communications Department prepared a media release containing the key aspects of the bylaw amendment requested comments to be sent to PCPS. Comments received from a property manager stated that many industrial areas already conserve water through minimal irrigation and that the proposed bylaw would not require much change to current practices.

The Red Deer River Naturalist felt that the 25 % landscaped area requirement for front yard landscaping for single family, duplex and small multi-family residents lots should be increased to 50%. 25% coverage allows for double car parking pad and a small

City Council
Land Use Bylaw Amendment
Page 6 of 6

landscaped area for the average sized lots. The group representative supports the proposed bylaw amendment as a positive step towards water conservation in the city.

No major objections or concerns were received.

Planning Analysis

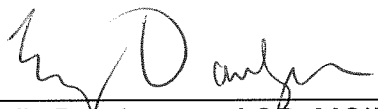
The City of Red Deer along with many other Alberta Municipalities is encouraging water conservation methods be adopted by residential, commercial, industrial and institutional water users. Water is an important limited resource which is becoming increasing scarce due to increase demand in use, economic growth and population growth. Water conservation will ensure this limited resource is properly managed in the present day and available for future use.


The Water Conservation Strategy and the Municipal Development Plan support implementation of water conservation methods. Encouraging water conservation is a planning tool for sustainable development in the City of Red Deer.

The proposed land use bylaw amendment proposes to conserve water by introducing a requirement for larger site developments to landscape at least a small portion of their sites with water efficient materials defined through a naturescaping definition.

Recommendation

It is the recommendation of Parkland Community Planning Services that Council of the City of Red Deer proceed with first reading of Land Use Bylaw 3357/T-2009.


Emily Damberger, ACP, MCIP
Planner


Nancy Hackett, ACP, MCIP
City Planning Manager

cc: Colleen Jensen, Community Services Director
Pam Vust, Environmental Initiatives Coordinator
Doug Evans, Parks and Open Space Designer
Erin Stuart, License/Permit Inspector
Michelle Baer, Chapman Riebeek Solicitors

FILE COPY



Council Decision – September 21, 2009

DATE: September 22, 2009

TO: Emily Damberger, Parkland Community Planning Services
Nancy Hackett, City Planning Manager
Tony Lindhout, Assistant Planning Manager

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: Naturescaping: Land Use Bylaw Amendment 3357/T-2009

Reference Report:

Legislative and Administrative Services Manager, dated September 11, 2009

Bylaw Readings:

At the Monday, July 27, 2009 Council Meeting Land Use Bylaw Amendment 3357/T-2009 was tabled to the Monday October 19, 2009 Council Meeting to provide the Municipal Planning Commission and the Environmental Advisory Committee time to consider the conservation strategies. At the Monday, August 24, 2009 Council Meeting Land Use Bylaw Amendment 3357/T-2009 received first reading and was advertised the week of September 4, 2009 and September 11, 2009. At the Monday, September 21, 2009 Council Meeting Land Use Bylaw Amendment 3357/T-2009 received second and third readings. A copy of the bylaw is attached.

Report Back to Council: No

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

Elaine Vincent

Legislative and Administrative Services Manager, dated September 11, 2009

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

BYLAW NO. 3357/T-2009

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

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

1. Delete Landscaped Area definition and add the following new definition to Section 1.3:

"Landscaped Area means the portions of a lot or development which are modified and enhanced through the use of lawn, naturescaping materials, shrubs, trees, flowers or other ornamentals."

2. Within Section 1.3 add the following new definition:

"Naturescaping means the modification and enhancement of a lot or development to promote water efficiency and reduce the dependence on fertilizers and pesticides. For the purpose of this section, the use of native central Alberta non-invasive vegetation is preferred in combination with other landscaping materials."

3. Delete Section 3.6(3) and replace with the following text:

"The landscape design plans shall include details, specifying the mixture of coniferous and deciduous trees and shrubs designed to provide landscape enhancement for year round effect as well as any water conservation methods or strategies employed. Any proposed landscaping plan with a naturescaping component for new development or redeveloped site shall be subject to Development Authority approval."

4. Delete Section 3.6(5)(d) and replace with the following text:

"two deciduous shrubs are required for each 40.0 m² of landscaped area,"

5. Delete Section 3.6(6) and replace with the following text:

"In all areas other than Major Entryways Areas the following minimum standards shall be met:

- (a) one tree is required for each 60.0 m² of landscaped area;
- (b) one shrub is required for each 30.0 m² of landscaped area;

(c) the proportion of deciduous to coniferous trees or shrubs shall be approximately 2:1."

6. Add new Section (14) to Section 3.6:

"A minimum of 15% of all Landscaped Area of developments requiring a landscaping plan shall consist of Naturescaping."

7. Add new Section (15) to Section 3.6:

"The Developer is responsible for landscaping boulevards and roadway berms adjacent to the lot or development site."

8. Add new Section (16) to Section 3.6:

"In addition to subsection (15), with the exception of mixed use district areas, in the case of non-residential lots adjacent to residential lots, landscaping shall provide a visual buffer between the residential and non-residential uses."

9. Add new Section (17) to Section 3.6:

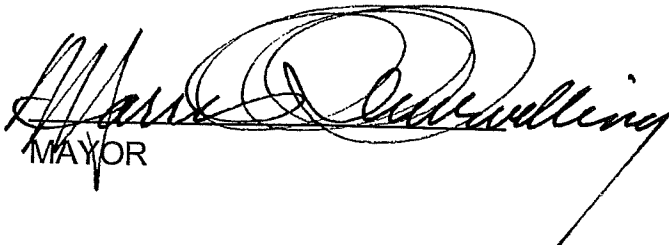
"25 % of all front yards of detached, semi-detached and multi-attached dwelling units shall consist of landscaped area."

READ A FIRST TIME IN OPEN COUNCIL this 24th day of August 2009.

READ A SECOND TIME IN OPEN COUNCIL this 21st day of September 2009.

READ A THIRD TIME IN OPEN COUNCIL this 21st day of September 2009.

AND SIGNED BY THE MAYOR AND CITY CLERK this 21st day of September 2009.


MAYOR


CITY CLERK



Public Hearings Item No. 2

DATE: September 11, 2009

TO: City Council

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: Land Use Bylaw Amendment 3357/V-2009, Map 12/2009
Remove HS-2 overlay from the former Arlington Hotel Site

History:

At the Tuesday September 8, 2009 Council Meeting Land Use Bylaw Amendment 3357/V-2009 received first reading. Land Use Bylaw Amendment 3357/V-2009 was advertised.

Public Consultation Process:

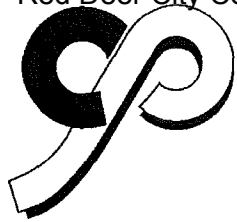
A Public Hearing has been advertised for the above noted bylaw, to be held on Monday September 21, 2009 at 6:00 p.m. in Council Chambers, during Council's regular meeting.

Recommendation:

That Council consider second and third reading of Land Use Bylaw Amendment 3357/V-2009.

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

Elaine Vincent
Manager



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

Submitted
Previously to
Council on
September 8, 2009

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

DATE: September 1, 2009

TO: Elaine Vincent, Legislative and Administrative Services Manager

FROM: Tara Lodewyk, Planner

RE: Land Use Bylaw Amendment 3357/V-2009, Map 12/2009
Remove HS-2 overlay from the former Arlington Hotel site


Background

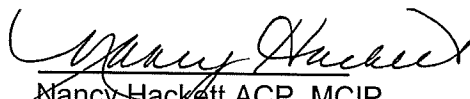
The former Arlington Hotel site located at 4905 51 Avenue, Lots 1-5, Block 10, Plan H, is currently in a C1 City Centre Commercial land use district with a Historical Significance (HS-2) overlay district. Parkland Community Planning Services (PCPS) received a letter from Land and Economic Development requesting that the HS-2 overlay district be removed as the Arlington Hotel was demolished in May 2009. The amendment proposes removal of HS-2 overlay district from the former site of the Arlington Hotel. The site will remain as a C1 City Centre Commercial land use district.

Recommendation

That City Council proceed with first reading of Land Use Bylaw amendment 3357/V-2009.

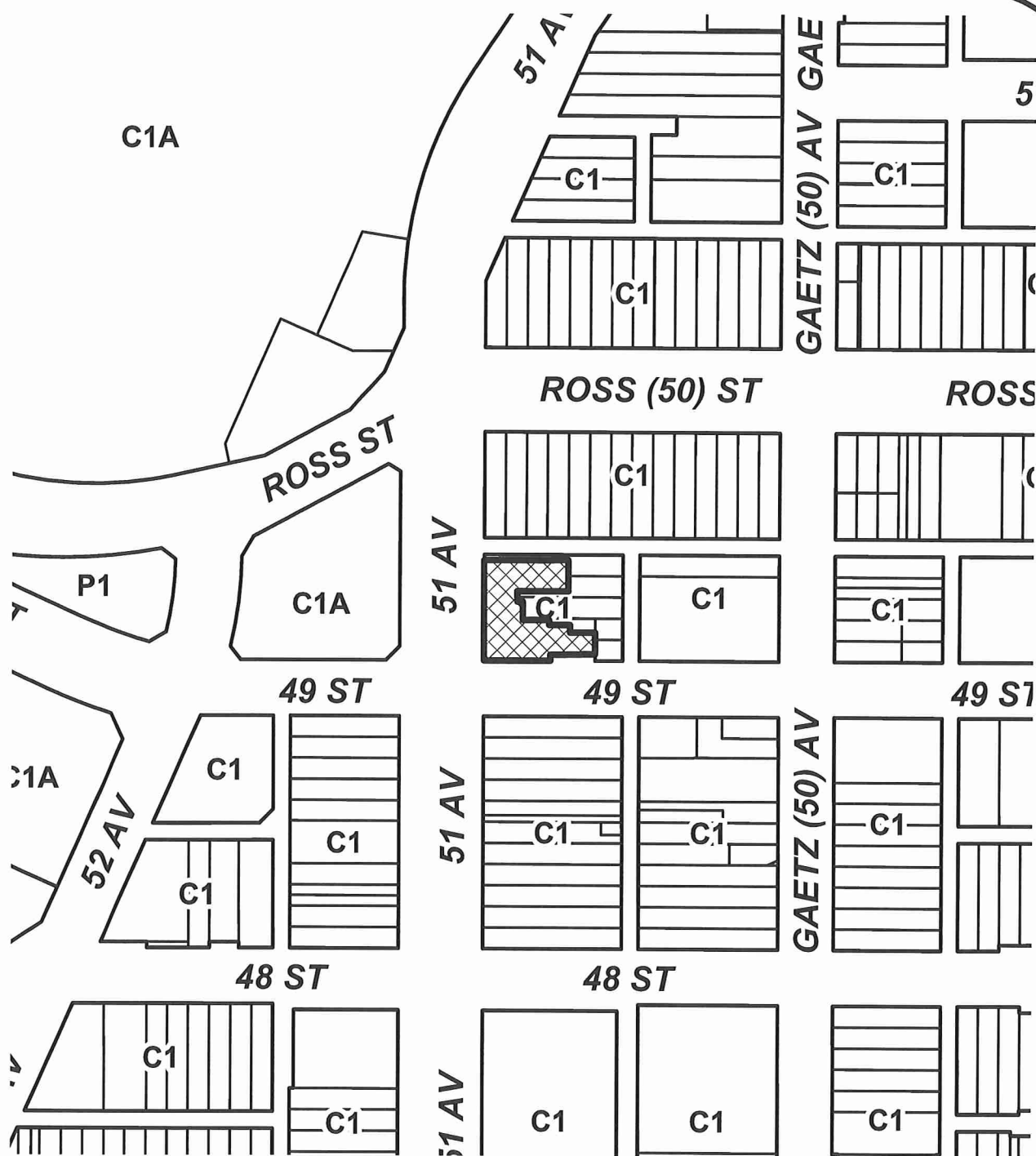
Sincerely,


Tara Lodewyk ACP, MCIP
Planner


Nancy Hackett ACP, MCIP
City Planning Manager

cc. Janet Pennington, Colleen Jensen, Liz Soley

Proposed Amendment to Land Use Bylaw 3357/2006



North
Not to Scale



*Affected Districts:
Removal of HS-2*

Change District from:



C1 (HS-2) to C1

Proposed Amendment

Map: 12/2009

Bylaw: 3357/V-2009

Backup

Christine Kenzie

From: Frieda McDougall
Sent: September 21, 2009 1:12 PM
To: Nancy Hackett; Tara Lodewyk
Cc: Christine Kenzie
Subject: FW: Overlay

Because there is a public hearing on this matter today, Christine will be providing copies of the attached email to Council for their information. I suspect Mr. Lasiuta may be in attendance and will raise some of the issues contained in this email so I'm also providing it to you for your info. Thanks.

Frieda McDougall, Deputy City Clerk
Legislative and Administrative Services
The City of Red Deer
Phone: 403-342-8136
frieda.mcdougall@reddeer.ca

From: Tim and Karen Lasiuta [mailto:tlasiuta@telusplanet.net]
Sent: Monday, September 21, 2009 11:40 AM
To: Tara Veer; MayorMailbox; Craig Curtis; Legislative Services
Cc: Michael Dawe; Tara Lodewyk
Subject: Overlay

Tim Lasiuta
309 Overdown Dr
Red Deer, Alberta
T4P 1W8

Re: Amendment 3357/V-2009

Dear City Council:

With the removal of the Arlington Hotel in August of this year, a cornerstone of Red Deer history ceased to be. Logically speaking, the next step to sterilize the site of any significance is the removal of the HS-2 overlay. According to land use amendment 3357/v -2009, that will likely be accomplished September 21, 2009.

As an ardent defender of the now demolished building and historical significance of the site, I am not surprised, but am truly disappointed in this action. This amendment, reminds me of another local event. Sir Wilfred Laurier visited Red Deer in 1910 to lay the Last Spike in what is now off Gaetz Avenue near 32nd st. Recently, that site, has also been decommissioned and wiped over. Just ask the

2009/09/23

people of Craigilackie, BC what a last spike has meant to them. How could we forget, how could we not commemorate such a monumental occasion?

A partial list of sites and buildings demolished/removed would be embarrassing for Red Deer Historians but would include the Residential School, the Convent, the Anglican Church Hall, the 'park' near Superstore, the Snell residence, and the Arlington of course. Fortunately, an active search and preserve process is underway today.

What would the removal of the overlay mean?

In my mind, it does remove any responsibility of any future owner to be responsible for any historical aspects of a meeting place that extends back to 1892, and even prior to that. I can imagine that a young Red Deer used all of downtown for temporary residences and even prior to that, the native populations as well. History records the passage of native travailleurs through downtown Red Deer as late as 1911. With the sterilization of the site, any artifact that remains onsite, is now meaningless.

The work required to initially designate the area/building as significant will now be moot. The scholarship that occurred to attempt to designate the building as historic is now wiped away. If a simple swipe of a pen can undo 20 years of effort to commemorate and designate, then there is indeed an imbalance in this legislation/policy.

Assuming that this process will flow smoothly (and in the process ignore the history associated with the site), how will the Arlington site be remembered? Will there be a plaque on the sidewalk that makes note of the two hotels that shared the site for 107 years? Will there be a billboard or sign that states "Arlington Hotel/City of Red Deer Parking Lot"? How will a long time meeting place be designated and commemorated in such a decision?

Some suggestions I have would be to commission a LOCAL artist to create a painting that would be hung in the museum, and then copies sold as postcards/posters to finance the ongoing work of the Historical Society. A book/booklet commemorating the history that summarizes the Queens/Arlington Hotel could be produced with a similar intent.

This may be 'just' a parking lot now, but I draw parallels to the Rosedale site in Edmonton that had been used as a burial site by natives/metis/pioneers since the late 1700's that is now a power company site. Much effort has been made to wipe out any traces of history, and only a few graves are noted now. A monument honoring the dead and buried is now in place, but the entire site is riddled with graves that the city seems bound to eradicate for condos. Another parallel may be the holocaust and the efforts of those in modern days who wish to wipe it from history as it 'offends' many today.

Yes, the Arlington Hotel was not always high class. Its' clientele were not the cream of the crop, but it was the home to many significant events and its' walls provided a respite for those traveling between Calgary and Edmonton. Yes, there was indeed a long standing gambling game that occurred, yes, there was probably a brothel in the building at some point, and yes, it probably did function as a speakeasy at some point. Did city fathers ever consider the example that Moose Jaw set with the tunnels? Perhaps that is it. We are too busy trying to be the Red Deer of the future, with a DBA plan and Riverlands concept to notice that while we are busy fiddling, our past is burning away before our eyes.

Tim Lasiuta

2009/09/23

403-340-8215

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

[Please consider the environment before printing this e-mail.]

2009/09/23

ORIGINAL

From: Tim and Karen Lasiuta [mailto:tlasiuta@telusplanet.net]
Sent: Monday, September 21, 2009 11:40 AM
To: Tara Veer; MayorMailbox; Craig Curtis; Legislative Services
Cc: Michael Dawe; Tara Lodewyk
Subject: Overlay

Tim Lasiuta

309 Overdown Dr

Red Deer, Alberta

T4P 1W8

Re: Amendment 3357/V-2009

Dear City Council:

With the removal of the Arlington Hotel in August of this year, a cornerstone of Red Deer history ceased to be. Logically speaking, the next step to sterilize the site of any significance is the removal of the HS-2 overlay. According to land use amendment 3357/v -2009, that will likely be accomplished September 21, 2009.

As an ardent defender of the now demolished building and historical significance of the site, I am not surprised, but am truly disappointed in this action. This amendment, reminds me of another local event. Sir Wilfred Laurier visited Red Deer in 1910 to lay the Last Spike in what is now off Gaetz Avenue near 32nd st. Recently, that site, has also been decommissioned and wiped over. Just ask the people of Craigilackie, BC what a last spike has meant to them. How could we forget, how could we not commemorate such a monumental occasion?

A partial list of sites and buildings demolished/removed would be embarrassing for Red Deer Historians but would include the Residential School, the Convent, the Anglican Church Hall, the 'park' near Superstore, the Snell residence, and the Arlington of course. Fortunately, an active search and preserve process is underway today.

What would the removal of the overlay mean?

In my mind, it does remove any responsibility of any future owner to be responsible for any historical aspects of a meeting place that extends back to 1892, and even prior to that. I can imagine that a young Red Deer used all of downtown for temporary residences and even prior to that, the native populations as well. History records the passage of native travailleurs through downtown Red Deer as late as 1911. With the sterilization of the site, any artifact that remains onsite, is now meaningless.

The work required to initially designate the area/building as significant will now be moot. The scholarship that occurred to attempt to designate the building as historic is now wiped away. If a simple swipe of a pen can undo 20 years of effort to commemorate and designate, then there is indeed an imbalance in this legislation/policy.

Assuming that this process will flow smoothly (and in the process ignore the history associated with the site), how will the Arlington site be remembered? Will there be a plaque on the sidewalk that makes note of the two hotels that shared the site for 107 years? Will there be a billboard or sign that states "Arlington Hotel/City of Red Deer Parking Lot"? How will a long time meeting place be designated and commemorated in such a decision?

Some suggestions I have would be to commission a LOCAL artist to create a painting that would be hung in the museum, and then copies sold as postcards/posters to finance the ongoing work of the Historical Society. A book/booklet commemorating the history that summarizes the Queens/Arlington Hotel could be produced with a similar intent.

This may be 'just' a parking lot now, but I draw parallels to the Rosedale site in Edmonton that had been used as a burial site by natives/metis/pioneers since the late 1700's that is now a power company site. Much effort has been made to wipe out any traces of history, and only a few graves are noted now. A monument honoring the dead and buried is now in place, but the entire site is riddled with graves that the city seems bound to eradicate for condos. Another parallel may be the holocaust and the efforts of those in modern days who wish to wipe it from history as it 'offends' many today.

Yes, the Arlington Hotel was not always high class. Its' clientele were not the cream of the crop, but it was the home to many significant events and its' walls provided a respite for those traveling between Calgary and Edmonton. Yes, there was indeed a long standing gambling game that occurred, yes, there was probably a brothel in the building at some point, and yes, it probably did function as a speakeasy at some point. Did city fathers ever consider the example that Moose Jaw set with the tunnels? Perhaps that is it. We are too busy trying to be the Red Deer of the future, with a DBA plan and Riverlands concept to notice that while we are busy fiddling, our past is burning away before our eyes.

Tim Lasiuta

403-340-8215

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

[Please consider the environment before printing this e-mail.]

Amber Senuk

To: tlasuata@telusplanet.net
Cc: Elaine Vincent
Subject: Land Use Bylaw Amendment 3357/V-2009

September 22, 2009

Tim Lasiuta
309 Overdown Drive
Red Deer, Alberta T4P 1W8

Dear Mr. Lasiuta:

Thank you for your email dated September 21, 2009 regarding the Arlington Hotel and removal of the HS-2 overlay.

At the Monday, September 21, 2009 Regular Council Meeting, City Council was given the opportunity to review your email prior to consideration of second and third readings of Land Use Bylaw Amendment 3357/V-2009.

For your information, Land Use Bylaw Amendment 3357/V-2009 received both second and third readings and was passed by Red Deer City Council.

Thank you for your continued input and thoughtful consideration of this issue. Should you require any further information, please do not hesitate to contact Legislative and Administrative Services at 403-342-8132.

Amber Senuk
Legislative and Administrative Services
The City of Red Deer
Phone: (403)342-8728
amber.senuk@reddeer.ca

www.reddeer.ca

FILE COPY



Council Decision – September 21, 2009

DATE: September 22, 2009

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

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: Land Use Bylaw Amendment 3357/V-2009, Map 12/2009 Remove HS-2 overlay from the former Arlington Hotel Site.

Reference Report:

Legislative and Administrative Services Manager, dated September 11, 2009

Bylaw Readings:

At the Tuesday, September 8, 2009 Council Meeting Land Use Bylaw Amendment 3357/V-2009 received first reading. Land Use Bylaw Amendment 3357/V-2009 and was then advertised the week of September 18, 2009 and September 25, 2009. At the Monday, September 21, 2009 Council Meeting, Land Use Bylaw 3357/V-2009 received second and third readings. A copy of the bylaw is attached.

Report Back to Council: No

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

Elaine Vincent

Legislative and Administrative Services Manager, dated September 11, 2009

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

BYLAW NO. 3357/V-2009

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

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

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

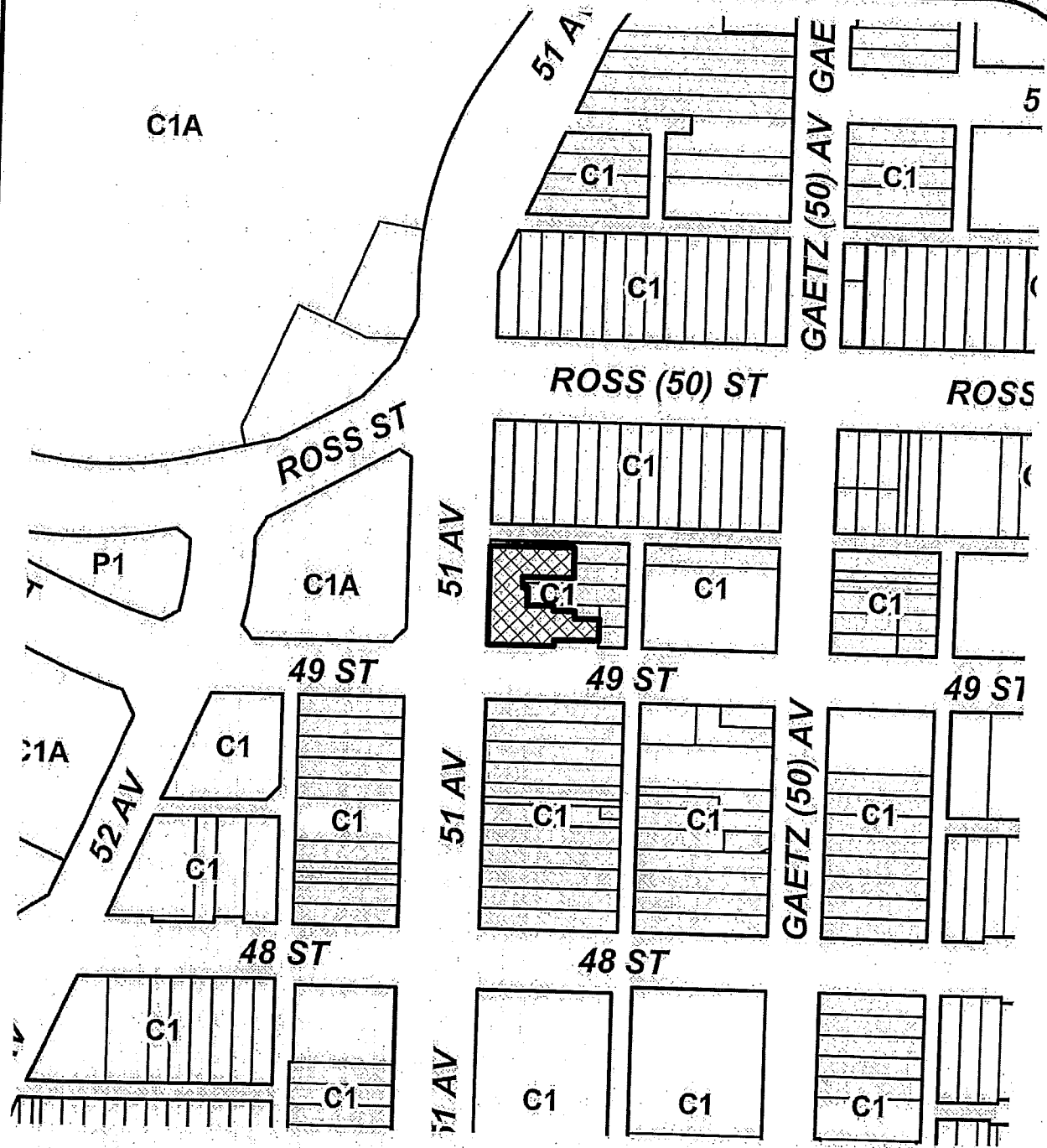
- 1 Section 7.6 (2) (b) HS-2 Arlington Hotel is deleted in the table entitled Inventory of Historical Significant Resources.
- 2 The "Land Use District Map L15" and "Land Use Constraint Map L15" contained in "Schedule A" of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map 12/2009 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 8th day of September 2009.
READ A SECOND TIME IN OPEN COUNCIL this 21st day of September 2009.
READ A THIRD TIME IN OPEN COUNCIL this 21st day of September 2009.
AND SIGNED BY THE MAYOR AND CITY CLERK this 21st day of September 2009.

Mayor

City Clerk

Proposed Amendment to Land Use Bylaw 3357/2006



THE CITY OF
Red Deer

*Affected Districts:
Removal of HS-2*



Change District from:
C1 (HS-2) to C1

Proposed Amendment
Map: 12/2009
Bylaw: 3357/V-2009



Public Hearings Item No. 3

DATE: September 11, 2009

TO: City Council

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: Land Use Bylaw Amendment 3357/AA-2009
Dimension Hospitality Corporation
Lot 1, Block 2, Plan 042-2838; Southpointe Common 2 (Days Inn / Motel 6 Site)
Rezoning from C2A Commercial (Regional Shopping Centre) District to C4 Commercial (Major Arterial) District

History:

At the Monday August 24, 2009 Council Meeting Land Use Bylaw Amendment 3357/AA-2009 received first reading. Land Use Bylaw Amendment 3357/AA-2009 was advertised.

Land Use Bylaw Amendment 3357/AA-2009 has been requested so that the current Lot 1, if subdivided into two parcels, could not meet the minimum 3.0 ha parcel size requirement of the existing C2A Commercial district. The C4 Commercial district has a much smaller minimum parcel size requirement of 1,393 m². At the subdivision stage, some requirement relaxations, such as building height, would be required. The two developments would continue to provide the required parking.

Public Consultation Process:

A Public Hearing has been advertised for the above noted bylaw, to be held on Monday September 21, 2009 at 6:00 p.m. in Council Chambers, during Council's regular meeting.

Recommendation:

That Council consider second and third reading of Land Use Bylaw Amendment 3357/AA-2009.

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

Elaine Vincent
Manager



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

**Submitted Previously to
Council on August 24,
2009**

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

DATE: August 14, 2009

TO: Elaine Vincent, Legislative and Administrative Services Manager

FROM: Martin Kvapil, Planning Assistant

RE: **Land Use Bylaw Amendment No. 3357/AA-2009**
Dimension Hospitality Corporation
Lot 1, Blk. 2, Plan 042-2838; Southpointe Common 2 (Days Inn/Motel 6 Site)
Rezoning from C2A Commercial (Regional Shopping Centre) District to
C4 Commercial (Major Arterial) District

Proposal

The subject site is developed with two hotels and related parking. The site shares a joint vehicle access from 19 Street with other Southpointe Common 2 commercial businesses. The purpose of this rezoning is to facilitate a future subdivision application to create a separate title for each of the two hotels.

The reason a land use bylaw amendment has been requested is that the current Lot 1, if subdivided into two parcels, could not meet the minimum 3.0 ha parcel size requirement of the existing C2A Commercial District. The C4 Commercial District has a much smaller minimum parcel size requirement of 1,393 m². At the subdivision stage, some requirement relaxations, such as building height, would be required. The two developments would continue to provide the required parking.

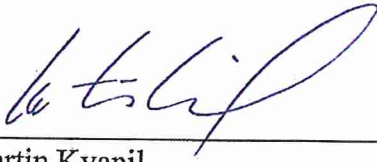
Most other development standards, including parking, are the same in both the C2A and C4 Commercial Districts. A hotel or motel is a discretionary use in both Districts. The major difference between the C2A and C4 districts is that the C4 district allows for taller and larger signage.

Planning Analysis

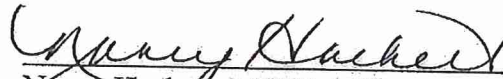
The proposed rezoning from C2A to C4 is for the purpose of remedying an existing situation. Rezoning to C4 would not provide for uses that would conflict with the uses listed within the adjacent C2A districts, as C4 uses are compatible with C2A. Hotel or motel uses are discretionary in both districts. Finally, no objections were received through referral process.

Staff Recommendation

That City Council proceed with first reading of Land Use Bylaw Amendment No. 3357/CC - 2009.



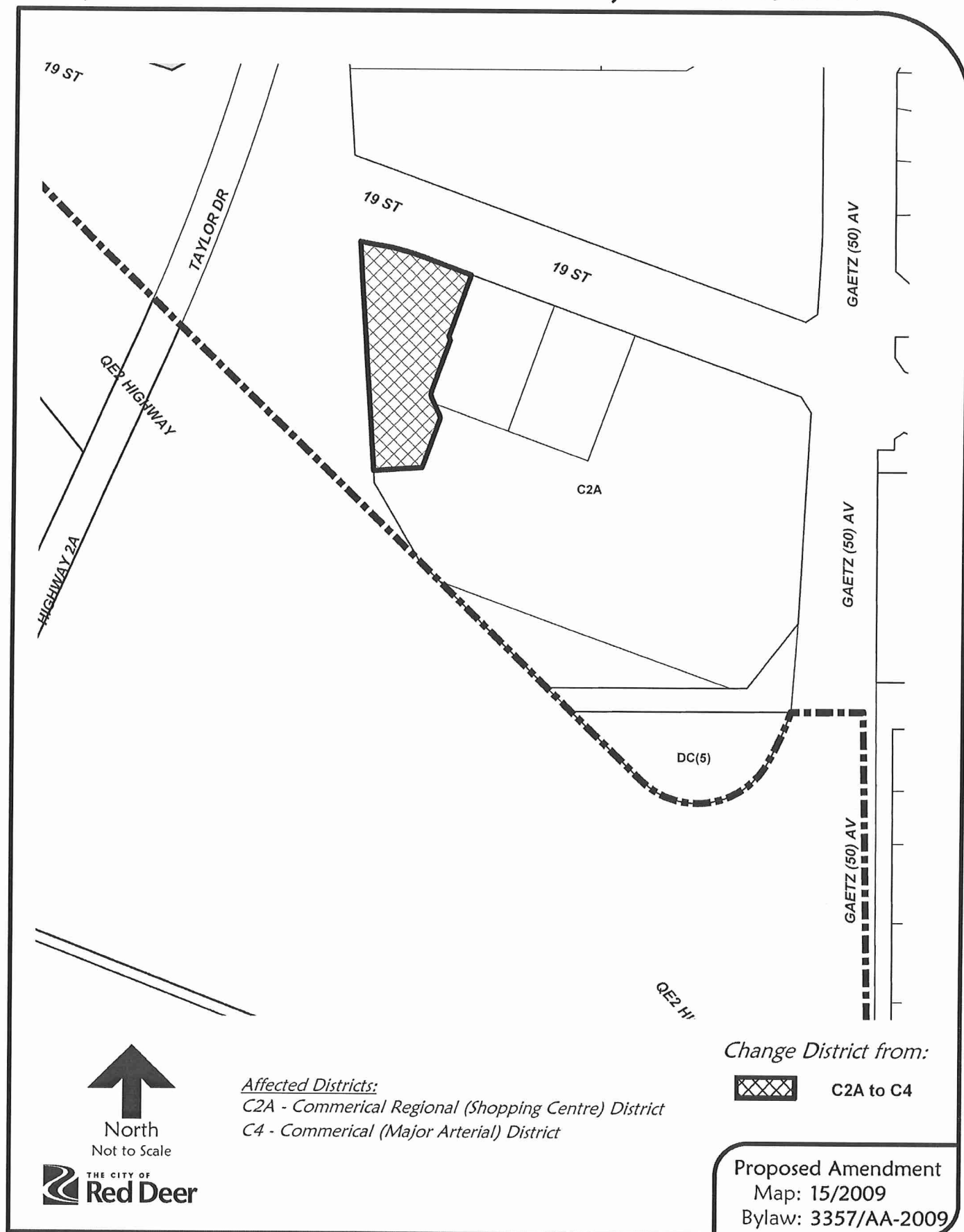
Martin Kvapil
PLANNING ASSISTANT



Nancy Hackett, MCIP, ACP
CITY PLANNING MANAGER

Attachments

Proposed Amendment to Land Use Bylaw 3357/2006



FILE COPY



Council Decision – September 21, 2009

DATE: September 22, 2009

TO: Martin Kvapil, Parkland Community Planning Services
Tony Lindhout, Parkland Community Planning Services
Nancy Hackett, Parkland Community Planning Services

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: Land Use Bylaw Amendment No. 3357/AA-2009 Dimension Hospitality Corporation
Lot 1, Block 2, Plan 042-2838; Southpointe Common 2 (Days Inn/Motel 6 Site)
Rezoning from C2A Commercial (Regional Shopping Centre) District to C4
Commercial (Major Arterial) District

Reference Report:

Legislative and Administrative Services Manager, dated September 11, 2009
Parkland Community Planning Services, dated August 14, 2009

Bylaw Readings:

Land Use Bylaw Amendment 3357/AA-2009 received first reading at the Monday, August 24, 2009 Council Meeting. Land Use Bylaw Amendment 3357/AA-2009 was then advertised the week of September 4, 2009 and the week of September 11, 2009. At the September 21, 2009 Council Meeting Land Use Bylaw Amendment 3357/AA-2009 received second and third readings. A copy of the bylaw is attached.

Report Back to Council: No

A handwritten signature in black ink that reads 'Elaine Vincent'.

Elaine Vincent
Legislative and Administrative Services Manager
/attach.

cc: Development Services Director
Corporate Services Director
Engineering Services Manager
Financial Services Manager
Assessment and Taxation Manager
City Assessor

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

BYLAW NO. 3357/AA -2009

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

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

1. That "Use District Map L10" contained within "Schedule A" of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 15 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 24th day of August 2009.

READ A SECOND TIME IN OPEN COUNCIL this 21st day of September 2009.

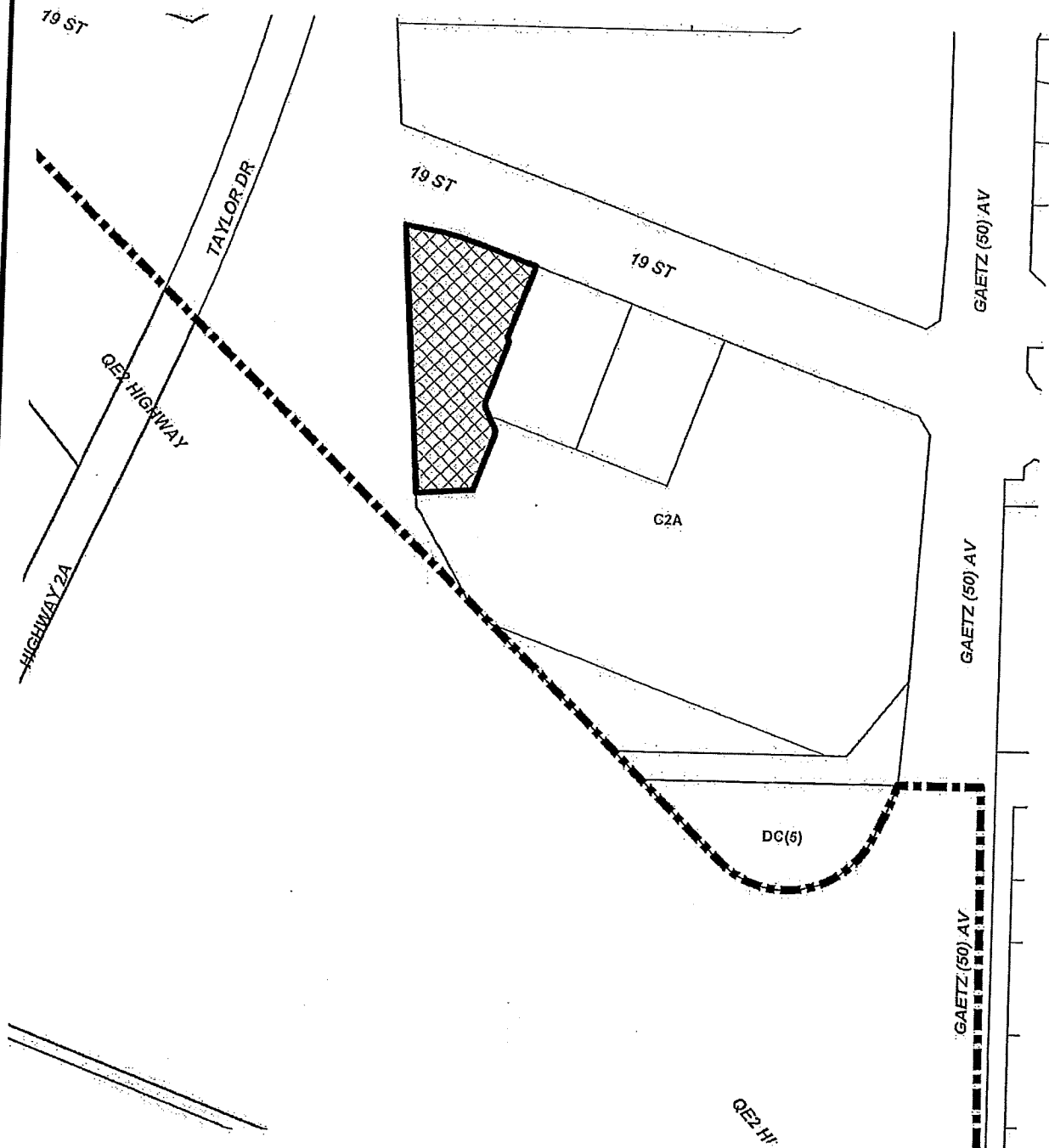
READ A THIRD TIME IN OPEN COUNCIL this 21st day of September 2009.

AND SIGNED BY THE MAYOR AND CITY CLERK this 21st day of September 2009.


MAYOR


CITY CLERK

Proposed Amendment to Land Use Bylaw 3357/2006



North
Not to Scale



Affected Districts:

C2A - Commerical Regional (Shopping Centre) District
C4 - Commerical (Major Arterial) District

Change District from:



C2A to C4

Proposed Amendment
Map: 15/2009
Bylaw: 3357/AA-2009



FILE COPY

LEGISLATIVE & ADMINISTRATIVE SERVICES

September 22, 2009

Dimension 3 Hospitality Corporation
1139 – 8th Street East
Saskatoon, SK
S7H 0S3

To whom it may concern:

**Re: *Land Use Bylaw Amendment 3357/AA-2009 Dimension Hospitality Corporation
Lot 1, Block 2, Plan 042-2838 Southpointe Common 2 (Days Inn/Motel 6 Site)
Rezoning from C2A Commercial (Regional Shopping Centre) District to
C4 Commercial (Major Arterial) District***

At the City of Red Deer's Council meeting held Monday, September 21, 2009, a Public Hearing was held with respect to *Land Use Bylaw Amendment 3357/ AA-2009*. Following the Public Hearing, Land Use Bylaw Amendment 3357/ AA-2009 was given second and third readings. For your information, a copy of the Bylaw is attached.

Land Use Bylaw Amendment 3357/AA - 2009 is proposing rezoning from C2A Commercial (Regional Shopping centre) District to C4 Commercial (Major Arterial) District.

If you have any questions or require additional information, please contact me at 403.342.8132.

Sincerely,

Christine Kenzie
Council Services Coordinator
/attach.

cc: Parkland Community Planning Services

BYLAW NO. 3357/AA -2009

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

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


1. That "Use District Map L10" contained within "Schedule A" of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 15 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 24th day of August 2009.

READ A SECOND TIME IN OPEN COUNCIL this 21st day of September 2009.

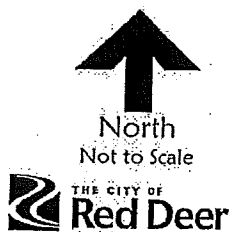
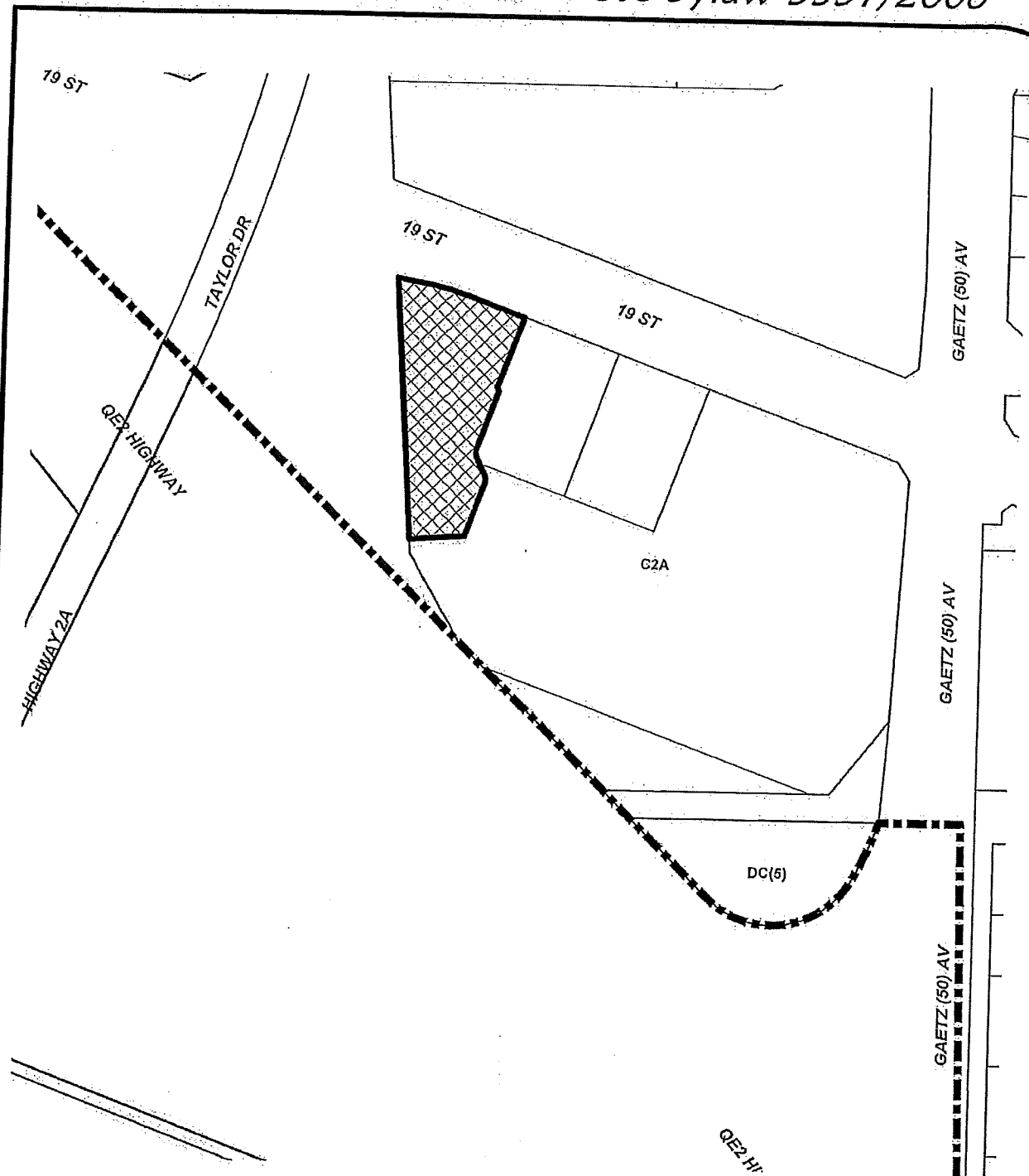
READ A THIRD TIME IN OPEN COUNCIL this 21st day of September 2009.

AND SIGNED BY THE MAYOR AND CITY CLERK this 21st day of September 2009.


MAYOR


CITY CLERK

Proposed Amendment to Land Use Bylaw 3357/2006



Affected Districts:
C2A - Commerical Regional (Shopping Centre) District
C4 - Commerical (Major Arterial) District

Change District from:



C2A to C4

Proposed Amendment
Map: 15/2009
Bylaw: 3357/AA-2009



Public Hearings Item No. 4

DATE: September 11, 2009

TO: City Council

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: Land Use Bylaw Amendment 3357/CC-2009
Timberstone Park – Phase 2
Peter & Kathy Lacey, Laebon Developments

History:

At the Monday August 24, 2009 Council Meeting Land Use Bylaw Amendment 3357/CC-2009 received first reading. Land Use Bylaw Amendment 3357/CC-2009 was advertised.

Land Use Bylaw Amendment 3357/CC-2009 is proposing to develop Phase 2 of the Timberstone Park neighbourhood. Rezoning is being sought for approximately 6.871 ha (17.98 ac) of land from A1 Future Urban Development District to R1 Residential (Low Density) District, R1N Residential (Narrow Lot) District and P1 Parks and Recreation District in order to create 39 R1 lots, 16 R1N lots, 3 public utility lots and 1 municipal reserve lot.

Public Consultation Process:

A Public Hearing has been advertised for the above noted bylaw, to be held on Monday September 21, 2009 at 6:00 p.m. in Council Chambers, during Council's regular meeting.

Recommendation:

That Council consider second and third reading of Land Use Bylaw Amendment 3357/CC-2009.



Elaine Vincent
Manager

Submitted Previously to
Council on August 24 2009

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

DATE: August 14, 2009

TO: Elaine Vincent, Legislative and Administrative Services Manager

FROM: Martin Kvapil, Planning Assistant

RE: Land Use Bylaw Amendment No. 3357/CC-2009
Timberstone Park – Phase 2
Peter & Kathy Lacey, Laebon Developments

Proposal

Laebon Developments is proposing to develop Phase 2 of the Timberstone Park neighbourhood. Rezoning is being sought for approximately 6.871 ha (17.98 ac.) of land from A1 Future Urban Development District to R1 Residential (Low Density) District, R1N Residential (Narrow Lot) District and P1 Parks and Recreation District in order to create 39 R1 lots, 16 R1N lots, 3 public utility lots and 1 municipal reserve lot.

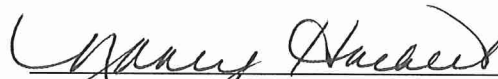
Phase 2 is situated adjacent to College Park. One of the proposed public utility lots and the proposed municipal reserve lot, which lie adjacent to the easterly boundary of College Park, will be developed and landscaped in accordance with the policies of the Timberstone Park Neighbourhood Area Structure Plan (NASP). All of the other proposed land use districts of Bylaw 3357/CC-2009 conform with the Timberstone Park NASP.

Staff Recommendation

That City Council proceed with first reading of Land Use Bylaw Amendment No. 3357/CC -2009.



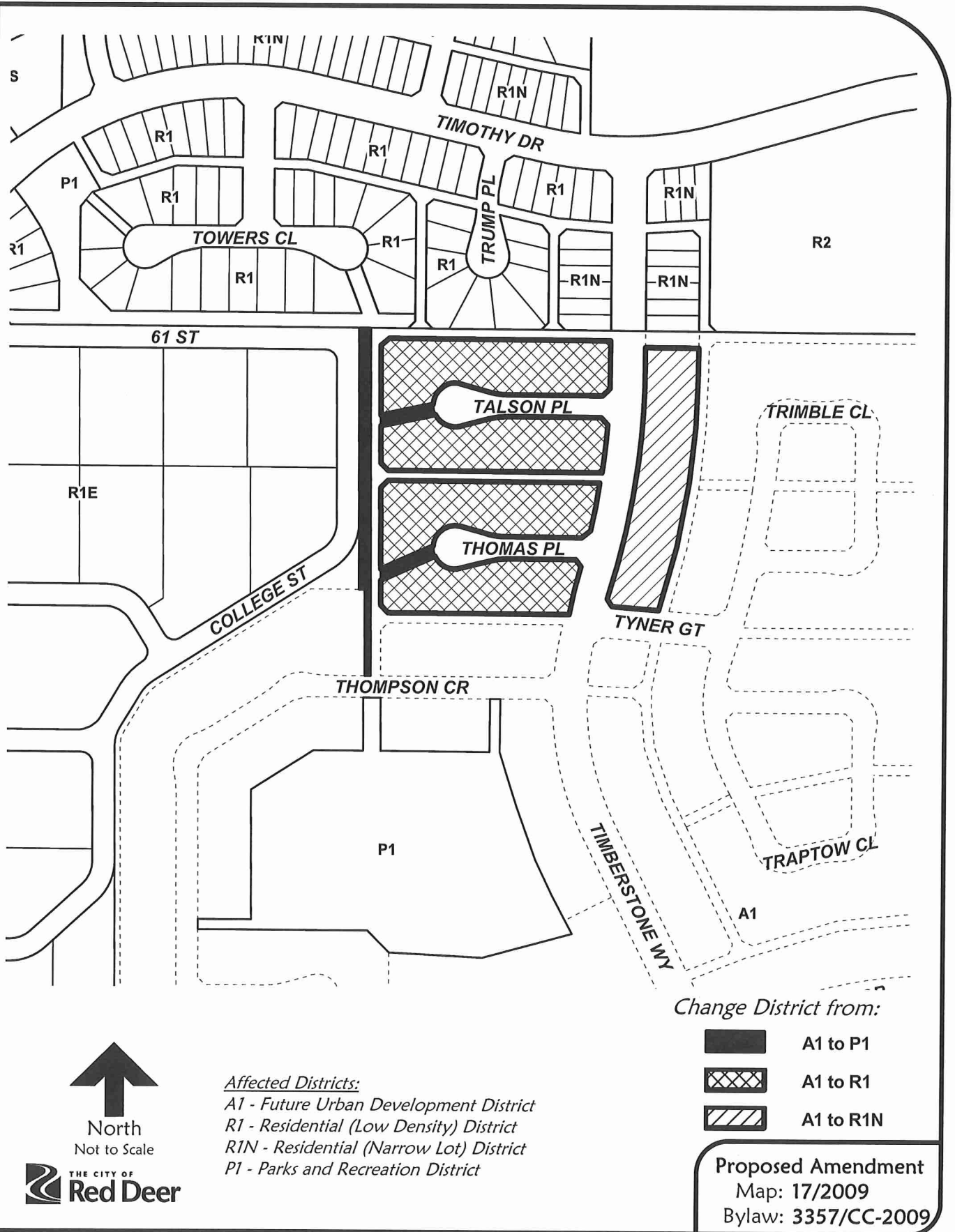
Martin Kvapil
PLANNING ASSISTANT



Nancy Hackett, MCIP, ACP
CITY PLANNING MANAGER

Attachments

Proposed Amendment to Land Use Bylaw 3357/2006





Council Decision – September 21, 2009

DATE: September 22, 2009

TO: Martin Kvapil, Parkland Community Planning Services
Tony Lindhout, Parkland Community Planning Services
Nancy Hackett, Parkland Community Planning Services

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: Land Use Bylaw Amendment No. 3357/CC-2009 Timberstone Park – Phase 2 Peter & Kathy Lacey, Laebon Developments

Reference Report:

Legislative and Administrative Services Manager, dated September 11, 2009
Parkland Community Planning Services, dated August 14, 2009

Bylaw Readings:

Land Use Bylaw Amendment 3357/CC-2009 received first reading at the Monday, August 24, 2009 Council Meeting. Land Use Bylaw Amendment 3357/CC-2009 was then advertised the week of September 4, 2009 and the week of September 11, 2009. At the September 21, 2009 Council Meeting, Land Use Bylaw Amendment 3357/CC-2009 received second and third readings. A copy of the bylaw is attached.

Report Back to Council: No

A handwritten signature in purple ink that reads 'Elaine Vincent'.

Elaine Vincent
Legislative and Administrative Services Manager
/attach.

cc: Development Services Director
Corporate Services Director
Engineering Services Manager
Financial Services Manager
Assessment and Taxation Manager
City Assessor

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

BYLAW NO. 3357/CC -2009

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

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

1. That "Use District Map Q16" contained within "Schedule A" of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 17 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 24th day of August 2009.

READ A SECOND TIME IN OPEN COUNCIL this 21st day of September 2009.

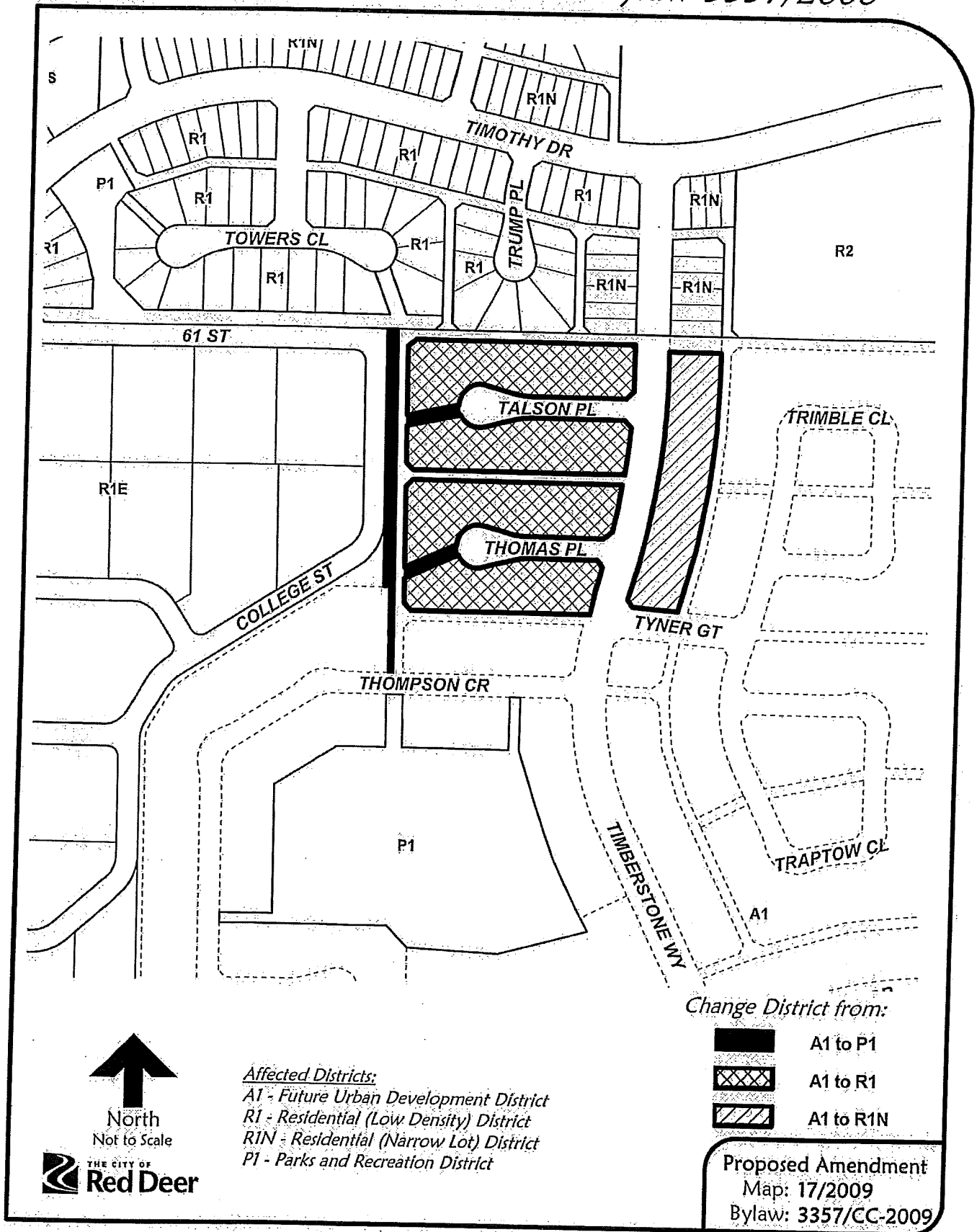
READ A THIRD TIME IN OPEN COUNCIL this 21st day of September 2009.

AND SIGNED BY THE MAYOR AND CITY CLERK this 21st day of September 2009.


MAYOR


CITY CLERK

Proposed Amendment to Land Use Bylaw 3357/2006





FILE COPY

LEGISLATIVE & ADMINISTRATIVE SERVICES

September 22, 2009

Peter and Kathy Lacey
RR2
Red Deer, AB
T4N 6Y4

Dear Mr. and Mrs. Lacey:

Re: *Land Use Bylaw Amendment 3357/CC-2009*
Timberstone Park – Phase 2
Peter and Kathy Lacey, Laebon Developments

At the City of Red Deer's Council meeting held Monday, September 21, 2009, a Public Hearing was held with respect to *Land Use Bylaw Amendment 3357/ CC-2009*. Following the Public Hearing, *Land Use Bylaw Amendment 3357/CC-2009* was given second and third readings. For your information, a copy of the Bylaw is attached.

Land Use Bylaw Amendment 3357/CC - 2009 is proposing a development of Phase 2 of the Timberstone Park Neighbourhood for approximately 6.871 ha of land from A1 Future Urban Development District to R1 Residential (Low Density) District, R1N Residential (Narrow Lot) District and P1 Parks and Recreation District to create 39 R1 lots, 16 R1N lots, 3 Public Utility lots and 1 municipal reserve lot..

If you have any questions or require additional information, please contact me at 403.342.8132.

Sincerely,

Christine Kenzie
Council Services Coordinator

/attach.

cc: Parkland Community Planning Services

BYLAW NO. 3357/CC -2009

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

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

1. That "Use District Map Q16" contained within "Schedule A" of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 17 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 24th day of August 2009.

READ A SECOND TIME IN OPEN COUNCIL this 21st day of September 2009.

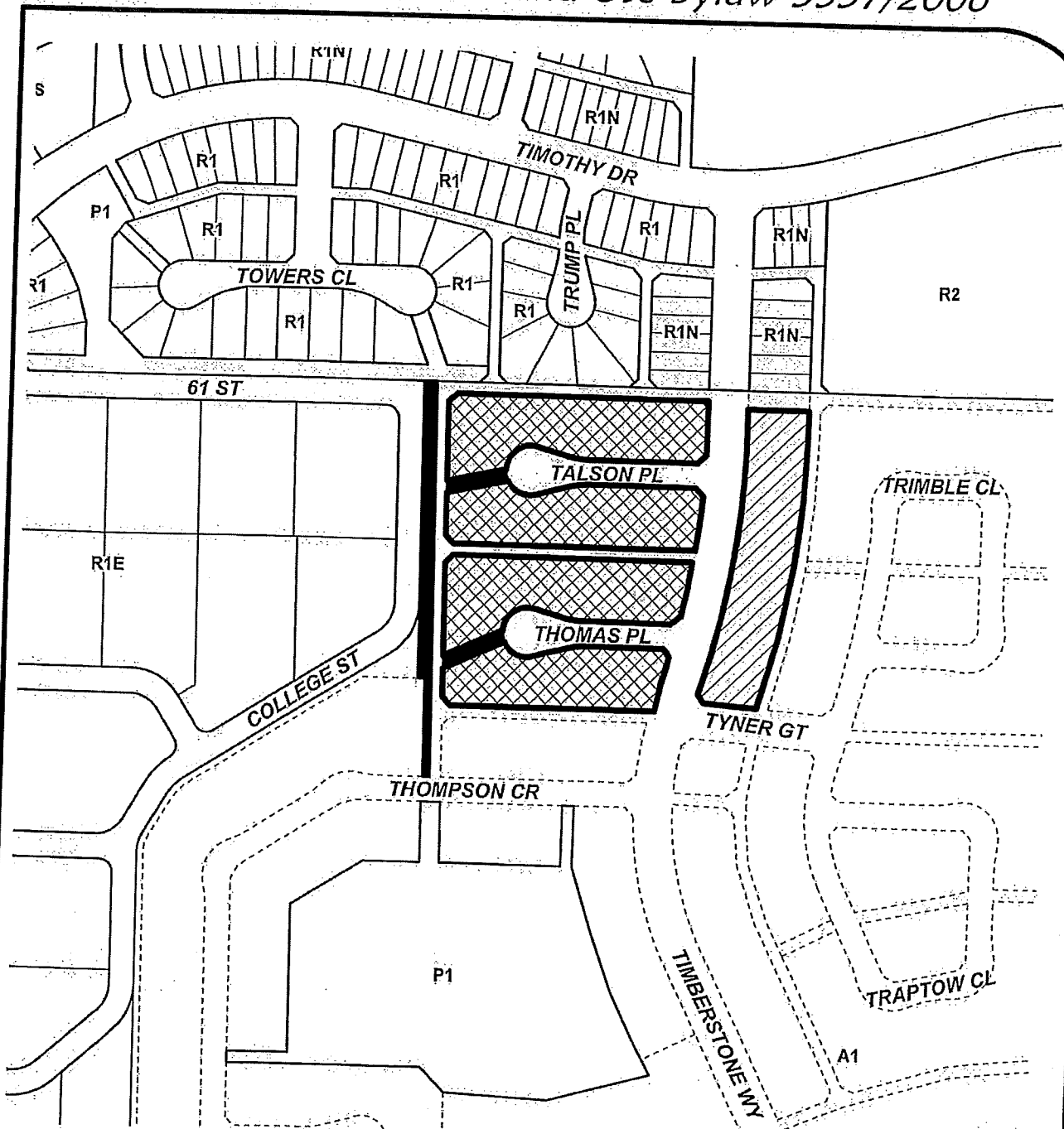
READ A THIRD TIME IN OPEN COUNCIL this 21st day of September 2009.

AND SIGNED BY THE MAYOR AND CITY CLERK this 21st day of September 2009.


MAYOR


CITY CLERK

Proposed Amendment to Land Use Bylaw 3357/2006






North
Not to Scale



Affected Districts:

A1 - Future Urban Development District
R1 - Residential (Low Density) District
R1N - Residential (Narrow Lot) District
P1 - Parks and Recreation District

Change District from:

-  A1 to P1
-  A1 to R1
-  A1 to R1N

Proposed Amendment

Map: 17/2009

Bylaw: 3357/CC-2009



Reports Item No. 1

DATE: August 28, 2009

TO: Elaine Vincent – Legislative and Administrative Services Manager

FROM: Julia Townell – Bylaw Research Coordinator

RE: Veteran Recognition Program

ISSUE

In December 2008, the Royal Canadian Legion requested that The City of Red Deer exempt vehicles displaying veteran license plates from downtown parking meter fees. The intent of the request was to “keep the memory of all veterans alive”, and to remind future generations of the contributions and sacrifices veterans have made for all Canadians.

This report goes beyond the original request, for a veteran parking exemption from the Royal Canadian Legion, to explore the best way to honour veterans. The summary below evaluates and discusses options to honour veterans.

INVESTIGATION

Veterans have made significant sacrifices and contributions in their service to Canada. For this reason, Administration reviewed a number of options to honour and to keep the memory of all veterans alive. From those, Administration selected two options based on the intent of the request, with consideration given to each option’s meaningfulness, fairness, accessibility, and sustainability. The two options are as follows.

1. Veteran Metered Parking Exemption - An exemption from downtown metered parking fees for vehicles that display veteran license plates.

Background

- In 2001, the Department of National Defence and Veterans Affairs Canada refined the definition of a ‘veteran’ to recognize all former Canadian Forces members, Regular and Reserve, who have met both DND’s Military Occupational Classification (MOC) requirements and have been honourably discharged.
- As well, anyone serving in United Nations or NATO Operations as a member of the Canadian Forces, Royal Canadian Mounted Police, other Canadian police forces, or an allied force can also be considered a veteran.

- In 2005, to commemorate the Year of the Veteran, the Government of Alberta introduced a special veterans' license plate.
- Since 2005, 16,518 veteran license plates have been issued in Alberta. Of those, 990 were issued in the Municipal District of Red Deer.
- A number of municipalities across Canada have initiated parking programs that allow vehicles displaying veteran license plates to be exempt from metered parking fees. Parking programs range from year round exemptions for all veterans, to parking exemptions for some veterans confined to a specific time period, such as Veterans Week.
- On December 7, 2008, The City of Red Deer received a request from the Royal Canadian Legion to institute a similar program whereby vehicles displaying a veteran license plate would be exempt from paying for metered parking.

Discussion

Meaningfulness - Veteran plate parking exemption programs have been introduced in many municipalities, some more successfully than others. In general, programs like this have received widespread public support. Offering an exemption from parking meter fees is a show of appreciation. However, if the goal is to not only honour veterans, but to teach future generations about their contributions and sacrifices, a parking fee exemption falls short.

Accessibility - While the definition of veteran has become more inclusive, a parking exemption program is not highly visible or accessible to everyone. As a result, the intent of the Royal Canadian Legion request is not fully met.

Fairness - The City of Red Deer must also consider the perceived equity of any program that singles out a group or organization for preferential treatment. Furthermore, the complexities of controlling the use of such a program by non-City agencies can be difficult, as was experienced in Saskatoon. An article in the Canadian Press reports, "City officials and downtown business owners began to notice the some people getting out of their cars and parking for free didn't look much like veterans at all, and would leave their cars in spots all day." This perception may be, in part, due to the misconception of what a veteran is, as defined by the Department of National Defence. Nevertheless, veterans who have met the Department of National Defence (DND) MOC requirements can apply for up to three license plates, where the veteran is not necessarily the primary driver.

Sustainability - Sustainability refers to The City of Red Deer's commitment to assist in the conservation of key heritage resources for the enjoyment and benefit of future generations. Therefore, the parking exemption program does not apply.

2. Veterans' Square – The dedication of the forthcoming pedestrian square to veterans. The square would occupy two lanes along Ross Street, and feature the Cenotaph in its historic and symbolic location.

Background

- Erected in 1922 in the centre of Ross Street, the Cenotaph was built in memory of the men and women of Central Alberta who served during the First World War. From its site at the centre of Ross Street, the sculpted figure faces west toward the train station, symbolizing the yearning of Canadian soldiers to return home from the battle-torn fields of France. This memorial remains as a proud and grateful tribute to Red Deer's war dead, and has since commemorated those that fought in World War Two and the Korean War. It is an historic and important monument in downtown Red Deer.
- In the past year, veterans have pushed the City of Red Deer to move the cenotaph to City Hall Park. In April, 2009, in the Red Deer Advocate, the Korean Veterans Association expressed concern over its current location, asserting that people would find it easier and safer to visit the Cenotaph in the proposed new location. Passersby would be able to read the plaques in memory of those who served in the First and Second World Wars, and the Korean War.
- The City of Red Deer's Greater Downtown Action Plan, revised in 2008, highlights plans to close two lanes along Ross Street to make the Cenotaph more accessible through creation of a square.

Discussion

Meaningfulness - Veterans' Square would serve as a meaningful and effective reminder of the contributions and sacrifices veterans made during wartime. Importantly, it would preserve the Cenotaph in its historic and symbolic location, while addressing the concerns of veterans who feel the Cenotaph is inaccessible in its current location.

Accessibility - Veterans' Square could be used by residents and visitors alike. It would also provide greater access to an important and historic monument in Red Deer's history, the Cenotaph. The square would serve to promote discussion and further understanding of the contributions and sacrifices veterans have made in their service to Canada.

Fairness - Veterans' Square would be accessible to residents and visitors. Its development would likely not be seen as preferential, as it incorporates an already existing landmark that has meaning for all Canadians.

Sustainability - Veterans' Square fits well with The City of Red Deer's Municipal Development Plan, Greater Downtown Action Plan, and Strategic Plan. The square would be a sustainable and distinct feature in Red Deer's historic downtown, and help to balance the need for slow, safe moving vehicles with a pedestrian friendly walkable environment.

RECOMMENDATION

The City of Red Deer's Downtown Action Plan includes a pedestrian square as part of the Ross Street upgrade, between Gaetz Avenue and 49 Avenue. However, the theme and design of the square have not yet been defined. Based on the analysis of the above options, Administration recommends that Council dedicate the forthcoming square to our veterans. Importantly, "Veterans' Square" would feature the Cenotaph in its historic and symbolic location, and could include a number of commemorative elements within the design. In doing so, the square would provide a reminder to future generations of the sacrifices and contributions veterans have made for all Canadians. Fittingly, the dedication of the square would also align with The City of Red Deer's direction in building a sustainable future, while preserving its heritage.

Administration also recommends that, if approved, the design of Veterans' Square incorporate the principles of Crime Prevention Through Environmental Design (CPTED). CPTED is a multi-disciplinary approach to deterring criminal behavior through environmental design, such as suitable landscaping and lighting. The City of Red Deer currently has access to a CPTED consultant.

PREVIOUS COUNCIL DIRECTION/POLICY

The City of Red Deer hosts a number of commemorative events, including an Annual Armistice exhibit and Remembrance Day Tea at the Red Deer museum and Art Gallery.

ATTACHMENTS

Attachment 1: Alignment with Existing Policy

Attachment 2: Implications of Recommendation

Respectfully submitted,

Julia Townell
Bylaw Research Coordinator

Paul Meyette
Inspections & Licensing Manager

Attachment 1

Alignment with Existing Policy

Veterans' Square aligns extremely well with The City of Red Deer's Municipal Development Plan, Greater Downtown Action Plan, and Strategic Plan. The proposed square would occupy two lanes along Ross Street, and incorporate the existing Cenotaph in its historic and symbolic location. In effect, the Veterans' Square would provide a meaningful and accessible way of remembering and honouring the contributions and sacrifices veterans made for all Canadians. Downtown Red Deer would also benefit from a more inviting, pedestrian-friendly and sustainable environment.

The City of Red Deer's Municipal Development Plan identifies the importance of protecting Red Deer's strong heritage. Beginning in 2000, several initiatives strengthened the position of heritage sites in the city. Importantly, The City of Red Deer Heritage Management Plan was commissioned and adopted in 2006 as a planning tool by City Council, at the recommendation of the Heritage Preservation Committee. The comprehensive plan provides ongoing guidance to heritage property owners, community volunteers, heritage organizations and The City.

In fact, heritage preservation is featured in The City of Red Deer's Greater Downtown Action Plan. In 2008, the revised plan embraced a renewed vision of vitality, authenticity, and sustainability -- with a focus on three distinct districts: Historic Downtown, Riverlands, and Railyards. The plan recognizes that Red Deer's built history is an irreplaceable asset that connects citizens and visitors to the community's stories and accomplishments. The plan also promotes a thriving, pedestrian-friendly environment through the development of outdoor and information spaces, such as courtyards, plazas, fountains and gardens.

Further, The City of Red Deer's 2009 – 2011 Strategic Plan provides new direction, encouraging strategic thinking, excellence and authenticity. The plan promotes a sustainable future, while preserving Red Deer's history, culture and sense of community through innovation and collaboration. In keeping with The City's strategy, on July 27, 2009, the Heritage Preservation Committee requested that Council designate the Cenotaph as a Municipal Historic Resource, reaffirming that the preservation of the Cenotaph in its current location creates a focal point for reflection, while inspiring a feeling of civic pride in Red Deer's history.

Attachment 2

Implications of Recommendation**General**

No implications were identified.

Social

Consideration must be given to the sustainability of Red Deer's downtown and its appeal to businesses, families, and visitors alike. Red Deer's Greater Downtown Action Plan calls for a balance between slow, safe moving vehicles and a pedestrian-friendly, walkable environment. With this in mind, safety and security measures should be put in place, such as proper lighting and design, to ensure the intent of Veterans' Square is preserved. As before mentioned, The City of Red Deer has access to a CPTED consultant.

As well, a traffic impact study should be completed to ensure the square does not impede traffic as the city grows. Alberta has one of the strongest economies in Canada, and is still attracts many Canadians. Even during the current economic recession, Alberta's population rose 0.59 percent in the first quarter of this year. Calgary saw an increase of approximately 22,500 people, Edmonton an increase of approximately 30,027 people, and Red Deer an increase of approximately 2,075 people from last year.

Environmental

Developing an environmentally friendly and sustainable city is more important than ever. This requires a commitment to a number of principles, such as efficient use of land and infrastructure, building up and not out, and avoiding sensitive natural areas. With this in mind, developing pedestrian-friendly pathways, parks, and gardens all contribute to a more attractive, liveable and sustainable downtown environment -- one that is inviting to businesses, families, and visitors.

Economic

The City of Red Deer's has an impressive capital program, with approximately \$1,734 million in projects between 2009 and 2018. With the current economic downturn and resulting challenges, Council has the complex role of striking a balance between meeting its immediate needs and putting the resources in place to achieve the community's vision of the kind of city Red Deer will become as it continues to grow and mature.

RISKS

On April 1, 2009, Council approved ten key project packages, which included preservation of Red Deer's historical downtown. Most of the budget requirements for specific work would be submitted in the 2010 and 2011 budgets, with varied time to complete each package of work. However, in light of the current economic downturn, The City is looking at delaying a number of significant capital infrastructure projects until additional funding is available. This may include a number of planned recreation, park, and cultural facilities. As a result, funding for Veterans' Square may not be immediately available.

Comments:

We support the recommendation of Administration and note that the pedestrian square would provide an excellent setting for the Cenotaph. The pedestrian square will provide a focal point in the downtown which will help promote further development as envisioned in the Greater Downtown Action Plan.

“Morris Flewwelling”
Mayor

“Craig Curtis”
City Manager



PARKLAND COMMUNITY PLANNING SERVICES

Reports Item No. 2

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: August 27, 2009

TO: Elaine Vincent, Legislative and Administrative Services Manager

FROM: Tara Lodewyk, Planner

RE: Notice of intent to designate The Red Deer Cenotaph, (East end, 4900 Block, 50 Street) a Municipal Historic Resource under the *Alberta Historical Resources Act*

Background

The Red Deer Cenotaph is currently designated a HS-Historical Significance Site under the Land Use Bylaw. This provides 45 days protection if demolition or alteration is proposed. The City of Red Deer owns the sculpture that is located in the road right of way.

Council passed a motion on July 27, 2009 directing administration to proceed with designating the Cenotaph a Municipal Historic Resource under the *Alberta Historical Resources Act*.

The Cenotaph is a historically significant landmark in Red Deer. The Cenotaph was erected in 1922 in memory of the men and women of Central Alberta who served during the First World War. More than 800 citizens from the Red Deer District served overseas, 114 of them did not return from the European battlefields. Names of the local soldiers killed in action during World War II have been added to the scrolls inside the Monument.

Major Frank Norbury, an architectural sculptor at the University of Alberta, carved the figure of the soldier in Tyndall stone. His artistic work can be found in Alberta as well as Liverpool and Bundellsands, England.



The unveiling of the Cenotaph by His Excellency Lord Byng of Vimy, Sept 15, 1922.
Photo courtesy Red Deer Archives

Local architect, C.A. Julian Sharman, designed the pedestal. On September 15, 1922 the Monument was formally unveiled by Lord Byng of Vimy, the Governor General of Canada.

The sculpted figure of the soldier faces west toward the train station, symbolizing the yearning of Canadian soldiers to return home from the battlefields.

Notice of Intent to Designate The Red Deer Cenotaph a Municipal Historic Resource

Page 2 of 2

Process

Municipalities are provided with the authority to designate sites as Municipal Historic Resources in section 26(2) of the *Alberta Historical Resources Act*.

The first step in the designation process is to serve a notice of intent to designate to the registered owner of the property by registered mail. This notice of intent must be authorized by Council. A copy of the notice of intent approved by the City Solicitor is attached.

Once 60 days has passed from the date of serving the notice, Council can then pass a bylaw to designate the site. At the same time the designation bylaw is passed, the Cenotaph will be added to the HP-Historical Preservation Overlay District in the *Land Use Bylaw*.

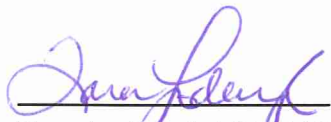
It should be noted that for 120 days from serving the notice of intent to designate the Cenotaph is protected as if it were a Municipal Historic Resource. Any applications to destroy, disturb, alter, restore or repair would have to be approved by Council or a designate.

The Heritage Preservation Committee supports the designation of the Cenotaph as a Municipal Historic Resource and does not want to see it moved from the current location.

Recommendation

That City Council pass a resolution to authorize a notice of intent to designate The Red Deer Cenotaph located at the east end of the 4900 Block, 50th Street (as shown on the attached Schedule 'A') a Municipal Historic Resource under the *Alberta Historical Resources Act*.

Sincerely,



Tara Lodewyk ACP, MCIP
Planner



Nancy Hackett ACP, MCIP
City Planning Manager,

cc. Janet Pennington

NOTICE OF INTENTION TO DESIGNATE
THE RED DEER CENOTAPH
A MUNICIPAL HISTORIC RESOURCE

HISTORICAL RESOURCES ACT
RSA 2000, Ch. H-6, Section 26

TO: *The City of Red Deer*
4914 48 Avenue
Red Deer, Alberta
T4N 3T4

TAKE NOTICE that the City of Red Deer intends to pass a bylaw to designate the following site containing the original 1922 sculpture known as The Red Deer Cenotaph as a Municipal Historic Resource under the provisions of section 26 of the Historical Resources Act:

That portion of road right of way (known as "Ross Street" or "50th Street") between Block 17, Plan 072 8266 and Block 18, Plan H within NW1/4 Section 16, Township 38, Range 27, West of the 4th Meridian containing 2.0 m² and as shown on attached Schedule 'A'.

THE EFFECT of this bylaw will be to prohibit future alterations, renovations repairs, restoration or demolition unless approved by the City, as specified in section 26(6) of the Act. (For additional information see the attached Explanatory Notes or refer to the Act.)

FURTHER TAKE NOTICE that the City intends to appoint the Development Officer of the City of Red Deer as its appointee for all purposes under the provisions of section 26 (6) of the Act (approving any alteration, restoration or repairs of the Historic Resource).

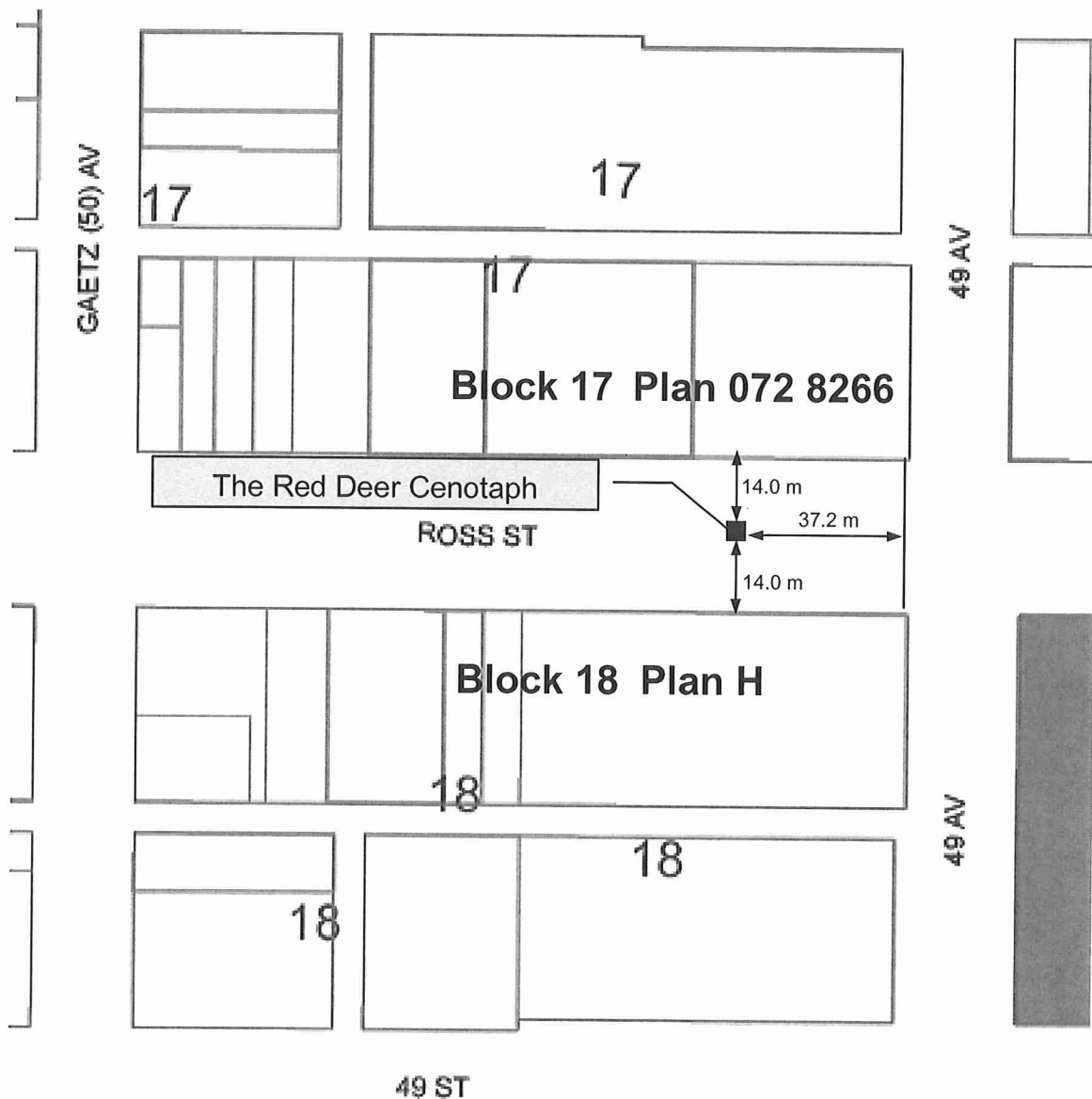
DATED this _____ day of _____ 2009.

CITY OF RED DEER

Per: _____
City Clerk

Schedule 'A'

The Red Deer Cenotaph located within the portion of road right-of-way (known as "Ross Street" or "50th Street") between Block 17, Plan 072 8266 and Block 18, Plan H within the NW ¼ of Section 16, Township 38, Range 27, West of the 4th Meridian containing 2.0 m².



Red Deer Cenotaph**4900 Block, 50 Street****Description of Historic Place**

The Red Deer Cenotaph is a war memorial on an approximately 2 square metre parcel of land on Ross (50th) Street. The cenotaph is comprised of a Tyndall limestone sculpture of a soldier surmounting a large granite pedestal.

Heritage Value

The heritage value of the Red Deer Cenotaph lies in its status as an early and excellent example of the work of sculptor Major Frank H. Norbury and as a landmark memorial dedicated to Canada's military veterans.

The Red Deer Cenotaph is one of the earliest and best known works of Major Frank H. Norbury, a skilled sculptor, decorated veteran, and major contributor to artistic culture in Alberta. Born in Liverpool in 1871, Norbury trained as a stonemason and worked on many buildings in his home city as a young man. Norbury emigrated to Canada after serving in the First World War, settling in Edmonton. A prominent artist, he served as President of the Edmonton Art Club, was a member of the Alberta Society of Artists, and wrote for the Edmonton Journal as their art critic for two decades.

Norbury received his first major commission in Canada from the Town of Red Deer in 1922. Norbury was commissioned to sculpt the figure of a soldier to commemorate the men and women from central Alberta who served in the First World War. The sculpture is an accurate representation of the dress kit of a Canadian soldier during the First World War. The soldier has been deftly carved to evoke a sense of suppleness and motion. The soldier's face emanates both weariness and a resolution of purpose, while his body twists westwards in a symbolic motion away from the ravages of European battlefields and towards home and peace.

The Red Deer Cenotaph is also valued for its status as Red Deer's most significant war memorial. Norbury's statue was mounted on a granite base designed by local architect

C.A. Julian Sharman and executed by Lachlan MacLean of MacLean Granite. The statue faces the location of the C.P.R. station where most of the soldiers departed for the battlefield. The Cenotaph was intentionally placed here on one of Red Deer's busiest streets to be a constant reminder of the sacrifices of the war veterans. This poignant memorial to Canadian servicemen and women was formally unveiled September 15, 1922 by Lord Byng of Vimy, Governor General of Canada. A copper tube containing two scrolls was placed inside the Cenotaph, one inscribed with the names of those who served during the war and the other with the names of those who had lost their lives in the conflict. The Cenotaph was rededicated in 1949 to include those who served during the Second World War. Another plaque was added in 1988 in memory of those who served and died during the Korean conflict.

Source: Alberta Tourism, Parks, Recreation and Culture, Historic Resources Management Branch (File: Des. 2153), Red Deer City Archives.

Character-defining Elements

The heritage value of the Red Deer Cenotaph resides in the following character-defining elements:

- those elements reflecting its association with Frank H. Norbury, such as the Tyndall limestone sculpture of the unknown soldier, the large granite base,
- those elements reflecting its status as a memorial commemorating Canada's military veterans, such as its westward orientation on its original location and the plaques commemorating the two world wars and the Korean conflict,
- Copper tube with two scrolls inside the Cenotaph.

Comments:

We support the recommendation of Administration to continue to pursue the historical designation of the Cenotaph. The Cenotaph is historically valuable as a monument to those who have lost their lives in the Wars. As part of the Greater Downtown Action Plan, a plaza is being developed to incorporate with Executive Place which will further enhance this monument.

“Morris Flewwelling”
Mayor

“Craig Curtis”
City Manager

FILE COPY



Council Decision – September 21, 2009

DATE: September 22, 2009

TO: Tara Lodewyk, Parkland Community Planning Services
Tony Lindhout, Parkland Community Planning Services
Nancy Hackett, Parkland Community Planning Services

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: Notice of Intent to designate the Red Deer Cenotaph (East end, 4900 Block, 50 Street) a Municipal Historic Resource under the *Alberta Historical Resources Act*

Reference Report:

Parkland Community Planning Services, dated August 27, 2009

Resolution:

"Resolved that Council of the City of Red Deer, having considered the report from Parkland Community Planning Services, dated August 27, 2009, hereby authorizes a Notice of Intent to Designate the Red Deer Cenotaph (East End, 4900 Block, 50 Street, as shown on Schedule A presented to Council on Monday, September 21, 2009) a Municipal Historic Resource under the *Alberta Historical Resources Act*."

MOTION CARRIED

Report Back to Council: No

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

Elaine Vincent
Legislative and Administrative Services Manager

cc: Director of Development Services
Director of Community Services
Inspections & Licensing Manager

CHAPMAN RIEBEEK LLP

Barristers & Solicitors

NICK P. W. RIEBEEK*
LORNE E. GODDARD, Q.C.
SUZANNE M. ALEXANDER-SMITH

DONALD J. SIMPSON*
NANCY A. BERGSTROM*
MICHELLE A. BAER

GARY W. WANLESS*
GAYLENE D. BOBB*
JENNIFER L. CARVER**

*Denotes Professional Corporation
**Denotes Student-at-Law

Your file:
Our file:
Direct Email: mbaer@chapmanriebeek.com

October 23, 2009

City of Red Deer
Box 5008, 4914 – 48th Avenue
Red Deer, Alberta
T4N 3T4

Attention: Elaine Vincent, City Clerk

Dear Ms. Vincent:

RE: Red Deer Cenotaph - Historic Designation

Further to the above matter and in accordance with Section 26 of the Historical Resources Act, please find enclosed for service upon you a Notice of Intention to Designate.

Yours truly,

CHAPMAN RIEBEEK LLP

Per: 
MICHELLE A. BAER

MAB/jh
Encl.

300, 4808 Ross Street Red Deer, Alberta T4N 1X5

Telephone: (403) 346-6603

Fax: (403) 340-1280

Email: info@chapmanriebeek.com

NOTICE OF INTENTION TO DESIGNATE
THE RED DEER CENOTAPH
A MUNICIPAL HISTORIC RESOURCE

HISTORICAL RESOURCES ACT
RSA 2000, Ch. H-6, Section 26

TO: *The City of Red Deer*
4914 48 Avenue
Red Deer, Alberta
T4N 3T4

TAKE NOTICE that the City of Red Deer intends to pass a bylaw to designate the following site containing the original 1922 sculpture known as The Red Deer Cenotaph as a Municipal Historic Resource under the provisions of section 26 of the Historical Resources Act:

That portion of road right of way (known as "Ross Street" or "50th Street") between Block 17, Plan 072 8266 and Block 18, Plan H within NW1/4 Section 16, Township 38, Range 27, West of the 4th Meridian containing 2.0 m² and as shown on attached Schedule 'A'.

THE EFFECT of this bylaw will be to prohibit future alterations, renovations repairs, restoration or demolition unless approved by the City, as specified in section 26(6) of the Act. (For additional information see the attached Explanatory Notes or refer to the Act.)

FURTHER TAKE NOTICE that the City intends to appoint the Development Officer of the City of Red Deer as its appointee for all purposes under the provisions of section 26 (6) of the Act (approving any alteration, restoration or repairs of the Historic Resource).

DATED this 21st day of September 2009.

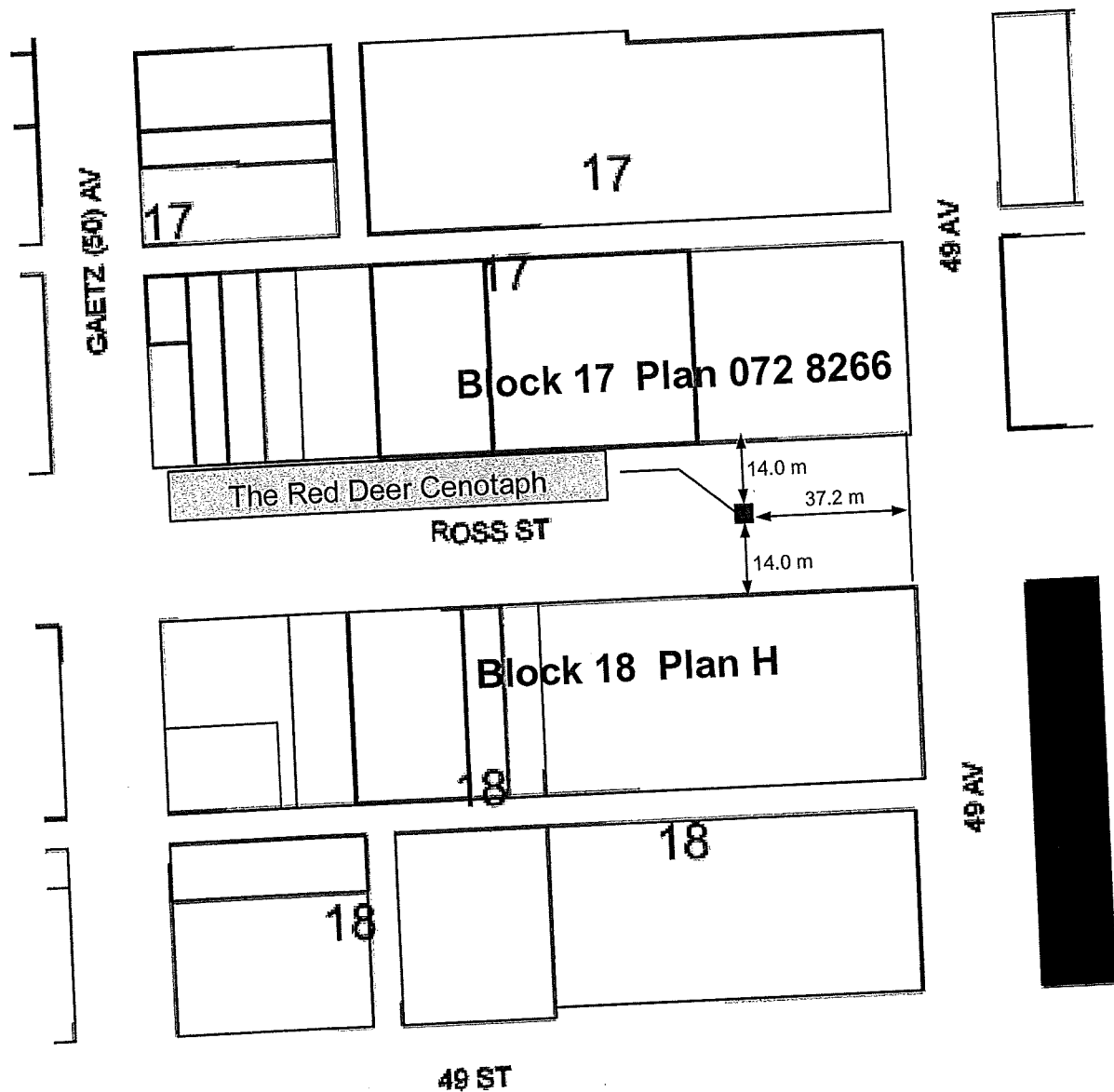
CITY OF RED DEER

Per: 

City Clerk

Schedule 'A'

The Red Deer Cenotaph located within the portion of road right-of-way (known as "Ross Street" or "50th Street") between Block 17, Plan 072 8266 and Block 18, Plan H within the NW ¼ of Section 16, Township 38, Range 27, West of the 4th Meridian containing 2.0 m².





Legislative & Administrative Services

FILE COPY

DATE: October 14, 2009
TO: Don Simpson, City Solicitor
FROM: Christine Kenzie, Council Services Coordinator
SUBJECT: Notice of Intention to Designate The Red Deer Cenotaph
A Municipal Historic Resource

Attached is a copy of the "Notice of Intention to Designate The Red Deer Cenotaph A Municipal Historic Resource", signed by the City Clerk, for your use.

Please call if you have any questions.

A handwritten signature in cursive script, appearing to read 'Christine Kenzie'.

Christine Kenzie
Council Services Coordinator

/attach.

c: T. Lodewyk, PCPS

NOTICE OF INTENTION TO DESIGNATE
THE RED DEER CENOTAPH
A MUNICIPAL HISTORIC RESOURCE

HISTORICAL RESOURCES ACT
RSA 2000, Ch. H-6, Section 26

TO: *The City of Red Deer*
4914 48 Avenue
Red Deer, Alberta
T4N 3T4

TAKE NOTICE that the City of Red Deer intends to pass a bylaw to designate the following site containing the original 1922 sculpture known as The Red Deer Cenotaph as a Municipal Historic Resource under the provisions of section 26 of the Historical Resources Act:

That portion of road right of way (known as "Ross Street" or "50th Street") between Block 17, Plan 072 8266 and Block 18, Plan H within NW1/4 Section 16, Township 38, Range 27, West of the 4th Meridian containing 2.0 m² and as shown on attached Schedule 'A'.

THE EFFECT of this bylaw will be to prohibit future alterations, renovations repairs, restoration or demolition unless approved by the City, as specified in section 26(6) of the Act. (For additional information see the attached Explanatory Notes or refer to the Act.)

FURTHER TAKE NOTICE that the City intends to appoint the Development Officer of the City of Red Deer as its appointee for all purposes under the provisions of section 26 (6) of the Act (approving any alteration, restoration or repairs of the Historic Resource).

DATED this 21st day of September 2009.

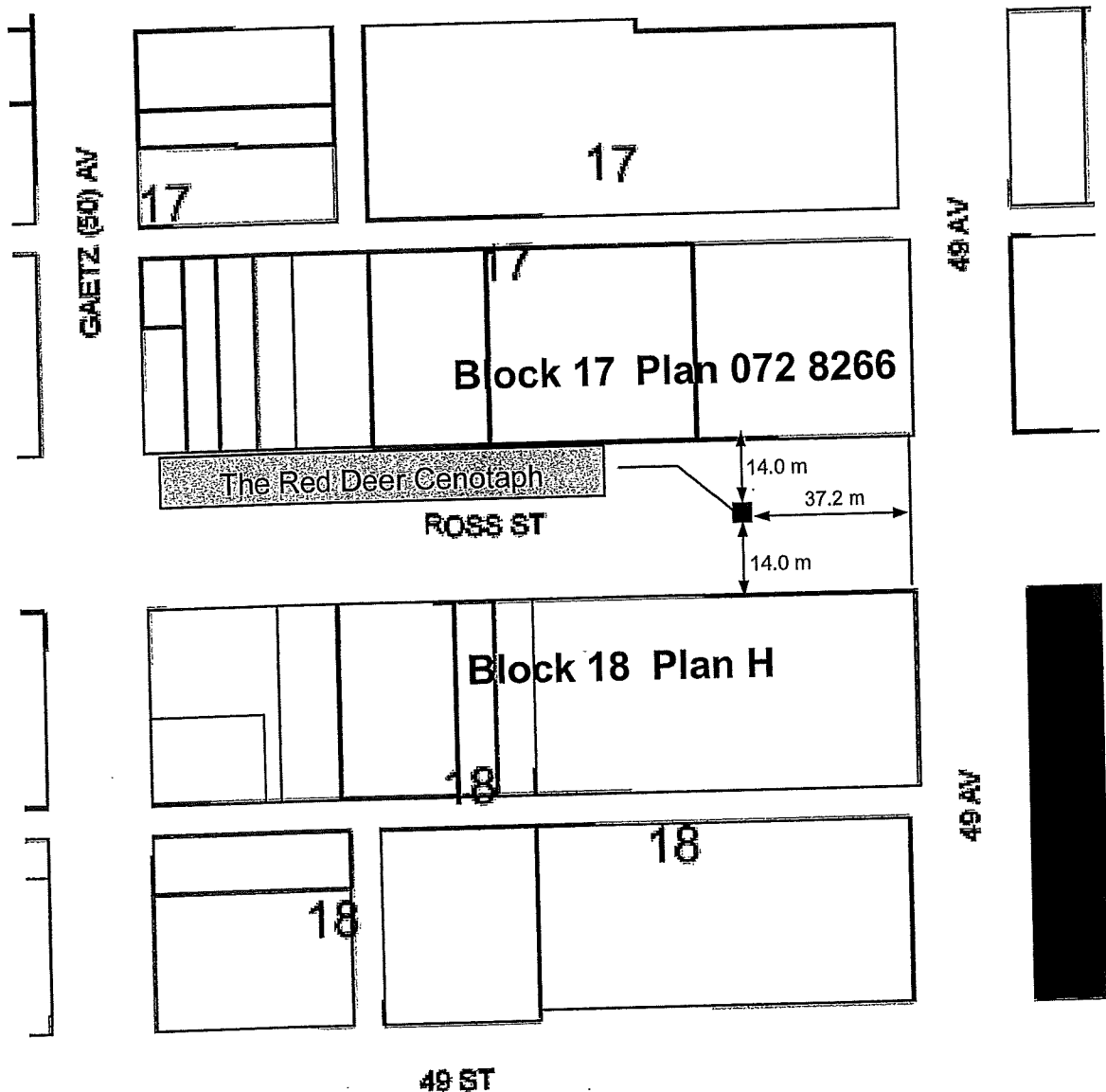
CITY OF RED DEER

Per: 

City Clerk

Schedule 'A'

The Red Deer Cenotaph located within the portion of road right-of-way (known as "Ross Street" or "50th Street") between Block 17, Plan 072 8266 and Block 18, Plan H within the NW ¼ of Section 16, Township 38, Range 27, West of the 4th Meridian containing 2.0 m².



Backup

Christine Kenzie

From: Elaine Vincent
Sent: September 15, 2009 12:13 PM
To: Christine Kenzie
Subject: FW: Red Deer Cenotaph - J. J. Gaetz residence
Attachments: Red Deer Cenotaph SOS FINAL2.doc

This one can now be included as well....

Elaine Vincent
Manager, Legislative and Administrative Services
The City of Red Deer
Phone: 403-342-8134
Fax: 403-346-6195
elaine.vincent@reddeer.ca

From: Tara Lodewyk
Sent: Tuesday, September 15, 2009 12:06 PM
To: Elaine Vincent
Subject: RE: Red Deer Cenotaph - J. J. Gaetz residence

Hi Elaine,

I did bring over an updated SOS based on the conversations with the Province last Friday for substitution in the August 27 report. My August 27 report should be fine. This is only the report to issue the notice of intent. The designation bylaw will come forward 60 days later.

The park issue has been resolved with the province and the updated SOS attached. A future park will be just fine. To be honest I think it got blown out of proportion last week. Long story....all is good.

I will discuss in my presentation how the caveat will need to be registered at a later date when the park is subdivided out of the road and built.

Cheers,
Tara

From: Elaine Vincent
Sent: September 15, 2009 11:41 AM
To: Tara Lodewyk
Subject: FW: Red Deer Cenotaph - J. J. Gaetz residence

Good morning Tara.

I am wondering based on this discussion if we need to update the centoph historical designation report that you had submitted in August?

2009/09/15

From: Janet Pennington
Sent: September 08, 2009 11:23 AM
To: Kristina Oberg
Cc: Tara Lodewyk
Subject: FW: Red Deer Cenotaph - J. J. Gaetz residence

FYI: more info on the Cenotaph. Mathew Wrangler, Manager of the provincial Historic Resources Designation Program had contacted Michael directly looking for more info on the Cenotaph.

I called Mathew Wrangler this morning. He said that while the province does not typically designate memorial sites, the designation committee see the Cenotaph as more of an art work and that this is why they are considering the application for provincial designation status. Mathew noted that when the provincial designation committee was reviewing the Cenotaph request for provincial designation, some committee members were concerned that the addition of a small park beside it would affect the integrity of the Cenotaph. This is where the issue of the Cenotaph being in the middle of the road arose and whether the Cenotaph would lose some of its integrity if it was no longer in the middle of the road. Mathew mentioned that he forwarded the committee members comments to us so we would be aware of their concerns. Mathew said the province has no intention of "strong arming" The City about any historic sites designations including the Cenotaph.

Mathew also noted that when the committee reviews the provincial designation application they will be looking at the integrity of the site. He suggested that we note in the SOS the things that The City values, e.g. the sculpture, and that we do not include things we don't value, e.g. the land around/adjacent to the Cenotaph. The committee are meeting next month to review the Cenotaph application again. In principle Mathew said he sees no reason why it could not be listed on the province's register as a municipal heritage site.

Before the Cenotaph can be given provincial designation status we have to address the outstanding land title issue. This is something Tara has been working with The City on for over a year. As the Cenotaph is in the middle of Ross Street, it does not have a separate land title. I'm not sure what the current status of this is but Tara may know more

J.J. Gaetz residence:

Mathew did tell me that they province is going to list the J.J. Gaetz residence on the national register but the SOS needs to be updated first. Michael Dawe apparently told Mathew that he would look into updating the SOS. I told Mathew that Tara and I could work on that but we may want access to the property. I also mentioned to Mathew that over the years there have been a number of local inquiries about what the province intends to do with the property. Mathew is going to contact Alberta Infrastructure and see if he can find out what they are planning to do with it.

Tara: do you have any more info on a separate land title for the Cenotaph?

Thanks
Janet

Janet Pennington
Heritage and Archives Coordinator
Recreation, Parks and Culture
City of Red Deer

Phone: 403-356-8924

2009/09/15

From: Matthew Wangler [mailto:Matthew.Wangler@gov.ab.ca]
Sent: September 04, 2009 7:31 AM
To: Michael Dawe
Subject: Re: Red Deer Cenotaph

Excellent. Thanks so much, Michael.

From: Michael Dawe <Michael.Dawe@reddeer.ca>
To: Matthew Wangler
Sent: Thu Sep 03 21:13:46 2009
Subject: RE: Red Deer Cenotaph

We have very good files on this project, so I will check.
We also have a street scene photo taken of the site at the time it was unveiled.
I will work on this tomorrow (Friday) for you.

Michael

From: Matthew Wangler [mailto:Matthew.Wangler@gov.ab.ca]
Sent: September 03, 2009 9:16 AM
To: Michael Dawe
Subject: Red Deer Cenotaph

Hi Michael,

I'm just trying to dig out a bit more information on the Red Deer Cenotaph and thought you might be able to help. Do you know if the landscaping at the site was historically as sparse as it was in the 1945 photo (attached)? Was it originally that way? And what do you know about the somewhat peculiar placement of the cenotaph and the ship-shape parcel? I believe that the location in the middle of the road was chosen to ensure that the reminder of wartime sacrifices was (very literally) inescapable. It may also have been a replication of the placement of the cenotaph in the middle of Whitehall in London. I presume the ship-shape was chosen to allow for the processing of soldiers on either side. Any thoughts you might have would be greatly appreciated. Please don't hesitate to call or email me if you have further questions.

Kind Regards,

Matthew Wangler

Manager, Historic Places Designation Program

Alberta Culture and Community Spirit

Historic Resources Management Branch

8820-112 Street

Edmonton, AB T6G 2P8

Tel: (780) 438-8503

Fax: (780) 427-5598

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail.

2009/09/15

Christine Kenzie

From: Don Simpson [dsimpson@chapmanriebeek.com]
Sent: October 06, 2009 10:29 AM
To: Tara Lodewyk; Christine Kenzie
Subject: Re: Notice of Intent Cenotaph

Hi Tara:

We have not received anything on the Cenotaph Historic Designation. My recommendation is that our firm should serve City Clerks, who can admit service.

Don Simpson
Chapman Riebeek LLP
Barristers and Solicitors
300, 4808 Ross Street
Red Deer, AB T4N 1X5
Tel: (403) 346-6603
Fax: (403) 3401280

On 10/2/09 3:31 PM, "Tara Lodewyk" <Tara.Lodewyk@pcps.ab.ca> wrote:

Hi Don and Christine,

Don, did you receive a signed notice of intent from Legislative Administrative Services for the Cenotaph from the September 21 Council meeting? Do we need to formally serve it on the City or is it different because they are the owners?

Christine, the notice of intent will need to be advertised in the Advocate just as how we did with St. Lukes and North Cottage.

I am away next week so trying to tie up loose ends before I leave today.

Thanks so much,
Tara

Planner, ACP, MCIP
Parkland Community Planning Services
Suite 404, 4808 Ross Street
Red Deer, AB T4N 1X5
Ph: 403.343.3394
Fax: 403.346.1570

[The information contained in this message is confidential and is intended for the addressee only. If you have received this message in error, please notify the sender immediately and delete the message. The unauthorized use, disclosure, copying or alteration of this message is strictly forbidden.]

[Please consider the environment before printing this e-mail.]

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

[Please consider the environment before printing this e-mail.]

Christine Kenzie

From: Tara Lodewyk
Sent: October 02, 2009 3:31 PM
To: 'Don Simpson'; Christine Kenzie
Subject: Notice of Intent Cenotaph

Hi Don and Christine,

Don, did you receive a signed notice of intent from Legislative Administrative Services for the Cenotaph from the September 21 Council meeting? Do we need to formally serve it on the City or is it different because they are the owners?

Christine, the notice of intent will need to be advertised in the Advocate just as how we did with St. Lukes and North Cottage.

I am away next week so trying to tie up loose ends before I leave today.

Thanks so much,
Tara

Planner, ACP, MCIP
Parkland Community Planning Services
Suite 404, 4808 Ross Street
Red Deer, AB T4N 1X5
Ph: 403.343.3394
Fax: 403.346.1570

**Reports Item No. 3**

RECREATION, PARKS & CULTURE

Date: September 09, 2009

To: Elaine Vincent, Legislative and Administrative Manager

From: Dave Matthews, Parks Planning & Technical Services Supervisor

Subject: **“The Oxbows” Off Leash Dog Park – Development Plan**

Background

Three Mile Bend has functioned as Red Deer's only designated off leash dog park since the 1980's. As the city has grown so has the popularity of this park, resulting in residents requesting that other areas be dedicated for off leash dog use. One such area that has been identified for this type of use is the old landfill site located along Delburne Road (19th Street) and 40th Avenue.

The development limitations and location of the old landfill site make it an appropriate spot to build a second off leash dog park. The closed landfill site has been “capped” with clay and topsoil to eliminate gasses and waste from surfacing, allowing for only very limited underground disturbance – a requirement that will have minimal affect on the quality of the new off leash dog park. The landfill will also settle over the years, which fits well with the soft landscaping being planned for the dog park. As well, with the combination of the existing dog park being located in the north portion of the city and the majority of new residential development taking place in the south, it makes a great deal of sense to build the new off leash dog park in the city's south end.

Planning Summary

With the location of the new off leash dog park identified, L.A. West (Calgary) Inc. was hired in the spring of this year to work with staff in completing a conceptual plan (attached). After a number of refinements, the plan was presented to the public at two open houses held at Three Mile Bend on Saturday, August 22nd, and Tuesday, August 25th. Ensuring the open houses were well advertised and locating them at the existing dog park allowed both the general public and current users of the park the opportunity to attend and provide input. All those who took the time to submit written comments indicated some level of satisfaction with the plan: 68% who responded were “very satisfied”, 27% were “somewhat satisfied”, and 5% were “satisfied”. Potential users also provided a number of thoughtful suggestions that will be considered in the detailed construction and maintenance plans (i.e., separate fenced area for smaller dogs, separation of benches and garbage receptacles, and locations for pedestrian access gates, to name a few).

“The Oxbows” name for the new off leash dog park was chosen for two main reasons: 1) it is located adjacent to Piper Creek, which contains a number of oxbows, and 2) an oxbow results in a transformation from one type of land use to another; this change in function is similar to the change the new off leash dog park will bring to the old landfill site.



RECREATION, PARKS & CULTURE

Approval Process and Construction Schedule

A request to rezone the old land fill site from A1 (Future Urban Development) to P1 (Parks and Recreation District) is being brought forward to City Council on September 21st, with 2nd and 3rd reading being scheduled for October 19th. If the rezoning application is successful, the plan will be presented to the Municipal Planning Commission (as a discretionary use) on October 26th. If approved, following the required advertising and appeal period, a development permit will be obtained in mid November.

A proposal call for construction of "The Oxbows" Dog Park is currently being prepared and will be advertised once appropriate City approvals are provided. The actual commencement of construction will depend on a number of factors, including the results of the tender call, the availability of suitable contractors, and the weather.

Because site grading and fencing are permitted prior to either rezoning or MPC approval, it is hoped this work will begin this fall, allowing the area to begin being used over the winter months. Of course, as previously stated, this will be dependant on a number of factors. Construction of the park will be completed in the spring and summer of 2010.

Once construction is completed, appropriate signage and advertising will be provided and "The Oxbows" will be officially opened, providing a much needed second off leash dog park for Red Deer residents.

A handwritten signature in blue ink, appearing to read 'D. Matthews'.

DAVID MATTHEWS

Parks Planning & Technical Services Supervisor

DM

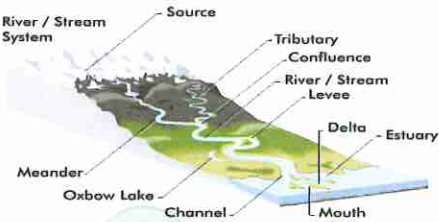
Attachments

cc. Greg Scott, Recreation, Parks & Culture Manager
Trevor Poth, Parks Superintendent
Emily Damberger, Planner, PCPS
Barry Gonnely, Lead Designer, L.A. West Inc.



Legend

- Neighborhood Trail**
- 2.5m recycled concrete crush
1160m. Length
- Nature Trail**
- 2.0m compacted gravel
1730m. Length
- Single Track**
- 1.0m Fiber engineered wood fibre - 424m. Length
- Shaped Berming**
- root zone for planting
- visual interest
- wind breaks & shelter
- Primary Amenity Node**
- viewing & seating
- rain shelter
- interpretive kiosks
- Picnic / Seating**
- Litter Receptacle**



Community Planting Area

Donated plant material to bolster existing vegetation as a habitat buffer

Agility Park

Fenced active area c/w specialized structures for training

The Hummocks

Interesting terrain mounding to provide an informal active / passive dog play area

Amphitheatre

Turf amphitheatre for formalized presentations, viewing & shows

Rehab Area

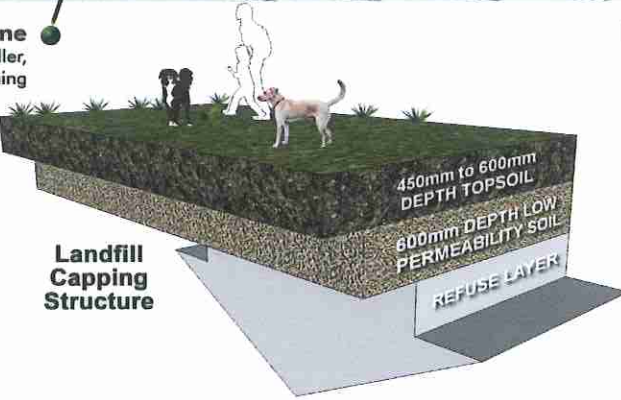
Regrade and rehab existing drainage ditch to remove potential safety issue

Staging Area

Gated access through perimeter fence and dispensers for waste pick-up materials

Design Rationale

Due to the sites proximity to Piper Creek, the configuration of the parks trail system and various amenities have been designed to emulate the meandering nature of a serpentine stream system. This organic & diverse network of pathways & trails will provide a large variety of potential uses & encourage visitors to stay on designated routes while maximizing exposure to entire park area.



'The Oxbows' Off Leash Dog Park
Conceptual Master Plan July 2009





● Design Snapshots



● Aerial Context Photo



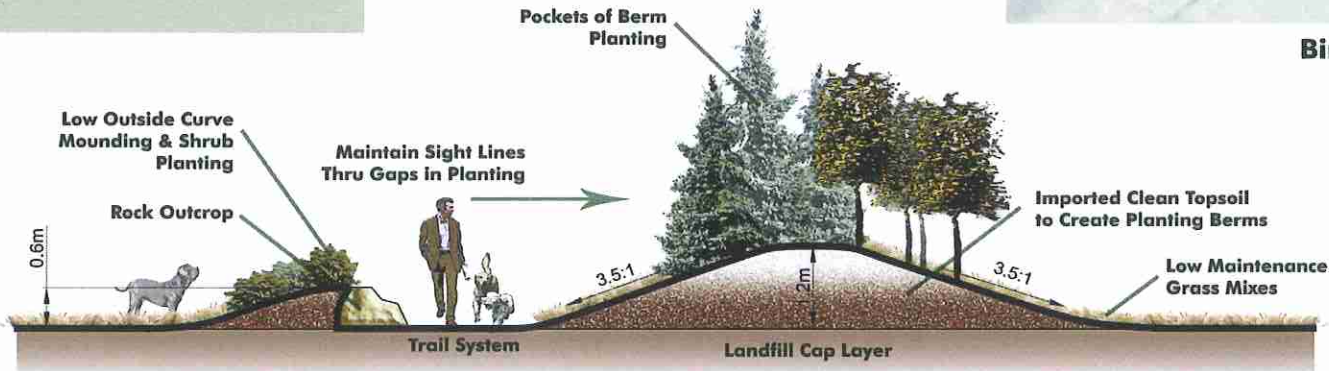
● Entry Signage



● Birdseye Westwards



Birdseye Northeast ●



● Design Section



'The Oxbows' Off Leash Dog Park

Snapshots and Details July 2009



Comments:

"The Oxbows" Off Leash Dog Park - Development Plan report is submitted for Council's information.

"Morris Flewwelling"
Mayor

"Craig Curtis"
City Manager

BACKUP

Christine Kenzie

From: Dave Matthews
Sent: September 14, 2009 2:55 PM
To: Christine Kenzie
Cc: Greg Scott; Trevor Poth; Emily Damberger; 'barry@lawestinc.ca'
Subject: DMPROD-#881144-v1-Sept_09__2009
_to_City_Council_re_The_Oxbows_Off_Leash_Dog_Park.DOC

Attachments: DMPROD-#881144-v1-Sept_09__2009
_to_City_Council_re_The_Oxbows_Off_Leash_Dog_Park.DOC

Christine,
Please find attached "The Oxbows" Off Leash Dog Park information report from Administration for the Sep. 21st Council meeting (text portion). I will send the actual concept plan that needs to be attached to the report as an attachment in a separate email, and also drop off a signed hard copy for you this afternoon. We will require approximately 10 minutes to present to Council and it would seem logical that we present prior to Emily Damberger's LUB Amendment presentation for the Old Landfill/Off Leash Dog Park. Our consultant from L.A. West Inc., BarryGonnely, will be presenting. If you have any questions, please give me a call. -BEFORE SUPPER PREFERABLY

Thank you,
Dave M.
403-314-5853



DMPROD-#881144-
v1-Sept_09__200...

Kim Woods

From: Kim Woods
Sent: August 27, 2009 9:48 AM
To: Trevor Poth
Subject: FW: New Dog Off Leash Park Public Meeting Info

HiTrevor:

Just looking ahead to September Council Meetings and wondering about the Off Leash Dog Park report for Council's information. The details and direction are noted below. Is this still the plan and when might this be brought to Council? I have Sept 8 & Sept 21 as Council dates.

Any information you ave will help with planning for the Coucnil meetings this month.

Thank you,

Kim

From: Elaine Vincent
Sent: August 06, 2009 8:57 AM
To: Kim Woods
Subject: FW: New Dog Off Leash Park Public Meeting Info

fyi

Elaine Vincent
Manager, Legislative and Administrative Services
The City of Red Deer
Phone: 403-342-8134
Fax: 403-346-6195
elaine.vincent@reddeer.ca

From: Greg Scott
Sent: Friday, July 31, 2009 8:03 AM
To: Trevor Poth; Craig Curtis
Cc: Colleen Jensen; Elaine Vincent; Dave Matthews
Subject: FW: New Dog Off Leash Park Public Meeting Info

Thanks Craig.

Trevor - After the public meetings and prior to construction Craig would like us to present the Off Leash Park plan at an open Council meeting. We are not looking for their approval it is being presented as information. This will also allow a good opportunity to profile it with the greater community. Please work with Elaine to solidify a date. It looks like September 8th would be the date. We could get all the documents in order then tender right after the Council meeting.

Greg S.

From: Craig Curtis
Sent: July 31, 2009 6:20 AM
To: Greg Scott
Subject: RE: New Dog Off Leash Park Public Meeting Info

I would take the plan to open Council for information.

From: Greg Scott
Sent: July 30, 2009 3:04 PM
To: Dave Matthews; Trevor Poth; Janet Whitesell; Steve Davison; Quincy Brown; Doug Evans; 'barry@lawestinc.ca'
Cc: Tara Shand; Craig Curtis; Colleen Jensen

Subject: RE: New Dog Off Leash Park Public Meeting Info

Tara - I know Council is quite interested in this project. Please ensure we communicate with them about the public meetings.

Dave - I think it would be great if you could find 30 minutes to sit down with John Harms from the Westerner and show him the plan prior to the public meetings.

Craig once we have received the community feedback potentially revised the plan ... do you see the need to present the plan to Council through a topics meeting prior to construction. I know we want to get on with the construction as soon as possible.

Greg S.

From: Dave Matthews
Sent: July 30, 2009 12:58 PM
To: Trevor Poth; Janet Whitesell; Steve Davison; Quincy Brown; Doug Evans; 'barry@lawestinc.ca'
Cc: Greg Scott; Tara Shand
Subject: New Dog Off Leash Park Public Meeting Info

Just wanting to confirm what we agreed to at our meeting on Tuesday (please note we've changed one of the public meeting dates due to a conflict with the Rotary recreation Park Redevelopment Visioning session and open house).

We will hold two open houses, both at Three Mile Bend: one on Saturday, August 22nd from 11:00 a.m. until 3:00 p.m., and the second on Tuesday, August 25th from 5:00 until 8:00 p.m.

-**Tara** will look after advertising, which will include newspaper ads, Information Bulletin to local media, posters, and pamphlets.

-**Dave** will arrange for posters and pamphlets to be located at Three Mile Bend, Pet Stores, Vet Clinics, SPCA, Pet Grooming Businesses, etc.

-**Dave** will book tents and tables through Parkland Party Rentals for both dates.

-**Barry** will provide 2 sets of concept plans mounted on boards for the public meetings (he will also provide easels).

-**Barry** will work with **Tara** to develop a Q&A sheet, which will be available at the meetings.

-**Barry** will provide comment sheets and compile information submitted by the public after the meetings.

-**Steve, Quincy, Doug, Dave, and Barry** (and Likely Trevor) will be on hand for both meetings.

-**Steve** will ask if a rep from Bylaws can also attend.

-**Janet**, or an alternative, will attend in order to answer any questions related to the Landfill.

-**Everybody** please ensure you wear City identification to the public meetings.

Immediately following the meetings, **Barry** will make any necessary revisions to the plan and Construction Tendering will take place.

If I've missed anything, or if you have any questions, please let me know.

Thank you,

Dave Matthews

Parks Planning & Technical Services Supervisor

Recreation, Parks & Culture Department

City of Red Deer

Phone: 403-314-5853

Fax: 403-314-5836

Office Location: 7721 40 Avenue, Red Deer, AB

Mailing: City of Red Deer, Box 5008, Red Deer, AB, T4N 3T4

Email: dave.matthews@reddeer.ca

Kim Woods

From: Elaine Vincent
Sent: August 06, 2009 8:57 AM
To: Kim Woods
Subject: FW: New Dog Off Leash Park Public Meeting Info

fyi

Elaine Vincent
Manager, Legislative and Administrative Services
The City of Red Deer
Phone: 403-342-8134
Fax: 403-346-6195
elaine.vincent@reddeer.ca

From: Greg Scott
Sent: Friday, July 31, 2009 8:03 AM
To: Trevor Poth; Craig Curtis
Cc: Colleen Jensen; Elaine Vincent; Dave Matthews
Subject: FW: New Dog Off Leash Park Public Meeting Info

Thanks Craig.

Trevor - After the public meetings and prior to construction Craig would like us to present the Off Leash Park plan at an open Council meeting. We are not looking for their approval it is being presented as information. This will also allow a good opportunity to profile it with the greater community. Please work with Elaine to solidify a date. It looks like September 8th would be the date. We could get all the documents in order then tender right after the Council meeting.

Greg S.

From: Craig Curtis
Sent: July 31, 2009 6:20 AM
To: Greg Scott
Subject: RE: New Dog Off Leash Park Public Meeting Info

I would take the plan to open Council for information.

From: Greg Scott
Sent: July 30, 2009 3:04 PM
To: Dave Matthews; Trevor Poth; Janet Whitesell; Steve Davison; Quincy Brown; Doug Evans; 'barry@lawestinc.ca'
Cc: Tara Shand; Craig Curtis; Colleen Jensen
Subject: RE: New Dog Off Leash Park Public Meeting Info

Tara - I know Council is quite inetersted in this project. Please ensure we communicate with them about the public meetings.

Dave - I think it would be great if you could find 30 minutes to sit down with John Harms from the Westerner and show him the plan prior to the public meetings.

Craig once we have received the community feedback potentially revised the plan ... do you see the need to present the plan to Council through a topics meeting prior to construction. I know we want to get on with the construction as soon as possible.

Greg S.

From: Dave Matthews
Sent: July 30, 2009 12:58 PM
To: Trevor Poth; Janet Whitesell; Steve Davison; Quincy Brown; Doug Evans; 'barry@lawestinc.ca'
Cc: Greg Scott; Tara Shand

Subject: New Dog Off Leash Park Public Meeting Info

Just wanting to confirm what we agreed to at our meeting on Tuesday (please note we've changed one of the public meeting dates due to a conflict with the Rotary recreation Park Redevelopment Visioning session and open house).

We will hold two open houses, both at Three Mile Bend: one on Saturday, August 22nd from 11:00 a.m. until 3:00 p.m., and the second on Tuesday, August 25th from 5:00 until 8:00 p.m.

-**Tara** will look after advertising, which will include newspaper ads, Information Bulletin to local media, posters, and pamphlets.

-**Dave** will arrange for posters and pamphlets to be located at Three Mile Bend, Pet Stores, Vet Clinics, SPCA, Pet Grooming Businesses, etc.

-**Dave** will book tents and tables through Parkland Party Rentals for both dates.

-**Barry** will provide 2 sets of concept plans mounted on boards for the public meetings (he will also provide easels).

-**Barry** will work with **Tara** to develop a Q&A sheet, which will be available at the meetings.

-**Barry** will provide comment sheets and compile information submitted by the public after the meetings.

-**Steve, Quincy, Doug, Dave, and Barry** (and Likely Trevor) will be on hand for both meetings.

-**Steve** will ask if a rep from Bylaws can also attend.

-**Janet**, or an alternative, will attend in order to answer any questions related to the Landfill.

-**Everybody** please ensure you wear City identification to the public meetings.

Immediately following the meetings, **Barry** will make any necessary revisions to the plan and Construction Tendering will take place.

If I've missed anything, or if you have any questions, please let me know.

Thank you,

Dave Matthews

Parks Planning & Technical Services Supervisor

Recreation, Parks & Culture Department

City of Red Deer

Phone: 403-314-5853

Fax: 403-314-5836

Office Location: 7721 40 Avenue, Red Deer, AB

Mailing: City of Red Deer, Box 5008, Red Deer, AB, T4N 3T4

Email: dave.matthews@reddeer.ca

FILE COPY



Council Decision – September 21, 2009

DATE: September 22, 2009
TO: Dave Matthews, Parks Planning & Technical Services Supervisor
FROM: Elaine Vincent, Legislative & Administrative Services Manager
SUBJECT: "The Oxbows" Off Leash Dog Park – Development Plan

Reference Report:

Parks Planning & Technical Services Supervisor, dated September 9, 2009

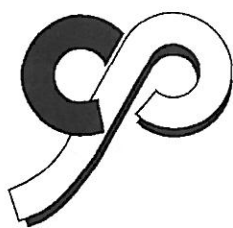
This report was presented for Council's information.

Report Back to Council: No

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

Elaine Vincent
Legislative and Administrative Services Manager

cc: Greg Scott, Recreation Parks & Culture Manager
Trevor Poth, Parks Superintendent
Emily Damberger, Planner, PCPS



**PARKLAND
COMMUNITY
PLANNING
SERVICES**

Reports Item No. 4

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: September 14, 2009
TO: Elaine Vincent, Legislative and Administrative Manager
FROM: Emily Damberger, Planner
RE: Land Use Bylaw Amendment No. 3357/FF-2009 Oxbows Off Leash Dog Park
Closed Landfill site (NE 33-37-27-4)

The following report considers a proposed land use bylaw amendment to rezone the closed landfill site (NE 33-37-27-4) from A1 Future Urban Development to P1 Parks and Recreation for the development of an off leash dog park.

Background Landfill Reclamation Concept Plan

The closed City of Red Deer landfill site located south west of the intersection of 19th Street (Delburne Road), and 40th Avenue (NE 33-37-27-4) has future land uses identified within the Landfill Reclamation Concept Plan. This 1999 plan states future uses of the landfill following reclamation could be:

- Expanded parking areas for the Westerner;
- Recreational opportunities;
- Agriculture production.

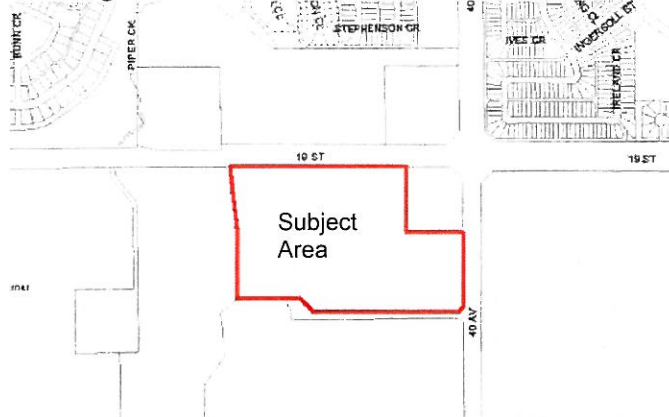
The plan contains an April 6, 1998 City Council decision by resolution to permit the Westerner to lease the closed landfill area under numerous conditions, one of them being that the site would be subject to the Westerner and the Recreation, Parks and Culture Department concluding a mutually satisfactory agreement that accommodates the objectives of each group.

This condition is in the process of being satisfied between the two parties, as the Westerner has agreed to the proposed off leash dog park use for a minimum of 20 years as identified in the Westerner's Strategic Development Plan and an agreement with The City. The proposed dog park falls under a recreational opportunity conforming to the proposed future uses stated in the 1999 Landfill Reclamation Concept Plan.

Reclamation of the closed landfill has been completed and future land uses in compliance with the 1999 Landfill Reclamation Concept Plan may now be considered.

Proposed Land Use Bylaw Amendment from A1 to P1

Parkland Community Planning Services received, on behalf of the City of Red Deer, a request from City of Red Parks Planning & Technical Services Supervisor, with the Recreation, Parks and Culture department, to rezone a portion of the closed landfill site from A1 (Future Urban Development) district to P1 (Parks & Recreation) district. The proposed rezoning is to allow for the future development of an off leash dog park, "The Oxbows Off Leash Dog Park". The dog park will operate as a public park open to all general public. The proposed park will be a second off leash dog park in addition to the existing Three Mile Bend off leash dog park.



A conceptual master plan has been developed for the proposed dog park identifying trails, seating, rain shelters, interpretive kiosks, agility area, active & passive play areas, fencing, signage, parking and access from 40th Avenue. The detailed design, facilities and trails will be evaluated and approved by the City of Red Deer Development Authority. At this stage what is being proposed is rezoning for a P1 use, being a proposed off leash dog park.





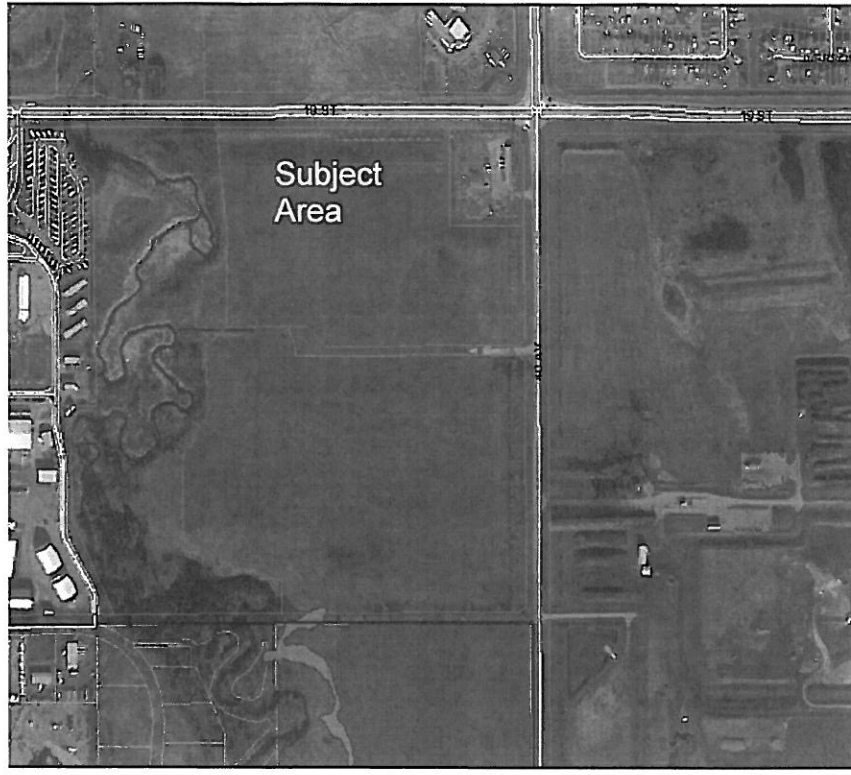
Though an off leash dog park is a “park” use, city solicitors suggest for clarity of types of uses to be considered in a park that “off leash dog park” be added as a discretionary use to the P1 land use district. The proposed bylaw amendment directs off leash dog park to be added to the discretionary use table for the P1 land use district.

Public & Adjacent Land Owner Consultation

Surrounding adjacent land uses include:

- North – Land zoned A1, undeveloped farmland, and a PS (Public Service) site containing a church, an existing acreage zoned A1.
- South – the remainder of the closed landfill site.
- North East corner – Red Deer County Agriculture Services Quonset site zoned A1.
- North East – Inglewood residential neighbourhood
- East – Current City Landfill
- West – Piper Creek, zoned P1, and Westerner site zoned PS

Notification of the proposed park was sent to adjacent landowners, no comments or objections were received.



Open houses were held to provide information on the proposed dog park and rezoning on August 22 & 25, 2009 at Three Mile Bend Dog Park. Comments received focused on the proposed dog park use and its future operation. 68% of public who responded were very satisfied, 27% were somewhat satisfied, and 5 % were satisfied with the overall impression of the Dog Park. The following general comments were received:

- Looks excellent
- Great to have park on the south side of the city
- Wish there was water but understand drainage concerns
- Very nice well designed
- Would like lighting in the winter
- Would use a fenced off leash area
- Long overdue and excited for it to open
- Enforce clean up
- Would like paths snowplowed
- Would like open 24 hours a day
- Involve Chamber of Commerce for signage on Highway 2 & Gaetz Avenue.

Administrative Review

The proposed dog park rezoning was referred to City Departments, and support for the park was received.

The proposed rezoning was reviewed by Red Deer County through the Intermunicipal Development Plan review committee and no concerns or objections were received.

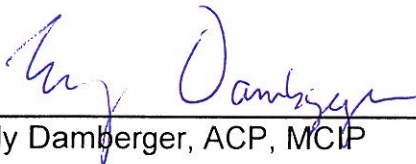
Planning Analysis

The proposed rezoning from A1 to P1 to allow a proposed off leash dog park has received support from City Administration and the general public. The proposed dog park use conforms to the recreational uses consider by the 1999 Landfill Reclamation Concept Plan.

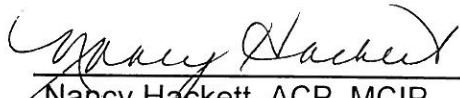
As per the Westerner Park Strategic Development Plan, an agreement between the Westerner Association and The City of Red Deer is in the process of being finalized that will allow the dog park to operate on the old landfill site.

Recommendation

That Council of the City of Red Deer proceeds with first reading of Land Use Bylaw amendment 3357/FF-2009.



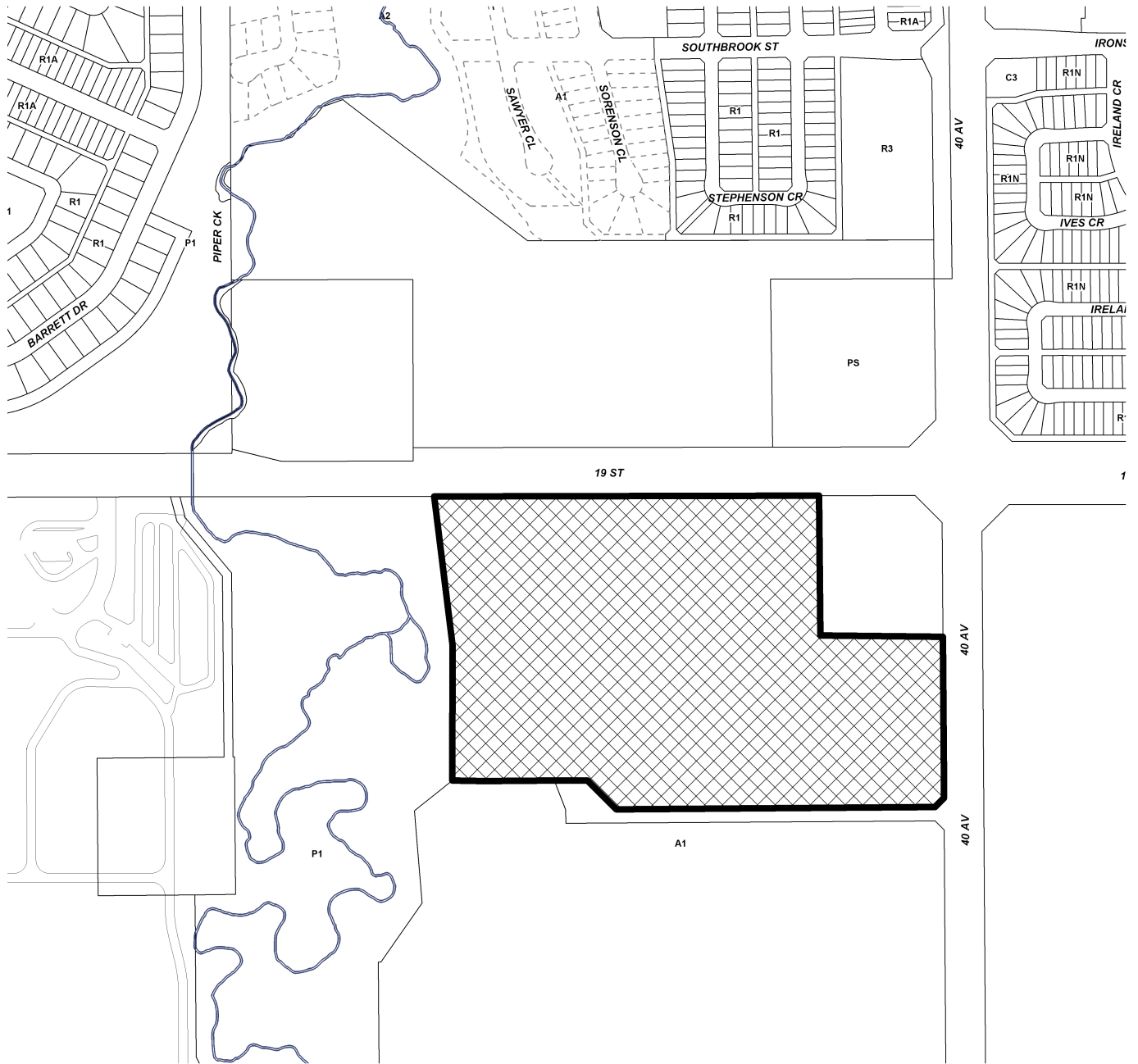
Emily Damberger, ACP, MCIP
Planner



Nancy Hackett, ACP, MCIP
City Planning Manager

cc: Dave Matthews
 Trevor Poth
 Greg Scott
 Colleen Jensen
 Nick Riebeek
 Paul Meyette

Proposed Amendment to Land Use Bylaw 3357/2006



North
Not to Scale



Affected Districts:
A1 - Future Urban Development District
P1 - Parks and Recreation District

Change District from:



A1 to P1

Proposed Amendment
Map: 19/2009
Bylaw: 3357/FF-2009

Comments:

We support the recommendation of Parkland Community Planning Services and that Council consider first reading of Land Use Bylaw Amendment 3357/FF-2009. A Public Hearing will be held on Monday, October 19, 2009 at 6:00 p.m. in Council Chambers during Council's regular meeting.

"Morris Flewwelling"
Mayor

"Craig Curtis"
City Manager

FILE COPY



Council Decision – September 21, 2009

DATE: September 22, 2009

TO: Emily Damberger, Parkland Community Planning Services
Nancy Hackett, City Planning Manager
Tony Lindhout, Assistant Planning Manager

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: Land Use Bylaw Amendment No. 3357/FF-2009 Oxbows Off Leash Dog Park
Closed Landfill site (NE 33-37-27-4)

Reference Report:

Parkland Community Planning Services, dated September 14, 2009

Bylaw Readings:

At the Monday, September 21, 2009 Council Meeting Land Use Bylaw Amendment No. 3357/FF-2009 received first reading. A copy of the Land Use Bylaw Amendment is attached.

Report Back to Council: Yes – October 19, 2009

Comments/Actions:

A Public Hearing will be held on Monday, October 19, 2009 at 6:00 p.m. in Council Chambers during Council's regular meeting for Land Use Bylaw Amendment 3357/FF-2009. Our office will now proceed with advertising. Land Use Bylaw Amendment 3357/FF-2009 provides for the rezoning of the closed landfill site (NE 33-37-27-4) from A1 Future Urban Development to P1 Parks and Recreation for the development of an off leash dog park.

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

Elaine Vincent

Legislative and Administrative Services Manager,
/attach.

cc: Development Services Director
Corporate Services Director
Engineering Services Manager
Financial Services Manager
Assessment and Taxation Manager
City Assessor

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

BYLAW NO. 3357/FF-2009

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

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

1. Addition of the following text to section 7.3 P1 Parks and Recreation District (1)(b) Discretionary Uses:

“Off leash Dog Park”

2. Delete Map N9 and replace with Map No. 19.

READ A FIRST TIME IN OPEN COUNCIL this 21st day of September 2009.

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

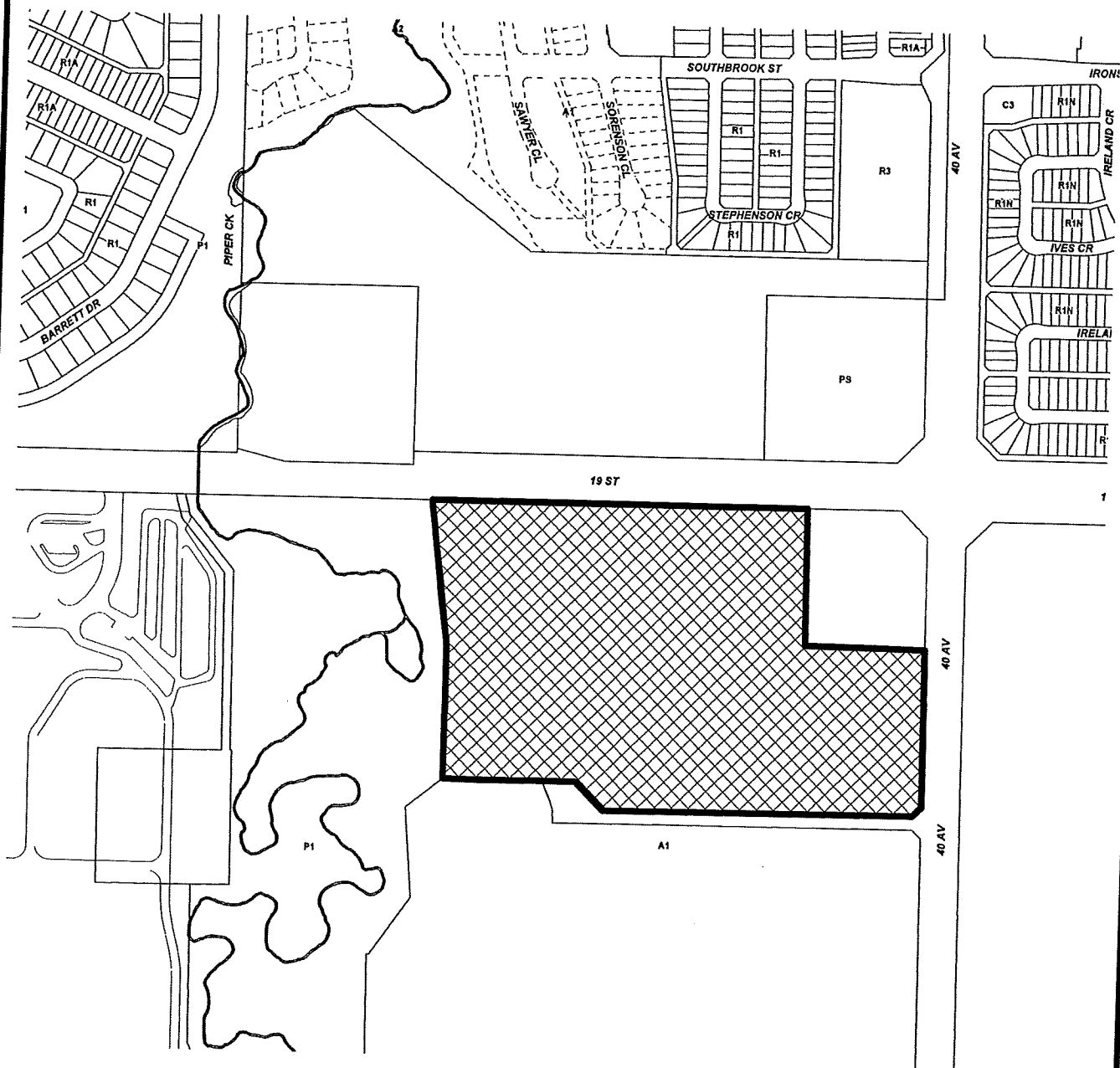
READ A THIRD TIME IN OPEN COUNCIL this day of 2009.

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

MAYOR

CITY CLERK

Proposed Amendment to Land Use Bylaw 3357/2006



North
Not to Scale



Affected Districts:
A1 - Future Urban Development District
P1 - Parks and Recreation District

Change District from:



A1 to P1

Proposed Amendment
Map: 19/2009
Bylaw: 3357/FF-2009

Backup

Kim Woods

From: Dave Matthews
Sent: August 28, 2009 11:50 AM
To: Trevor Poth
Cc: Quincy Brown; Emily Damberger; Kim Woods; Greg Scott
Subject: RE: New Dog Off Leash Park Public Meeting Info

Trevor,
As Emily is taking the rezoning application to Council on the 21st of September, I think it makes sense to take the Off Leash Dog Park report at the same time (I don't believe we can get a grading permit until first reading, so taking the info any earlier won't quicken things up any).

Kim,
Could please put us on the Sept. 21st Council agenda (information report only)?

Thank you,

Dave M.
5853

From: Trevor Poth
Sent: August 27, 2009 10:05 AM
To: Quincy Brown; Dave Matthews
Subject: FW: New Dog Off Leash Park Public Meeting Info

Gentlemen, can you please have a look at Kim's e-mail and get back to her with a Council date.

Thank You

Trevor Poth
Parks Superintendent
(w) 403-342-8372
(c) 403-506-3066

 Please consider the environment before printing this email.

From: Kim Woods
Sent: August 27, 2009 9:48 AM
To: Trevor Poth
Subject: FW: New Dog Off Leash Park Public Meeting Info

HiTrevor:

Just looking ahead to September Council Meetings and wondering about the Off Leash Dog Park report for Council's information. The details and direction are noted below. Is this still the plan and when might this be brought to Council? I have Sept 8 & Sept 21 as Council dates.

Any information you ave will help with planning for the Coucnil meetings this month.

Thank you,

Kim

From: Elaine Vincent
Sent: August 06, 2009 8:57 AM
To: Kim Woods
Subject: FW: New Dog Off Leash Park Public Meeting Info

fyi

Elaine Vincent
Manager, Legislative and Administrative Services
The City of Red Deer
Phone: 403-342-8134
Fax: 403-346-6195
elaine.vincent@reddeer.ca

From: Greg Scott
Sent: Friday, July 31, 2009 8:03 AM
To: Trevor Poth; Craig Curtis
Cc: Colleen Jensen; Elaine Vincent; Dave Matthews
Subject: FW: New Dog Off Leash Park Public Meeting Info

Thanks Craig.

Trevor - After the public meetings and prior to construction Craig would like us to present the Off Leash Park plan at an open Council meeting. We are not looking for their approval it is being presented as information. This will also allow a good opportunity to profile it with the greater community. Please work with Elaine to solidify a date. It looks like September 8th would be the date. We could get all the documents in order then tender right after the Council meeting.

Greg S.

From: Craig Curtis
Sent: July 31, 2009 6:20 AM
To: Greg Scott
Subject: RE: New Dog Off Leash Park Public Meeting Info

I would take the plan to open Council for information.

From: Greg Scott
Sent: July 30, 2009 3:04 PM
To: Dave Matthews; Trevor Poth; Janet Whitesell; Steve Davison; Quincy Brown; Doug Evans; 'barry@lawestinc.ca'
Cc: Tara Shand; Craig Curtis; Colleen Jensen
Subject: RE: New Dog Off Leash Park Public Meeting Info

Tara - I know Council is quite inetersted in this project. Please ensure we communicate with them about the public meetings.

Dave - I think it would be great if you could find 30 minutes to sit down with John Harms from the Westerner and show him the plan prior to the public meetings.

Craig once we have received the community feedback potentially revised the plan ... do you see the need to present the plan to Council through a topics meeting prior to construction. I know we want to get on with the construction as soon as possible.

Greg S.

From: Dave Matthews
Sent: July 30, 2009 12:58 PM
To: Trevor Poth; Janet Whitesell; Steve Davison; Quincy Brown; Doug Evans; 'barry@lawestinc.ca'
Cc: Greg Scott; Tara Shand
Subject: New Dog Off Leash Park Public Meeting Info

Just wanting to confirm what we agreed to at our meeting on Tuesday (please note we've changed one of the public meeting dates due to a conflict with the Rotary recreation Park Redevelopment Visioning session and open house).

We will hold two open houses, both at Three Mile Bend: one on Saturday, August 22nd from 11:00 a.m. until 3:00 p.m., and

the second on Tuesday, August 25th from 5:00 until 8:00 p.m.

- Tara** will look after advertising, which will include newspaper ads, Information Bulletin to local media, posters, and pamphlets.
- Dave** will arrange for posters and pamphlets to be located at Three Mile Bend, Pet Stores, Vet Clinics, SPCA, Pet Grooming Businesses, etc.
- Dave** will book tents and tables through Parkland Party Rentals for both dates.
- Barry** will provide 2 sets of concept plans mounted on boards for the public meetings (he will also provide easels).
- Barry** will work with **Tara** to develop a Q&A sheet, which will be available at the meetings.
- Barry** will provide comment sheets and compile information submitted by the public after the meetings.

-**Steve, Quincy, Doug, Dave, and Barry** (and Likely Trevor) will be on hand for both meetings.

-**Steve** will ask if a rep from Bylaws can also attend.

-**Janet**, or an alternative, will attend in order to answer any questions related to the Landfill.

-**Everybody** please ensure you wear City identification to the public meetings.

Immediately following the meetings, **Barry** will make any necessary revisions to the plan and Construction Tendering will take place.

If I've missed anything, or if you have any questions, please let me know.

Thank you,

Dave Matthews

Parks Planning & Technical Services Supervisor

Recreation, Parks & Culture Department

City of Red Deer

Phone: 403-314-5853

Fax: 403-314-5836

Office Location: 7721 40 Avenue, Red Deer, AB

Mailing: City of Red Deer, Box 5008, Red Deer, AB, T4N 3T4

Email: dave.matthews@reddeer.ca

LEGISLATIVE & ADMINISTRATIVE SERVICES
September 23, 2009

Karen Burnard, Chair
Piper Creek Foundation
#301, 4719 – 48 Avenue
Red Deer, AB T4N 3T1

Dear Ms. Burnard:

*Re: Piper Creek Foundation Request for Transfer of Lot 6, Block 8,
Plan 1621NY (4707 – 34 Street)*

At the City of Red Deer's Council Meeting on Monday, September 21, 2009, consideration was given to your request to transfer the property located at 4707 – 34 Street to the Piper Creek Foundation. After discussion, the following resolution was passed:

"Resolved that Council of the City of Red Deer, having considered the report from the Land Services Specialist and the Land & Economic Development Manager, dated September 15, 2009, Re: Follow Up Information for Piper Creek Foundation Request for Transfer of Lot 6, Block 8, Plan 1621NY (4707 – 34 Street), hereby approves the sale of 4707 – 34 Street consisting of 1.07 acres (4,330 m²) or 46,609.2 ft² more or less, to Piper Creek Foundation as a conditional sale of land at nominal value, subject to the following conditions:

1. The purchase price to be \$1.00
2. Land Sale Agreement satisfactory to the City Solicitor to ensure that the City has the right to recover ownership at the original price at such time as the Piper Creek Foundation no longer requires it for seniors housing."

Please call if you have any questions.

Sincerely,



Elaine Vincent
Legislative & Administrative Services Manager

c: Land & Economic Development Manager
Social Planning Manager

FILE COPY



Council Decision – September 21, 2009

DATE: September 22, 2009

TO: Liz Soley, Land Services Specialist
Howard Thompson, Land & Economic Development Manager

FROM: Elaine Vincent, Legislative & Administrative Services Manager

SUBJECT: Piper Creek Foundation Request for Transfer of Lot 6, Block 8, Plan 1621NY (4707 – 34 Street)

Reference Report:

Land Services Specialist & Land & Economic Development Manager, dated September 15, 2009

Resolutions:

"Resolved that Council of the City of Red Deer, having considered the report from the Land Services Specialist and the Land & Economic Development Manager, dated September 15, 2009, Re: Follow Up Information for Piper Creek Foundation Request for Transfer of Lot 6, Block 8, Plan 1621NY (4707 – 34 Street), hereby approves the sale of 4707 – 34 Street consisting of 1.07 acres (4,330 m2) or 46,609.2 ft2 more or less, to Piper Creek Foundation as a conditional sale of land at nominal value, subject to the following conditions:

1. The purchase price to be \$1.00
2. Land Sale Agreement satisfactory to the City Solicitor to ensure that the City has the right to recover ownership at the original price at such time as the Piper Creek Foundation no longer requires it for seniors housing.

MOTION CARRIED

Report Back to Council: No

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

Elaine Vincent

Legislative and Administrative Services Manager

cc: Colleen Jensen, Director of Community Services
Paul Goranson, Director of Development Services
Lorraine Poth, Director of Corporate Services
Dean Krejci, Financial Services Manager
Frank Colosimo, Engineering Services Manager
Linda Healing, Community Facilitator, Social Planning
Scott Cameron, Manager, Social Planning

Bylaws Item No. 1**BYLAW NO. 3357/T-2009**

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

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

1. Delete Landscaped Area definition and add the following new definition to Section 1.3:

“Landscaped Area means the portions of a lot or development which are modified and enhanced through the use of lawn, naturescaping materials, shrubs, trees, flowers or other ornamentals.”

2. Within Section 1.3 add the following new definition:

“Naturescaping means the modification and enhancement of a lot or development to promote water efficiency and reduce the dependence on fertilizers and pesticides. For the purpose of this section, the use of native central Alberta non-invasive vegetation is preferred in combination with other landscaping materials.”

3. Delete Section 3.6(3) and replace with the following text:

“The landscape design plans shall include details, specifying the mixture of coniferous and deciduous trees and shrubs designed to provide landscape enhancement for year round effect as well as any water conservation methods or strategies employed. Any proposed landscaping plan with a naturescaping component for new development or redeveloped site shall be subject to Development Authority approval.”

4. Delete Section 3.6(5)(d) and replace with the following text:

“two deciduous shrubs are required for each 40.0 m² of landscaped area,”

5. Delete Section 3.6(6) and replace with the following text:

“In all areas other than Major Entryways Areas the following minimum standards shall be met:

- (a) one tree is required for each 60.0 m² of landscaped area;
- (b) one shrub is required for each 30.0 m² of landscaped area;

- (c) the proportion of deciduous to coniferous trees or shrubs shall be approximately 2:1.”

6. Add new Section (14) to Section 3.6:

“A minimum of 15% of all Landscaped Area of developments requiring a landscaping plan shall consist of Naturescaping.”

7. Add new Section (15) to Section 3.6:

“The Developer is responsible for landscaping boulevards and roadway berms adjacent to the lot or development site.”

8. Add new Section (16) to Section 3.6:

“In addition to subsection (15), with the exception of mixed use district areas, in the case of non-residential lots adjacent to residential lots, landscaping shall provide a visual buffer between the residential and non-residential uses.”

9. Add new Section (17) to Section 3.6:

“25 % of all front yards of detached, semi-detached and multi-attached dwelling units shall consist of landscaped area.”

READ A FIRST TIME IN OPEN COUNCIL this 24th day of August 2009.

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

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

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

MAYOR

CITY CLERK

Bylaws Item No. 2

BYLAW NO. 3357/V-2009

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

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

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

- 1 Section 7.6 (2) (b) HS-2 Arlington Hotel is deleted in the table entitled Inventory of Historical Significant Resources.
- 2 The "Land Use District Map L15" and "Land Use Constraint Map L15" contained in "Schedule A" of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map 12/2009 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 8th day of September 2009.

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

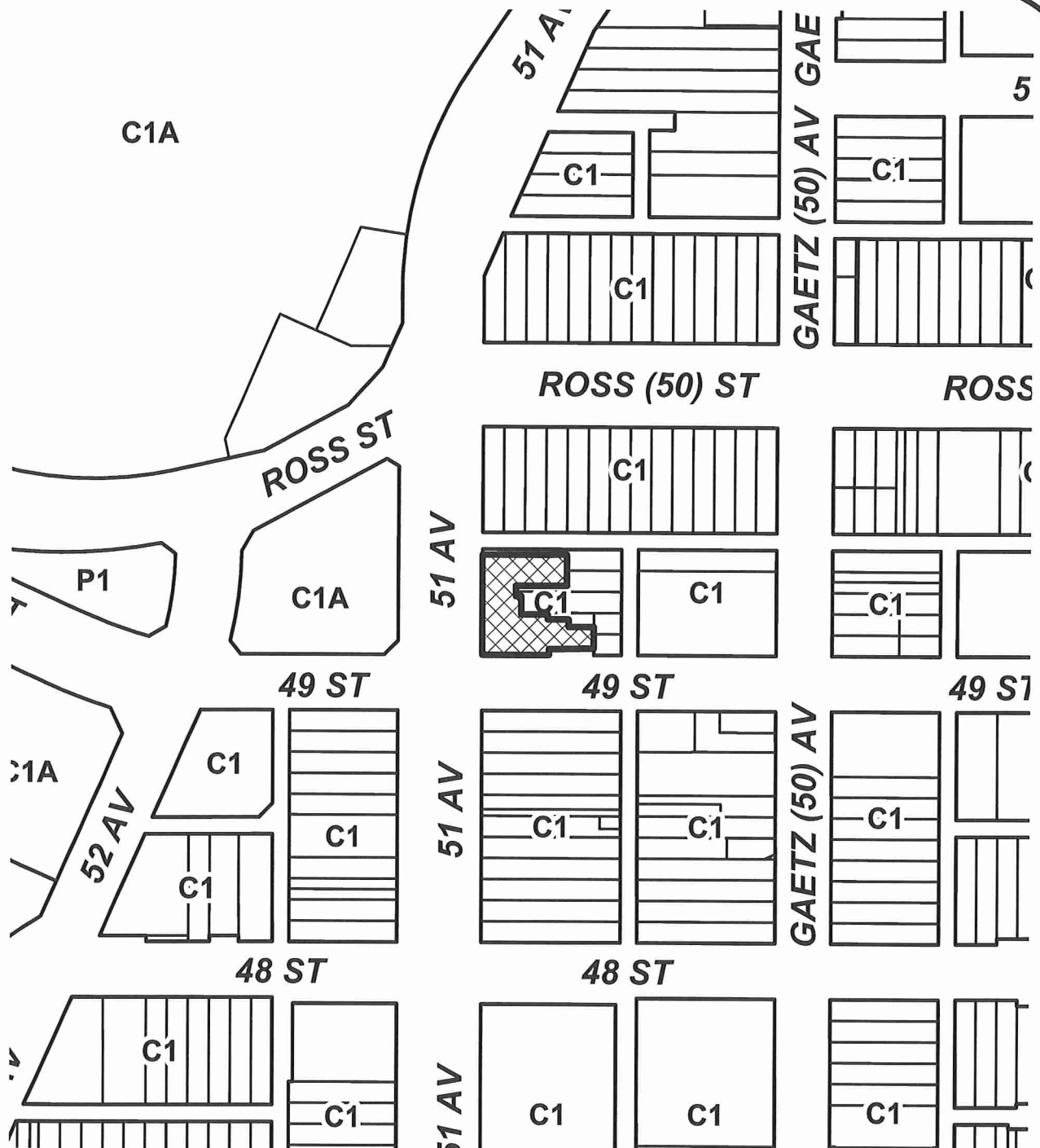
READ A THIRD TIME IN OPEN COUNCIL this day of 2009.

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

Mayor

City Clerk

Proposed Amendment to Land Use Bylaw 3357/2006



North
Not to Scale



*Affected Districts:
Removal of HS-2*

Change District from:



C1 (HS-2) to C1

Proposed Amendment

Map: 12/2009

Bylaw: 3357/V-2009

Bylaws Item No. 3

BYLAW NO. 3357/AA -2009

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

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

1. That “Use District Map L10” contained within “Schedule A” of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 15 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 24th day of August 2009.

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

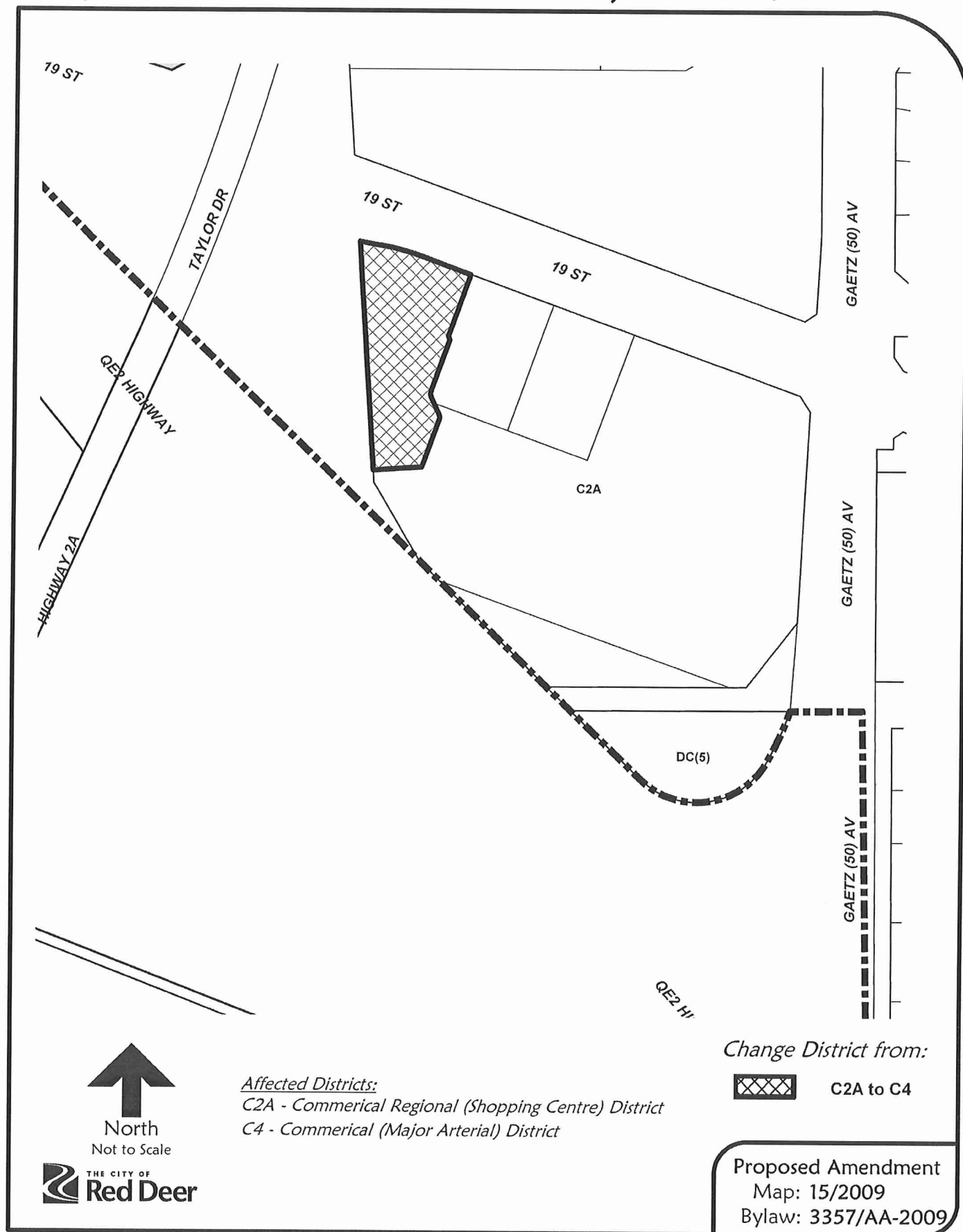
READ A THIRD TIME IN OPEN COUNCIL this day of 2009.

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

MAYOR

CITY CLERK

Proposed Amendment to Land Use Bylaw 3357/2006



Bylaws Item No. 4

BYLAW NO. 3357/CC -2009

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

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

1. That “Use District Map Q16” contained within “Schedule A” of the Land Use Bylaw is hereby amended in accordance with Land Use District Map No. 17 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 24th day of August 2009.

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

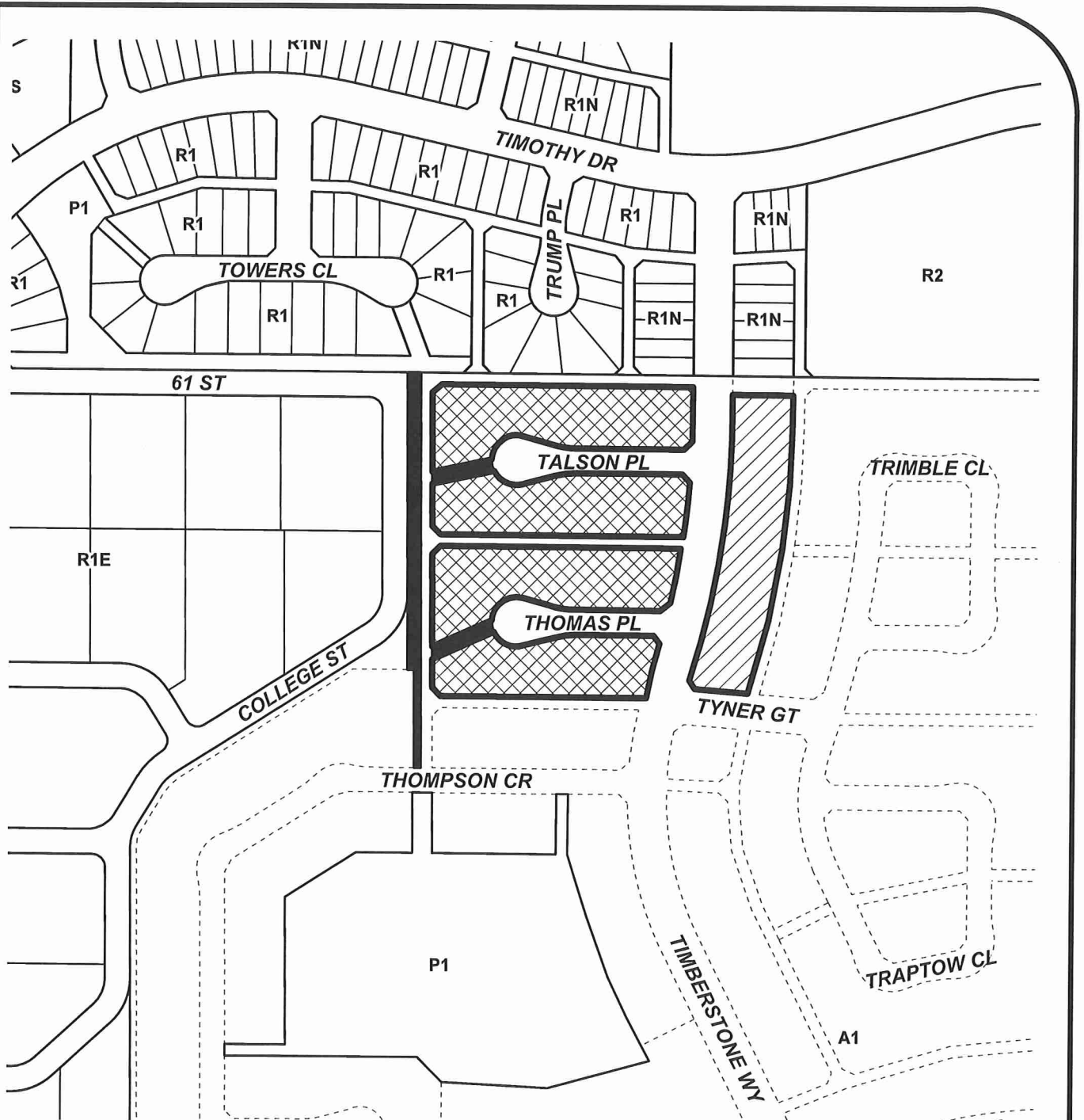
READ A THIRD TIME IN OPEN COUNCIL this day of 2009.

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

MAYOR

CITY CLERK

Proposed Amendment to Land Use Bylaw 3357/2006



North
Not to Scale



Affected Districts:

A1 - Future Urban Development District
R1 - Residential (Low Density) District
R1N - Residential (Narrow Lot) District
P1 - Parks and Recreation District

Change District from:



A1 to P1



A1 to R1



A1 to R1N

Proposed Amendment

Map: 17/2009

Bylaw: 3357/CC-2009

Bylaws Item No. 5

BYLAW NO. 3357/FF-2009

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

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

1. Addition of the following text to section 7.3 P1 Parks and Recreation District (1)(b) Discretionary Uses:

“Off leash Dog Park”

2. Delete Map N9 and replace with Map No. 19.

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

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

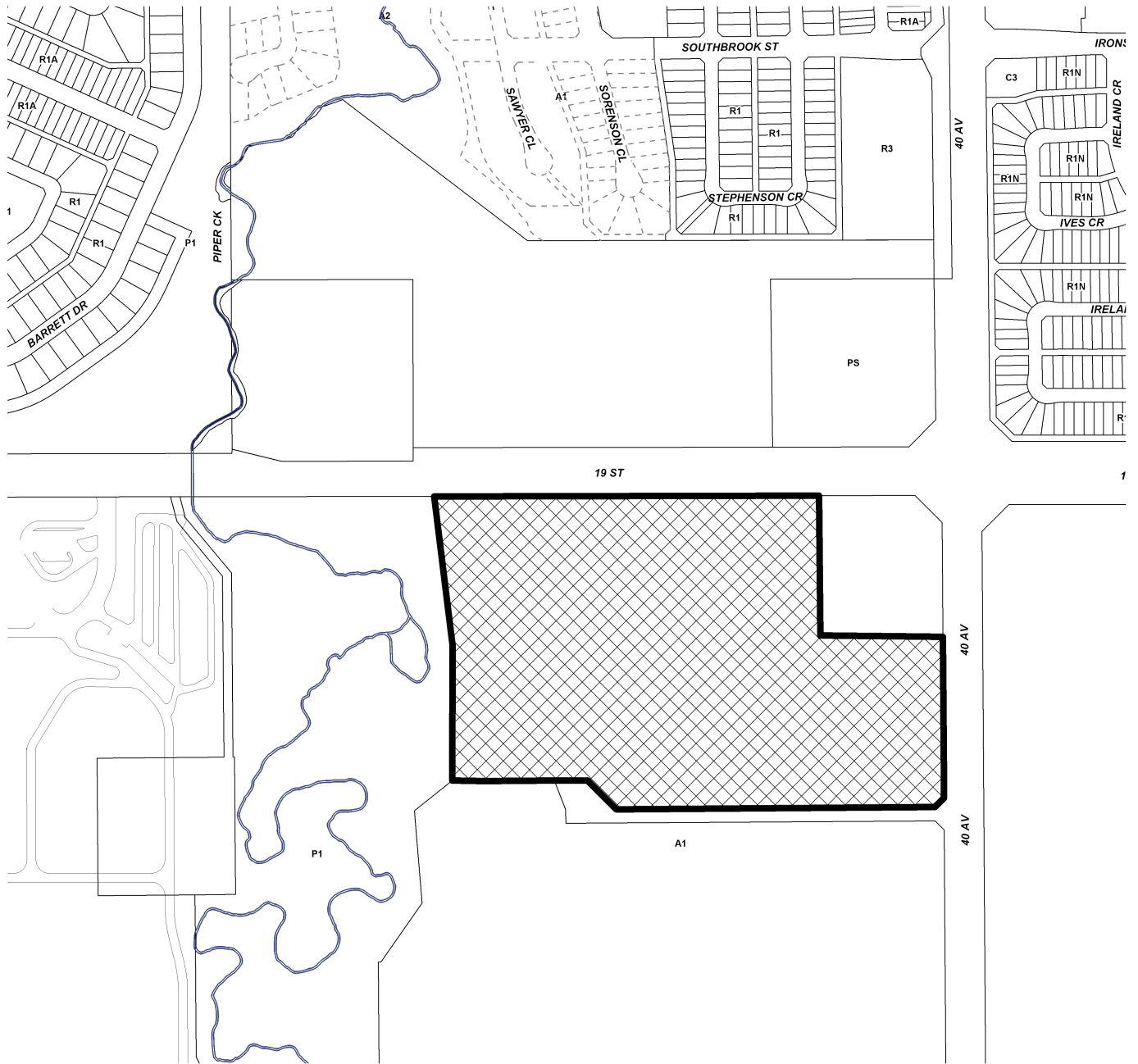
READ A THIRD TIME IN OPEN COUNCIL this day of 2009.

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

MAYOR

CITY CLERK

Proposed Amendment to Land Use Bylaw 3357/2006



North
Not to Scale



Affected Districts:

A1 - Future Urban Development District

P1 - Parks and Recreation District

Change District from:



A1 to P1

Proposed Amendment

Map: 19/2009

Bylaw: 3357/FF-2009

Bylaws Item No. 6**BYLAW NO. 3217/E-2009**

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

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

- 1 Bylaw No. 3217/98 containing the City of Red Deer Neighbourhood Area Structure Plans is hereby amended by adding thereto the *Southpointe Neighbourhood Area Structure Plan* attached as Appendix 'A' hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this	10 th	day of	August	2009.
READ A SECOND TIME IN OPEN COUNCIL this	8 th	day of	September	2009.
READ A THIRD TIME IN OPEN COUNCIL this		day of		2009.
AND SIGNED BY THE MAYOR AND CITY CLERK this		day of		2009.

Mayor

City Clerk

SOUTHPOINTE

NEIGHBOURHOOD AREA STRUCTURE PLAN

RED DEER



DRAFT REPORT
SEPTEMBER 2009

InterPLAN strategies inc.

SEPTEMBER 2009

SOUTHPOINTE NASP

SOUTHPOINTE NEIGHBOURHOOD AREA STRUCTURE PLAN

PLANNING TEAM:



AECOM



InterPLAN strategies inc.
Land Planning Services

PREPARED FOR:

QUALICO®



THE BOWER FAMILY

SUBMITTED BY:

InterPLAN strategies inc.

September 2009

NOTE

The Neighbourhood Area Structure Plan for Southpointe is a planning document prepared for adoption by City Council under the provisions of the Municipal Government Act. The Supporting Information contained in the provided Appendices are for information purposes only and are not adopted by Bylaw.

TABLE OF CONTENTS

1.0	LOCATION AND PURPOSE	1
1.1	LOCATION	1
1.2	PURPOSE	2
2.0	NEIGHBOURHOOD AREA STRUCTURE PLAN OBJECTIVES	3
3.0	POLICY FRAMEWORK	4
3.1	INTERMUNICIPAL DEVELOPMENT PLAN	4
3.2	MUNICIPAL DEVELOPMENT PLAN	4
3.3	CITY OF RED DEER LAND USE BYLAW	8
3.4	CITY OF RED DEER NEIGHBOURHOOD PLANNING GUIDELINES AND STANDARDS	8
3.5	RED DEER TRAILS MASTER PLAN	10
3.6	COUNCIL DIRECTION AUGUST 2007	10
3.7	ENTRANCE CORRIDOR GUIDELINES	10
4.0	SITE CHARACTERISTICS	12
4.1	LEGAL DESCRIPTION AND OWNERSHIP	12
4.2	PLAN AREA	15
4.3	HISTORY OF SITE	15
4.4	CURRENT LAND USE CONTEXT	15
4.5	LAND FORM	17
4.6	ECOLOGICAL PROFILE	17
4.7	CURRENT ACCESS	18
4.8	VEGETATION	18
4.9	ENVIRONMENTAL SITE ASSESSMENT CONSIDERATIONS	18
4.10	EXISTING STRUCTURES	19
4.11	GEOTECHNICAL CONSIDERATIONS	19
4.12	SITE SERVICING	20
5.0	DEVELOPMENT CONCEPT	21
5.1	LAND USE	21
5.2	OPEN SPACE AND MUNICIPAL RESERVE	27
5.2.1	PEDESTRIAN TRAILS AND LINKAGES	31
5.2.2	ANIMAL CONNECTIONS	33
5.2.3	RECREATION OPPORTUNITIES	34
5.3	WASKASOO NATURAL AREA	34
5.4	BOWER NATURAL AREA	36
5.5	RED DEER COLLEGE SOUTH LANDS	36
5.6	SOUTHPOINTE JUNCTION	38
5.6.1	RESIDENTIAL COMPONENT	39
5.6.2	COMMERCIAL AND OFFICE COMPONENT	41
5.6.3	MAIN STREET COMPONENT	44
5.6.4	CENTRAL PLAZA AND CONSTRUCTED WETLAND AND DRYPOND	44
5.6.5	DISTRICT ENERGY FACILITY	47

SEPTEMBER 2009

SOUTHPOINTE NASP

6.0	TRANSPORTATION.....	48
6.1	TRANSPORTATION NETWORK.....	48
6.2	TRAFFIC IMPACT ANALYSIS.....	52
6.3	PUBLIC TRANSIT.....	54
7.0	SERVICING SCENARIO.....	56
7.1	STORM WATER MANAGEMENT	56
7.1.1	EXISTING STORM WATER CHARACTERISTICS.....	56
7.1.2	SOUTHPOINTE STORM WATER MANAGEMENT STRATEGIES	56
7.2	SANITARY SEWER	58
7.3	WATER SUPPLY	58
7.4	SHALLOW UTILITIES	58
7.5	SITE GRADING	58
7.6	WASTE DISPOSAL	61
8.0	DEVELOPMENT STAGES.....	63
9.0	PUBLIC CONSULTATION.....	63
10.0	PLAN SUMMARY.....	65
APPENDIX A	66

LIST OF FIGURES

FIGURE 1:	LOCATION.....	1
FIGURE 2:	EXISTING LAND USE.....	9
FIGURE 3:	RED DEER TRAILS MAP.....	11
FIGURE 4:	AIR PHOTO.....	13
FIGURE 5:	SITE TOPOGRAPHY	14
FIGURE 6:	LAND USE CONTEXT	16
FIGURE 7:	LAND USE CONCEPT PLAN	22
FIGURE 8:	OPEN SPACE CONCEPT	28
FIGURE 8A:	NATURAL AREAS TO BE DISTURBED OR REMOVED (SP JUNCTION)	29
FIGURE 9:	PROPOSED TRAIL SYSTEM	32
FIGURE 10:	SOUTHPOINTE CONCEPT PLAN	35
FIGURE 11:	CONCEPT PARCELS	39
FIGURE 12:	CONSTRUCTED WETLAND CONCEPT PLAN	45
FIGURE 13:	TRANSPORTATION NETWORK.....	49
FIGURE 14:	LOCAL COLLECTOR STANDARD	50
FIGURE 15:	PUBLIC TRANSIT	55
FIGURE 16:	STORM WATER.....	57
FIGURE 17:	SANITARY SEWER.....	59

FIGURE 18: WATER	60
FIGURE 19: TOPSOIL STOCKPILE LOCATIONS	62
FIGURE 20: DEVELOPMENT STAGES	64

LIST OF TABLES

TABLE 1: LAND USE ALLOCATION FOR WASKASOO SOUTH NEIGHBOURHOOD	24
TABLE 2: LAND USE STATISTICS FOR WASKASOO SOUTH	25
TABLE 3: LAND USE STATISTICS FOR SOUTHPOINTE JUNCTION	25
TABLE 4: DIRECT CONTROL COMPONENT OF SOUTHPOINTE JUNCTION.....	26
TABLE 5: ANTICIPATED POPULATION OF SOUTHPOINTE JUNCTION ..	26
TABLE 6: DEVELOPMENT SUMMARY FOR ROAD NETWORK OPTION ..	52
TABLE 7: NET DIFFERENCE TO TIA FROM REVISED CONCEPT	53

1.0 LOCATION AND PURPOSE

1.1 LOCATION

Southpointe Neighbourhood Area Structure Plan (The Plan) (**Figure 1**) is located in the southern part of The City of Red Deer between the Queen Elizabeth II Highway (formally Highway #2) and Taylor Drive, south of Waskasoo Creek and north of 19th Street.

The Southpointe Neighbourhood Area Structure Plan boundary was delineated by City of Red Deer Administration.

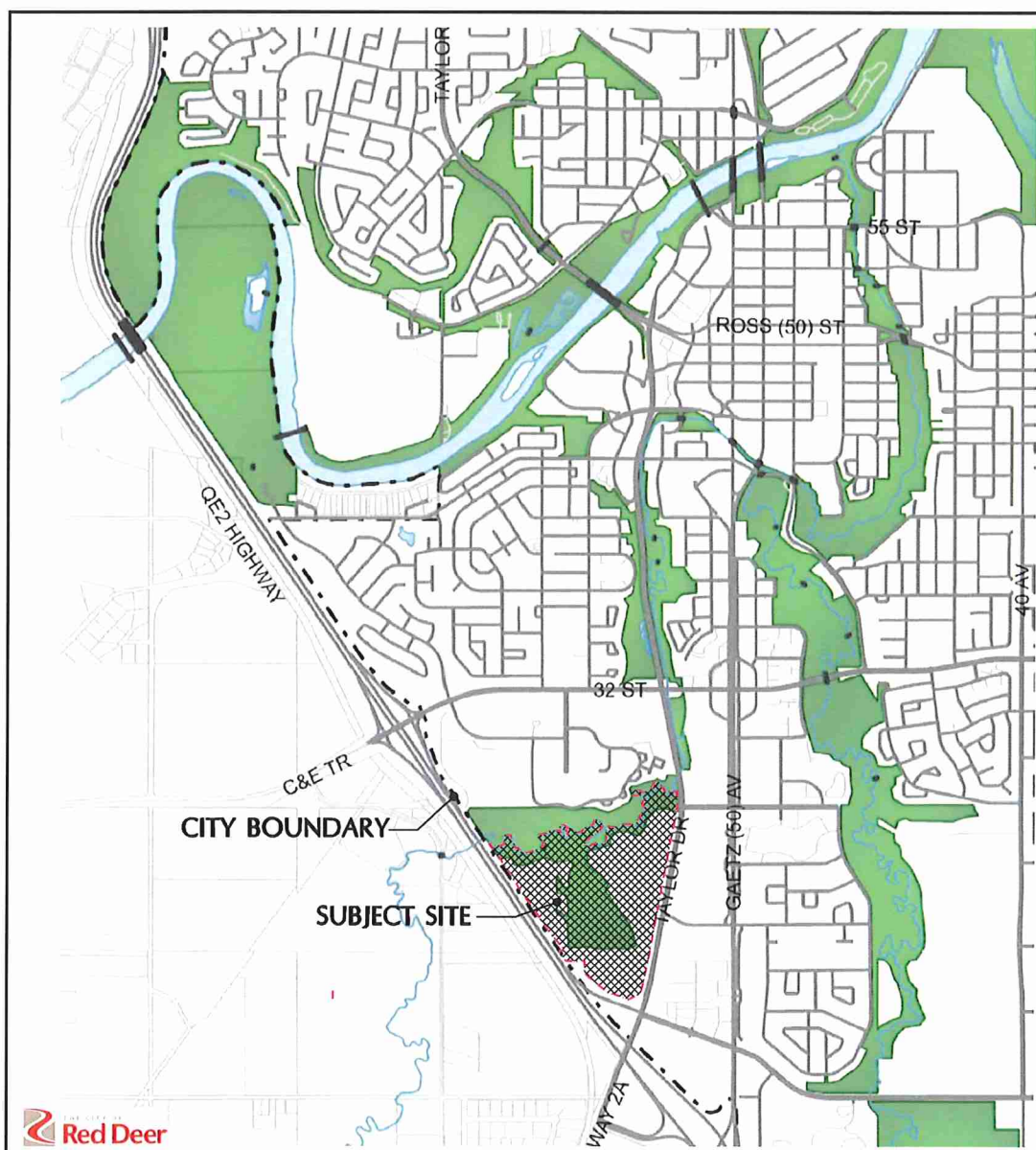


FIGURE 1: LOCATION

1.2 PURPOSE

The Neighbourhood Area Structure Plan (NASP) for Southpointe is intended to provide a foundation for subdivision and development. In preparation of this Neighbourhood Area Structure Plan, careful attention was paid to the edge conditions on all sides and the policies and objectives set forth in The City of Red Deer Municipal Development Plan (Bylaw 3404/2008), the Neighbourhood Planning Guidelines and Standards, the Red Deer Trails Master Plan and Council direction of August 13, 2007.

The NASP describes how ± 157.0 acres (± 63.54 hectares) of vacant land will be developed in an efficient and orderly manner. Included in the NASP are four distinct areas:

1. The Waskasoo Creek Natural Area south of the creek;
2. The natural area (referred to as the Bower Natural Area) which lies near the centre of the area;
3. The lands belonging to the Red Deer College which have been planned by the College according to their own Master Plan; and
4. A $95 \text{ acre} \pm$ ($38.44 \text{ ha} \pm$) parcel, referred to as Southpointe Junction (SP Junction), being proposed by Qualico for the development of a mixed use urban village incorporating residential, retail, office, open space and a potential location for a hotel/convention facility.

As part of the NASP, the developer, Qualico, on behalf of the landowner, has negotiated an agreement with The City Of Red Deer regarding the preservation of a portion of a natural area referred to as the Bower Natural Area that will run north south along the middle of part of the NASP

area and link with the Waskasoo Creek Natural Area to the north.

INTERPLAN has prepared, on behalf of Qualico and Red Deer College, a Neighbourhood Area Structure Plan for Southpointe.

The following sections of this report are intended to discuss the NASP objectives, policy framework, site characteristics, proposed development concept and land uses, municipal reserve and open space requirements, transportation and access, proposed site servicing and implementation strategy.



View looking north west from east side of subject site

2.0 NEIGHBOURHOOD AREA STRUCTURE PLAN OBJECTIVES

The following is a list of objectives for the Neighbourhood Area Structure Plan for Southpointe:

- To establish a comprehensive Neighbourhood Area Structure Plan that describes uses and strategies for appropriate development of the Plan area;
- To provide a policy framework consistent with the provisions of the relevant City of Red Deer policies for guiding development and subdivision of the plan area;
- To create the opportunity for potential development that meets the needs of The City of Red Deer and is accepted by local residents;
- To illustrate the physical characteristics of the plan area and describe the proposed development;
- To identify any constraints on the plan area and how these will be addressed in the proposed development, and
- To address the servicing, transportation and open space requirements associated with the proposed development.

3.0 POLICY FRAMEWORK

3.1 INTERMUNICIPAL DEVELOPMENT PLAN

The NASP area is situated outside of the legislative framework of the Intermunicipal Development Plan.

combination of Open Space, Major, Commercial, Residential and Public Service. The area is further identified as a mixed use area under 'Intensification and Mixed Use Opportunities'.

The MDP defines Mixed Use as: *"A combination of different uses, such as, but not limited to, residential, office commercial, retail commercial, public or entertainment, which are horizontally integrated (i.e. uses located on the same site beside on another) and/or vertically integrated (i.e. uses located on different floors in the same building) within a single compact form of urban development. The mixes of uses are to be compatible, mutually beneficial, and integrated into the community, for example, live/work in the same complex. Mixed use also relates to a range of dwelling types that could provide residences to a diversity of living arrangements and incomes"*

3.2 MUNICIPAL DEVELOPMENT PLAN

The City of Red Deer Municipal Development Plan was adopted by City Council as Bylaw 3404/2008 in May 2008 concurrent with the preparation of this NASP. The role of the MDP is identified as: *"guides and directs future growth and development for Red Deer, ensuring orderly, economical and beneficial development while balancing the environmental, social and economic needs and desires of the community."*

The NASP complies with all relevant principles in the MDP, the following chart outlines the more specific sections of the MDP and how the goals and/or principles contained are reflected in NASP.

It is the requirement of the NASP to comply with the MDP. The "Generalized Land use Concept" Map in the Municipal Development Plan shows the land use for the Southpointe NASP site as a

MDP Section #	Principle/Goal/Objective	Southpointe NASP
Section 3.0: Vision and Guiding Principles	3.1 A Vision for the Future <ul style="list-style-type: none"> <i>"...a community with a unique natural environment preserved and enhanced by careful community planning;</i> <i>A community which reflects high standards in terms of quality of life;</i> <i>A caring community with a strong volunteer ethic;</i> <i>A community which offers a wide range of opportunities for employment, education, recreation and culture"</i> 	Maintains a portion of the natural environment in balance with a need for urban development to sustain growth and to provide high quality and varied opportunities for living and working environments.

SEPTEMBER 2009

SOUTHPOINTE NASP

MDP Section #	Goal / Principle	Southpointe NASP
Section 3.0: Vision and Guiding Principles	3.2.3: <i>"Ensure the efficient use of land for urban purposes by encouraging integration of uses, increased densities and innovative designs"</i>	Adheres to all 16 overall guiding principles listed but focuses most specifically on the key principles listed here. Ensures efficient use of land.
	3.2.4: <i>"Sustain the natural environment and protect natural systems by paying attention to site resources (hydrology, terrain, geology, biodiversity of vegetation and wildlife) while providing a climate for community and economic growth."</i>	Promotes community and economic growth to occur while allowing the City, Red Deer College, and the Developer to protect natural systems through careful consideration and stewardship of site resources.
	3.2.10: <i>"Build vibrant, attractive and safe neighbourhoods that provide for a range of housing choices, access to services, local employment, recreation, and open space."</i>	Offers a range of housing choices, access to services, local employment, recreation, and open space.
Section 5.0: Growth Management and Urban Form	A stated Goal is: <i>"Ensure the efficient utilization of lands and infrastructure, while encouraging a greater mix of uses and socio-economic activities in both new and established areas."</i>	Fulfills this goal
	5.0(b) <i>"Encourage growth in locations and patterns that can utilize existing or planned infrastructure capacity and reduce overall travel demands;"</i>	Location along existing major transportation routes and adjacent to existing infrastructure. Employment and residential opportunities in the same location thereby potentially reducing the need for travel.
	5.0(d) <i>"Minimize conflicts between efficient urban growth, the preservation of ecologically important natural areas,..."</i>	Attains a balance between development and the preservation of a significant and ecologically important natural area.
	5.0(e) <i>"Encourage a compact and efficient urban form;"</i>	Provides higher density residential developments contained in a smaller footprint.
	Policy 5.7 <i>"The City should ensure new development is contiguous to the existing built-up area."</i>	Provide for sequential development from east to west.

SEPTEMBER 2009

SOUTHPOINTE NASP

MDP Section #	Goal / Principle	Southpointe NASP
Section 5.0: Growth Management and Urban Form	<p>Policy 5.9</p> <p><i>"The City shall seek to reduce travel demands by seeking to locate:</i></p> <ul style="list-style-type: none"> <i>• Appropriate employment opportunities in or adjacent existing and future residential areas.</i> <i>• New residential areas adjacent to existing and future employment opportunities:</i> <i>• Appropriate commercial and community services in proximity to residential areas."</i> 	Includes a variety of uses including Public Service, Commercial, Office and Residential and makes it an ideal example of how to reduce travel demands.
Section 7.0: Urban Design	<p>Goal: <i>"To create a physical environment that is attractive, safe, functional, vibrant and a source of community pride, where residents and visitors experience a strong sense of place."</i></p>	Provides for an attractively designed, pedestrian oriented mixed use urban node focusing on a central main street and open space.
Section 9.0 Environmental and Ecological Management	<p>Goals:</p> <p><i>"To preserve and integrate significant natural areas into the open space system.</i></p> <p><i>To foster the creation and maintenance of attractive, clean and ecologically responsible natural and built environments.</i></p> <p><i>To recognize and promote environmentally sustainability initiatives and trends in land development."</i></p>	Design facilitates the preservation, through a City land acquisition, of a significant component of the existing natural area and directs development to incorporate environmentally sustainable initiatives.
Section 10.0 Housing and Neighbourhood Design	<p>10.0(b) <i>"Provide for a mix of housing types to meet a variety of lifestyles, special needs, life cycle demands and market preferences;"</i></p> <p>10.0(e) <i>"Promote the efficient utilization of land by achieving increased residential densities"</i></p>	Provides different housing products, including live work units, intended for varied demographics in increased densities.
	<p>10.4 Housing Form</p> <p><i>"The City shall encourage the creation of a wide variety of housing forms. This may include dwelling units in combination with compatible non-residential uses, live-work units and secondary suites."</i></p>	Provides opportunities for live-work units and secondary suites in varied housing types.
Section 12.0: Commercial Development	<p>12.0(b) <i>"Ensure the quality and aesthetics of development along major commercial corridors;</i></p> <p>12.0(c) <i>Recognize emerging trends in retailing and commercial land use, including the creation of mixed use town centres where appropriate; and</i></p> <p>12.0(d) <i>Promote commercial development that generates opportunities for local employment;"</i></p>	Commits to innovative and quality commercial development and provides for a Mixed Use Area, with commercial, residential, office and public service uses and opportunities for local employment.

SEPTEMBER 2009

SOUTHPOINTE NASP

MDP Section #	Goal / Principle	Southpointe NASP
Section 14.0: Parks, Recreation and Culture	Policy 14.3 Trails and Pathways <i>"Trails and pathways shall be designed and constructed in accordance with the direction provided through the Trails Master Plan, as amended from time to time"</i>	Provides for trails designed in accordance with the Trails Master Plan.
	Policy 14.4 Open Space Connections <i>"As new areas are planned and developed, The City shall ensure the design of the parks and open space system provides:</i> <ul style="list-style-type: none"> <i>• Linkages to the major open space,...</i> <i>• Linear corridors and pedestrian connections within and between neighbourhoods; and</i> <i>• Consideration of continuous wildlife corridors and key wildlife habitat..."</i>	Provides clear linkages between the open space systems both within the NASP area and connections to outside systems.
	Policy 14.8 Gathering Spaces <i>"In conjunction with streetscapes and other public realm areas, parks and open space shall be designed to be easily accessible to pedestrians and create opportunities for area residents to gather and interact wherever possible"</i>	Provides for an open space system with gathering places and easy access.
Section 16.0: Transportation	Goal: <i>"Provide for the safe and efficient movement of people and goods within and through Red Deer. Encourage the use of alternate means of transportation to the private automobile. Concentrate the planning of land use and transportation."</i>	Provides an efficient road network, an opportunity for a well situated transit service, and the provision of an extensive selection of pedestrian and bicycle pathways.
Section 17.0 Utilities	Goal: <i>"Provide environmentally responsible, safe, efficient and reliable utility systems to serve the City"</i>	Meets or exceeds all City of Red Deer engineering standards.

Policy 12.2 of the MDP establishes a hierarchy of commercial places. The commercial uses in the NASP will be a mixture of Arterial Commercial and District Commercial as defined in the MDP.

It is the intention of the NASP to concentrate the office use permitted in the commercial area into a central location within the NASP. The rationale behind this is to provide the opportunity for office development to occur within the development near

or on the main street. If deemed appropriate by the developer, a market analysis may be conducted to rationalize an application for higher than the permitted floor area of office space.

In an Administration report to Council on May 5th, 2008, Attachment "A" (Document #: 753507) has acknowledged the NASP area *"...as having great potential for mixed use residential, commercial, and institutional development both in single*

purpose and multi-purpose buildings. The Administration sees this as a good candidate for a mixed use area, which could be treated uniquely due to the circumstances of geography and the surrounding uses." The response goes on to add, *"Should the developer come forward with an acceptable plan calling for and substantiating a town centre or other designation, then a supporting amendment could be considered concurrently with the adoption of the neighbourhood area structure plan."*

The NASP has been prepared in accordance with the Municipal Development Plan.

3.3 CITY OF RED DEER LAND USE BYLAW

The City of Red Deer Land Use Bylaw 3357/2006 establishes the land use districts in The City of Red Deer and their associated permitted and discretionary uses and regulations. The current land use for the NASP area is divided into three districts: PS Public Service (Institutional or Governmental) District throughout the Waskasoo Creek area and north; P1 (Parks and Recreation) District in the west portion of the site; and A1 (Future Urban Development) District in the eastern and southern part of the parcel (see **Figure 2**).

The City of Red Deer Land Use Bylaw Constraints Map conceptually identifies a number of constraints on the subject site including floodway, flood fringe, escarpment, and major entry areas. These constraints have been reviewed with Administration and are addressed in the NASP. In summary:

- Both the floodway and the flood fringe along Waskasoo Creek have been examined, modeled, and refined by the Developer and relevant City

Departments. Results of these efforts are reflected in the design concept and accompanying reports to the NASP. All proposed development in the flood fringe, as identified, will comply with both the land use bylaw and the building code requirements for flood proofing.

- Extensive examination of the escarpment areas has taken place during both an Environmental Site Assessment and the Geotechnical Investigation. The investigations concluded that the slopes are stable and suitable for development. The investigations also provide recommendations and measures for development.
- Because Taylor Drive is identified as a major entry area, architectural guidelines, landscaping, and other design elements will be addressed at the development permit and detailed design stage to ensure that the interface with Taylor Drive is complementary with existing development to the east and to the satisfaction of the Approving Authority.

3.4 CITY OF RED DEER NEIGHBOURHOOD PLANNING GUIDELINES AND STANDARDS

The City of Red Deer Neighbourhood Planning Guidelines and Standards adopted by City Council on December 16, 2002 (revised November 30, 2006) provide "*guidelines and standards for the planning and design of neighbourhoods including parks and public facilities/amenities in The City of Red Deer.*" The Neighbourhood Planning Guidelines and Standards define a neighbourhood as "A predominately residential area, which is usually a quarter section (65 hectares or 160 acres) in size."

SEPTEMBER 2009

SOUTHPOINTE NASP

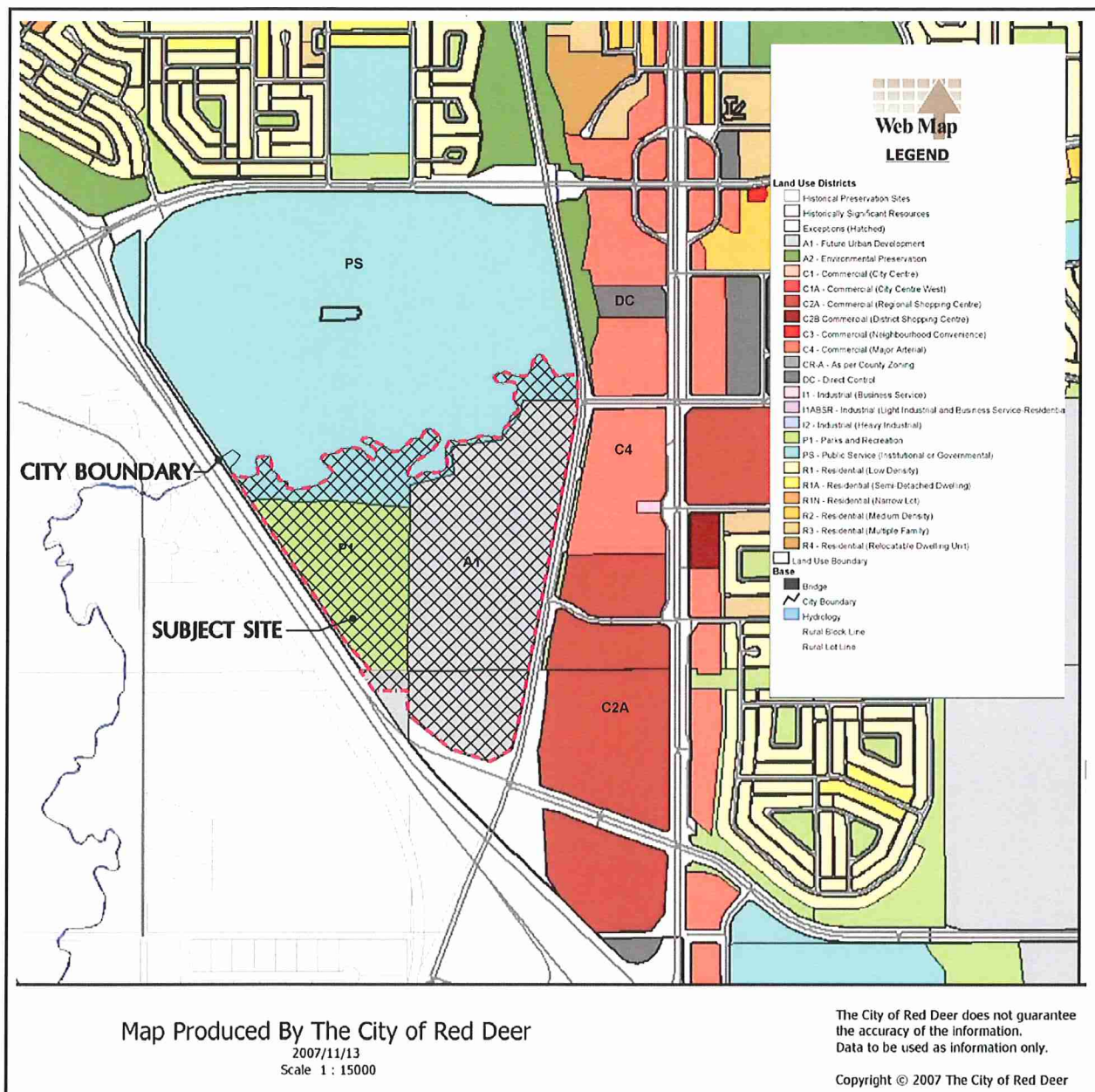


FIGURE 2: EXISTING LAND USE

The Southpointe NASP is not a typical quarter section neighbourhood and does not contain predominantly residential uses, however the NASP has given careful consideration to these and additional guidelines and standards outlined in the Neighbourhood Planning Guidelines and Standards. The NASP strives to follow all relevant guidelines and standards outlined as well as the following General Design Considerations.

"A. Neighbourhood planning and design in The City of Red Deer strives to create desirable and sustainable places for healthy living, learning, working and recreation for families and individuals of all ages and with varying needs, interests and desires.

B. Community development calls for people-friendly streets and a sense of place. Developers are encouraged to incorporate considerations and elements which

enhance the sensed quality of the built environment. The street and block layout should create opportunities to integrate sidewalks, trails, parks, squares, transit stops and large residential, commercial and public or semi-public buildings into a coherent whole rather than unrelated individual parts. This may include design considerations such as siting, orientation, visual sequences, viewpoints, spatial connotation, proportion and scale."

3.5 RED DEER TRAILS MASTER PLAN

Map 3.0 of the Red Deer Trails Master Plan approved by City Council on October 11, 2005 identifies the future trail network for the NASP and surrounding areas. The relevant section of the map is shown in **Figure 3**.

The NASP complies with the intent of the future trail network outlined in the Red Deer Trails Master Plan. The proposed future Waskasoo Trail will be accommodated through the site by linking to the North College lands across the existing concrete bridge and then extending south along the east edge of the wooded area before linking east and south to the arterial trail located along Taylor Drive. The Proposed Future Bikeway can be accommodated along the edge of the proposed collector road running north south through the centre of the eastern portion of the site or along the arterial trail along Taylor Drive. Nature Trails as shown in the Master Plan will be maintained or realigned to accommodate development.

3.6 COUNCIL DIRECTION AUGUST 2007

At The City of Red Deer Council meeting on August 13th, 2007 the following motion was introduced and passed:

"Resolved that Council of the City of Red Deer having considered the report from the Recreation, Parks & Culture Manager, dated August 7, 2007, re: Southpointe Junction Concept Development, Bower Natural Area Preservation, hereby agrees in principal to the amount of area and location of the open space and natural area design and directs Administration to develop an agreement with the developer and land owner to:

- 1. Purchase +/- 12.26 acres of treed escarpment,*
- 2. Purchase the additional noted 2.76 acres of open space for \$1.00,*

*Direct the additional 1.95 acres of owned municipal reserve to be applied to the natural treed area and Waskasoo Creek for the purpose of preserving additional amounts of natural environment and current natural trail connections."*¹

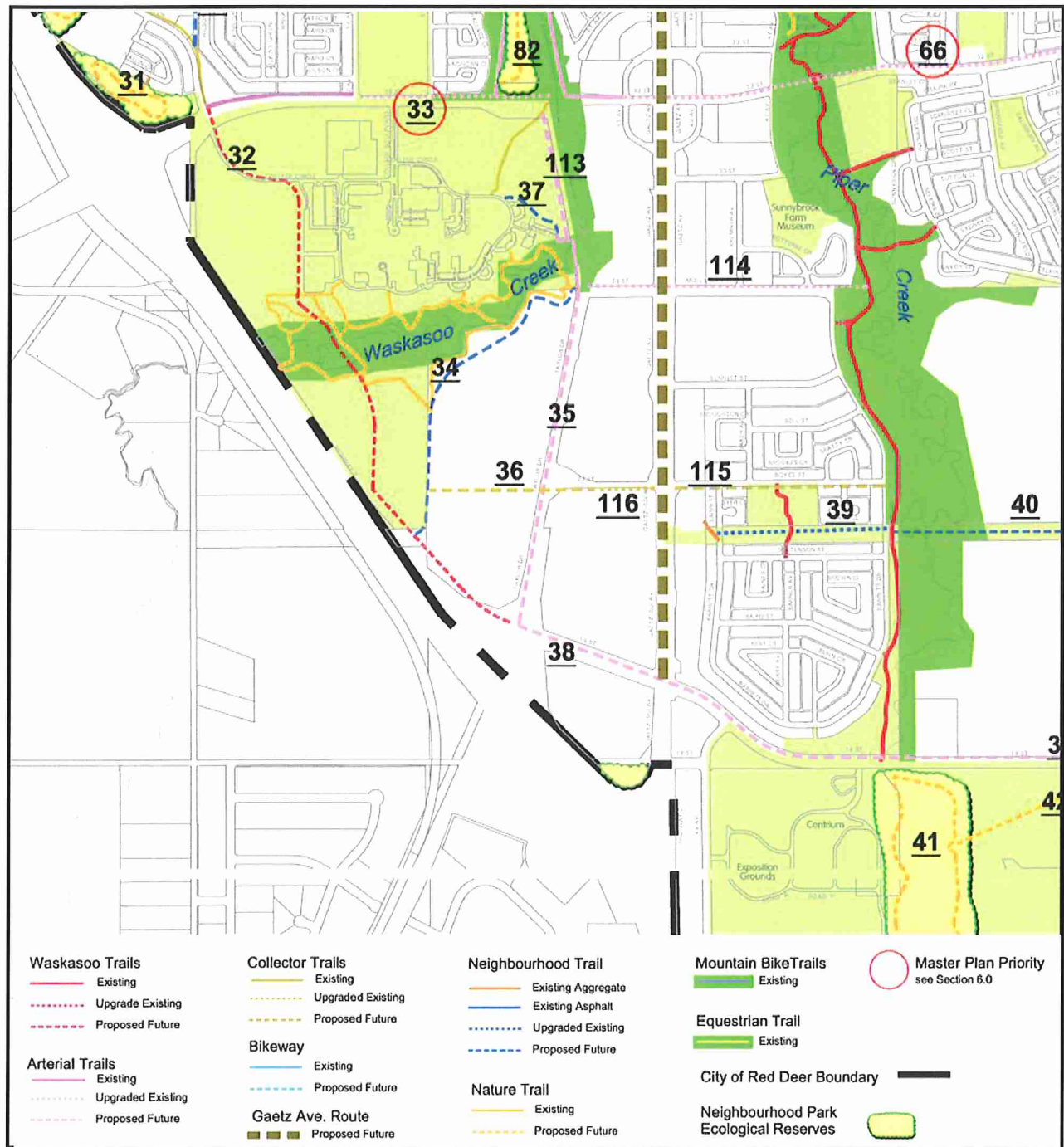
3.7 ENTRANCEWAY CORRIDOR GUIDELINES

A draft version of the Entranceway Corridor Guidelines was prepared for the City of Red Deer and Red Deer County in February 2009. Consideration will be given to the final version of this study for all areas within the proposed overlay district at the time of detailed design.

¹ Since this agreement was made, it has been determined by The City and the developer that there is no reserve owing on the Southpointe Junction portion of the lands (A Subdivision by Re-plotting, approved Nov. 20, 1969).

SEPTEMBER 2009

SOUTHPOINTE NASP

**FIGURE 3: RED DEER TRAIL MAP**

Source: Red Deer Trails Master Plan

4.0 SITE CHARACTERISTICS

An air photo and a topographic map of the NASP area are illustrated in **Figures 4** and **5** respectively.

4.1 LEGAL DESCRIPTION AND OWNERSHIP

The legal description and land ownership for the subject site are indicated below. The site is currently divided into five legal entities.

1) Red Deer Junior College

- Title Number: 012 370 530
- All that portion of the NW ¼ Section 5, TWP 38, Range 27, W of 4 which lies east of the north easterly and south easterly limits of the road.
- Containing 34.2 hectares (84.43 acres) more or less (including lands outside the NASP area)
- Excepting thereout:
 - 0.174 hectares (0.43 acres) more or less for creek diversion
 - Plan 0125532 – Road (1.245 hectares / 3.08 acres more or less)

2) The Red Deer College

- Title Number: 012 027 698
- A portion of the SE ¼ Section 7, TWP 38,



View looking south east from north side of subject site.

Range 27, W of 4 which lies south of Waskasoo Creek.

- Containing 3.05 hectares (7.53 acres) more or less

3) AltaLink Management Ltd.

- Title Number: 022 202 207 +1
- A portion of the SW ¼ Section 5, TWP 38, Range 27, W of 4 : Plan 5003NY
- Excepting thereout:
 - Plan 8922991:
 - Road (0.221 hectares / 0.55 acres more or less)
 - Railway (0.220 hectares / 0.54 acres more or less)

4) Her Majesty the Queen in Right of Alberta*

- Title Number: 932 133 824
- Plan 9321221: Storm Detention Pond within NE ¼ Section, TWP 38, Range 27, W of 4
- Containing 1.375 hectares (3.40 acres) more or less

5) James Bower and Cynthia Bower-Pelech

- Title Number: 972 391 239
- Plan 977RS, Block B, within E ½ Section 5, TWP 38, Range 27, W of 4
- Containing 42.4 hectares (104.67 acres) more or less
- Excepting thereout:
 - Plan 9222024: Road (3.894 hectares / 9.62 acres more or less)
 - Plan 9321221: Public Work (1.375 hectares / 3.40 acres more or less)

The legal parcels are shown on **Figure 4**.

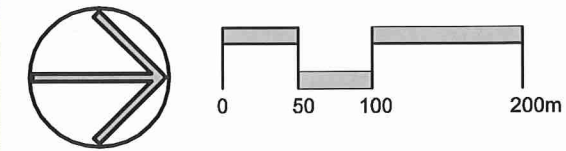
***Note:** Agreement with Alberta Transportation at the time of Expropriation 3(d) "The Detention Pond may be relocated at the Owner's discretion in future at the Owner's expense in accordance with good engineering practice."



SOUTHPOINTE
NASP

FIGURE 4
AIR PHOTO
& LEGAL
DESCRIPTIONS

DATE: September 2009

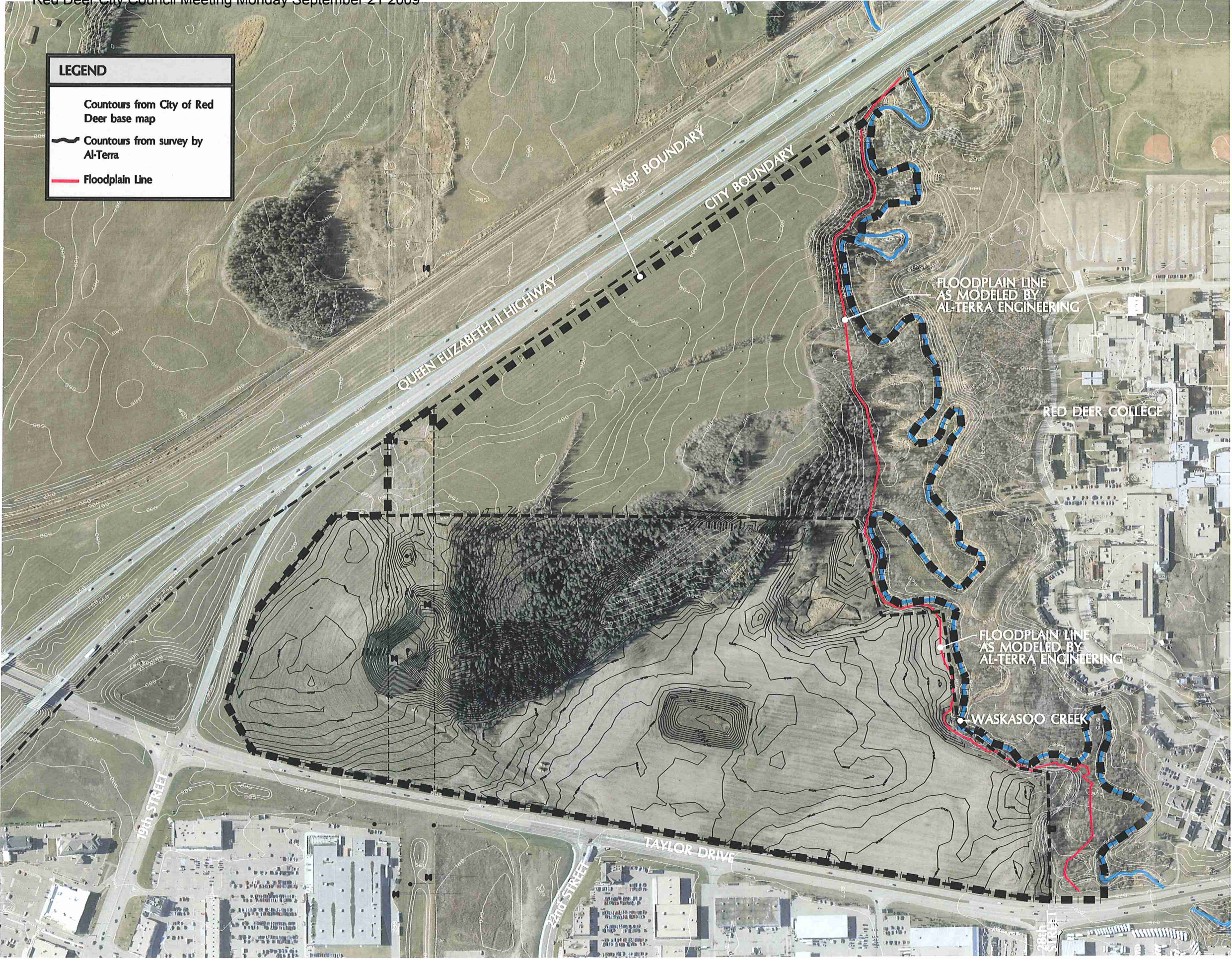


DRAWING BY: Group 2/Al-Terra

Group2 architecture
engineering

AL-TERRA
ENGINEERING LTD.

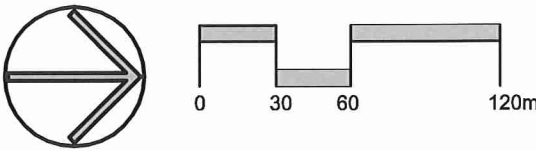
InterPlan strategies inc.
Land Planning Services



SOUTHPOINTE
NASP

FIGURE 5
SITE
TOPOGRAPHY

DATE: September 2009



DRAWING BY: Group 2/Alterra

Group2 architecture
engineering **AL-TERRA**
ENGINEERING LTD.

InterPlan strategies inc.
Land Planning Services

SEPTEMBER 2009

SOUTHPOINTE NASP

4.2 PLAN AREA

The subject site contains approximately 157 acres (63.54 ha) more or less.

4.3 HISTORY OF SITE

Prior to settlement, the land was largely comprised of small treed hills and valleys and small meadows. The Bower family acquired the east parcel in the mid 1920's and proceeded to farm the meadows and run cattle in the wooded areas. Gradual clearing occurred in both the east and west parcels as the treed areas were used as wood lots. The sand mining operation was initiated with the construction of Highway 2 in the early 1960's and clearing occurred for the power line installation around the same time. In the later part of the 1960's the land to the west was purchased by Red Deer College from the original farmer, Lawrence Banting, and further clearing of that portion occurred to make way for more farm land.

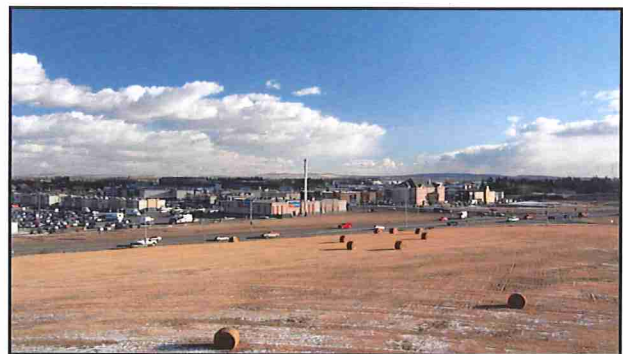
During this period additional sand mining occurred on the east portion of the site, slightly north of where the existing storm pond is located. A then existing hill was used for fill, initially for developments to the east and later for the hospital site. The 1990's saw the construction of Taylor Drive and further sand extraction was used for the project. In the mid 1990's a joint project with Alberta Transportation and the City of Red Deer saw the purchase and development of the existing storm pond.

The sand mining operation was ended approximately six years ago. The remainder of the two portions of land have been farmed through their post settlement history with the exception of the wooded parcel.

4.4 CURRENT LAND USE CONTEXT

The lands to the north of Southpointe NASP are designated as PS Public Service (Institutional or Governmental) District and include the Waskasoo Creek Natural Area and the Red Deer College Lands (Figure 6). The lands immediately to the west are outside of The City of Red Deer boundary and are currently owned by Alberta Transportation for QE II Highway. Agricultural uses occur further to the west in Red Deer County. The lands to the east include a small strip along the east side of Taylor Drive that are designated P1 (Parks and Recreation) District and then a combination of C4 Commercial (Major Arterial) District to the north and C2A Commercial (Regional Shopping Centre) District to the south. The lands to the east are developed with the exception of a parcel at the south east corner of 22nd Street and Taylor Drive which is under construction. South of 22nd Street is Southpointe Common, a commercial area containing a range of commercial tenants including Wal-Mart as well as two hotels. North of 22nd Street are a combination of commercial uses such as Petland and Michael's, restaurants and several commercial buildings offering rear bays.

The lands within the subject site proposed for future development are currently designated as A1 (Future Urban Development) District to the east and P1 (Parks and Recreation) District to the west.



Southpointe Common

FIGURE 6 LAND USE CONTEXT

Group2
architecture
engineering

AL-TERRA
ENGINEERING LTD.
EDMONTON RED DEER

InterPlan strategies inc.
Land Planning Services

4.5 LAND FORM

The majority of the site has been used as farmland and is gently undulating. A heavily treed area runs north south through the centre of the NASP area linking to the Waskasoo Creek Natural Area. The south east end of this treed area is steeply sloped and at the south end the rise has been partially removed by sand mining operations. This can be seen in the aerial photo shown in **Figure 4** and the site topography map in **Figure 5**. There is an overall downward slope in the eastern portion of the site towards the existing storm detention pond located near the center of the open area to the east of the trees.

Two natural low areas also exist on the site, both at the north end of the treed Bower Natural Area and south of Waskasoo Creek.

Figure 5 also shows the floodplain line south of the creek as modeled by Al-Terra Engineering.



Existing path in Bower Natural Area

The evaluations of the major natural features included an evaluation of the tree types and locations, established path systems, wetland areas, ridges, and established a boundary delineating the natural areas. This boundary helps in establishing the natural areas to be protected or maintained during development and is reflected in the Concept Plans.

The initial ecological evaluation helped to determine the outline of the portion of lands to be designated as the Bower Natural Area as well as the placement of proposed future wetlands.

The subsequent evaluation identified the need to accommodate a 2.5 metre pathway adjacent to the west side of the treed edge on the Red Deer College side of the NASP. It was determined the area to be preserved would extend 2.5 metres into the current crop area. Also two linear treed hedges were identified, one located near the middle of the College South Lands and the other closer to the south end of the College South Lands, and were determined and agreed to by attending

4.6 ECOLOGICAL PROFILE

An ecological evaluation of the natural area that runs north south through the centre of the NASP area as well as a portion of the Waskasoo Creek Natural Area was initially carried out in November 2004 by Al-Terra Engineering Ltd. and The City of Red Deer, Recreation Parks and Culture Department. The Waskasoo Creek Natural Area and the Red Deer College portion of the NASP was evaluated again in November 2007 by Al-Terra Engineering Ltd., Red Deer College, and The City of Red Deer, Recreation Parks and Culture Department. Both of these evaluations have been included under separate cover with the NASP submittal.

SEPTEMBER 2009

SOUTHPOINTE NASP

representatives of the City of Red Deer Parks Department to be "*preserved at the discretion of Red Deer College*"²

Further recommendations by the City included that plant material from these two hedges could be salvaged and used elsewhere should eventual development determine that they cannot be preserved. Red Deer College will also consider offering equitable green space in their eventual final plan to compensate for these hedge areas should they be removed.

4.7 CURRENT ACCESS

There is an existing access road entering the south eastern portion of the site directly across from the intersection of Taylor Drive and 22nd Street. This entrance is gated and was used to access the sand mining area at the south end of the site. A second gated entrance is located across from 28th Street into the natural area. **Figure 4** shows these access points. Alternate access is through the network of pathways that traverse the site from the Waskasoo Creek Natural Area and an existing concrete bridge that crosses the Creek. The bridge is currently used for pedestrian traffic and agricultural equipment crossing to farm the south College lands.

4.8 VEGETATION

In addition to the treed area discussed in **Section**

4.6 the remainder of the subject site is largely cultivated farmland. The treed area is predominantly spruce and aspen forest with some pine and poplar. In addition to the manufactured storm retention pond on the east side of the site, there are two low areas between Waskasoo Creek and the majority of the treed area to the south which support the associated vegetation.



View of eastern side of subject site looking north.

4.9 ENVIRONMENTAL SITE ASSESSMENT CONSIDERATIONS

A Phase I Environmental Site Assessment (ESA) for the subject site, a copy of which is submitted under separate cover, was performed by Parkland Geotechnical Consulting Ltd. in May 2006 for the eastern portion of the site including the area referred to as the Bower Natural area. The primary objectives of the Phase 1 ESA were to identify environmental issues associated with the subject property and to determine whether any identified issues required a detailed site investigation or other action.

The Assessment identified a number of potential issues which are shown on **Figure 4**:

"A former Canadian Fina Oil Ltd. Well was located on the subject property at LSD 07-05-38-27-W4. There was

2 Ecological Profile: Assembled in November 2007 by AL-Terra in conjunction with City of Red Deer, Recreation, Parks and Culture Department.

SEPTEMBER 2009

SOUTHPOINTE NASP

no visual indication of contamination or environmental impacts from this site. The area was also mined so the potential for residual surface contamination from the reclaimed site is very low. If any indication of hydrocarbon contamination is detected during site grading and preparation, further investigation may be required to determine the nature and extent of the contaminants.

Two former City landfill sites are located north of the subject property at SE 8-38-27-4. The landfills are both down-gradient and over 300 m from the subject property. Therefore the potential for environmental impact on the property is negligible. The subject property meets the existing planning setback of 300 m from a closed landfill so there are no regulatory restrictions to property development.

The EUB reported a release of crude oil relating to activities from a former oil well on the adjacent quarter to the west of the subject property at LSD 14-05-38-27-W4. Due to the distance from the subject property and the cross gradient position of the well, this facility is not expected to pose significant adverse environmental impacts."

In conclusion, the assessment stated that "...the subject property is considered to have a "low" rating in terms of environmental risk....No other additional site investigation is recommended at this time."

In November 2007 Parkland Geotechnical Consulting Ltd. conducted a further Phase 1 Environmental Site Assessment on behalf of Red Deer College for the lands on the west side of the subject property. Based on the information gathered the report made the following conclusion:

"In summary, no environmental issues were identified during this assessment. Parkland GEO considers the level of environmental risk associated with the subject property to be low. The level of information for this property is considered to be sufficient at this time for the assessment of the site. No further investigation is required at this time."

4.10 EXISTING STRUCTURES

There is an AltaLink power line running east west through the southern part of the site. As shown in **Figure 4**, AltaLink own the portion of the R.O.W. directly east of the QE II Highway, the remainder of the R.O.W. is under the ownership of the Bowers. Towers supporting this line are located at the southern end of the forested area in the existing Utility Easement. AltaLink has been consulted with and acknowledges that there are no particular issues at this stage. Specific development related issues will be reviewed with AltaLink at the time of detailed design stage.



View west under the AltaLink power line.

The concrete bridge described in **Section 4.6** is also located partly on the NASP site. In addition there is a constructed storm water pond located in the centre of the cultivated portion of the NASP area on the east side of the trees. These structures are shown on the aerial in **Figure 4**.

4.11 GEOTECHNICAL CONSIDERATIONS

Parkland Geotechnical Consulting Ltd. completed a Geotechnical Investigation, submitted under separate cover, for the eastern portion of the

SEPTEMBER 2009

SOUTHPOINTE NASP

subject site in August 2006. The investigation generally concluded that *"The soil conditions at the site are considered to be suitable for the proposed development..."*. The evaluation goes on to list several geotechnical issues that may impact site development. The report provides geotechnical recommendations *"...with respect to design, development layout and installation of underground services, general foundation conditions, roadway subgrades and flexible pavement design for proposed roads."*

In conclusion the report states *"it is recommended that on-site inspection and testing be performed to verify that actual site conditions are consistent with assumed conditions which meet or exceed design criteria."*

An addendum to the Geotechnical Investigation was completed in April 2007 by Parkland Geotechnical Consulting Ltd. to review slope development issues. This investigation concluded that *"... slope issues will not be a significant obstacle to safe construction of residences and commercial developments on this property provided reasonable design and construction practices are followed."* The investigation provided some general recommendations in order to minimize potential disturbance to slopes in the

NASP area. This addendum is also included under separate cover.

The City of Red Deer has advised that the College lands will not require a specific Geotechnical Investigation until detailed servicing drawings are being prepared, therefore it is not a requirement of this NASP.

4.12 SITE SERVICING

Sanitary and water servicing of the site will be accomplished by extending the existing city system into the development. Storm water servicing will be accomplished by discharging into the Waskasoo Creek.

A Development Agreement will be required for payment of off-site levies and other development charges as well as for construction of roadway and utility improvements.

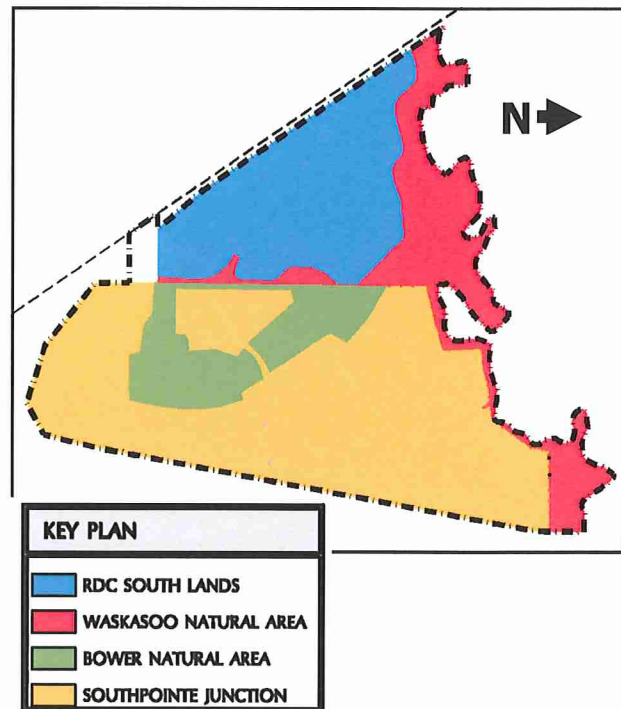


Existing Storm Detention Pond.

5.0 DEVELOPMENT CONCEPT

Based upon The City of Red Deer policies, market considerations and site characteristics, a Development Concept has been prepared for the entire ± 157.00 acre (± 63.54 ha) site as illustrated in **Figure 7**. The Southpointe NASP incorporates four distinctive areas (see Key Plan):

- 1) The South Red Deer College Lands (west of the Bower Natural Area and south of Waskasoo Creek Natural Area);
- 2) The proposed Bower Natural Area located along the centre of the NASP area and oriented north south;
- 3) The Waskasoo Creek Natural Area south of the creek; and
- 4) The east and south portion of the lands referred to as Southpointe Junction (SP Junction).



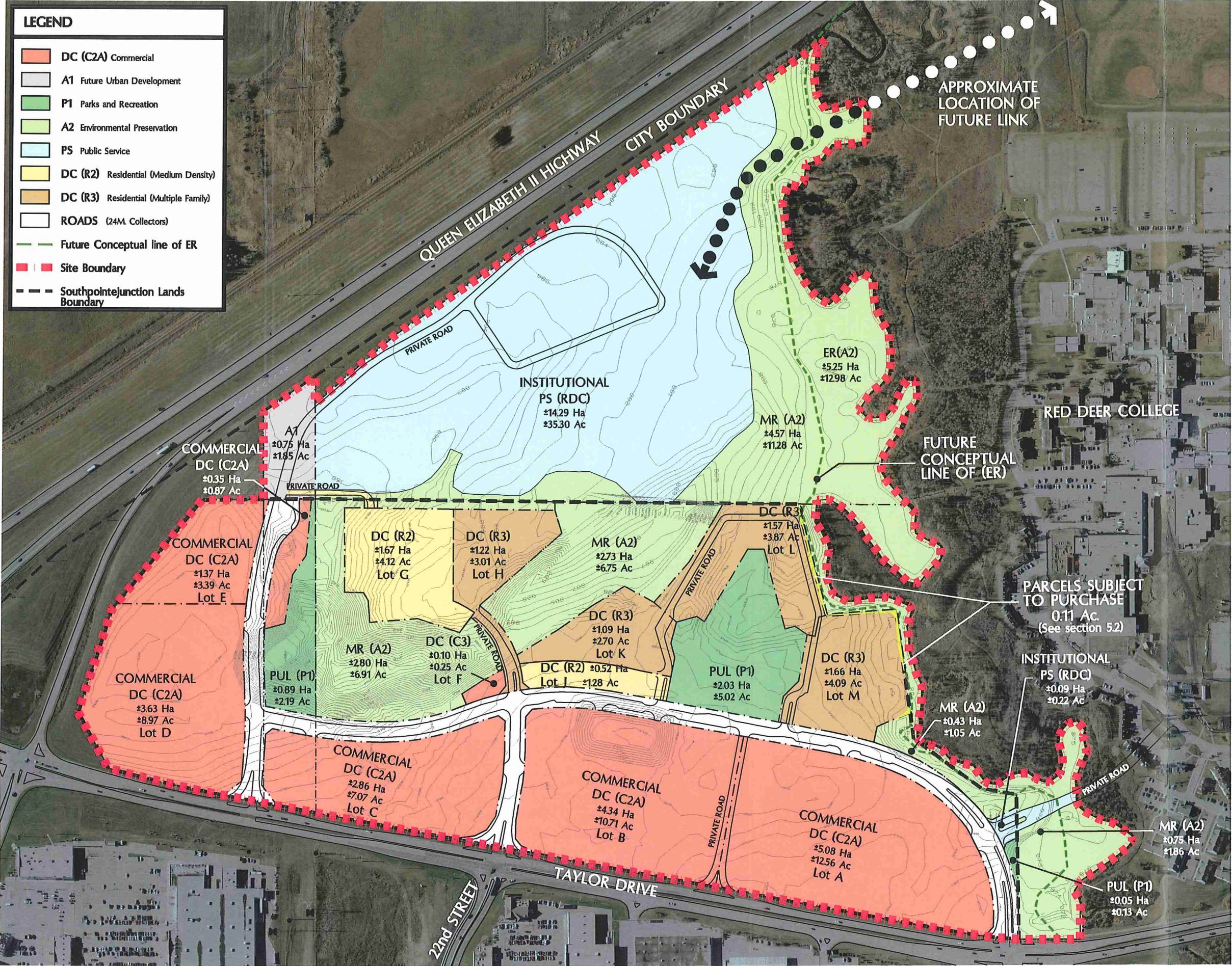
Concept plans have been developed based on anticipated future use for both SP Junction and the South College Lands and include retaining and incorporating portions of the Bower and Waskasoo Natural Areas. A figure illustrating this conceptual layout is included in **Appendix A**.

A more detailed description of the development concept will follow in **Sections 5.1 to Section 5.6** and will discuss Land Use, Open Space, and more detail on the four areas described above.

5.1 LAND USE

The Southpointe Neighbourhood Area Structure Plan proposed land uses are shown in **Figure 7: Land Use Concept Plan**. The proposed development will see the land delineated into a combination of Land Uses.

The Red Deer College South Lands, including the Waskasoo Creek Natural Area currently under Red Deer College ownership, will, at the time of future subdivision, be comprised of a combination of PS (Public Service) District (± 35.28 acres / 14.28 ha) and A2 (Environmental Preservation) District (± 24.89 acres / 10.07 ha). Based upon the ecological survey of the lands in November 2007 (discussed in **Section 4.5**), a conceptual boundary of these designations has been established. South of Waskasoo Creek to the conceptual boundary will be designated as A2. The

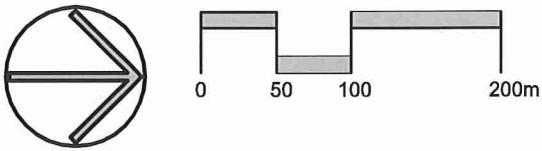


SOUTHPOINTE
NASP

FIGURE 7
LAND USE
CONCEPT PLAN

NOTE: All private roads will have a Public Access Easement.

DATE: September 2009



DRAWING BY: Group 2 / Al-Terra

Group2 AL-TERRA
architecture ENGINEERING LTD.
engineering

InterPlan strategies inc. RDC
Land Planning Services

remainder of the south College lands would be designated as PS to allow for future development with the exception of several pockets of natural area along the eastern edge of the College South lands and connected to the Bower Natural Area.

Based on the ecological profile described in **Section 4.6**, a line delineating the conceptual future division of ER (Environmental Reserve) and MR (Municipal Reserve) is shown on **Figure 7**. This line is subject to change at the time of Subdivision of the College Lands. As will be explained in more detail in **Section 5.5**, Red Deer College is in the early stages of visioning and planning the south lands.

Retained areas of the Bower Natural area will be designated a combination of P1 and A2 as determined by The City, as will a portion of natural area south of Waskasoo Creek within the SP Junction lands.

The land to the east, which encompasses SP Junction, would be designated a mixture of commercial, residential and P1 districts. All commercial and residential parcels are to be designated DC Districts. The purpose of DC Districts *"...is to provide for innovative developments, which in the opinion of Council, require specific regulations unavailable in other land use districts."* The commercial parcels will be based primarily on the C2A (Commercial (Regional Shopping Centre) District *"...to facilitate the development of a regional trade centre, which also include services, offices and dwelling units as secondary functions..."*.

The SP Junction proposal includes six parcels under two residential direct control districts based on R2 (Residential (Medium Density) District and R3 (Residential (Multiple Family) District. The DC (R3) component comprises approximately ± 13.68 acres (± 5.53 ha) and is intended to accommodate medium and high density residential development

in Lots H, K, L and M. The DC(R2) District comprises ± 5.41 acres (± 2.19 ha) in Lot G and Lot J. The DC designation is intended to facilitate the opportunity to create an urban context for the proposed neighbourhood by accommodating a denser, pedestrian-oriented, mixed-use environment. The general guidelines of the Residential DC Districts are described in more detail in **Section 5.6.1**. The location of these residential parcels is shown in **Figure 7**.

The commercial portion of the proposal (including Lot F) comprising ± 43.84 acre (± 17.74 ha) is proposed as DC (Direct Control). The DC designation is necessary to facilitate more concentrated office space in the NASP area. The SP Junction commercial component allows for a maximum of $636,603 \text{ ft}^2$ ($\pm 59,142 \text{ m}^2$) of floor area (based on 17.74 ha of commercial area). According to the C2A district Bylaw, a maximum 10% of the gross leasable area can be office which totals approximately $63,660 \text{ ft}^2$ ($\pm 5,914 \text{ m}^2$). The entire commercial area is comprised of five lots, the intention is that through the DC designation, the office space from these five lots could be concentrated in one or two of these lots.

In addition, a DC designation would provide an opportunity to vary setback depths of commercial buildings along the "main street" collector road. Setback depths will be determined with the DC guidelines at detailed design stage. The general guidelines for the Commercial DC parcels is included in **Section 5.6.2**.

Lot F of the SP Junction portion of the concept is proposed as DC(C3) to provide a opportunity for a District Energy Facility (± 0.25 acres (± 0.10 ha)). At this time, the Developer is assessing the feasibility of this proposed use. However it is the intent of the Developer to conduct more detailed discussions with the City, as well as the relevant

SEPTEMBER 2009

SOUTHPOINTE NASP

provincial authorities and regulatory bodies, should they decide to proceed with this concept. A more detailed explanation of the District Energy Facility is included in **Section 5.6.5**.

Should the need for this use not materialize, the intent is for Lot F to revert to PS District land use. If the Facility goes through as intended, provision of a social care site in the SP Junction development is envisioned as a leasing opportunity

within one of the commercial buildings being proposed, and would be held for a minimum of six months, after which, if there is no interest, the property would revert to commercial uses.

All proposed districts will be designed to otherwise adhere, where applicable, to Part 3: General Regulations Applicable to All Districts in the Land Use Bylaw. The proposed Land Use Allocation for the neighbourhood is summarized in **Table 1**.

TABLE 1 :

LAND USE ALLOCATION FOR SOUTHPOINTE NEIGHBOURHOOD *

	±Area (ha)	% of Gross Plan Area
Gross Plan Area*		
Southpointe NASP Boundary	63.54	100
Gross Plan Area less		
Red Deer College Lands (PS)	14.28	22.5
Red Deer College Lands (P1)	10.07	15.8
AltaLink (A1)	0.75	1.2
Net Developable Area for Southpointe (SP) Junction	38.44	60.5
Residential Uses		
Multi Family Dwelling Units DC(R2)	2.19	3.4
Multi Family Dwelling Units DC(R3)	5.53	8.7
Open Space		
Municipal Reserve (Lands Subject to Purchase)	5.96	9.4
Possible Future Environmental Reserve (Lands Subject to Purchase)	0.04	0.06
Public Utility Lot	2.97	4.7
Transportation		
Collector Roadways	3.92	6.2
Commercial		
Commercial Regional District DC(C2A/C3)	17.74	27.9
Other Uses		
Institutional (RDC)	0.09	0.14

*Note: Gross plan area is the entire Southpointe Neighbourhood

SEPTEMBER 2009

SOUTHPOINTE NASP

The proposed land uses for the Neighbourhood Area Structure Plan boundary are summarized in

Table 2. The proposed land uses for SP Junction are summarized in **Table 3.**

TABLE 2 :

LAND USE STATISTICS FOR SOUTHPOINTE

Land Use	Acres±	Hectares±	Percent
PS (Public Service)	35.50	14.37	22.6
P1 (Parks and Recreation)	7.46	3.02	4.8
A2 (Environmental Preservation)	39.58	16.02	25.2
A1 (Future Urban Development)	1.85	0.75	1.2
DC (R3)(Residential (Multiple Family))	13.68	5.53	8.7
DC (R2)(Residential (Medium Density))	5.41	2.19	3.4
DC (C2A/C3)(Commercial)	43.84	17.74	27.9
Roads ¹	9.68	3.92	6.2
Total	157.00	63.54	100

¹Roads include: All public roads as shown on Figure 7

TABLE 3

LAND USE STATISTICS FOR SOUTHPOINTE JUNCTION

Land Use	Acres±	Hectares±	Percent
P1 (Parks and Recreation) ¹	7.46	3.02	7.8
A2 (Environmental Preservation) ²	14.71	5.95	15.5
DC (R3) (Residential (Multiple Family))	13.68	5.53	14.4
DC (R2) (Residential (Medium Density))	5.41	2.19	5.7
DC (C2A/C3) Commercial	43.84	17.74	46.2
Roads ³	9.68	3.92	10.2
PS (Public Service)	0.22	0.09	0.2
Total	95.00	38.44	100

¹P1 includes the land subject to purchase within PUL lots.

²A2 includes the land subject to purchase.

³Roads include: All public roads as shown on Figure 7.

SEPTEMBER 2009

SOUTHPOINTE NASP

The proposed land uses for the Direct Control (DC) component of SP Junction are summarized in **Table 4**. Conceptual plans for the commercial areas shown as DC are based primarily on the bylaws for a C2A (Commercial Regional (Shopping Centre)) Land Use District.

The anticipated population for Southpointe Junction is outlined in **Table 5**.

TABLE 4
DIRECT CONTROL (C2A/C3) COMPONENT OF SOUTHPOINTE JUNCTION

Total DC Area (±acres/ha)	% of Site Area (Max) area	Max. Allowable Floor Area (m² / ft²) based on 33% of total	Max. % of DC Floor Area for Office	Max. anticipated Office Space (m² / ft²)
43.84/ 17.74	33%	59142 / 636,620	10%	5914 / 63,662

TABLE 5
ANTICIPATED POPULATION OF SOUTHPOINTE JUNCTION

Lot	Proposed Land Use	Maximum # of Units	Persons per Unit	Anticipated Population	Area (ha)	Density Per Net Residential ha
Lot G	DC R2 (D52)*	86	3.2	275	1.67	52 units/ha
Lot H	DC R3 (D99)	120	2.2	264	1.22	99 units/ha
Lot J	DC R2 (D58)	30	3.2	96	0.52	58 units/ha
Lot K	DC R3 (D107)	116	2.2	255	1.09	107 units/ha
Lot L	DC R3 (D115)	180	2.2	396	1.57	115 units/ha
Lot M	DC R3 (D102)	168	2.2	369	1.66	102 units/ha
Total		700		1655	7.73	91 units/ha

* D x area = the maximum number of units

5.2 OPEN SPACE AND MUNICIPAL RESERVE

Figure 8 shows the distribution of open space envisioned for the NASP area and includes the natural areas, public open space, and public utility lots. The natural areas, as shown, are comprised of two distinct but connected areas: the Waskasoo Creek Natural Area along Waskasoo Creek and the College South Lands, and; the proposed Bower Natural Area. **Figure 8a** shows the natural areas to be disturbed or removed. FireSmart and grading plans at detailed design stage will further refine the boundaries of these areas.

Pursuant to Section 666 of the Municipal Government Act, The City of Red Deer, as the Approving Authority, may require the owner of a parcel of land that is the subject of a proposed subdivision to provide up to ten (10) percent of the parcel as:

1. *land for municipal reserve, school reserve or municipal and school reserve,*
2. *money in place of municipal reserve, school reserve or municipal and school reserve, or*
3. *a combination of land or money.*

The area of the NASP identified as the lands owned by the Bowers and Her Majesty the Queen in Right of Alberta (**Section 4.1**) comprises a total area of ± 95.0 acres (± 38.4 ha). The 10% of MR from this portion has been previously dedicated through a prior agreement between The City and the landowner (A Subdivision by Re-plotting, approved Nov. 20, 1969).

At the time of future subdivision, the Red Deer College south lands (including parcels north of the Waskasoo Creek NASP boundary) will have to accommodate 13.21 acres (5.35 ha) of MR as per the above mentioned 1969 agreement, in addition to the standard 10% required. A letter stating

agreement to these terms from the College to the City has been included in **Appendix B**. Refer to **Figure 8** for a clarification of the lands that will be included when the owed MR is dedicated.

The City has identified that a significant portion of the treed natural area, referred to as the Bower Natural Area (see **Figure 8**) be preserved. The developer, Qualico, and the land owner, the Bower Family, have entered into negotiations with The City of Red Deer regarding the preservation, through municipal purchase, of this portion of the Southpointe NASP. This land, though privately owned, has long been utilized by both the College and the public and contains a network of trails and is considered by The City to be a valuable part of the regional open space system in and around Red Deer.

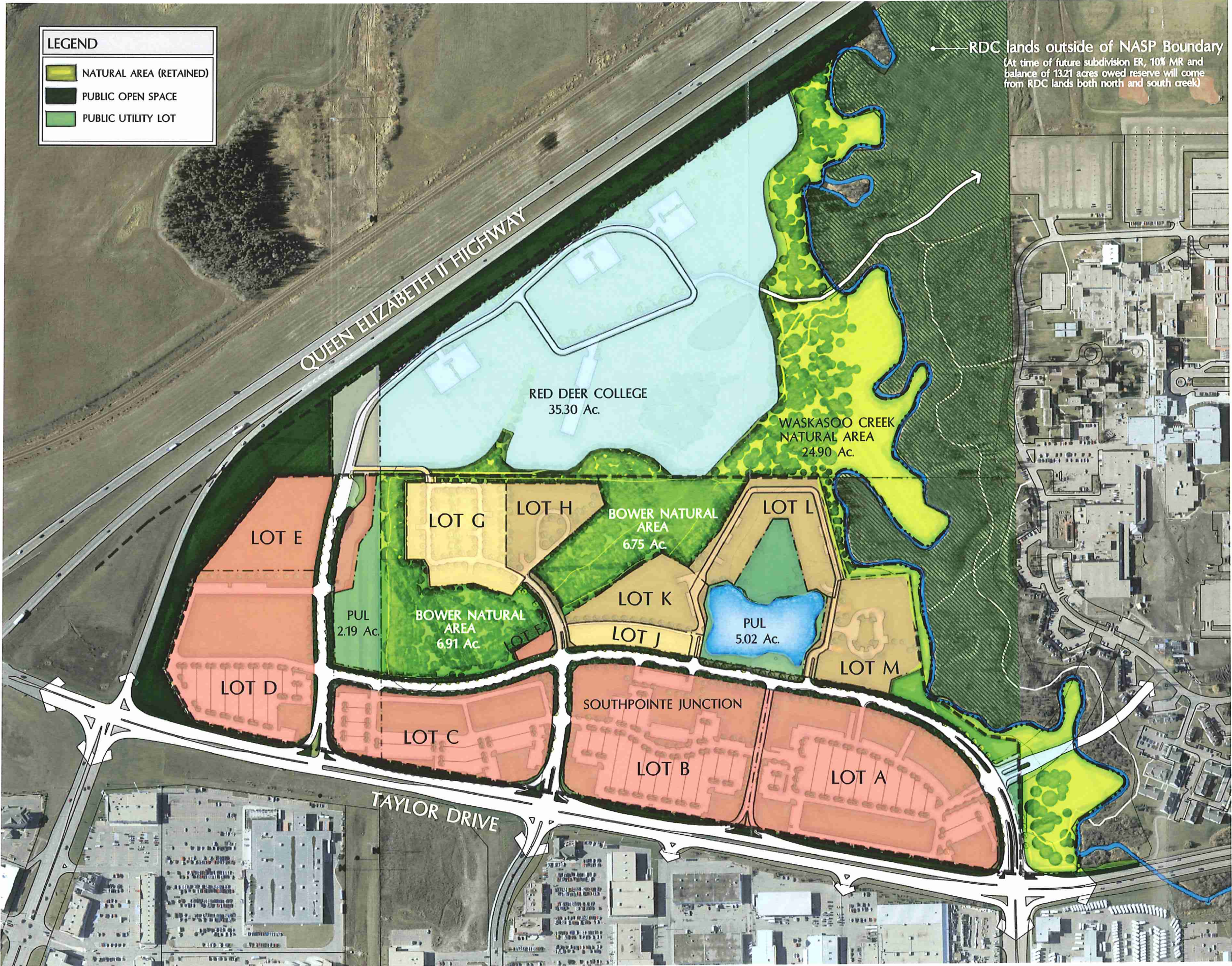
Therefore, at The City of Red Deer Council meeting on August 13th, 2007 the following motion was introduced and passed:

"Resolved that Council of the City of Red Deer having considered the report from the Recreation, Parks & Culture Manager, dated August 7, 2007, re: Southpointe Junction Concept Development, Bower Natural Area Preservation, hereby agrees in principal to the amount of area and location of the open space and natural area design and directs Administration to develop an agreement with the developer and land owner to:

1. *Purchase +/- 12.26 acres of treed escarpment,*
2. *Purchase the additional noted 2.76 acres of open space for \$1.00,*
3. *Direct the additional 1.95 acres of owned municipal reserve to be applied to the natural treed area and Waskasoo Creek for the purpose of preserving additional amounts of natural environment and current natural trail connections."*¹

The Bower Natural Area shown as MR/A2 (see

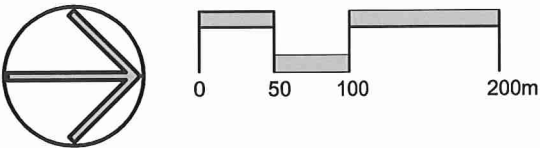
¹ As already discussed, since this agreement was made, it has been determined by The City and the developer that there is no reserve owing on the Southpointe Junction portion of the lands (A Subdivision by Re-plotting, approved Nov. 20, 1969).



SOUTHPOINTE NASP

FIGURE 8
OPEN SPACE
CONCEPT

DATE: September 2009



DRAWING BY: AECOM



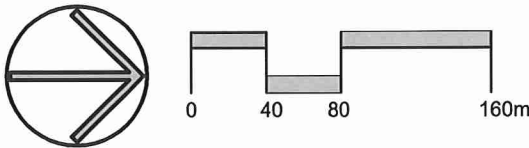
InterPlan strategies inc.
Land Planning Services

SOUTHPOINTE
NASP

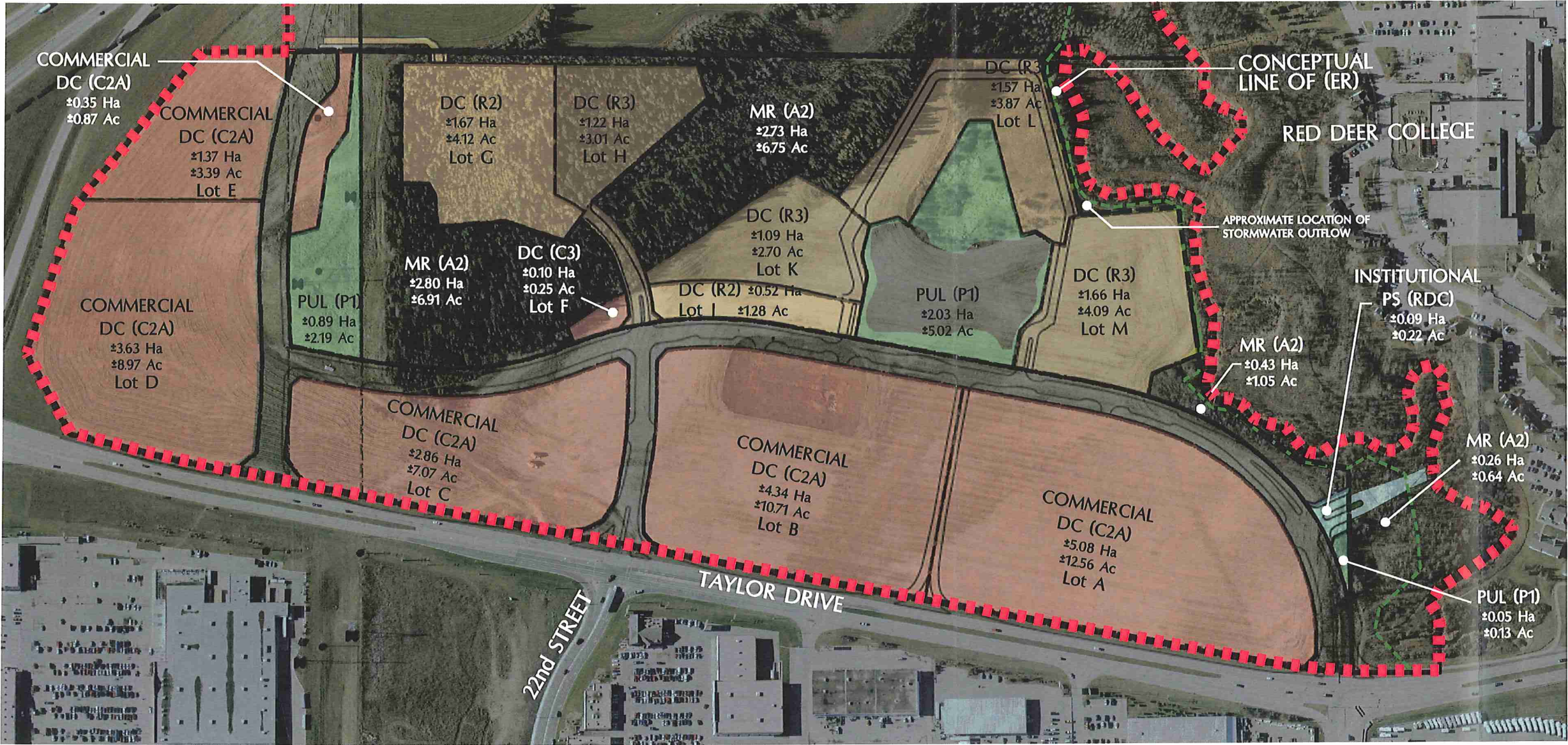
FIGURE 8A
NATURAL
AREAS TO BE
DISTURBED OR
REMOVED
(SP JUNCTION)

NOTE: Conceptual plan only. To be finalized at detailed design phase.

DATE: September 2009



DRAWING BY: Group 2 / Al-Terra



Group2 architecture engineering
AL-TERRA ENGINEERING LTD.

InterPlan strategies inc. Land Planning Services
RDC

SEPTEMBER 2009

SOUTHPOINTE NASP

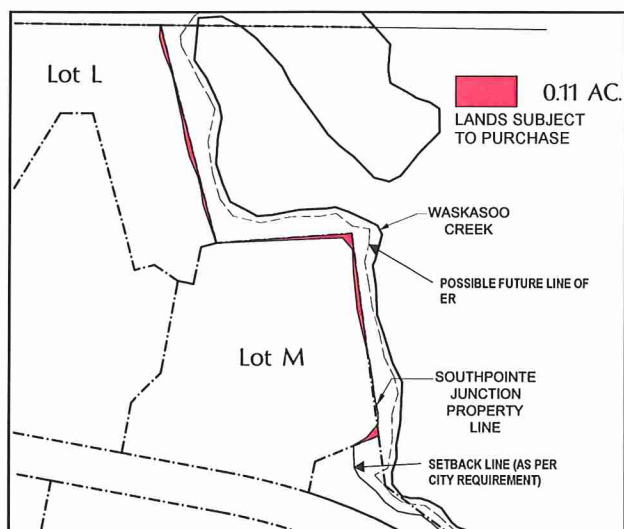
Figure 7) totals ± 16.94 acres (± 6.85 ha). This area will be purchased by The City based on Council resolution on August 13, 2007 and is comprised of:

- ± 13.66 acres (5.53 ha) in the Bower Natural Area*
- ± 2.19 acres (0.89 ha) of open space in the utility ROW south of the woods**, and;
- ± 1.05 acres (0.43 ha) south of Waskasoo Creek.**

*Note: Due to concept refinement, this area is greater than the ± 12.26 acres discussed at Council in August 2007.

**Note: These portions will be sold by the developer to The City for \$1.00, the value in excess will be recognized as a tax deductible donation.

In May 2008 a further agreement was made for the purchase (under the same conditions as the Bower Woods Agreement - see * above) of three additional parcels of land located at the north end of SP Junction and totaling ± 0.11 acres (± 0.04 ha) (see detail below). These will be used by The City to facilitate efforts to maintain the path system on the south side of the creek.



Detail of north property line.

The Waskasoo Creek Natural Area, with the exception of the small strips of land shown above and the ± 1.05 acre parcel east of Lot M, is under the control and ownership of the College.

The Red Deer College Master Plan lists a number of principles for the Waskasoo Creek Natural Area that will guide its future maintenance and preservation:

- "Preservation of the central core of the natural area should be an overriding goal.
- Facilitate greater management and monitoring.
- Integration of natural and developed areas.
- Maintain current uses of the natural area (education, recreation, habitat, wildlife corridor).
- Acknowledge need to link the areas north and south of the creek, but in the least obtrusive way.
- Minimize impact on natural area through proper management of storm water, utilities, roads and pathways.
- Facilitate access for the General Public."

As discussed above and illustrated in **Figures 7 and 8**, a portion of the natural lands south of the creek are being retained as the Waskasoo Creek Natural Area.

All pathway connections to both the Waskasoo Creek and Bower Natural Areas from the proposed development will be maintained or realigned as discussed in **Section 5.2.1 Pedestrian Trails and Linkages**.

The open space, shown in **Figure 8**, includes the constructed wetland and the public spaces to the north, south, west and east of it. In addition there will be a naturalized open space beneath the existing power lines in the utility ROW. These are shown as Public Utility Lots (PUL). Also part of the public open space realm is the streetscape along the collector roads.

The private open space will be identified at the detailed design stage and will include significant green space in SP Junction on both residential and commercial sites and will contribute to the visual appeal of the development. Both soft and hard landscaping is envisioned for these areas in order to enhance pedestrian use and overall aesthetics.

The private open space in the Red Deer College lands will eventually be developed to reflect their guiding principles as outlined in the Red Deer College Master Plan;

"Landscape designs will express a park-like setting that unifies the campus while stimulating social interactions among community members, offering comfort and security and reflecting the college's environmental consciousness."

It should be noted that not all existing vegetation can be preserved but effort will be made to retain existing trees where possible and have them incorporated as a development feature.

5.2.1 PEDESTRIAN TRAILS AND LINKAGES

The proposed trail system and linkages in the NASP area are illustrated in **Figure 9** and follow the recommendations of the Red Deer Trails Master Plan.

As illustrated in **Figure 9**, there will be a hierarchy of trails in both the natural and urban areas which will connect both the existing retained trails, proposed trails, and the elements of the plan. One pedestrian gathering place has been identified on the SJ Junction side of the NASP at the plaza on the constructed wetland. Barrier free pedestrian links can be accommodated in developed urban areas wherever considered necessary at the detailed design stage.

Development along the north south collector road in SP Junction is intended to create an inviting pedestrian environment and as such, poses some design challenges. There are considerable distances between public road intersections and driveway locations have yet to be finalized. Due to the distances between intersections, the need may occur to provide mid-block crossings to facilitate pedestrian movements. Should a mid-block crossing be appropriate, design elements will be included at the detailed design stage to ensure pedestrian safety and vehicle flow (ie. marked and signed crossings, bump outs, pavement texture/colour change).

The legend on **Figure 9** more fully explains the proposed trail/sidewalk sizes and materials. Existing trails that fall within the Bower and Waskasoo Creek Natural Areas will be retained, and may over time be rehabilitated or upgraded by The City. Due to the density of the vegetation within the Natural Areas, the existing trails could not be located using GPS. All trail locations within vegetated areas are estimated only and final realignment, where required, will have to be undertaken in the field during detailed design and/or construction by The City.

An above grade pedestrian crossing will be provided where the Bower Natural Area trails cross the private residential connector road into lots G and H (see **Figure 9**). This crossing will help maintain the continuity of the path system in this area. The actual bridge design and location will be determined at a future stage of development however, some description of what is intended follows.

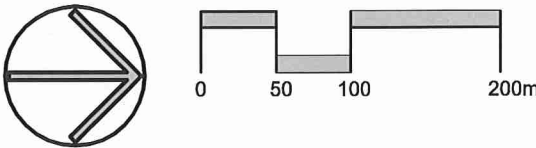
The pedestrian bridge will be developed to carry walkers, joggers, and cross country skiers and the occasional quad used by the park staff. As per discussions with Parks staff, the bridge will not be



SOUTHPOINTE
NASP

FIGURE 9
PROPOSED
TRAIL SYSTEM

DATE: September 2009



DRAWING BY: AECOM

AECOM Group2
architecture
engineering

AL-TERRA ENGINEERING LTD. RDC

InterPlan strategies inc.
Land Planning Services

SEPTEMBER 2009

SOUTHPOINTE NASP

required to support a maintenance vehicle such as a truck nor does it need to be totally enclosed. The bridge may be of weathered steel with the top rail and decking clad in wood. The weathered steel will provide a more natural feel to the structure and allow it to blend into the site. A photo of a similar bridge design is included below. In order to retain the site as natural as possible the trail grades and alignments leading up to the bridge will be field fit to provide ready access to the bridge.



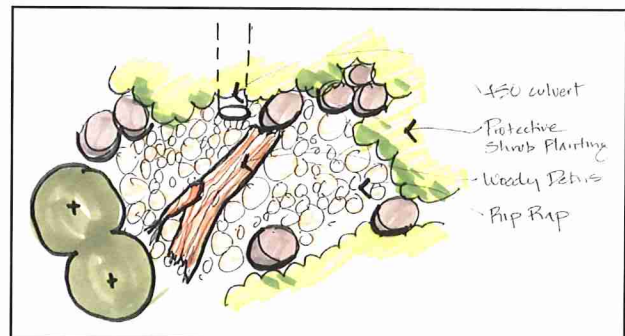
Example of pedestrian bridge design

Funding for the pedestrian bridge will be provided by the developer, however, should any City funds remain in the recreation amenity fund planned for this development, the City has agreed that these could be directed to offset the bridge cost.

Trails in the Waskasoo Creek Natural Area north of the creek are outside the NASP area but their connections with the south side are relevant to the NASP trails and linkages. The Red Deer Trails Master Plan, Section 4.3.1 (pg 55) deals specifically with the standards desired for the Waskasoo Trails.

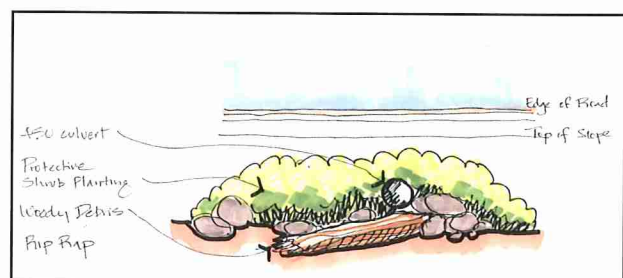
5.2.2 ANIMAL CONNECTIONS

Animal crossings were also considered in the preparation of the NASP open space and trails system. The intent is to provide connections for large and small animals now found on, or moving through, the site. This is particularly relevant where the private access road to residential Lots G and H crosses the Bower Natural Area and where the north south road linking the north Red Deer College lands and SP Junction crosses Waskasoo Creek. A more detailed description of these roadway designs is included in **Section 6.1.**



Conceptual wildlife crossing plan.

Efforts will be made to minimize road widths in the Bower Natural Area, while the possibility of an enlarged culvert accommodating Waskasoo Creek and serving as a wildlife/pedestrian crossing where the proposed easterly road link is located will be explored at the detailed engineering and design stage. The Red Deer College Master Plan does indicate that the crossing at this location will be at grade.



Conceptual wildlife crossing section.

5.2.3 RECREATION OPPORTUNITIES

There will be a diverse range of recreational amenities available in the NASP area. The existing trail system in the Bower and Waskasoo Creek natural areas provide an opportunity for both passive and active recreation with walking, running, cycling and cross-country skiing as potential activities.

The strong link between the community and Red Deer College will also offer additional opportunities in several different ways. The College offers non-credit courses for the public in a variety of areas, including culture and fitness. The varied fitness facilities on campus are available for rent or for use through a community membership and include racquet courts, playing fields, weight training facilities and gymnasiums. Future plans for the South Campus may include additional facilities. Child care facilities, arts and culture events and a public library are also offered at the College.

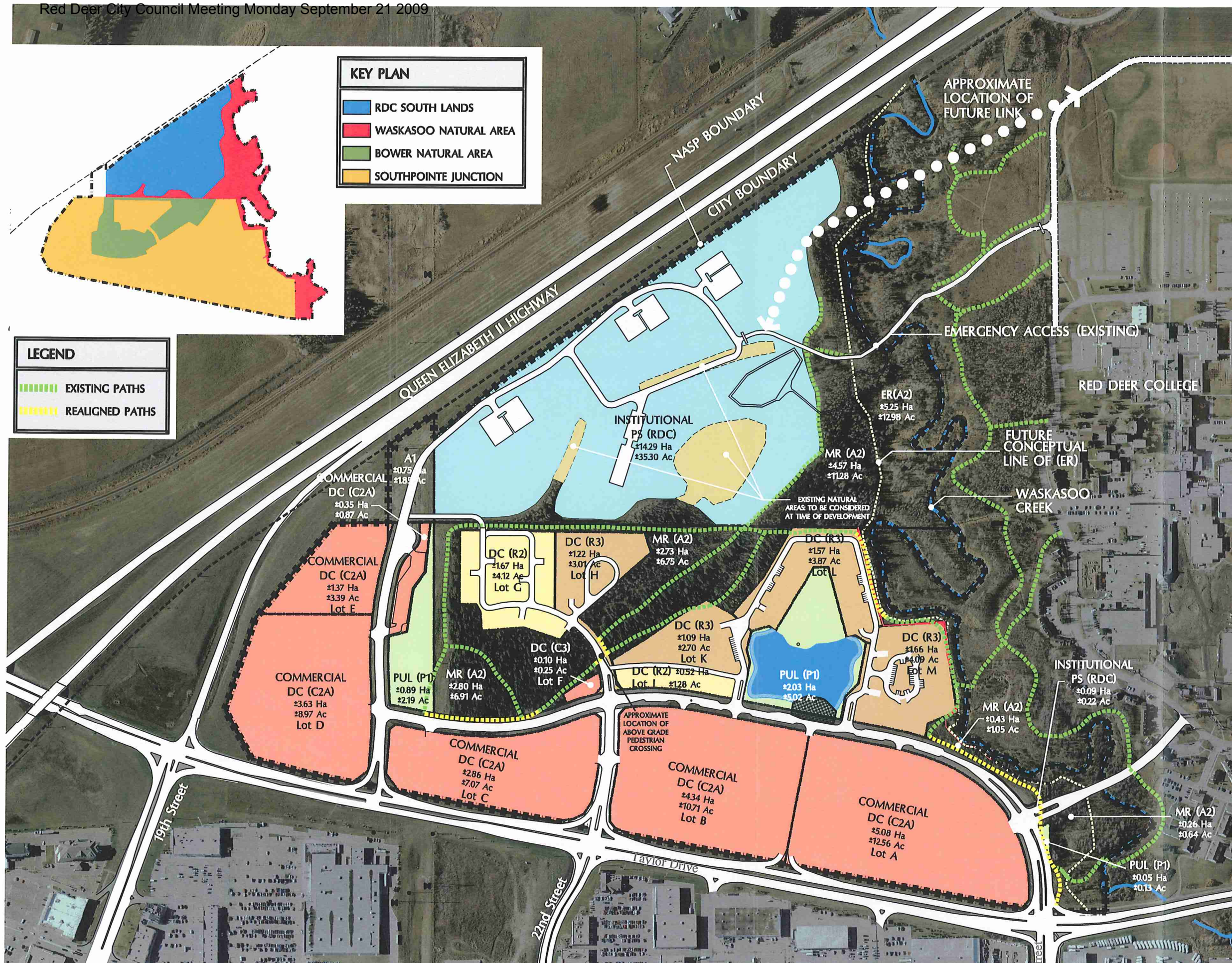
5.3 WASKASOO CREEK NATURAL AREA

The area described as the Waskasoo Creek Natural Area is shown in the Key Plan on **Figure 10**. Only the area south of Waskasoo Creek is included in the NASP, however the natural area should be considered in the overall context of the entire Waskasoo Creek open space system. The Waskasoo Creek Natural Area, in combination with the proposed Bower Natural Area, has been functioning as a significant open space within The City of Red Deer. A large portion of the Waskasoo Creek Natural Area between the QE II and Taylor Drive is owned and maintained by the Red Deer College (grounds staff and volunteers).

The vision for this portion of the NASP is to maintain and protect the natural aspects of this area. It has been recognized by the College and The City that pedestrian and vehicular links across this natural area are, and will be, necessary as development of both the College and SP Junction lands proceeds. In order to mitigate the possible negative impact these crossings may have on the creek and surrounding area, the intent is to introduce pedestrian and vehicular crossings as close to the east and west fringes as possible.

Both The City and the College have identified the need for a transportation corridor linking the campus core and the proposed development to the south east. As seen in **Figure 10**, a proposed access road is shown across the creek just west of the intersection of Taylor Drive and 28th Street. In addition, it is recommended that an emergency access road and creek crossing would be incorporated farther west where an existing concrete service bridge is located. This bridge is currently used for pedestrian access across the creek as well as farm equipment, from the north, to service the agricultural land currently leased by Red Deer College to a local area farmer. As the Red Deer College South Lands become developed, it is anticipated that future studies will indicate the need for another vehicular north south link at the west boundary of the creek. Should this become a necessity, it is proposed that the approximate location of the future road link occur next to the QE II Highway right-of-way, thereby reducing its impact on the natural area.

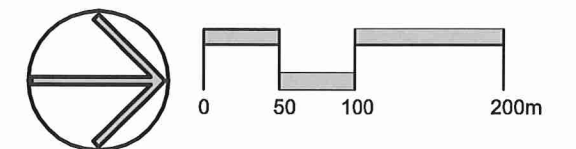
The NASP recognizes the importance of the Waskasoo Creek Natural Area and addresses maintaining the system of pedestrian and bike pathways in and through the area as well as introducing new links to both the existing College Campus and the proposed future development to



SOUTHPOINTE NASP

FIGURE 10
SOUTHPOINTE
CONCEPT
PLAN

DATE: September 2009



DRAWING BY: Group 2

Group2
architecture
engineering

AL-TERRA
ENGINEERING LTD.

ziola newstudio
architecture inc.

RDC

the south. This will in part be accomplished by a negotiated sale of lands south of the creek at the north end of SP Junction as discussed and shown in more detail in **Section 5.2**.

5.4 BOWER NATURAL AREA

The establishment of the Bower Natural area will be an attribute for both The City of Red Deer and the Southpointe NASP. As outlined in **Section 5.2** Open Space, the area includes ± 2.19 acres (0.89 ha) in the Utility R.O.W. at the south end and ± 13.66 acres (5.53 ha) of the treed area.

The negotiations to formalize this natural area will continue during the NASP, zoning and subdivision process. The overall success of these negotiations rests largely on the success of these processes, and the achievement of the Developer and The City in reaching agreements for several key components of the proposed development as well as the financial obligations, which were outlined in **Section 5.2**.

Additionally, discussions on the limit of disturbance into the Bower Natural Area during the construction phases of Lots G and H are ongoing and will be addressed at the detailed design stage. All vegetation removal will be done in accordance with City of Red Deer urban forestry best practices and will include consultation with urban forestry staff. Accommodation of grade differences and meeting the FireSmart requirements for the clearing of underbrush within the surrounding natural area will be dealt with at detailed design stage. Initial examinations of the FireSmart requirements have been made and a draft plan delineating the areas affected is included in **Appendix C**.

The proposed boundary for the Bower Natural

Area is shown in the key plan for **Figure 10**.

5.5 RED DEER COLLEGE SOUTH LANDS

Red Deer College developed a Land Use Master Plan in June 2003 which illustrates how the College proposes to guide future development on its lands. The Master Plan includes a Demonstration Plan (see **Appendix A**) showing conceptual road layout and building locations in the south lands. This is conceptual only, but the general road layout is included in the NASP Concept Plan in order to show the potential links between the developable areas in the NASP and the College lands to the north.

The Master Plan describes its vision for development as follows: "...it:

1. recognizes the educational mandate of the College as paramount
2. acknowledges that the College land is a trust and the College is the steward of this trust
3. reflects the College's relationship with the larger community and surroundings
4. supports mutually beneficial partnerships
5. promotes a strong identity and visible presence within the larger community
6. provides integrated design contributing to a strong sense of place
7. manages long-term development needs in a sustainable manner"

In the Master Plan, the College lands have been described as being divided into Precincts (see **Section 5 Precinct Analysis**, page 45 of the Land Use Master Plan). Those lands included in the Southpointe NASP are divided into two precincts: Precinct 5 (Natural Area) and Precinct 6 (South Lands). Although the Bower Natural Area is not part of the College lands, Precinct 5 of the Master Plan includes the Bower Natural Area and assumes that it will remain as is. However, the document

deals more specifically with the natural area around Waskasoo Creek. The recommendations for Precinct 5 are as follows:

"In response to the stewardship commitment in the "Vision for Land Development Master Plan" discussed to in chapter 3, the natural area is depicted as being effectively untouched. To minimize future impact, vehicular access through the natural area is kept to the fringe areas. A new road access to the college core (Precinct 1) is recommended, but is kept as close to Taylor Drive as possible. A low-impact vehicular access (for emergency and service vehicles only) located within the western portion of the natural area is recommended (complete with access control gates at each end), which would link the Campus Core (Precinct 1) to the South Land (Precinct 6). The existing, concrete service bridge would be incorporated into this route. The major use of this road would be pedestrians and cyclists. A more formal path system (i.e. paved or graveled) is proposed for the perimeter of the natural area. An analogy is the sea wall at Stanley Park where the perimeter of the park is well defined by a formal path system with natural / low impact paths branching off into the natural area. Vehicle parking would be incorporated at the trailhead to provide a convenient access point to the Natural Area trails.

For planning purposes, the assumption is made that the natural lands on Bower property will be set up as a natural reserve and continue to be an integral part of the college natural lands, in a consolidated cluster. A joint management strategy for the natural area needs to be developed between the College, the Bower family and The City of Red Deer. The proposal is to develop a core reserve system which identifies priority areas for minimal activity (scientific / educational study) and includes buffer zones that help to maintain the naturalness and ecological function of the priority areas while providing for human use and enjoyment ..."

The South Lands, as identified by the report, include the area south of Waskasoo Creek, east and north of QE II Highway and west of the Bower Natural Area. This area is referred to as Precinct 6 and several potential uses and opportunities for

this area have been identified by the College:

- *"Centre for Sustainable Development including applied research / partnerships, interpretive / conference centre*
- *Recreation, sports fields*
- *Family housing along easterly edge*
- *Public / Private partnerships"*

As with Precinct 5, the following recommendations are made for Precinct 6:

"This area has been divided into two zones. The zone in the west area, with excellent visual exposure to Highway 2 is depicted as Private / Public Partnership land use, where long-term land leases would be incorporated. The building forms would be developed into three or four clusters along the highway with a prominent landscape buffer. The access road (and utility service corridor) would be routed through the Bower Lands from the south. The road would parallel Highway 2 and loop back. No major road linkage is proposed to connect to the College lands to the north. An existing service bridge across Waskasoo Creek is proposed to be upgraded and utilized for emergency and service vehicle access that will also serve as a pedestrian / bike path.*

The pocket of land nestled between the highway zone land use and the natural area is depicted as a low-impact land use zone. Uses that could be considered are a center for sustainable development, in conjunction with demonstration projects, an interpretive center and possibly a small-scale conference center. This type of activity is deemed appropriate because of its visual isolation from Highway 2 and adjacency to the natural area."

*Although the 2003 Land Use Master Plan does not depict a north/south link in the westerly region for regular vehicles, a potential future road link could be built very close to the QE II Highway to facilitate better connectivity and functionality between college activities on both sides of Waskasoo Creek. Final alignment of this potential road would be determined at the time of

subdivision in consultation with affected stakeholders.

The Master Plan goes on to discuss the relevancy of the Bower Lands and their impact on the connectivity of the north and south College lands:

"This area is not within the control of the college, yet the future development will influence the college in a number of ways. Any transportation linkage from the south into the north college lands would have to be through the Bower lands. Furthermore, the college's South Lands would require transportation and service linkage from the south and other portions of the Bower land. The timing of the development of Bower lands will likely dictate the college development of the South Land. A perimeter pedestrian / bicycle path system, as described in the Natural Area Precinct, hopefully, would be included in the future development of the Bower Lands."

Figure 10 illustrates three natural areas within the plan that have been identified. Though included in the potential future development area, efforts will be made to retain the areas or at minimum, relocate the vegetation to a more suitable location.

5.6 SOUTHPOINTE JUNCTION

The east and south portion of the NASP area are being planned by Qualico and this portion of the NASP area is called Southpointe Junction (SP Junction). A concept plan of the proposed development is shown in Figures 7 and 10 and in more detail in Appendix A.

SP Junction is envisioned as a Mixed Use Urban Village incorporating residential, retail, office, recreation amenities, and potentially, hotel / convention facilities, within the confines of a ±95 acre (±38.44 ha) site (including the Bower Natural

Area). The goal of Qualico is to create an environment that attains many of the principles of smart growth and sustainability by: including a variety of housing choices; offering a broad spectrum of employment opportunities and services; and by providing for both active and passive recreation; all within walking distance of a village centre. SP Junction intends to achieve the balance of uses required to offer and create a multi dimensional live-work-play community.

The focal point of the village will be a constructed wetland / dry pond / public gathering place centrally located in the village. This central area would feature a series of pathways connecting the hard surfaced public realm to the trail system of the Bower Natural Area and the Waskasoo Natural Area. Placed around this wetland is a combination of residential uses in the form of higher density apartment buildings and townhouses.

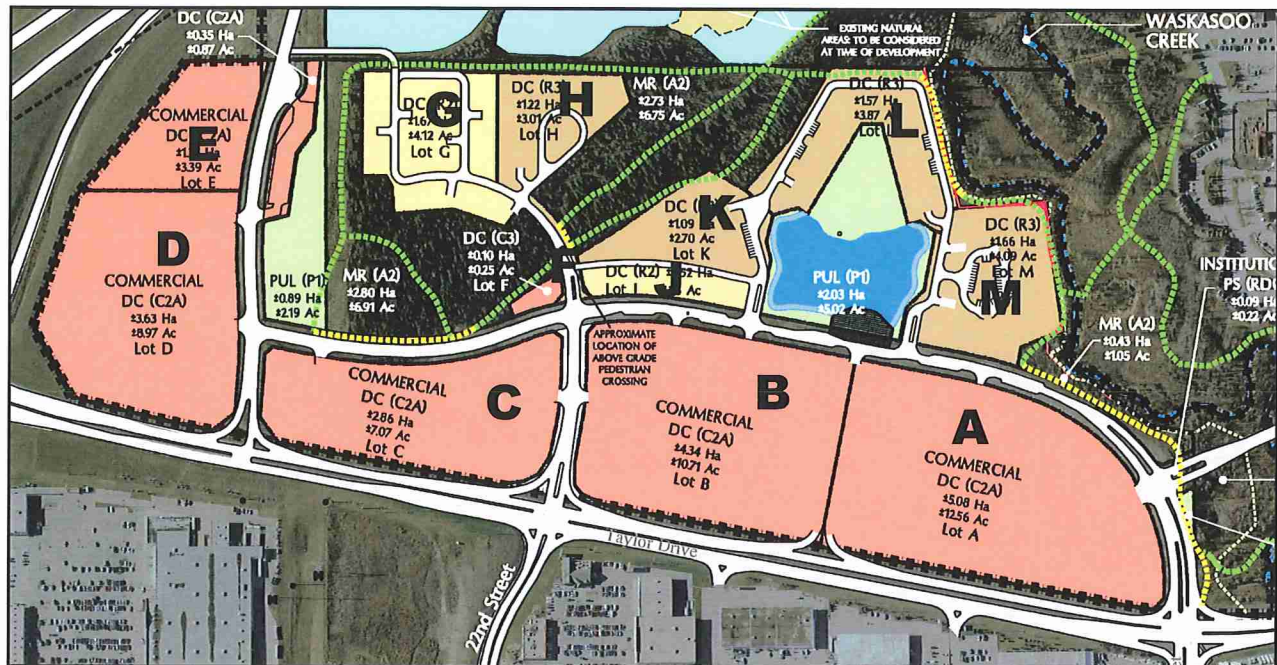


Conceptual view of constructed wetland looking north east.

The main road running through this live-work-play urban village will contain a pedestrian orientated section with a main street feel. In the pedestrian section, the built forms will be sensitive to the street including strong architectural detailing and elements of pedestrian orientated functionality. The office component of the development could be located in this part of the development. The remaining commercial development will be between the internal road

SEPTEMBER 2009

SOUTHPOINTE NASP



running north south and Taylor Drive, as well as west along the south end of the site.

The following sections explain and illustrate the separate components of this concept plan in more detail.

5.6.1 RESIDENTIAL COMPONENT

The residential component of the plan is to be located west of the internal north south road and borders with the proposed Bower Natural Area and the Waskasoo Creek Natural Area thereby taking full advantage of the opportunity provided by these natural areas.

As illustrated in **Figure 11**, SP Junction is divided up into a series of parcels reflecting their proposed land use. The residential parcels are identified as lots G, H, J, K, L and M and collectively constitute ± 19.09 acres (± 7.72 ha). The current vision for these developments is outlined below but are subject to change based on market demand and future approvals.

FIGURE 11: CONCEPT PARCELS

The proposed buildings for Lots K, L and M (shown conceptually in plan in **Appendix A**) are all located around the focal point of the proposed village concept which is the constructed wetland and dry pond. These buildings are envisioned as four story apartment condo units with balconies which will offer views of either the natural areas to the west and north or the urban open space system envisioned in this area. The architectural design style will be specifically reviewed, developed and resolved to compliment the development of both the residential as well as the commercial components of the proposed



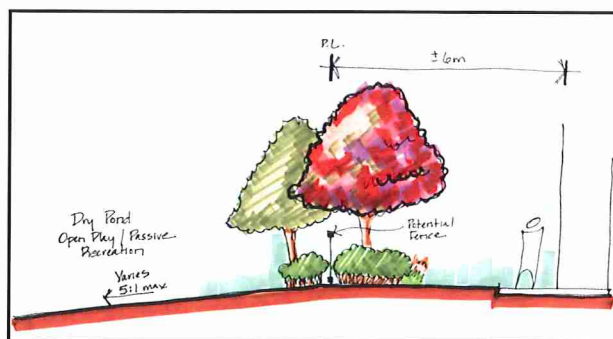
Conceptual view of wetland, central plaza and Lot L.

SEPTEMBER 2009

SOUTHPOINTE NASP

development. It is envisioned that this will develop a cohesive and strong aesthetic for the entire community. Each building could include such amenities as underground parking, a fitness and wellness centre and car wash facilities.

The buildings located in Lot M will also include an elevation along the north south collector road. Careful attention to a relationship with the street will be included in the eventual design of this building. The building located in Lot L will embrace the dry pond planned for this area and be separated from the public realm by a fenced private garden which will be landscaped to compliment the views of the residents as well as the views from the opposite side of the wetland.

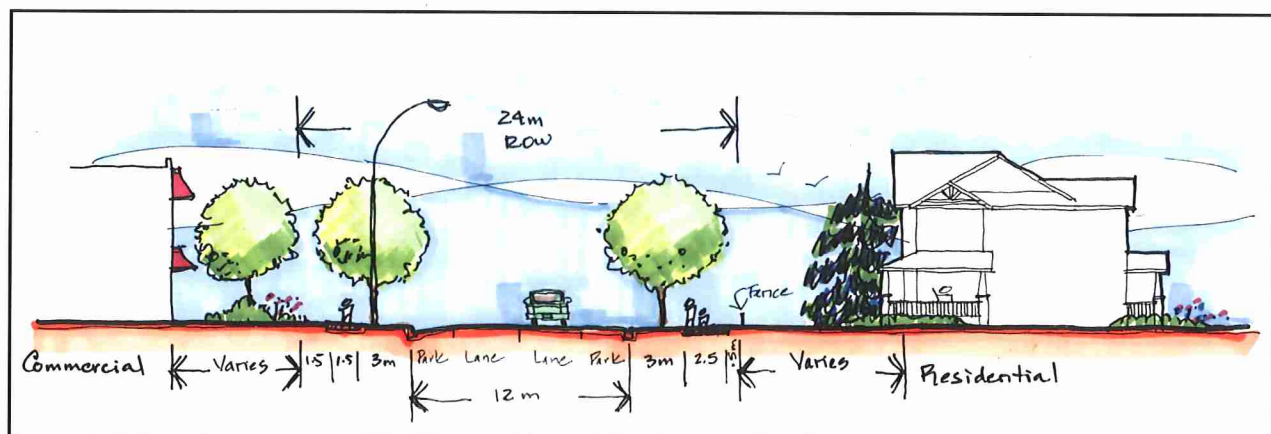


Conceptual section from building L to the dry pond.

To the south of the wetland and located along the major north south road is Lot J. The residential

component in this parcel is envisioned as three two storey townhouse blocks. Parking and vehicle access to these units will be from a rear service road. These units offer an exciting opportunity to live in between natural and urban amenities. Especially important to these units will be their relation to the vibrant streetscape envisioned for this section of the north south collector road. Each unit would boast its own fenced front yard opening to the street which will contribute to the visual diversity of the streetscape. Also envisioned for this development is the opportunity to offer "Live Work Units". These are units where the resident can incorporate their business establishment into their dwelling based on a set of guidelines for acceptable uses.

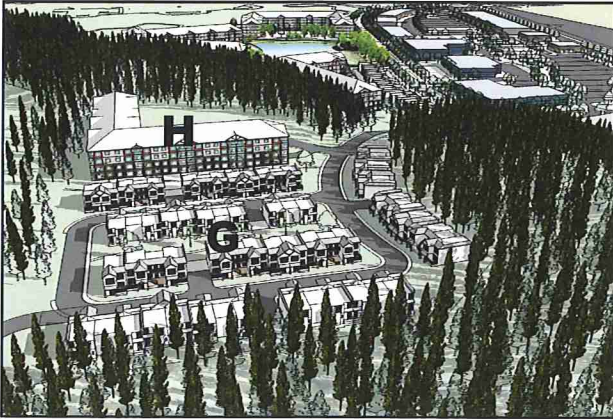
Lots G and H, as shown in **Figure 11**, will be accessed by private roads bridging the natural area. The first, labeled lot H would contain a building similar in design to the four storey apartment condos described above. Market demand will ultimately determine the details of this development, but there is a possibility of offering a 55 plus building either here or in one of the other apartment condos. Additional amenities for a 55 plus building could include private facilities for a games room, an internet café, a small theatre, a library and sitting room and possibly guest suites.



Section through collector between Lots J and B.

SEPTEMBER 2009

SOUTHPOINTE NASP



Conceptual view of Lots G and H looking north.

The buildings envisioned for Lot G are townhouses ranging in size from 700 ft² (bachelor units) to 1800 ft² (3 bedroom units). Parking for residents could be contained in underground parking structures immediately accessible to the units thereby removing a majority of the parking from the landscape of the neighbourhood. Specific unit designs are at an early stage but could offer shared open space amenities that would be professionally managed and maintained.

Townhouse units contained in lots J and G may be designed with the opportunity to provide varied unit widths in the building blocks to accommodate housing options such as in-law suites, student housing and expansion possibilities.

In order to achieve the Developer's vision for these residential parcels, all proposed residential blocks will be zoned as DC Districts, based on either R2 or R3 Land Use Districts as explained in **Section 5.1**. The intent of the DC zoning is to reinforce the creation of an urban-context for the proposed neighbourhood by committing to a denser, pedestrian oriented, mixed-use environment in smaller footprints, thereby preserving, protecting, and invigorating the natural and public areas. The general intent of the DC Residential Districts is summarized below. This list is to serve as a summary only and includes, but is

not limited to, the design elements envisioned for these developments.

General Principles for DC (R2) and DC (R3)

- Increased densities to properly complement the adjacent commercial areas with an increased emphasis on walkability.
- Reduced setbacks to maintain close proximity and access to sidewalks and improve the pedestrian realm; and/or accentuate the proximity to the natural areas.
- Unit types allowing for a variety of living styles within the same neighbourhood.
- Potential for "Live Work Units", particularly along the collector road.
- Varied unit widths in the townhouse blocks to provide housing options such as in-law suites, student housing and expansion possibilities.
- Pedestrian oriented frontages along the collector road to increase the "Main Street" feel and increase street access.
- Landscaping offering a visual continuity with both the urban and natural areas.

The DC Guidelines will be part of the Land Use Bylaw Amendment Application.

5.6.2 COMMERCIAL AND OFFICE COMPONENT

As indicated, the intent of the NASP for SP Junction is to allow for the planning of a full spectrum live-work-play community. An important component of this concept is the commercial and office uses planned on the easterly side of the NASP area. By providing a mix of residential, commercial (both service and retail), and office development, the proposed development will have a broader appeal to both potential residents and businesses looking to locate in this district, and will contribute to the underlying goal of achieving a

SEPTEMBER 2009

SOUTHPOINTE NASP



Conceptual view of commercial component looking south.

sustainable node.

The proposed commercial and office components of the concept plan, shown in the parcels labeled A, B, C, D and E in **Figure 11**, total ± 43.84 acres (± 17.74 ha). The parcels have been planned to accommodate a range of commercial uses, including big box style development to the south (Lot D), and smaller retail and service uses accommodated in parcels A, B and C. Lot E is envisioned as an opportunity for the development of a hotel and conference facility. In addition, Lot F is proposed to house a district energy facility. A more detailed description of this proposed use is included in **Section 5.6.5**.

It is envisioned that the office component be consolidated in Lots A and B. The buildings proposed along the western boundary of these Lots would vary in height and would be encouraged to contain a component of ground floor retail orientated towards the street. The development envisioned in Lots A and B are expected to have a higher degree of interface with

the residential development to the west and would be designed to encourage a pedestrian friendly environment. Lots D and E will have a different type of commercial development and effective pedestrian access will only be provided along the north boundary and into the site development. Care will also be taken to ensure that the facades along the freeway will have aesthetic treatment. Lot C forms a transition zone between the pedestrian and vehicular oriented commercial uses and will be designed to reflect this. In particular the intersection of 22nd Street and the internal collector road will demand corner treatments of the commercial buildings in both Lots C and B that will be both visually appealing and user friendly for pedestrians.

The level of detailing and design on the buildings in Lots C, D and E will be somewhat reliant on the setbacks that are eventually achieved. Smaller setbacks will lead to increased building detailing, while larger setbacks will provide an alternative of a greater degree of landscaping and screening.

Ultimately the market will dictate the viability of this component of the development. If the developer feels that the market demand exceeds the standard 10% of office permitted, a market analysis can be conducted and presented to The City. As outlined in **Section 3.2**, Administration may support an amendment to the NASP should the developer be able to supply adequate supporting information. Should office uses in this location be deemed by the market not to be desirable, then it could either be relocated in SP Junction or revert to a more conventional retail form.

Both soft and hard landscaping will be employed within the commercial areas to enhance the visual appeal and facilitate pedestrian connections. The vision for the ultimate design of SP Junction's commercial and office components is to offer a visually cohesive, high quality range of buildings that include interesting design features and offer easy pedestrian and vehicular accessibility and ample parking for users.

In order to achieve the developers vision for these commercial parcels, all proposed commercial blocks will be zoned DC Districts, based primarily on C2A land uses as explained in **Section 5.1**. The intent of the DC zoning is to facilitate the creation of a vibrant mixed use retail and office centre as part of a pedestrian oriented area that relates to the neighbouring residential and recreational uses. The intent of the DC Commercial Districts is summarized below. This list is to serve as a summary only and includes, but is not limited to, the design elements envisioned for these developments.

General Principles for DC (C2A/C3)

- Facilitate the concentration of the allowable maximum of 10% Office component from all commercial parcels in SP Junction in one or

more of the proposed commercial parcels. Once the 10% allocation has been achieved, no further office space will be granted in SP Junction without an amendment to the NASP.

- Allow for variable setbacks to enhance the relationship of buildings to the streetscape, increase pedestrian accessibility, safety and offer protection from the elements.
- Taylor Drive is identified as a Major Entry and, as such, all development along this corridor will be given special consideration and will compliment the existing development along the east side of Taylor Drive.
- Ensure that development is visually attractive and is safe for pedestrian and vehicular traffic.
- Special attention will be given to the pedestrian precinct along the collector road to achieve a pedestrian and transit friendly environment. This will include, but not be limited to, the following:
 - i. Setbacks along the collector road will be varied to a minimum of 1.6m.
 - ii. Careful consideration will be given to frontage treatments as well as access configurations. Building infrastructure to allow for double frontages will be incorporated where appropriate in Lots A and B.
 - iii. Encourage commercial uses at ground floor level through the DC District permitted and discretionary uses.
 - iv. Include pedestrian scale street lighting.
 - v. Shop front composition within the pedestrian precincts will reflect the following principles.
 - Have a human scale
 - Offer a variety of architectural detailing compatible with the overall architectural theme.

All of the commercial and office parcels would be designed using The City of Red Deer Land Use

Bylaws and other relevant guidelines as a base.

5.6.3 MAIN STREET COMPONENT

Particularly important to the vision of this development is the establishment of a Main Street component along the north south collector road. The treatment of the street in this area is important to the success of the Urban Village concept. As described in **Section 5.6.1**, the residential units that face this collector road will be designed to be sensitive to this relationship.

The proposed commercial and office building designs in lots A and B along this collector road would also include design elements that address the street, provide a facade and definition of edge, as well as introduce activity and interest. This would include such elements as varied street front depths, awnings or other overhangs to provide protection from the weather, and pedestrian scaled lighting. Road and sidewalk design could incorporate width variations to accommodate bus stops and parking, and corner bulbing could be added to mark pedestrian crossing areas.



Conceptual view of 'main street' looking north.

Extensive hard and soft landscaping will be used in this segment of the collector road to define the main street. Street tree planting and creative applications of paving patterns will add visual

interest as well as providing opportunities for seating and gathering.

Central to this main street component is the constructed wetland, dry pond, and public plaza envisioned for this area.

5.6.4 CENTRAL PLAZA, CONSTRUCTED WETLAND AND DRY POND

The constructed wetland and dry pond will perform a number of tasks in the plan beyond their function as a stormwater retention facility. A conceptual plan view is shown in **Figure 12**.

The west side of the area is a public space but is bounded by private space and the proposed building located in Lot L, whereas the eastern portion will be surrounded by public spaces offering a range of recreational opportunities to both residents and visitors of the area. The dry pond to the west will be developed with landscaped edges encompassing undulating side slopes. Landscaping in the dry pond will add visual interest and offer opportunities for passive recreation. A garden in front of building 'L' would provide a private green space between the building and the public realm and would be planted with colourful trees and shrubs to further improve the backdrop. An ornamental fence will separate yet provide clear views between the



Conceptual view of the dry pond.

SEPTEMBER 2009

SOUTHPOINTE NASP

public and private lands.

The east side of the open space would contain a constructed wetland with a controlled water level to maintain a minimum level during dryer periods as well as being developed to improve water

quality. The shallow waters would be planted with emergent vegetation known to actively improve water quality. Deeper areas may contain submergent vegetation also to assist with cleaning the water. A deeper section of open water would be located near the plaza in order to provide

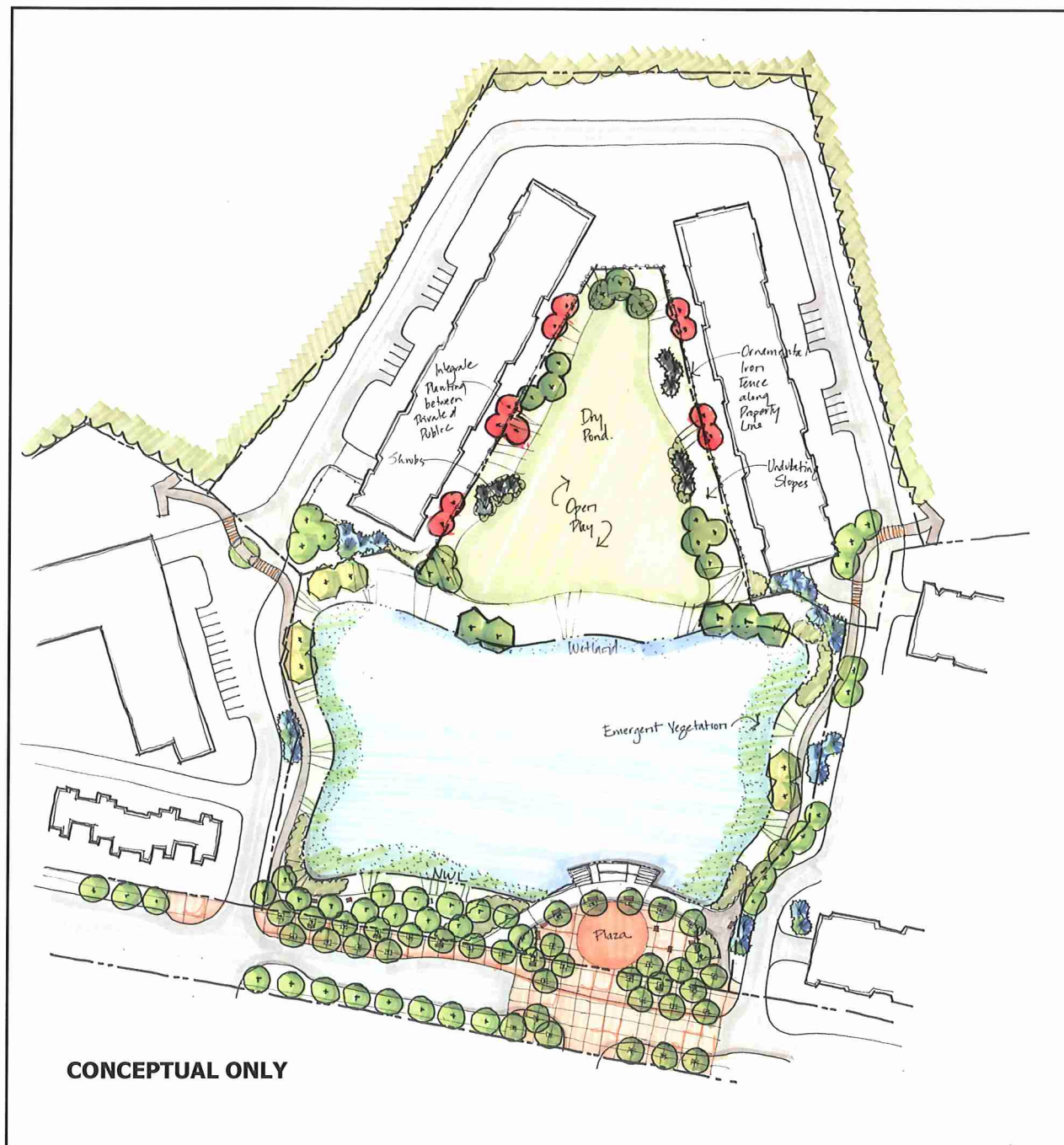


FIGURE 12: CONSTRUCTED WETLAND CONCEPT PLAN

SEPTEMBER 2009

SOUTHPOINTE NASP

potential for leisure skating opportunities in the winter months.

The north, south and west sides of the wetland are envisioned as relatively natural with viewing areas alongside and pathways along the north and south sides. These would be planted with native riparian species that can withstand water fluctuations due to storm events. The east side of the wetland would be directly tied to the streetscape and the public realm with a public plaza. The plaza would incorporate two connected levels. The lower level would be a concrete boardwalk ramped down to the water in order to provide closer interaction with the water, offering visual access to the water for school studies, seating and gathering and physical access for winter skating. This boardwalk would potentially be flooded during major storm events. Further design refinements including lighting and



Conceptual view of main plaza.

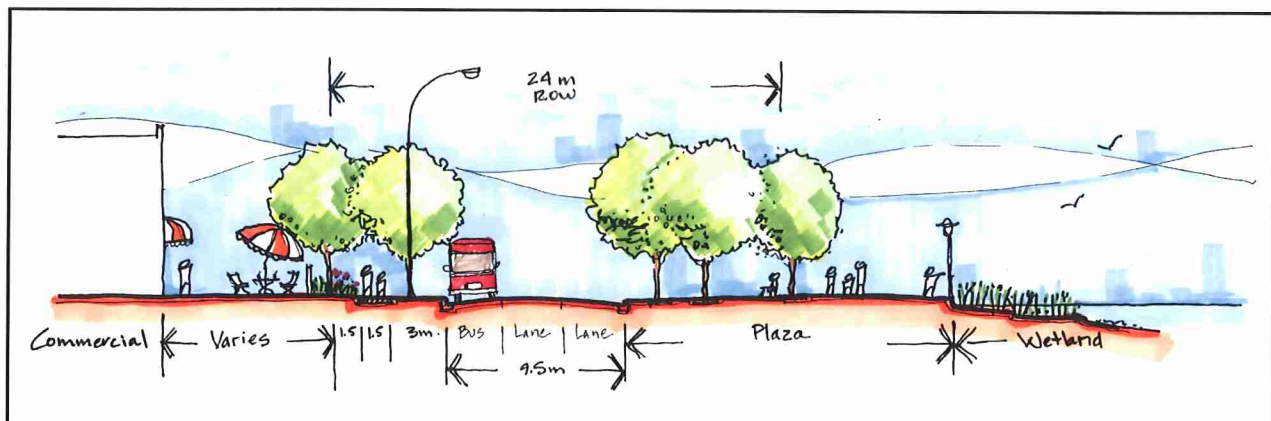
maintenance equipment access will be addressed at the detailed design stage.



Conceptual view of main plaza from east.

The second level, above the high water level of the wetland, would be the main plaza. This plaza will incorporate the pedestrian walk along the collector road. It will be framed to the east by a series of trees planted within a hard surface area. Other features of the plaza area could include benches, waste receptacles, and picnic tables. A further design element could be the inclusion of a labyrinth in the paving pattern to offer additional visual interest.

The plan provides for a raised patterned crosswalk linking the plaza to the commercial area to the east. As a natural meeting and gathering place, this plaza will serve both the immediate area and The City as a whole.



Section through collector road and plaza.

5.6.5 DISTRICT ENERGY FACILITY

The Developer is investigating the inclusion of a District Energy Facility in Lot F of SP Junction. The following is a summary of the nature of the Facility.

The District Energy Facility is envisioned to be a private co-generation unit, producing a supply of hot water within centrally located boilers which is then piped through heat exchange transfer units to heat domestic hot water and hot water heating systems within individual residential buildings. A spin-off benefit from the operation of the District Energy Facility's hot water boilers is the creation of surplus electrical energy which is also fed into the buildings or sold to the electrical grid. The potential to include a cooling function within the District Energy Facility is also being investigated.

At this stage, only the multi-family residential buildings are proposed to be connected to this system although the potential to link one or more commercial / office buildings is being investigated. The District Energy Facility is intended to be owned and operated by Qualico in partnership with an experienced energy management company. The parties would construct the facility, commission the equipment, and operate the facility on property owned by Qualico. The City would not be involved other than as the approving body for matters which fall within the municipal mandate (e.g. planning, land use, engineering design specs, etc.) The facility is intended to be set up as a showcase of "environmental sustainability" in reducing greenhouse gases.

An additional aspect of this concept is the possibility of tying in the proposed facility with the recreation areas through trails, a shelter and/or some interpretive materials. Lot F is designated as DC (C3) and the DC guidelines would reflect those

included in **Section 5.6.3.**

The intent by the Developer is to perform a fiscal analysis on the proposed facility to ensure its viability. Following a satisfactory analysis, the process will be to conduct more detailed discussions with the City, as well as the relevant provincial authorities and regulatory bodies, should they decide to proceed with this concept.

6.0 TRANSPORTATION

6.1 TRANSPORTATION NETWORK

Figure 13 shows the proposed road system for the NASP. The internal and external roadway plan provides for both the continued expansion of the Red Deer College Campus (both the north eastern and South Lands precincts) as well as the proposed land uses within the SP Junction Lands. Intersection configurations and driveway locations as shown are conceptual only and are subject to change at detailed design stage.

Access to the NASP area is restricted to primarily the east side of the area due to the lands location east and north of the QE II Highway and the Waskasoo Creek and Red Deer College to the north.

Four access points are proposed off Taylor Drive. The first access will be provided at the intersection of Taylor Drive and 28th Street at the northern end of the SP Junction Lands. A future proposed north south connection next to Taylor Drive between the Red Deer College North and SP Junction will intersect at the north end of this entrance road and will facilitate additional access to the Red Deer College Lands as well as serving as an equally important alternative to 32nd Street.

The second access at 22nd Street and Taylor Drive is an all turns access near the centre of the proposed development. The third is a right-in, right-out access off Taylor Drive, proposed between 22nd and 28th Streets.

The fourth access point is proposed as a signalized intersection with Taylor Drive at the south end of SP Junction. This access is critical for the future development of the Red Deer College South Lands and the SP Junction south development as it

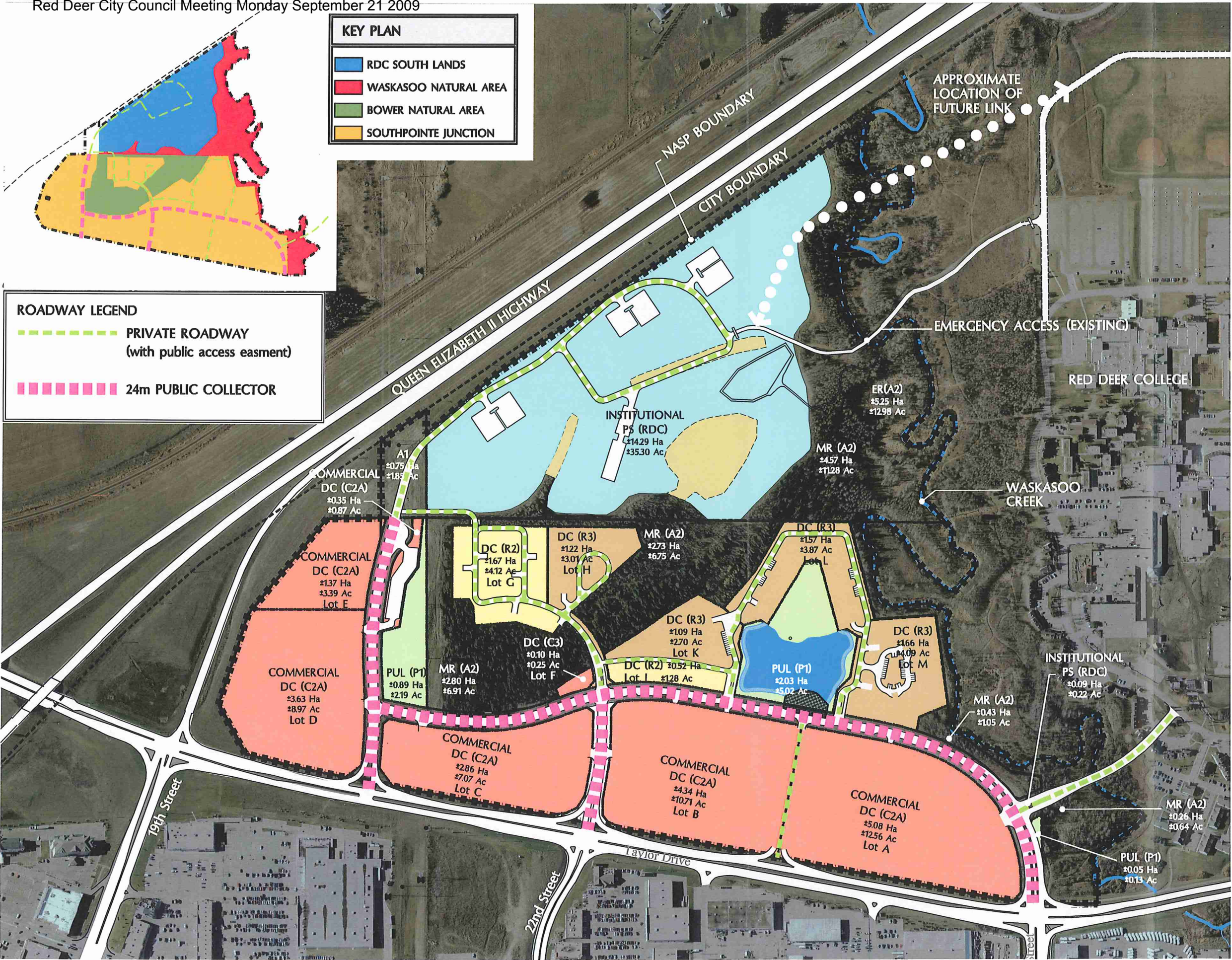
provides the most functional and direct link opportunity available. The intersection design is intended to be a right-in/ right-out / left-in. The final configuration of the intersection will be to the satisfaction of the Alberta Ministry of Transportation and the City of Red Deer.

A summary of the Traffic Impact Assessment completed for these lands is included in **Section 6.2**.

The eventual development of the Red Deer College south lands may signify a need for a further north south vehicular link at the west end of Waskasoo Creek and connecting north to 32nd Street. The approximate location of the future roadway is conceptually located as shown immediately adjacent to the QE II Highway across Waskasoo Creek. This location would reduce the potential fragmentation of the Waskasoo Creek Natural Area. The roadway may be constructed when improvements to QE II take place. Limited mitigation measures will likely be required at that time in order to accommodate both the QE II road widening and the north south connection for Red Deer College.

The internal roadway system is designed to access Taylor Drive at three intersections effectively creating a separation of traffic within the NASP Area. The Red Deer College South Lands will have access from Taylor Drive at the south intersection, the Central Commercial Lands access at the south access road, 22nd Street and 28th Street and the North East College Lands access to/from 28th Street.

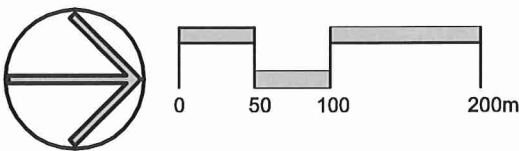
All roads are designed and located to handle traffic in a balanced and efficient manner.



SOUTHPOINTE NASP

FIGURE 13
TRANSPORTATION NETWORK

DATE: September 2009



DRAWING BY: Group 2, AL-TERRA, INTERPLAN

Group2 architecture engineering
AL-TERRA ENGINEERING LTD.

RDC *InterPlan strategies inc.*
Land Planning Services

SEPTEMBER 2009

SOUTHPOINTE NASP

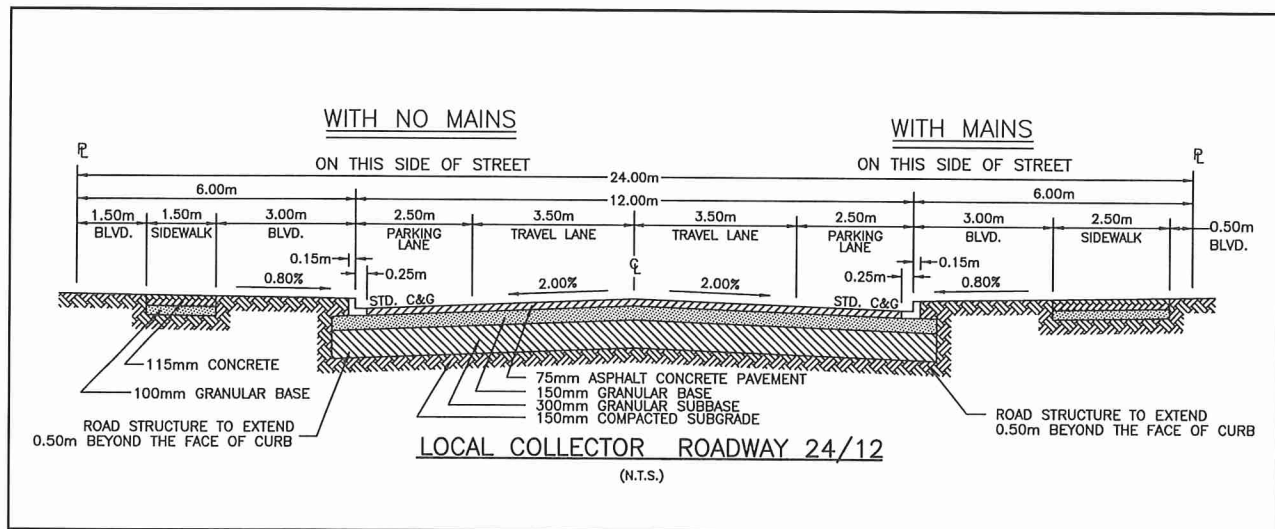


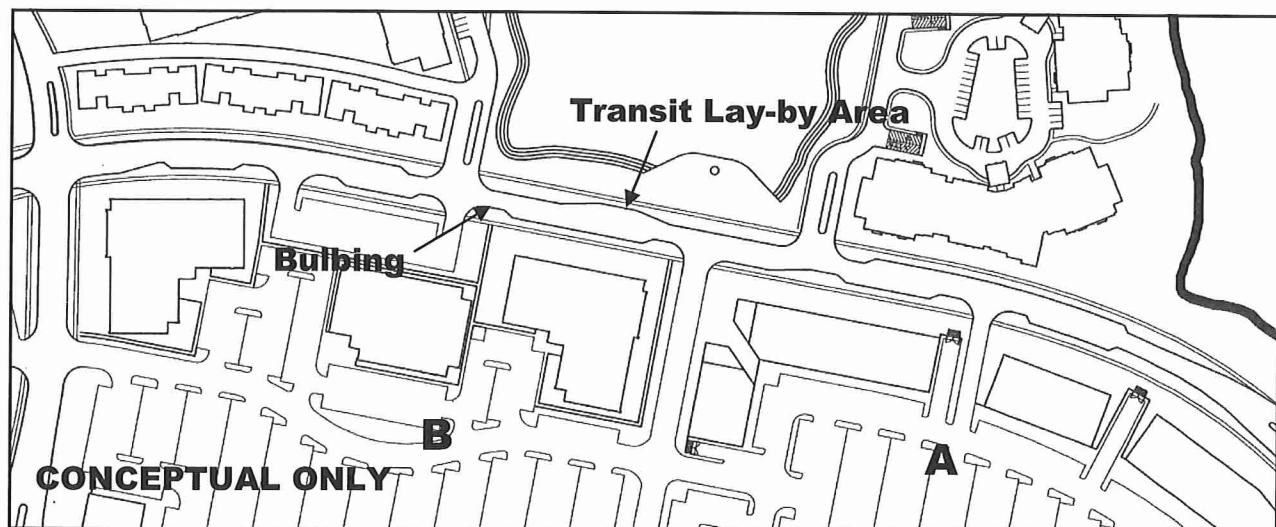
FIGURE 14: LOCAL COLLECTOR STANDARD

Source: City of Red Deer Design Guidelines, Figure 5.07

The internal public roads shown in the Waskasoo South NASP have been designed based on The City of Red Deer standards with some exceptions. Figure 13 indicates the hierarchy of road standards proposed. These include the 24 metre ROW Collector Roadway running from the intersection of Taylor drive and 28th Street and south through to the entrance into Lot D. The entrance from Taylor Drive and 22nd Street is also proposed to be 24m as is the southern entrance leading west into the NASP area and through to

the College South lands. The entrance road between 28th and 22nd Streets is private. Figure 14 shows the standard road section for The City of Red Deer 24 m Collector Roadway.

The variation to this standard is a portion of the north south collector road along Lots A and B where crosswalk bulbing, transit lay-by areas and varying building setbacks are recommended to add interest and improve the pedestrian friendliness and safety of the roadway. The illustration below



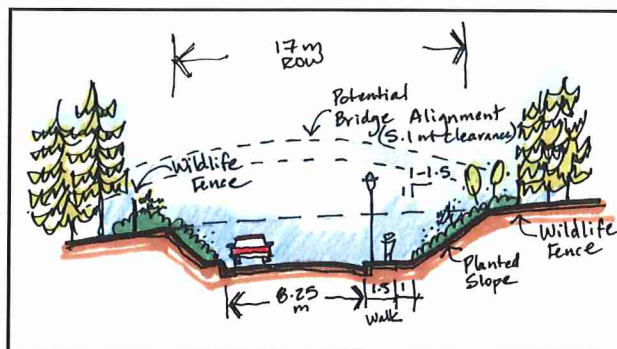
Collector road concept.

SEPTEMBER 2009

SOUTHPOINTE NASP

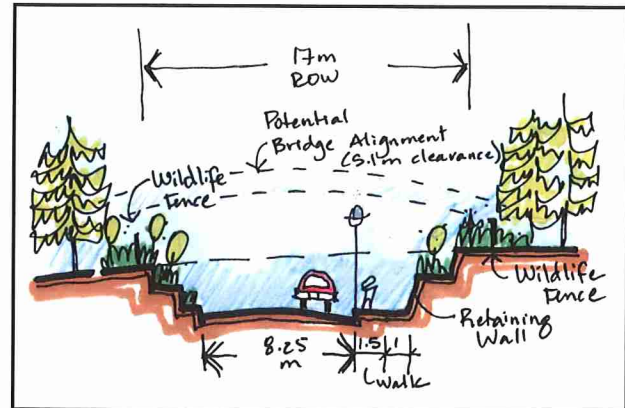
shows the intent for this section of road. Final configuration of this section of the collector road will be designed and reviewed during the servicing study process.

The residential roads in this plan are private roads with a public access easement, and, with one exception, will be 7.3 metres wide (see Figure 17). All private roads will be posted as "Local Traffic Only" and have a public access easement. The roadway that extends from 22nd Street through the proposed Bower Natural Area from the internal north south collector to the residential Lots G and H is also intended to be a private road. This road is recognized as an important link between the residential lots and the rest of the development envisioned for Southpointe Junction. At the same time the road will cross a significant natural area and efforts to reduce its impact on the natural environment are to be considered. The proposed roadway configurations are shown in section and plan in the following pages. Two alternatives are shown for the road edge condition.



Non Standard Residential Road through Bower Natural Area
Option 1: Section

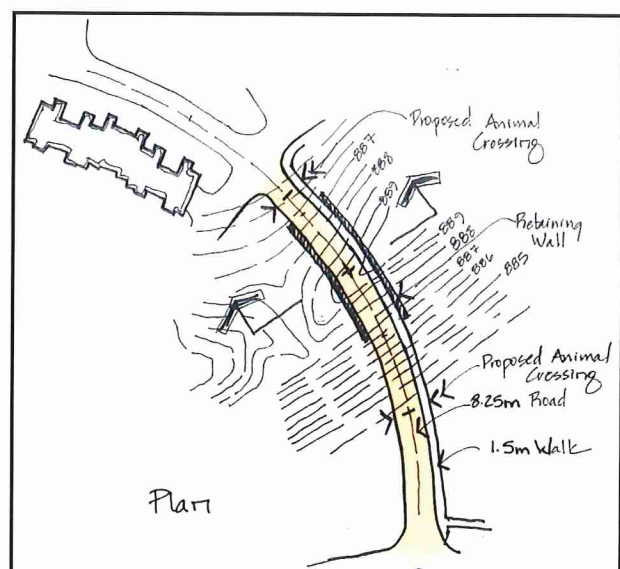
The proposed travel lanes would be 8.25 metres wide in total (verses 7.3 m) with a single 1.5 metre sidewalk on the north side. There would be no parking on this portion of the road. Options for the ROW would be retaining walls or planted slopes on the sides with a wildlife fence at the top



Non Standard Residential Road through Bower Natural Area
Option 2: Section

of the slope to prevent animal crossings other than in established crossing areas. One above grade pedestrian crossing is proposed on this road to allow for pathway connections through the Bower Natural Area and was described in more detail in **Section 5.2.1.**

Should the eventual development of the South College lands lead to an issue of shortcutting through Lots G and H, traffic calming measures will be implemented and ultimately, if necessary, either the south west or east private entrance roads can be modified to accommodate a gate allowing for local and emergency traffic only.



Non Standard Residential Road through Bower Natural Area
Plan View

The roadway proposed from the 28th Street entrance north to the College lands is a private road and would be designed to be accommodated within a 32 metre right-of-way. This road will bridge Waskasoo Creek, possibly using an enlarged culvert.

The loop road through the College lands is proposed to be the 24 metre standard to the edge of the College lands. From there, the road becomes a private road.

6.2 TRAFFIC IMPACT ANALYSIS

A Traffic Impact Analysis (TIA) for the Plan area was completed by Morasch Transportation Consultants Ltd. in April 2007. The complete report is submitted under separate cover.

The City of Red Deer had requested that two road network options be evaluated, Option A: an all-turns access between 22 Street and 19th Street (Delburne Road) and Option B: a right-in/right-out access between 22 Street and 19th Street (Delburne Road). The NASP is using a modified Option A which is supported by the subsequent TIA information submitted in support of the plan in this document. **Table 6** summarizes the land use concepts for the preferred road network.

TABLE 6:

DEVELOPMENT SUMMARY FOR ROAD NETWORK OPTION

<i>Use</i>	<i>Road Network Option A**</i>
<i>Multi-Family Residential</i>	<i>687 units</i>
<i>Office</i>	<i>165,000 ft² gross floor area (GFA)</i>
<i>Commercial</i>	<i>324,000 ft² GFA</i>
<i>Hotel / Convention Facility</i>	<i>200 rooms</i>

*RDC Research Park

250,000 ft² GFA

*Source: Bower West Lands, Traffic Impact Assessment, Section 4.1.1

**Concept numbers have altered since the TIA was produced. Please see below for clarification.

Due to concept refinement, the numbers listed in the above table have been altered. The now confirmed numbers related to the most recent concept (supplied by the Developer) indicate a revised land use plan with the following divisions:

Residential	700 units
Hotel and Convention	200 rooms
Office	63,662 ft ²
Commercial	372,958 ft ²

Table 7 illustrates a comparison of the original and revised land uses in terms of AM/PM Trip Numbers for the development.

TABLE 7:

NET DIFFERENCE TO TIA FROM REVISED CONCEPT

	Total Trips AM	Total Trips PM
Multi Family		
Original (687 Units)	234	350
Revised (700 Units)	238	357
Difference	+4	+7
Hotel / Convention Facility		
Unchanged	12	118
Office		
Original (165,000 ft ²)	248	248
Revised (63,662 ft ²)	96	96
Difference	(-152)	(-152)
Commercial		
Original (324,000 ft ²)	324	1620
Revised (372,958 ft ²)	373	1865
Difference	+49	+245
Net Difference	(-99)	+100

The net overall traffic for the AM and PM are insignificant relative to the overall volumes compared to the original project TIA. In percentage terms the AM trips are reduced by 10.8 % while the PM trips are increased by 4.2 %.

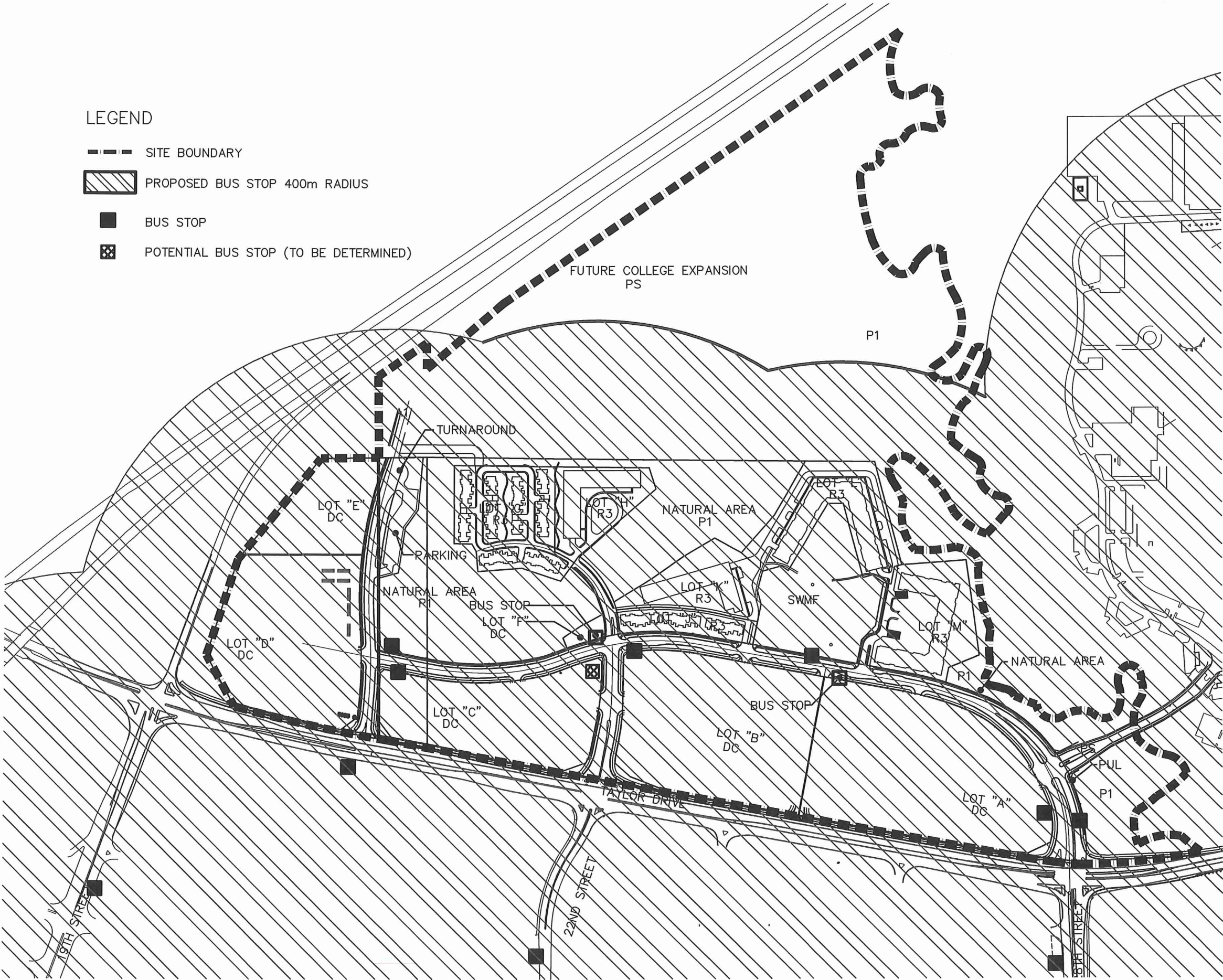
roadway network and provide a good level of surplus capacity for additional future development.

In addition, roadway infrastructure improvements arising from the proposed development will significantly improve the overall capacity of the

6.3 PUBLIC TRANSIT

The proposed transit service for the NASP area is illustrated in **Figure 15**. With the development of SP Junction a two directional transit route may be possible on the main north south collector road. With the additional development of the College South lands, a further bus route or extension may be added to connect with the College.

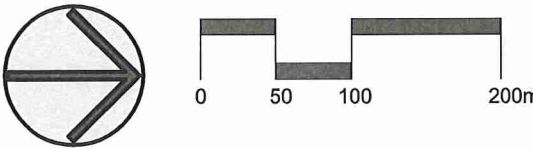
Transit stops would be located to accommodate the maximum walking distance standard of 400 metres.



SOUTHPOINTE
NASP

FIGURE 15
PUBLIC
TRANSIT

DATE: SEPTEMBER 2009



DRAWING BY: AL-TERRA

Group2
architecture
engineering

AL-TERRA
ENGINEERING LTD.

RDC

7.0 SERVICING SCENARIO

The servicing scenario developed for the NASP will support all conceptual planning for the NASP.

Sanitary and water servicing of the site will be accomplished by extending the existing city system into the development. Storm water servicing will be accomplished by discharging into the Waskasoo Creek. Alternative construction methods for the water and sanitary main extensions into the west quarter section will be evaluated during detailed design.

7.1 STORM WATER MANAGEMENT

Storm water management will be based on both a piped (minor) and overland (major) systems.

7.1.1 EXISTING STORM WATER CHARACTERISTICS

All storm water management shall be in accordance with the Best Management Practice outlined within the Alberta Environment Standards and Guidelines for Storm Water Management for the Province of Alberta. **Figure 16** illustrates the existing and proposed piped storm sewer system.

The current flows from the site travel overland and discharge into the Waskasoo Creek at the north side of the site. The City of Red Deer currently operates a storm water management facility in the form of a dry storm water detention pond on the site. It is located on the east side of the site and connected to the storm line along Taylor Drive. The facility currently operates off-line and provides relief to the down stream storm line during an intense or prolonged rainfall event.

As explained in **Section 4.1**, an existing agreement permits the current owner to relocate the pond.

7.1.2 SOUTHPOINTE STORM WATER MANAGEMENT STRATEGIES

Runoff from storms up to a one in five year event will be handled via a gravity piped system. The piped system will consist of catch basins and catch basin manholes to collect runoff and route the runoff to a storm water management facility and then to Waskasoo Creek. The design will be completed in accordance with City of Red Deer Design Guidelines. Due to site grading and ownership, the site will utilize two storm water detention ponds, one for each the east and west side of the NASP area. Both will discharge to the Waskasoo Creek.

It is currently anticipated that the creek outlet can be constructed within a 10 metre wide construction area. Detailed alignment will be done in consultation with the Parks Department.

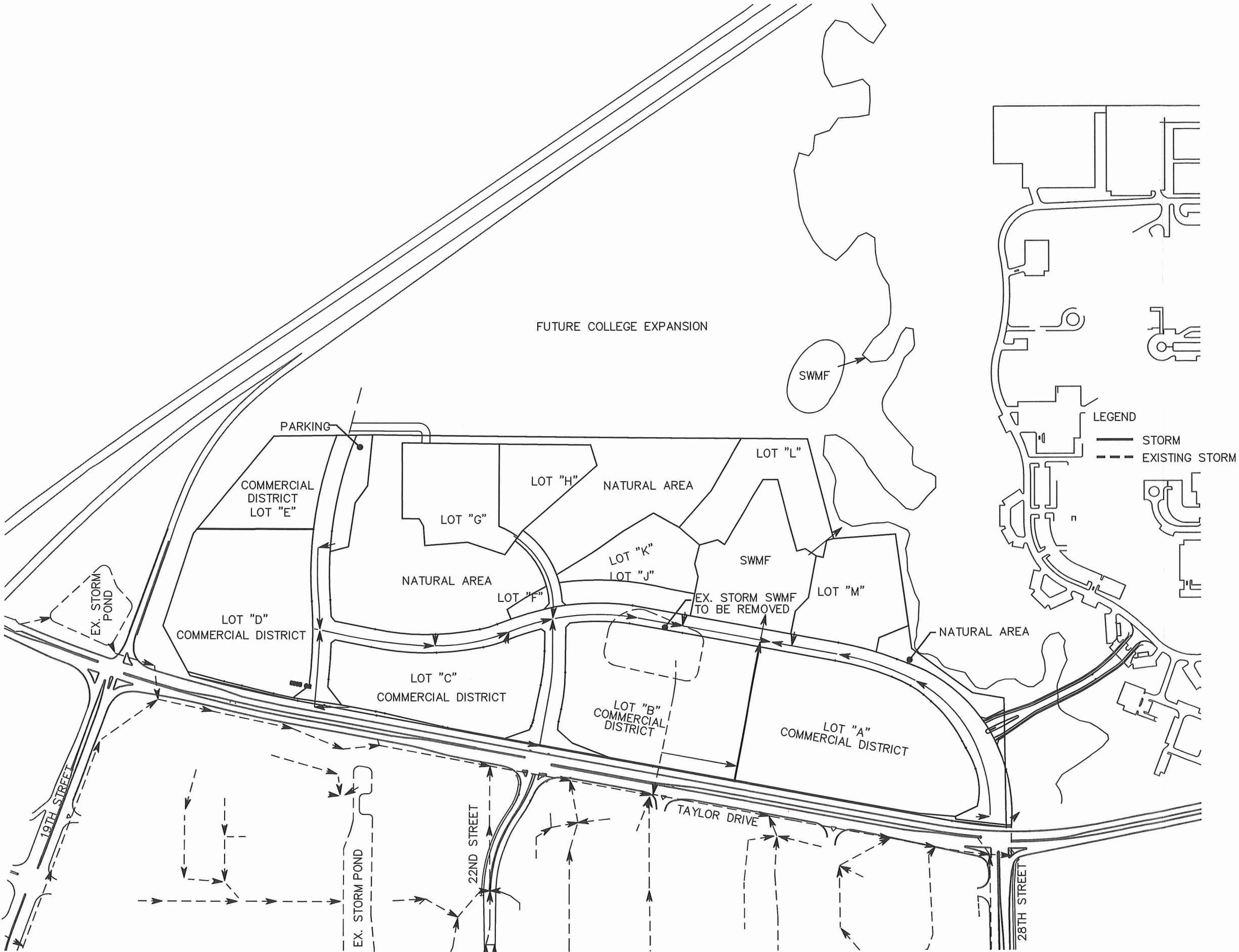
Storm water runoff that is routed to the existing pond will be routed to the future east pond. A volume equal to the existing pond will be allocated in the new pond to allow for continued service of the Taylor Drive storm line. The future east pond will also be designed to service the proposed development.

In areas serviced by the underground storm water conveyance system, runoff from storms larger than 5 year event will be routed via the roadways.

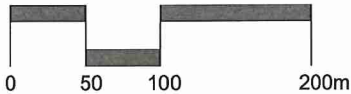
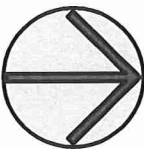
To accommodate this situation, roads will be

SOUTHPOINTE
NASP

FIGURE 16
STORM
WATER



DATE: SEPTEMBER 2009



DRAWING BY: **AL-TERRA**

Group2
architecture
engineering

AL-TERRA
ENGINEERING LTD.

RDC

designed to route the majority of the overland flow runoff to either of the north storm detention ponds. Some ponding will occur within the roads and parking areas. The detailed design process will ensure that the major overland drainage system is designed in accordance with The City of Red Deer Design Guidelines. Routing of the major storm system and the 100 year flood event can be seen in **Figure 16**. Outlet design, including erosion control and creek bank protection, will be determined during the detailed design stage.

The north east storm water pond will contain manmade wetlands, **Figure 12** in **Section 5.6.4** shows the concept plan for this constructed wetland. This will provide enhanced quality to the runoff prior to being discharged into Waskasoo Creek.

The storm water management system within the Plan area shall be in accordance with the Storm Water Management Plan and to the satisfaction of The City of Red Deer and Alberta Environment. The Storm Water Management Report will also address erosion and sediment control measures.

7.2 SANITARY SEWER

The sanitary sewer system will be extended at two locations, one located at 22nd Street and Gaetz Avenue, and a south connection located within the AltaLink right of way.

The north connection will be a 150 mm forced main with a lift station located at the north side of the northwest quarter. Due to downstream limitations, the lift station will operate during off peak hours. Approximately 60% of the site area will utilize this connection.

The remainder of the site will be serviced by a 300

millimeter gravity sanitary main located at the AltaLink right of way. **Figure 17** illustrates the conceptual layout.

7.3 WATER SUPPLY

The water distribution system required to service the subject lands is a direct extension of the water distribution system along Taylor Drive. Three connections to the existing system will be made:

- A 250 mm diameter water main located along 28th Street.
- A 250 mm diameter water main located at 22nd Street
- A 300 mm diameter water main located south of the AltaLink right of way.

The water mains will be connected to form a loop within the subject lands. Computer Modeling will be utilized to evaluate the actual water mains sizes within the subject quarter section. **Figure 18** illustrates the conceptual layout.

7.4 SHALLOW UTILITIES

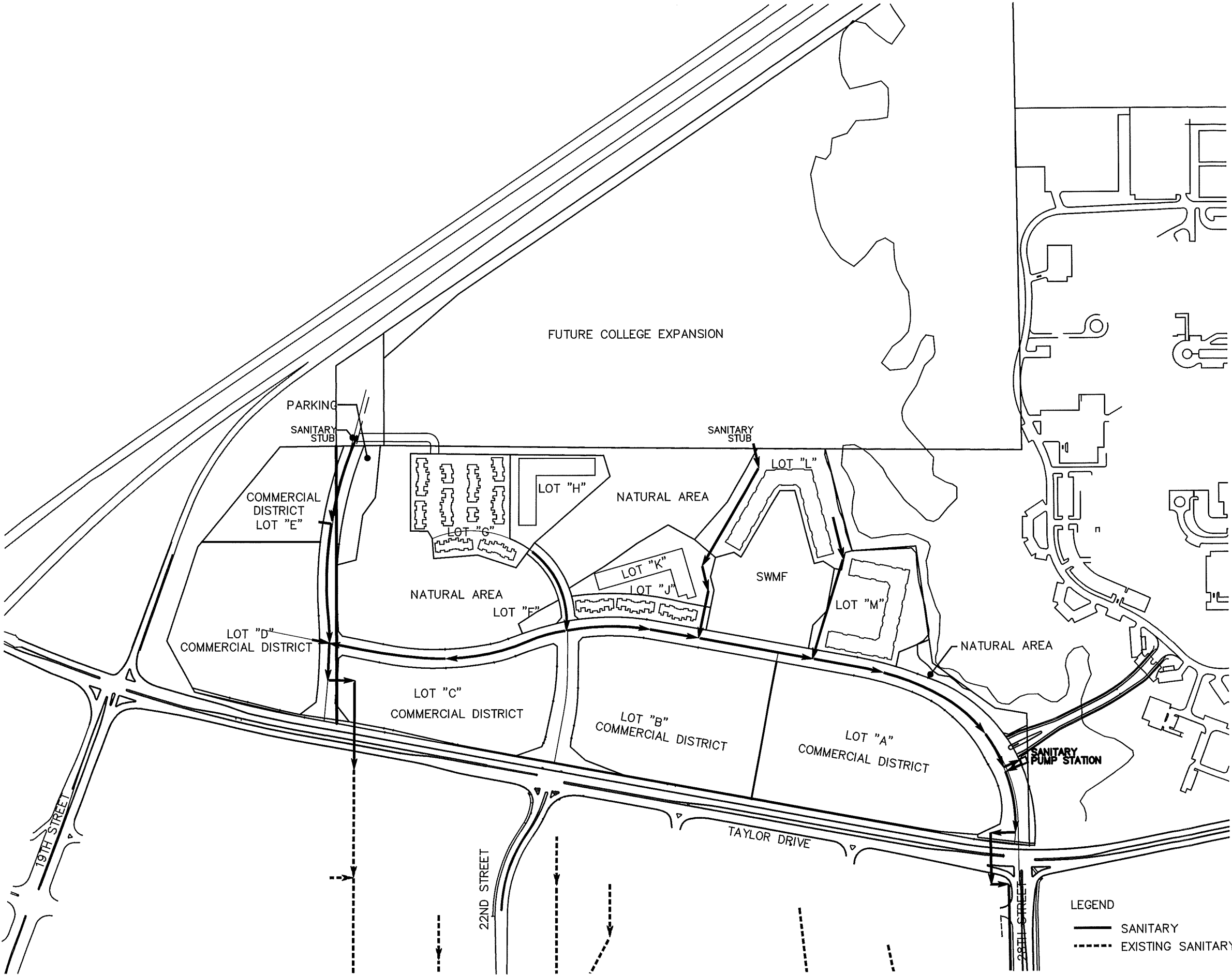
Electrical, telephone, cable TV and natural gas utilities will be extended into the plan area by The City of Red Deer Electric Light and Power, Telus, Shaw and Atco.

7.5 SITE GRADING

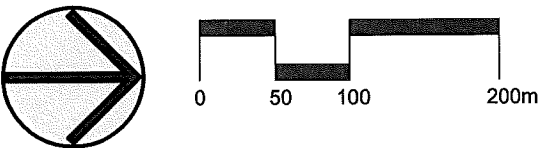
Proposed road grades and drainage courses will take into consideration the existing topography to minimize grading requirements over the Plan area.

SOUTHPOINTE
NASP

FIGURE 17
SANITARY
SEWER



DATE: SEPTEMBER 2009



DRAWING BY: AL-TERRA

Group2 architecture engineering
AL-TERRA ENGINEERING LTD.

RDC

SOUTHPOINTE
NASP

FIGURE 18
WATER



DATE: SEPTEMBER 2009



DRAWING BY: AL-TERRA

Group2
architecture
engineering

AL-TERRA
ENGINEERING LTD.

RDC

- LEGEND
- WATER
 - EXISTING WATER
 - ... CONCEPTUAL ALIGNMENT

Site grading will be completed using conventional excavation equipment and techniques for the Red Deer area. All erosion and sedimentation measures required will be in place prior to the commencement of grading and topsoil stripping. Detailed information regarding erosion and sedimentation measures while working within the area will be included with the Stripping and Grading Permit application. Efforts will be made to minimize damage to vegetation along slopes. Transitioning grades will be addressed at the time of detailed design on a site specific basis. Transitioning may include retaining walls, bioengineering or other methods as determined during detailed design.

All vegetation removal for both grading and FireSmart protection will be done in accordance with City of Red Deer urban forestry best practices and will include consultation with urban forestry staff.

For the proposed locations of the topsoil stockpiles, refer to **Figure 19**. Note that a majority of the stripped topsoil will be disposed of off-site.

7.6 WASTE DISPOSAL

Access to bins or individual home pick-up will be required to be provided for waste disposal to the satisfaction of The City of Red Deer.

SEPTEMBER 2009

SOUTHPOINTE NASP

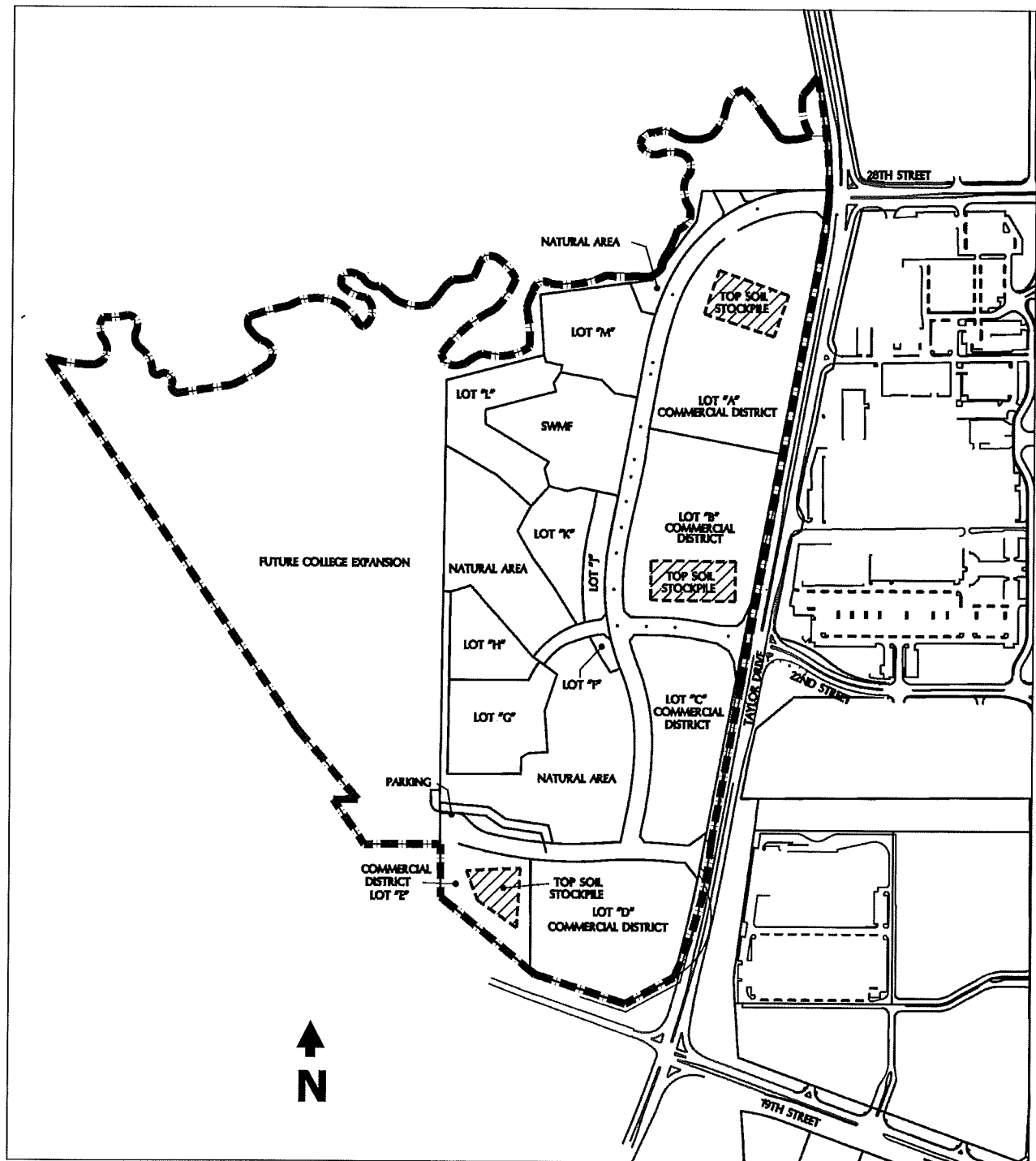


FIGURE 19: TOPSOIL STOCKPILE LOCATIONS

Source: City of Red Deer

8.0 DEVELOPMENT STAGES

The NASP area is proposed to develop in several stages as illustrated in **Figure 20**. The staging boundaries are shown conceptually and may vary from those shown when redistricting and subdivision applications are made. As well, portions of separate phases may be developed concurrently if there is sufficient demand and/or if the municipal servicing is made more efficient.

Upon subdivision of the subject lands, the ownership of the open space will transfer, as agreed, to The City of Red Deer. Maintenance, upgrading and development of pathways in these areas will be the responsibility of the appropriate

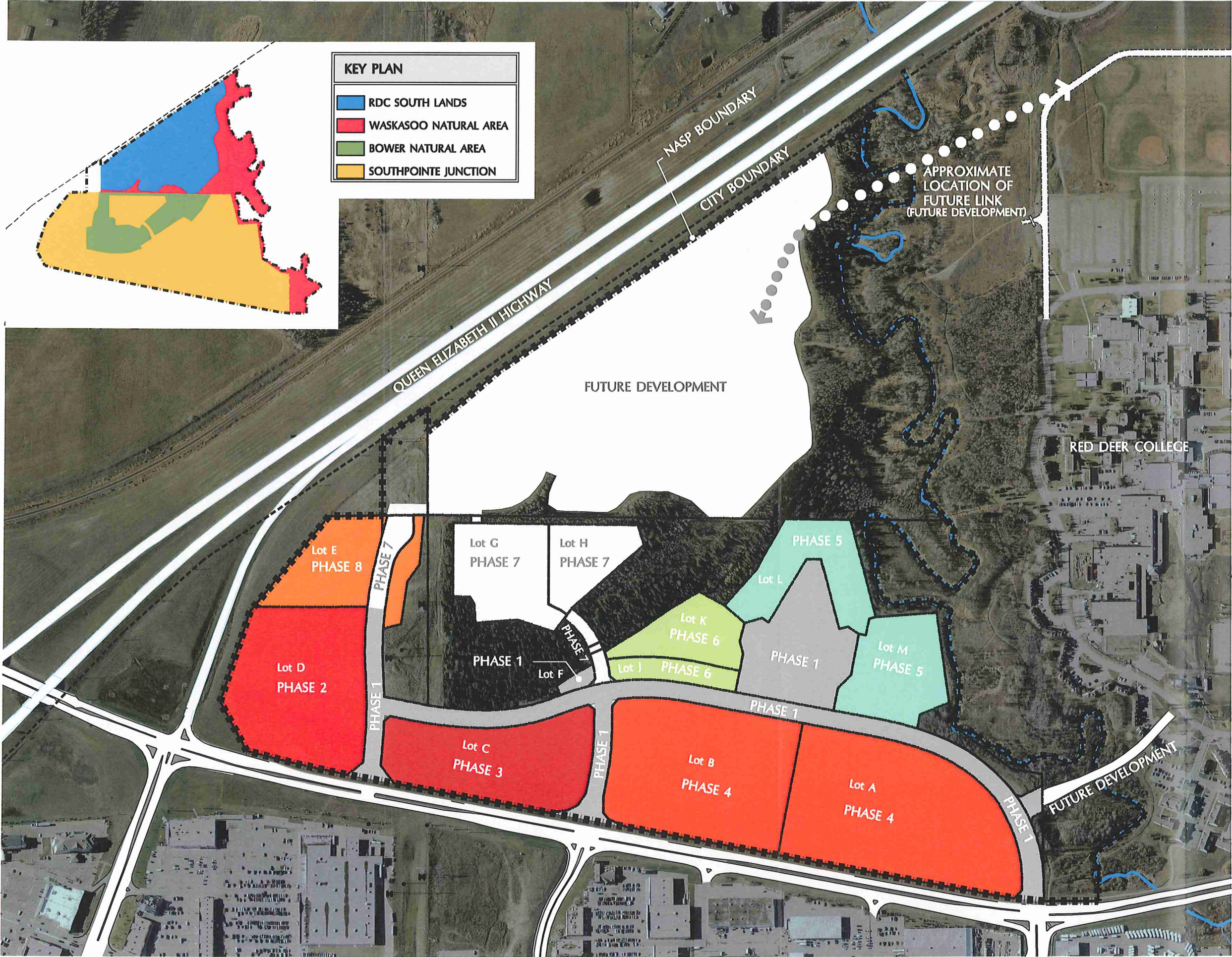
City departments. For the remaining trail system and linkages as shown in **Figure 9** within SP Junction and eventually the Red Deer College South lands, construction will occur concurrently with the land development. Where and when development interrupts existing public trails, the developer agrees to replace and/or repair disturbed portions as necessary. Temporary linkages to facilitate construction may also be provided if necessary.

9.0 PUBLIC CONSULTATION

A public meeting of Council was held in Council Chambers on August 13, 2007 relating to the preservation of the treed portion of Southpointe Junction (Bower natural area). Several options were presented to Council and the public by The City of Red Deer Recreation, Parks and Culture. Presentations were also made by the developer, the landowner and numerous members of the public. After all parties were heard Council supported a framework for the preservation of trees in the Bower natural area which included the ultimate purchase of a significant portion of the natural area. The proposed Waskasoo South NASP reflects the framework and direction for the preservation of trees established by Council at the public meeting.

A public Open House was held on January 28th,

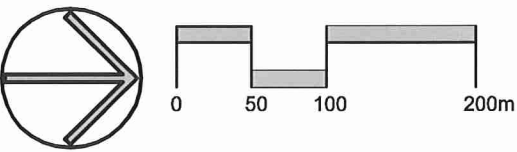
2009 following the circulation and review of the NASP by administration. One person from the public attended and submitted supportive comments.



SOUTHPOINTE NASP

FIGURE 20
DEVELOPMENT
STAGES

DATE: September 2009



DRAWING BY: Group 2

Group2 architecture
engineering

InterPlan strategies inc.
Land Planning Services

AL-TERRA
ENGINEERING LTD.

RDC

SEPTEMBER 2009

SOUTHPOINTE NASP

10.0 PLAN SUMMARY

THE SOUTHPOINTE NEIGHBOURHOOD AREA STRUCTURE PLAN COMPLIES WITH THE INTENT AND POLICIES OF:

CITY OF RED DEER MUNICIPAL DEVELOPMENT PLAN BY:

- *Providing a range of residential developments that are innovative, compact, efficient and attractive, and are integrated with open space, recreation, employment opportunities, have access to services, and reflect contiguous development;*
- *Providing commercial developments that reflect emerging trends in retailing and that function as a community focal point while offering local and regional employment and service opportunities;*
- *Preserving as many natural features and existing vegetation as possible, while maintaining a system of pathways.*

CITY OF RED DEER LAND USE BYLAW BY:

- *Providing for suitable land use districts to accommodate the intended land uses,*
- *Adhering to the provisions of the Land Use Bylaw.*

RED DEER TRAILS MASTER PLAN BY:

- *Acknowledging the existing trails in the NASP area to the extent possible,*
- *Providing for trail systems that reflect the proposed future trails of the Red Deer Trails Master Plan.*

ECOLOGICAL PROFILE OF THE NATURAL AREAS BY:

- *Preserving the area in the centre portion of the NASP thereby protecting the existing tree stand and natural area;*
- *Directing the storm water from the proposed development to the constructed wet lands;*
- *Where possible, and within reason, preserve existing trees;*
- *Considering a conceptual site plan for Southpointe that acknowledges the edge condition with the Reserve areas of the proposed Bower and Waskasoo Natural Areas;*
- *Providing for residential development that takes advantage of the nearby natural amenities.*

THE RED DEER COLLEGE LAND USE MASTER PLAN (2003) BY:

- *Identifying the Natural Areas to be preserved and maintained;*
- *Providing opportunities for future transportation links to the south lands;*
- *Providing sufficient developable land for the College to locate potential uses in the future.*

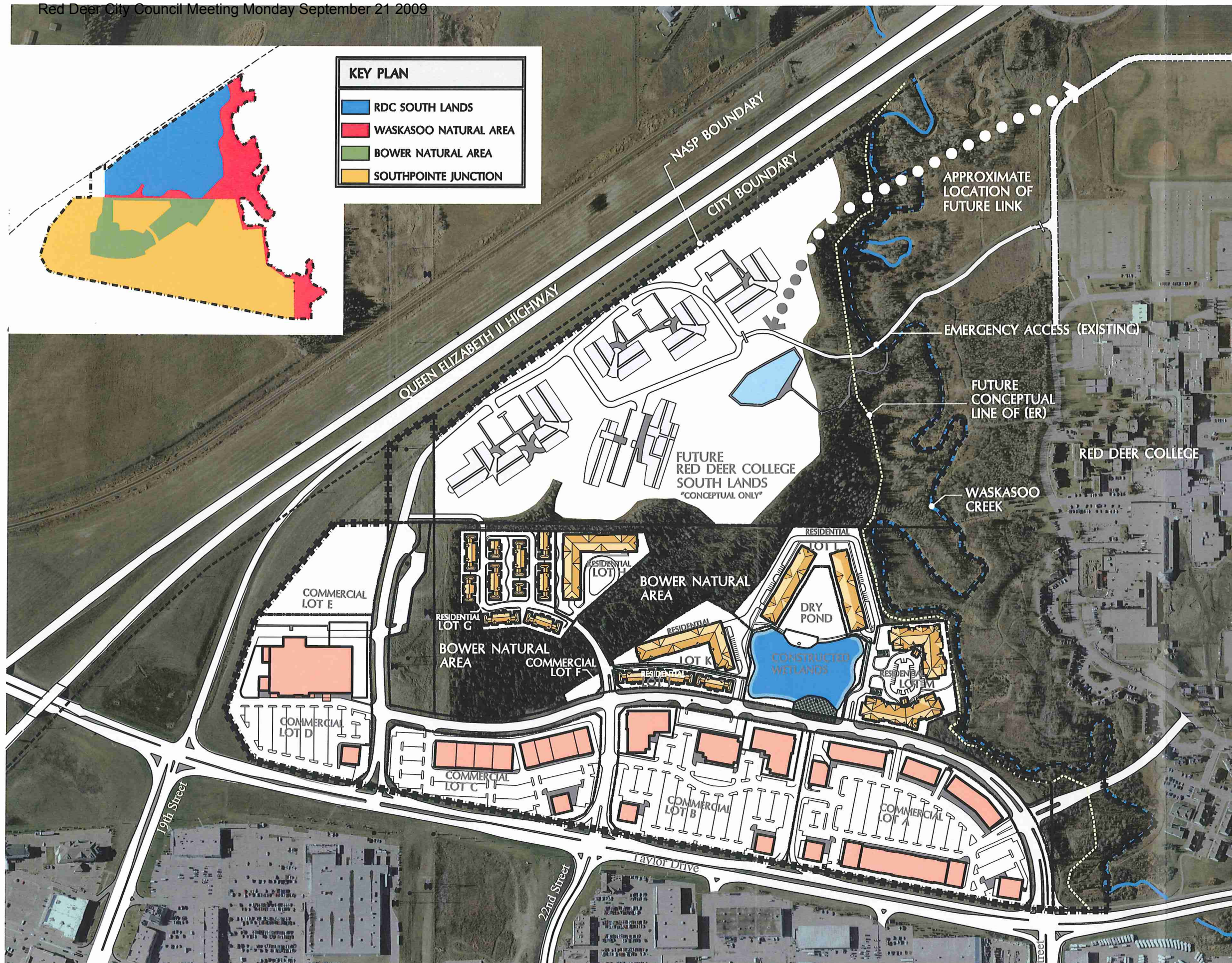
THE SOUTHPOINTE NEIGHBOURHOOD AREA STRUCTURE PLAN:

- ***Fits within an overall context,***
- ***Does not unduly compromise the development of adjacent lands, and***
- ***Addresses the intent and aspirations of The City of Red Deer.***

APPENDIX A

PRELIMINARY DEVELOPMENT CONCEPT

Please Note: The development concept included in this Appendix is included for illustration purposes only and is subject to change.

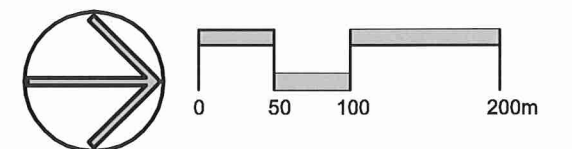


SOUTHPOINTE NASP

DEVELOPMENT CONCEPT

Note: Building Layout is conceptual only and is subject to change.

DATE: September 2009



DRAWING BY: Group 2

Group2 architecture engineering
AL-TERRA ENGINEERING LTD.

ziola.newstudio
architecture inc.

RDC

Bylaws Item No. 7**BYLAW NO. 3429/2009**

Being a Bylaw to regulate and control Dogs within The City of Red Deer.

COUNCIL OF THE CITY OF RED DEER ENACTS AS FOLLOWS:

Short Title

1. This Bylaw may be called the “Dog Bylaw.”

Part 1 – Purpose and Definitions**Purpose**

2. The purpose of this Bylaw is to regulate and control Dogs and Dog ownership in The City of Red Deer.

Definitions

3. (1) “Aggressive Dog” means any Dog that:
 - (a) has been designated an Aggressive Dog by the Inspections and Licensing Manager; or
 - (b) has been made the subject of an order under the *Dangerous Dog Act*.
- (2) “Altered” means spayed or neutered.
- (3) “Animal Control Manager” means a person or business under contract with The City to enforce this bylaw and to maintain and administer an impound facility for animals.
- (4) “Animal Control Officer” means a person employed under the contract between The City and its Animal Control Manager to enforce the provisions of this Bylaw and any other person designated as such by the Inspections and Licensing Manager.
- (5) “Assistance Dog” means any professionally trained Dog, including a guide, hearing or service Dog, that works in partnership with a disabled person to increase his or her independence, safety and mobility.
- (6) “Dog” means any domesticated dog.
- (7) “Dog Tag” means the annual tag issued by The City to an Owner for each licensed Dog.

- (8) “Inspections and Licensing Manager” means the person acting in the position of Inspections and Licensing Manager for The City of Red Deer or a person designated to act on his or her behalf.
- (9) “Kennel” means premises intended or used for the overnight keeping or harbouring of more than three Dogs at the same time, but does not include retail premises used for the sale of Dogs as permitted under The City of Red Deer Land Use Bylaw or premises operated by a veterinary surgeon used solely for the care and treatment of animals.
- (10) “License Inspector” means the City employee occupying the position of License Inspector or any other person designated by the Inspections and Licensing Manager to perform the duties of that position.
- (11) “Minor Injury” means any physical injury to another domestic animal or a person, caused by a Dog or Aggressive Dog, that results in bleeding, bruising, tearing of skin or any other injury that is not life-threatening, disfiguring or debilitating.
- (12) “Off-Leash Area” means an area designated by The City where a Dog is not required to be controlled by a leash.
- (13) “Owner” means the owner of a Dog and includes any person or group of people:
 - (a) named as owner on a Dog Tag application;
 - (b) in possession or control of a Dog; or
 - (c) in possession or control of the property where a Dog appears to reside, either temporarily or permanently.
- (14) “Park or Parkland” includes all lands used for picnic grounds, campgrounds, playgrounds, playing fields or any other public open space, including all bicycle and hiking trails, beaches, swimming pools, wading pools and all lakes, rivers and other water bodies within the control and jurisdiction of The City, whether located within the boundaries of The City of Red Deer or not, and whether or not the custody, care, management or control of such areas or facilities has been delegated to another body or agency and regardless of whether all members of the public have the right of access thereto.
- (15) “Park Control Officer” means a Peace Officer, a Bylaw Enforcement Officer and any other person designated by the City Manager as a Park Control Officer.

- (16) “Permitted Leash” means a leash that is less than two meters in length and made of material capable of restraining the Aggressive Dog on which it is being used.
- (17) “Running at Large” means any Dog that is off the premises of the Owner and is not under the control of any person.
- (18) “Severe Injury” means any physical injury to another domestic animal or a person caused by a Dog or Aggressive Dog that results in broken bones or lacerations requiring sutures or cosmetic surgery.
- (19) “Threatening Behaviour” means behaviour that creates a reasonable apprehension of a threat of physical injury and may include growling, lunging, snarling or chasing in a menacing fashion.

Part 2 – Licensing

Licensing Requirements for Dogs not Designated Aggressive

- 4. (1) The Owners of all Dogs three months of age or older shall apply for a Dog Tag immediately upon becoming the Owner of the Dog and shall obtain or renew the Dog Tag prior to January 1 of each year.
- (2) Upon completing a Dog Tag application in the form specified by the Inspections and Licensing Manager from time to time and paying in full the specified annual fee, the Owner will be issued a Dog Tag.

Licensing Requirements for Aggressive Dogs

- 5. (1) The Owner of an Aggressive Dog shall apply for a Dog Tag for an Aggressive Dog:
 - (a) immediately upon becoming the Owner of the Aggressive Dog or within seven days after a Dog has been designated as Aggressive, whichever occurs first; and
 - (b) prior to January 1 of each year.
- (2) An Aggressive Dog Tag shall be issued to the Owner of an Aggressive Dog provided that the Owner has:
 - (a) completed a Dog Tag application in the form specified by the Inspections and Licensing Manager;
 - (b) paid the specified annual fee; and
 - (c) supplied proof that he or she has:

- (i) homeowner's liability insurance covering damage and personal injury caused by the Aggressive Dog, in an amount not less than \$500,000.00; and
- (ii) had the Aggressive Dog tattooed or implanted with an identification microchip to the reasonable satisfaction of the License Inspector.

Kennel Licensing Requirements

6. Any person wishing to operate a Kennel must obtain a license from the License Inspector or a designate, which shall be issued upon payment of the specified fee, provided that the proposed Kennel meets the requirements of all applicable laws governing Kennels, including compliance with The City Land Use Bylaw.

General Licensing Provisions

7. (1) When a Dog Tag is lost or destroyed, the Owner shall apply for a replacement, which shall be issued upon payment of the specified fee.
- (2) A Dog Tag is valid only for the period January 1 to December 31 in the year for which it is issued.
- (3) A Dog Tag is not transferable from one Dog to another, and no refund will be made for any issued Dog Tag.
- (4) Where ownership of a Dog licensed under this Bylaw is transferred, the new Owner shall promptly report the change of ownership to the License Inspector or a designate.

Fees

8. (1) Fees payable under this bylaw shall be those specified in City Council Policy 4416-C - Dog Bylaw License Fees.
- (2) The Owner of an Assistance Dog will be issued a Dog Tag free of charge.

Part 3 – Licensing Offences**Licensing Offences for Dogs and Aggressive Dogs**

9. (1) The Owner of a Dog is guilty of an offence if he or she:
- (a) fails to obtain a Dog Tag;
 - (b) provides false or misleading information on a Dog Tag application;
or

- (c) fails to ensure that the Dog wears a collar and Dog Tag when the Dog is off the Owner's premises.
- (2) Any person who operates a Kennel without first having obtained a Kennel License is guilty of an offence.
- (3) The Owner of an Aggressive Dog is guilty of an offence if he or she:
 - (a) fails to obtain a Dog Tag for an Aggressive Dog;
 - (b) provides false or misleading information on an application for a Dog Tag for an Aggressive Dog;
 - (c) fails to notify the License Inspector in writing when the Aggressive Dog is transferred to another person;
 - (d) fails to ensure that the Aggressive Dog wears a collar and Dog Tag for an Aggressive Dog when the Aggressive Dog is off the Owner's premises; or
 - (e) fails to have the Aggressive Dog successfully complete behavioral training to the satisfaction of The City, and provide proof of same to The City, within six months of the day the Dog has been designated Aggressive.

Part 4 – Offences

Offences Applicable to All Dogs

10. (1) The Owner of a Dog or Aggressive Dog is guilty of an offence if:
- (a) he or she has more than three Dogs or more than one Aggressive Dog on any land which contains, or is permitted under The City Land Use Bylaw to contain, a dwelling unit;
 - (b) the Dog or Aggressive Dog barks or howls so as to disturb the peace of others;
 - (c) the Dog or Aggressive Dog defecates on any public or private property not owned or occupied by the Owner and the Owner fails to immediately remove the defecation;
 - (d) he or she allows the defecation of the Dog or Aggressive Dog to accumulate on private property to such an extent that it is reasonably likely to annoy or pose a health risk to others;

- (e) the Dog or Aggressive Dog destroys or damages any private or public property;
- (f) he or she fails to confine a Dog or Aggressive Dog in the Owner's residence or in a licensed Kennel during the entire period it is in heat, except for allowing the Dog or Aggressive Dog outside for the purpose of defecating or exercising while supervised on the property of the Owner;
- (g) the Dog or Aggressive Dog is in a Park or on any Parkland where Dogs are prohibited;
- (h) he or she exercises the Dog or Aggressive Dog while he or she is riding in a motor vehicle;
- (i) he or she allows the Dog or Aggressive Dog to be outside the passenger cab of a motor vehicle on a highway without ensuring the Dog is secured, whether the vehicle is parked or moving:
 - (a) in a topper enclosing the bed area of the truck;
 - (b) in a ventilated kennel or similar device fastened securely to the motor vehicle, including the bed of a pick-up truck; or
 - (c) by a tether in such a manner that it:
 - (i) is not standing on bare metal;
 - (ii) cannot jump or be thrown from the vehicle;
 - (iii) is not in danger of strangulation; and
 - (iv) cannot reach beyond the outside edges of the box, of the pick-up truck.
- (j) he or she fails to carry a leash while with a Dog, not an Aggressive Dog, in a designated Off-Leash Area;
- (k) he or she leaves the Dog or Aggressive Dog unattended on any public or private property to which the public has express or implied access; or
- (l) the Dog or Aggressive Dog is Running at Large.

Offences Applicable Only to Aggressive Dogs

11. (1) The Owner of an Aggressive Dog is guilty of an offence if:

- (a) the Aggressive Dog is not muzzled, under control and on a Permitted Leash held by a person who is able to control the Aggressive Dog at all times when the Aggressive Dog is off the Owner's property;

- (b) the Aggressive Dog is on the Owner's property and is:
 - (i) not indoors; or
 - (ii) if outdoors, not in a locked pen or other structure capable of preventing the escape of the Aggressive Dog and preventing the entry of any person not in control of the Aggressive Dog;
- (c) the Aggressive Dog is on the Owner's property and is in a locked pen that is within one meter of the property line or within five meters of a neighbouring dwelling unit;
- (d) he or she fails to display, within 10 days after the Dog has been designated Aggressive, clear and visible signs, as specified in Schedule "B" of this Bylaw, warning of the presence of an Aggressive Dog on the Owner's property at each entrance to the property and on the locked pen or structure in which the Aggressive Dog is confined;
- (e) the Aggressive Dog is in a designated Off-Leash Area; or
- (f) he or she fails to immediately notify the License Inspector and the Animal Control Manager if the Aggressive Dog is Running at Large.

Part 5 – Threatening Behaviour, Injuries, and Death

Threatening Behaviour

12. (1) The Owner of a Dog or Aggressive Dog is guilty of an offence if the Dog or Aggressive Dog is in an Off-Leash Area and exhibits Threatening Behaviour toward any other domestic animal or a person and the Owner fails to remove it immediately from the Off-Leash Area.
- (2) The Owner of a Dog is guilty of an offence if, whether on or off the Owner's property, the Dog:
- (a) exhibits Threatening Behaviour toward another domestic animal or a bicycle or motor vehicle that is being operated; or
 - (b) exhibits Threatening Behaviour toward a person.
- (3) The Owner of an Aggressive Dog is guilty of an offence if, whether on or off the Owner's property, the Aggressive Dog:

- (a) exhibits Threatening Behaviour toward another domestic animal or a bicycle or motor vehicle that is being operated; or
 - (b) exhibits Threatening Behaviour toward a person.
- (4) Subsections (2) and (3) do not apply to Threatening Behaviour by a dog that is confined within a building or securely fenced area on any land.

Minor Injury

13. (1) The Owner of a Dog is guilty of an offence if the Dog:
- (a) bites, attacks or causes Minor Injury to another domestic animal; or
 - (b) bites, attacks or causes Minor Injury to a person.
- (2) The Owner of an Aggressive Dog is guilty of an offence if the Aggressive Dog:
- (a) bites, attacks or causes Minor Injury to another domestic animal; or
 - (b) bites, attacks or causes Minor Injury to a person.

Severe Injury and Death

14. (1) The Owner of a Dog is guilty of an offence if the Dog:
- (a) causes Severe Injury to another domestic animal; or
 - (b) causes Severe Injury to a person.
- (2) The Owner of an Aggressive Dog is guilty of an offence if the Aggressive Dog:
- (a) causes Severe Injury to another domestic animal; or
 - (b) causes Severe Injury to a person.
- (3) The Owner of a Dog is guilty of an offence if the Dog:
- (a) causes death to another domestic animal; or
 - (b) causes death to a person.

- (4) The Owner of an Aggressive Dog is guilty of an offence if the Aggressive Dog:
 - (a) causes death to another domestic animal; or
 - (b) causes death to a person.

Part 6 – Aggressive Dogs

Aggressive Dog Designation

- 15. (1) The Animal Control Manager or an Animal Control Officer may, as per Council Policy 4418-C, submit a report to the Inspections and Licensing Manager alleging that a Dog is an Aggressive Dog.
- (2) The report shall be in the form specified from time to time and shall include the following information:
 - (a) the full names, addresses and telephone numbers of the following people:
 - (i) the complainant;
 - (ii) the Owner of the alleged Aggressive Dog; and
 - (iii) any witnesses to the incident that prompted the report, investigation or Aggressive Dog allegation.
 - (b) a detailed description of the incident that prompted the report, investigation or Aggressive Dog allegation;
 - (c) the severity of the incident that prompted the report, investigation or Aggressive Dog allegation; and
 - (d) any previous incidents of a similar or related nature involving the alleged Aggressive Dog.
- (3) After evaluating the report submitted by the Animal Control Manager or Animal Control Officer, the Inspections and Licensing Manager may designate a Dog as an Aggressive Dog if he or she determines that the Dog has caused or is likely to cause damage, injury or death to another domestic animal or a person.
- (4) An Aggressive Dog designation continues to apply if the Aggressive Dog is sold, gifted or transferred.

Order to Euthanize a Dog or Aggressive Dog

16. (1) The Inspections and Licensing Manager may order that a Dog or Aggressive Dog be euthanized, provided he or she is satisfied that the Dog or Aggressive Dog constitutes a continuing danger to persons or domestic animals and cannot be rehabilitated.
- (2) The Inspections and Licensing Manager shall forthwith notify the Owner of the Dog or Aggressive Dog that an order to euthanize has been issued.
- (3) No Dog or Aggressive Dog may be euthanized until 10 days after the date of delivery of notice to the Owner or, where an appeal has been filed, until that appeal has been resolved.
- (4) Section 16 does not apply to any Dog in respect of which an order under the Dangerous Dogs Act is in effect or under active consideration.

Appeal

17. (1) When a Dog has been designated as an Aggressive Dog, or where an order has been issued to euthanize an Aggressive Dog, the Owner may appeal the designation or order to the Appeal Committee established under the Committees Bylaw in accordance with the procedure specified in that Bylaw.
- (2) If no Appeal Committee has been established under the Committees Bylaw, the Owner may appeal such designation to the City Manager.
- (3) On hearing the appeal, the Appeal Committee or City Manager, as the case may be, may revoke or confirm the designation or order.

Reclassification of an Aggressive Dog

18. An Owner may apply to the Inspections and Licensing Manager for a revocation of an Aggressive Dog designation if the Owner of the Aggressive Dog has not been convicted of any offences under this Bylaw for a continuous period of three years.

Part 7 – Enforcement and Penalties**General Enforcement Provisions Applicable to Dogs and Aggressive Dogs**

19. (1) Any Animal Control Officer, Park Control Officer, License Inspector or Peace Officer may seize and impound:

- (a) any Dog Running at Large;
 - (b) any Dog not wearing a Dog Tag while off the premises of its Owner;
 - (c) any Dog found on Parkland contrary to this Bylaw or the Parks and Public Facilities Bylaw;
 - (d) any female Dog in heat not confined and housed; or
 - (e) any Dog that has caused or is alleged to have caused a Minor Injury or Severe Injury, pending consideration of designation as an Aggressive Dog.
- (2) Upon receiving any Dog for impound, the Animal Control Manager or its staff shall make reasonable efforts to identify and contact the Owner of the Dog.
- (3) The Animal Control Officer is authorized to enter any privately owned premises, other than a dwelling house, at any reasonable time for the purposes of enforcing the provisions of this Bylaw.
- (4) Any person is guilty of an offence if the person:
 - (a) interferes with, attempts to interfere with or obstructs any Animal Control Officer, Park Control Officer, License Inspector or Peace Officer who is attempting to capture or has captured any Dog or Aggressive Dog;
 - (b) unlocks, unlatches or otherwise opens or enters without permission any pen or vehicle in which Dogs or Aggressive Dogs captured for impoundment have been placed;
 - (c) removes or attempts to remove any Dog or Aggressive Dog from the possession of any Animal Control Officer, License Inspector or Peace Officer; or
 - (d) provides false or misleading information to any Animal Control Officer, License Inspector or Peace Officer.
- (5) The Animal Control Manager shall keep all impounded Dogs for a period of at least three days, not including the day of impounding, Sundays or statutory holidays. During this time, any healthy Dog may be returned to its Owner upon payment to the Animal Control Manager of:
 - (a) the appropriate Dog Tag fee if the Dog is not licensed; and

- (b) kennel fees as specified from time to time in the contract between The City and its Animal Control Manager for every 24 hour period or fraction thereof that the Dog has been impounded.
- (6) Any Owner attempting to claim an impounded Dog shall present government-issued identification to the Animal Control Officer or the staff of the impound facility.
- (7) Where an impounded Dog has not been claimed from the impound facility within the time set forth in Section 19(5), the Animal Control Manager is deemed to be the Owner of the Dog.
- (8) Notwithstanding anything contained in Section 19(5), an impounded Dog shall not be returned to its Owner until the fourth day after the date of impoundment:
 - (i) if the Animal Control Officer has reasonable grounds to believe, and does believe, that the Dog is a continuing danger to people, other animals or property; and
 - (ii) if the Animal Control Officer has made a request to the Inspections and Licensing Manager to designate the Dog as an Aggressive Dog or to order that the Dog be euthanized.
- (9) Notwithstanding anything in this Bylaw, if an order has been issued to euthanize the Dog, it shall not be returned to its Owner unless and until an Appeal of that order has resulted in the order being set aside.
- (10) The Animal Control Manager or Animal Control Officer shall report any apparent illness, communicable disease, injury or unhealthy condition of any Dog to a veterinarian and act upon his recommendation, after consulting with the Owner when possible. The Owner of the Dog shall be responsible for all resulting costs and charges.

Fines and Penalties

20. (1) Where an Animal Control Officer, License Inspector, Park Control Officer or Peace Officer has reasonable grounds to believe that a person has contravened any provision of this Bylaw, he or she may serve upon the person an offence tag allowing payment of the specified penalty as set out in Schedule "A" of this Bylaw, which payment will be accepted by The City in lieu of prosecution for the offence, or he or she may issue a violation ticket in accordance with the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, allowing a voluntary payment or requiring a person to appear in court without the alternative of making a voluntary payment.

- (2) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable, on summary conviction, to the specified penalty as set out in Schedule “A” and in default of payment of the specified penalty, to imprisonment for up to six months.
- (3) Any person who contravenes the same provision of this Bylaw twice within a 12 month period is guilty of a second offence and is liable, on summary conviction, to a specified penalty for a second offence as set out in Schedule “A” and in default of payment of the specified penalty, to imprisonment for up to six months.
- (4) Any person who contravenes the same provision of this Bylaw three or more times within a 12 month period is guilty of a third or subsequent offence and is liable, on summary conviction, to a specified penalty for a third or subsequent offence as set out in Schedule “A” and in default of payment of the specified penalty, to imprisonment for up to six months.
- (5) When a penalty is not specified under this Bylaw, a person who is guilty of an offence is liable to a fine not exceeding \$10,000.00, and in default of payment of the fine, to imprisonment for not more than six months.
- (6) For an offence that is of a continuing nature, a contravention constitutes a separate offence in respect of each day or part of a day on which it continues. Any person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such day.

Exemption for Police Service Dogs

21. This Bylaw does not apply to an RCMP Service Dog while it is in active service.

General

22. (1) In this Bylaw, the singular may be read as though the plural were expressed and the masculine gender may be read as though the feminine or neuter were expressed, wherever the context in which this Bylaw has application so required.
- (2) The headings in this Bylaw may be used as aids to interpret the provisions following the headings.
- (3) It is the intention of the Council of The City that each separate provision of this Bylaw will be deemed independent of all other provisions, and it is further the intention of the Council that if any provision of this Bylaw be declared invalid for any reason by a Court of competent jurisdiction, then all other provisions of this Bylaw will remain valid and enforceable.
- (4) Bylaw No. 2943/87 is hereby repealed.

(5) This Bylaw comes into force on the day it is passed.

READ A FIRST TIME IN OPEN COUNCIL this day of 2009

READ A SECOND TIME IN OPEN COUNCIL this day of 2009

READ A THIRD TIME IN OPEN COUNCIL this day of 2009

AND SIGNED BY THE MAYOR AND CLERK this day of 2009

MAYOR

CITY CLERK

SCHEDULE "A"
PENALTIES

SECTION	DESCRIPTION	FIRST OFFENCE	SECOND OFFENCE	THIRD OFFENCE
9(1)(a)	Failing to obtain a Dog Tag	\$250	\$500	\$750
9(1)(b)	Providing false or misleading information on Dog Tag application	\$250	\$500	\$750
9(1)(c)	Failing to ensure the Dog is wearing a Dog Tag	\$250	\$500	\$750
9(2)	Operating a Kennel without a license	\$250	\$500	\$750
9(3)(a)	Failing to obtain an Aggressive Dog Tag	\$500	\$750	\$1,000
9(3)(b)	Providing false or misleading information on Aggressive Dog Tag application	\$500	\$750	\$1,000
9(3)(c)	Failing to notify License Inspector when Aggressive Dog dies or is transferred	\$500	\$750	\$1,000
9(3)(d)	Failing to ensure Aggressive Dog is wearing Aggressive Dog Tag	\$500	\$750	\$1,000
9(3)(e)	Failing to have the Aggressive Dog successfully complete obedience training	\$500	\$750	\$1,000
10(1)(a)	Having more than three Dogs or more than one Aggressive Dog on land that contains, or is intended to contain, a dwelling unit	\$250	\$500	\$750
10(1)(b)	Dog or Aggressive Dog barking/howling so as to disturb the peace	\$250	\$500	\$750
10(1)(c)	Failing to immediately remove Dog or Aggressive Dog defecation	\$250	\$500	\$750
10(1)(d)	Allowing Dog or Aggressive Dog defecation to accumulate on private property	\$250	\$500	\$750
10(1)(e)	Dog or Aggressive Dog destroying/damaging property	\$250	\$500	\$750
10(1)(f)	Failing to confine a female Dog or Aggressive Dog in heat	\$250	\$500	\$750

10(1)(g)	Having Dog or Aggressive Dog on parkland where Dogs are prohibited	\$250	\$500	\$750
10(1)(h)	Exercising Dog or Aggressive Dog while in motor vehicle	\$250	\$500	\$750
10(1)(i)	Failing to adequately secure a dog that is outside the passenger cab of a truck	\$250	\$500	\$750
10(1)(j)	Failing to carry leash in Off-Leash Area	\$250	\$500	\$750
10(1)(k)	Leaving Dog or Aggressive Dog unattended on public or private property that the public has access to	\$250	\$500	\$750
10(1)(l)	Dog or Aggressive Dog Running at Large	\$250	\$500	\$750
11(1)(a)	Aggressive Dog not muzzled, under control and on Permitted Leash	\$1,000	\$2,500	\$5,000
11(1)(b)	Aggressive Dog not indoors or, when outdoors, not in locked pen	\$1,000	\$2,500	\$5,000
11(1)(c)	Aggressive Dog in pen within one meter of the property line or five meters of neighbouring dwelling unit	\$1,000	\$2,500	\$5,000
11(1)(d)	Failing to display Aggressive Dog sign	\$1,000	\$2,500	\$5,000
11(1)(e)	Having Aggressive Dog in Off-Leash Area	\$1,000	\$2,500	\$5,000
11(1)(f)	Failing to notify that Aggressive Dog is Running at Large	\$500	\$750	\$1,000
12(1)	Failing to remove a Dog or Aggressive Dog exhibiting Threatening Behaviour from an Off-Leash Area	\$250	\$500	\$750
12(2)(a)	Dog exhibiting Threatening Behaviour toward animal, bicycle or motor vehicle	\$250	\$500	\$750
12(2)(b)	Dog exhibiting Threatening Behaviour toward a person	\$500	\$750	\$1,000
12(3)(a)	Aggressive Dog exhibiting Threatening Behaviour toward animal, bicycle or motor vehicle	\$500	\$750	\$1,000
12(3)(b)	Aggressive Dog exhibiting Threatening Behaviour toward a person	\$1,000	\$2,500	\$5,000

13(1)(a)	Dog biting/attacking/causing Minor Injury to another domestic animal	\$500	\$750	\$1,000
13(1)(b)	Dog biting/attacking/causing Minor Injury to a person	\$1,000	\$2,500	\$5,000
13(2)(a)	Aggressive Dog biting/attacking/causing Minor Injury to another domestic animal	\$1,000	\$2,500	\$5,000
13(2)(b)	Aggressive Dog biting/attacking/causing Minor Injury to a person	\$2,500	\$5,000	\$7,500
14(1)(a)	Dog causing Severe Injury to another domestic animal	\$1,000	\$2,500	\$5,000
14(1)(b)	Dog causing Severe Injury to a person	\$2,500	\$5,000	\$7,500
14(2)(a)	Aggressive Dog causing Severe Injury to another domestic animal	\$2,500	\$5,000	\$7,500
14(2)(b)	Aggressive Dog causing Severe Injury to a person	\$5,000	\$7,500	\$10,000
14(3)(a)	Dog causing death to another domestic animal	\$2,500	\$5,000	\$7,500
14(3)(b)	Dog causing death to a person	\$5,000	\$7,500	\$10,000
14(4)(a)	Aggressive Dog causing death to another domestic animal	\$5,000	\$7,500	\$10,000
14(4)(b)	Aggressive Dog causing death to a person	\$7,500	\$10,000	\$10,000
19(4)(a)	Interfering with an Animal Control Officer	\$500	\$750	\$1,000
19(4)(b)	Opening or entering pen or vehicle housing impounded Dog or Aggressive Dog	\$500	\$750	\$1,000
19(4)(c)	Removing Dog or Aggressive Dog from Animal Control Officer or Peace Officer's possession	\$500	\$750	\$1,000
19(4)(d)	Providing false or misleading information to an Animal Control Officer, Peace Officer or License Inspector	\$500	\$750	\$1,000

SCHEDULE "B"
AGGRESSIVE DOG SIGNAGE



Bylaws Item No. 8**BYLAW NO. 3261/A-2009**

Being a bylaw to adopt the *Riverside Meadows Area Redevelopment Plan*.

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

1. The *Riverside Meadows Area Redevelopment Plan* attached as Appendix 'A' is hereby adopted.
2. The area described in "Map 1: Plan Area" set out in the *Riverside Meadows Area Redevelopment Plan* is hereby designated as a redevelopment area to be known as "*Riverside Meadows*".
3. Bylaw No. 3261/2000 is repealed.
4. This Bylaw shall come into effect on the date of its passage.

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

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

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

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

MAYOR

CITY CLERK

Refer to separate attachment - Appendix
"A" - for a copy of the Riverside Meadows
Area Redevelopment Plan

Bylaws Item No. 9**BYLAW NO. 3357/U-2009**

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

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

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

- 1 Section 4.7(2)(b) is amended as follows:
 - (b) Section 4.7(2)(a) shall not apply to development applications which comply with section 7.7 and 7.11 in districts R1 and R1A.
- 2 Section 7.11, General Purpose, 2(a), (3), (4) and (5) are amended as follows:

7.11 *Riverside Meadows Overlay District*

General Purpose

The purpose of this District is to ensure that redevelopment in this District will be designed to satisfy policies in the *Riverside Meadows Area Redevelopment Plan* which describes a compatible blend of residential and commercial development of varying sizes, styles and types appealing to a variety of demographic groups. This District is comprised of regulations that provide a means to regulate design attributes which cannot be satisfactorily addressed through conventional land use zoning. Nothing in this section restricts the scope of the discretion of the Development Authority as set out in section 2.8(1) of this Bylaw.

(2) Application

- (a) The regulations in this District apply to permit applications that change the site plan or exterior of any existing building and for the development of new buildings on lands located in the Riverside Meadows Overlay District, the boundaries which are shown on the Land Use Constraint Maps K15, K16, K17, L15, and L16.

(3) Regulations for All Redevelopment

- (a) Building elevations fronting a street or park shall not have any single wall length greater than 5 metres unless it contains distinct architectural elements such as projections, balconies, surface changes, and/or articulation.
- (b) Windows and any balconies shall be placed to allow overlook of streets, lanes, sidewalks, pedestrian passages, parking areas and public open spaces.
- (c) Entrances shall be clearly identified, visible and accessible from the principal frontage streets.
- (d) Areas between a building edge and public sidewalk shall be developed in a manner that provides a visual amenity to the pedestrian environment.
- (e) More than one type of high quality and innovative building material, such as, but not limited to, brick, stone, concrete and cement stucco shall be used in a variety of combinations for ornamentation and articulation.

- (f) Architectural design elements such as gables, projections, recesses, balconies, verandahs, porches, steps, canopies, terracing, bay windows, window and door trim shall be incorporated into elevations fronting a street to minimize repetition, perception of mass and height and to break up large flat surfaces, including roof faces.
- (g) Street frontage elevations of buildings located on corner lots shall have equal quality architectural treatment.
- (h) All street facing elevations shall be parallel to the street except in the case of parcels with street frontage on three sides, only two elevations shall be parallel.
- (i) Fencing along the street fronts of vacant sites, construction sites, and around garbage compounds shall be constructed of weather proof materials or finishes (no plywood) and should be coordinated with the look and finish of adjoining development.
- (j) Ground-oriented pedestrian scale lighting shall identify pedestrian routes and site entrances to parking lots and buildings.
- (k) Open spaces shall incorporate landscaping and plant material to soften the harder elements such as concrete. Buildings, including additions, shall be designed to provide for useable outdoor spaces.
- (l) Development shall minimize disruption to existing topography and vegetation.
- (m) The street facing elevations multi-attached residential, multi-family residential and commercial buildings shall contain a critical height line or projecting horizontal element at a height between 3.6 metres and 4.25 metres.
- (n) Pedestrian spaces, linkages to parking lots and streets, pocket parks, courtyards, area sidewalks, walkways, and trail networks shall be incorporated in all developments.
- (o) Elements which are utilitarian in nature such as air conditioning units, electrical equipment, service areas, waste receptacles and the like shall be screened from the public view.
- (p) In addition to the parking regulation provisions of Section 3.1 and 3.2 the following shall apply to all redevelopment:
 - (i) Large multi-family or commercial developments should have underground parking and minimize above grade parking.
 - (ii) Parking access shall be from the lane for commercial and multi family developments. Where no lane exists, street access to the rear of the building or parking lot may be permitted if it does not interfere with boulevard trees or other streetscaping. The number of vehicular site entrances should be held to a single driveway per block and parking lots shall be organized into clusters. Entrances may be shared with other properties.
 - (iii) Landscaped areas shall be incorporated into parking lots. A raised landscaped area shall define the edge of the parking lot along a sidewalk.

- (iv) All off street surface parking lots shall be paved.
- (v) Fulfilling the principles of CPTED, parking lots shall be visually enhanced and incorporate elements to define sidewalk edge, promote user safety and clear pedestrian connections to sidewalk and/or building entrances.

(4) All Residential Redevelopment

- (a) Architectural design elements such as gables, projections, recesses, balconies, verandahs, porches, steps, canopies, terracing, bay windows, window and door trim shall be incorporated into elevations fronting a street, park or trail to minimize repetition, perception of mass and height and to break up large flat surfaces, including roof faces.
- (b) Each main floor dwelling unit, including multi-attached and multi-family residential, fronting a street or park shall have a private front yard and individual front entry access from the sidewalk or trail.
- (c) The main floor shall not be situated higher than 1.2 metres above the grade of the front sidewalk.
- (d) Vertical walls, railings, hedges, gateways or decorative fences in the front yard shall not exceed .9 metres in height and be of an open design that does not impede sight lines.
- (e) The ground floor of residential buildings shall be set back a minimum of 4 metres from the property line.
- (f) Front drive garages and front on site parking is not permitted on sites fronting Kerry Wood Drive, 54th Avenue and sites in Direct Control District 13 (DC 13). On site parking shall be located in the rear of lot and garages shall be rear attached or detached with access off the lane.
- (g) The front yard setback areas of residential buildings shall contain enhanced landscaped areas with trees and a variety of plantings.
- (h) No subdivision of a single family residential lot shall result in a minimum lot width relaxed to less than 11 metres unless located east of 54 Avenue and west of Gaetz Avenue than no subdivision shall result in a minimum lot width relaxed to less than 10 metres.
- (i) The maximum building width shall be 15 metres for a single family home.
- (j) The front yard setback shall be consistent with the setback of all existing buildings on the same block as the proposed development. On corner properties, the front yard shall contain the main entrance and be determined as the same as the front yards on the remainder of the block.
- (k) There shall be no more than 6 units in one building block of multi-attached residential.

- (l) The use of vibrant colours and textures shall be used in combination to distinguish elements of the façade and visually separate multi-attached and semi-detached residential units.
- (m) Multi-attached residential with more than four units shall have an enclosed garbage area.
- (n) Side windows and balconies shall respect privacy of neighbours by minimizing direct views into existing neighbouring windows and yards.
- (o) Semi-detached residential façade design shall treat each unit with distinction to give the appearance of two separate units.
- (p) Overhead utility service shall be buried and connected to the side or rear of the principal building. No meters shall be allowed on the front of the building.
- (q) Garages shall be no more than 35% of the total lot frontage. Garages shall not protrude beyond the front building façade, including porches and verandahs, of the principal building.
- (r) Garages and accessory buildings with elevations facing streets or parks shall complement the principle building and have design features including projections, recesses, variations and gables to minimize the perception of mass and height and to break up large flat surfaces, including roof faces.
- (s) Mature trees shall be preserved to the greatest extent possible. Where mature vegetation or landscaping material has been removed with redevelopment, new landscaping material shall be added to the site.

(5) Regulations for All Commercial Redevelopment

- (a) All regulations listed in section 7.11 (3) also apply to commercial redevelopment.
- (b) Building elevations facing a street, including both elevations on corner sites, shall be built to the property line unless a setback provides an amenity to the pedestrian environment under Section 7.11(3)(d).
- (c) Side yard setbacks shall be zero unless the parcel abuts a residential parcel, in which case there shall be a minimum 1.5 metre side yard. Rear yard setback shall be no less than 1.5 metres.
- (d) The minimum ground floor to ceiling height for commercial uses shall be 3.6 metres.
- (e) The ground floor portion of any street facing elevation shall contain a minimum of 50% transparent windows.
- (f) Where a lane exists, access to on-site parking and for loading and delivery zones shall be provided from the lane.
- (g) As a minimum, overhangs and canopies shall be provided at each building entrance and should be located along the full elevation. The design of the overhangs and canopies shall be compatible with the building's architecture and shall not affect the safety of the sidewalk.

- (h) Lighting shall be used to complement and draw attention to window displays, signs, store information, and architectural elements on the entire façade.
 - (i) Service bays, utility entrances and storage yards shall be located to the side or rear of the building and shall be screened from view.
 - (j) Street elevations shall replicate the historic pattern of store front modules of 7.5 metres to 10 metres wide, each containing varied design elements such as entrances, windows, canopies, projections, roof lines and signage.
 - (k) Subject to review by administration, front angle parking shall be permitted on private property along local roads and streets where traffic volumes are less than 3,000 vehicles per day. Angle parking design shall incorporate landscaped boulevards and sidewalks between the vehicle and building elevation to ensure a continuous pedestrian path.
 - (l) Sites located along Gaetz Avenue shall have the following exceptions:
 - (i) New buildings or major additions shall be set back as listed in Section 5.6(2)(a).
 - (ii) Parking should be in the rear or side yard. Front parking areas may be considered if an enhanced landscaped buffer of 1.5 metres is provided adjacent to Gaetz Avenue.
- 3 Figure 17, Part 7 is deleted.
- 4 Delete and replace Section 8.13 as follows:

8.13 Direct Control District No. 13 DC(13) (See MapL16)

General Purpose

The general purpose of this District is to provide for redevelopment which satisfies the objectives of the *Riverside Meadows Area Redevelopment Plan* and enables Riverside Meadows to develop as if it were a village in a city. The District allows a compatible blend of small scale commercial and residential uses including developments in which the proprietor both lives and works on site. Redevelopment shall be designed in accordance with the Riverside Meadows Overlay District (Section 7.11) to ensure quality and careful integration with the existing residential context of the neighbourhood. Buildings along the river front shall engage the public space with an attractive design.

(1) DC(13) Permitted and Discretionary Uses Table

(a) Permitted Uses	
(i)	Detached dwelling
(ii)	Home occupation subject to section 4.7(8)
(iii)	Accessory Building
(b) Discretionary Uses	
(i)	Semi-detached dwelling unit
(ii)	Multi-family building
(iii)	Multi-attached building
(iv)	Any combination of uses (v) through (xii) on the ground floor of a multi-family building.
(v)	All uses in existence at January 15, 2001 are deemed to be discretionary uses under the bylaw provided that the use does not expand, takes place in

	an existing building and that the use is continuous. Discontinuance of a use for 6 months or more will render such use in non-compliance of this bylaw.
(vi)	Merchandise sales and/or rental but excludes the sales and/or rental of adult oriented merchandise, motor vehicles, machinery, fuel and liquor, beer or wine stores.
(vii)	Office
(viii)	Commercial service facility
(ix)	Restaurant
(x)	Merchandise sales and/or rental, servicing the neighbourhood, (excluding sales and/or rental of adult oriented merchandise, motor vehicles, machinery, fuel, and liquor, beer, or wine stores)
(xi)	Service and repair of goods traded in the neighbourhood
(xii)	Place of worship

(2) DC(13) Regulations

(a) Table 8.4.1 DC(13) Regulations

Regulation	Requirement
Site Coverage	40% minimum (includes garage and accessory buildings)
Building Height	4 Storey maximum
Front Yard	Residential-4 metre minimum Commercial-0 metre minimum
Side Yard	0 metre minimum unless abut residential use then 1.5 metres
Rear Yard	Residential-7.5 metre minimum Commercial-1.5 metre minimum
Parking	Subject to Section 3.1 & 3.2
Lot Depth	30 metre minimum
Frontage (lot width)	10 metres minimum
Lot Area	300 metres ² minimum
Landscaped area	Minimum 35% of site area

- (b) Council delegates its authority with respect to all development standards to the Development Authority.
- (c) Applications for redevelopment adjacent to or across the street from residential shall be circulated to all property owners located within 100m of the boundary of the site.

(3) Site Development

- (a) All development must comply with the design regulations provided in the Riverside Meadows Overlay District, Section 7.11.
- (b) Parking relaxations may be appropriate as an incentive for redevelopment and to help encourage use of alternate transportation modes where the developer can demonstrate that parking will not overflow in to or cause problems with the adjacent residential. Parking shall not be visible from the river front.
- (c) The partial conversion of existing multi-unit residential buildings to discretionary uses (vi) to (xii) listed above is not allowed unless extensive renovations are completed or a new building is constructed.

5 Delete Section 8.14 Direct Control District No. 14 DC(14)

6 Delete Section 8.17 Direct Control District No. 17 DC(17)

7 Section 8.20.6 is added as follows:

8.20.6 Direct Control District No. 26 DC(26) (See Map K16)

General Purpose

The general purpose of this District is to permit redevelopment of the Valley Park Manor Site located at Lot B, Block 9, Plan1919RS which satisfies the objectives of the *Riverside Meadows Area Redevelopment Plan*. Redevelopment of the site would be for compatible uses that are designed in accordance with the Riverside Meadows Overlay District to ensure quality and careful integration with the existing residential context of the neighbourhood and adjacent school site.

(1) DC(26) Permitted and Discretionary Uses Table

(a) Permitted Uses	
(i)	Nursing Home
(ii)	Accessory building subject to sections 3.5 and 4.7(3)
(b) Discretionary Uses	
(i)	Detached dwelling unit
(ii)	Semi-detached dwelling unit
(iii)	Townhouses
(iv)	Seniors Lodge
(v)	Children Day Care Facility
(vi)	School
(vii)	Physical rehabilitation centre
(viii)	Designated seniors supportive living

(2) DC 26 Regulations

- (a) Development should generally be consistent with the R2 Medium Density Residential land use district requirements. The maximum height is 2 storeys or 10 metres.
- (b) All development must comply with the design regulations provided in the Riverside Meadows Overlay District, Section 7.11.

(3) Approving Authority

- (a) The Development Authority is the approving authority for all uses, and development in this district.

8 Delete Section 8.22 (1) (h), (i) and (j).

9 Add new section 8.22 (1) (u) as follows:

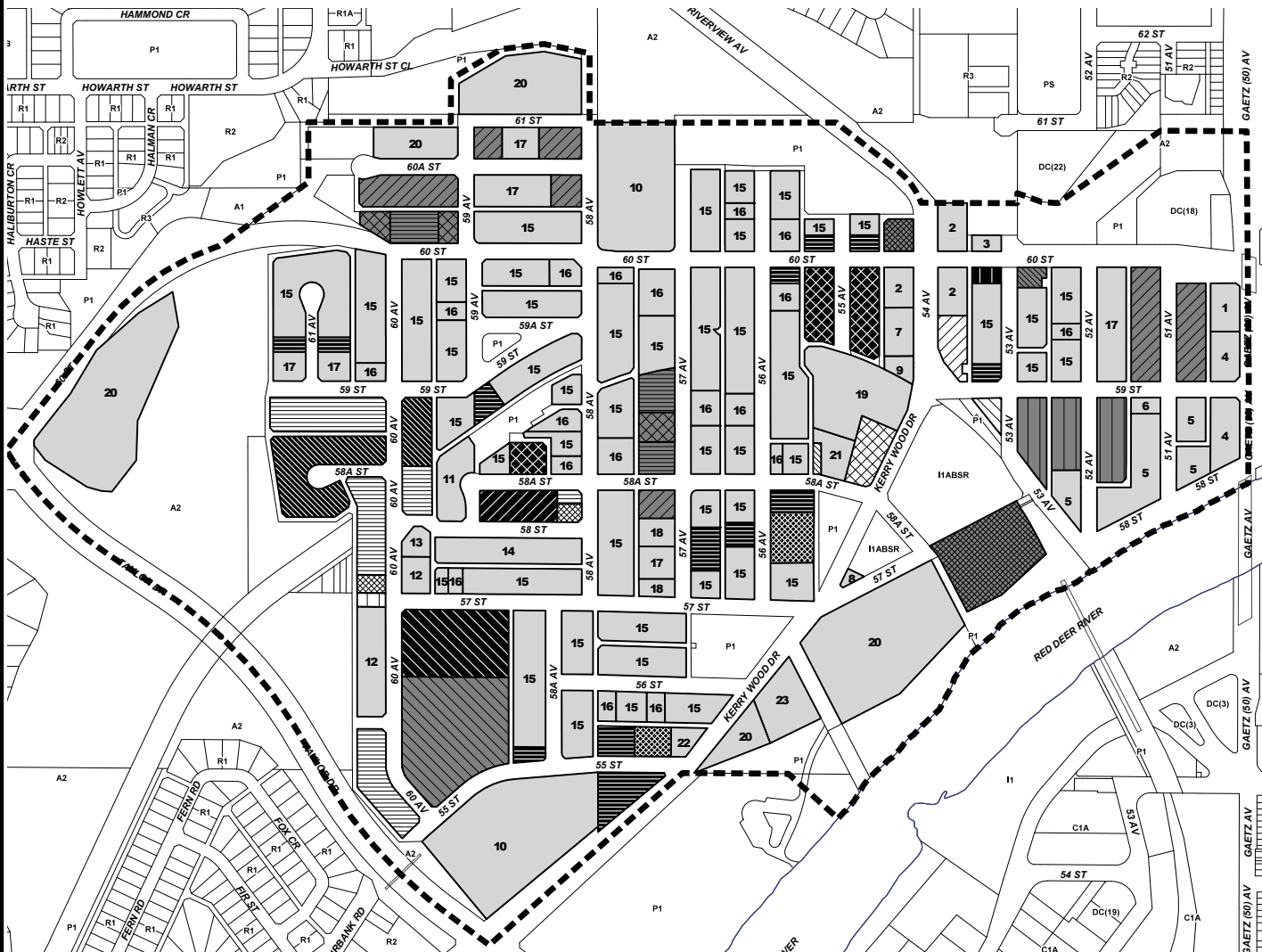
- (u) To allow for compatible redevelopment on sites listed below multi-family and multi-attached residential buildings shall be added to the list of discretionary uses in the

applicable land use district to allow redevelopment of the property to less than or equivalent gross floor area as the existing structure and to a maximum height of 2 storeys or 10 metres measured from the average of the lot grade. The Riverside Meadows Overlay District, section 7.11, shall continue to apply:

Lot	Block	Plan	Street Address
29	1	7621574	5963 60A Street
1-2	15	7604S	5514 60 Street
15-17	1	7297BH	5904 60 Avenue
18	D	1846TR	5841 60 Avenue
19	D	1846TR	5837 60 Avenue
20	D	1846TR	5833 60 Avenue
22	D	1846TR	5829 60 Avenue
1A	2	1030NY	5713 60 Avenue
28-30	A	4359AH	5922 59 Avenue
9	4	4963TR	6042 58A Street
8	4	4963TR	6038 58A Street
7	4	4963TR	6034 58A Street
6	4	4963TR	6030 58A Street
5	4	4963TR	6026 58A Street
4	4	4963TR	6022 58A Street
3	4	4963TR	6018 58A Street
2	4	4963TR	6014 58A Street
1	4	4963TR	6010 58A Street
1-3	3	934AJ	5804 58A Street
9-10	5	7604S	5921 58 Avenue
14	C	5534HW	5920 58 Avenue
21	3	9720243	5816 58 Avenue
26	4	8022765	5811 58 Avenue
19A	2	7621867	5804 58 Avenue
19B	2	7621867	5802 58 Avenue
Z	5	7604S	5918 57 Avenue
13-14	5	7604S	5910 57 Avenue
15-16	5	7604S	5906 57 Avenue
9	9	4592KS	5819 57 Avenue
7-8	9	7604S	5815 57 Avenue
25	4	8020600	5812 57 Avenue
27	3	7923071	5714 57 Avenue
25-26	3	7604S	5704 57 Avenue
1-3	1	3331AJ	5639 56 Street
9-11	1	3331AJ	5621 56 Street
25-26	7	7604S	6010 56 Avenue
3-4	15	7604S	6005 56 Avenue
1-2	15	7604S	6001 56 Avenue
18-19	9	7604S	5816 56 Avenue
20-21	9	7604S	5812 56 Avenue
1-2	13	2800AJ	5805 56 Avenue
10-11	12	5296HW	5721 56 Avenue
8A	12	7921790	5715 56 Avenue
25-30	1	3331AJ	5608 55 Street
Z	23	7604S	5914 52 Avenue

*Proposed Amendment to Land Use Bylaw 3357/2006**Change District from:*

	C1(i) to C1		IIA/BSR(i)(j) to IIA/BSR		R1(h)(i)(j) to R1A		R1(i)(j) to R2		R2(i)(j) to DC(13)
	C3(i) to C3		IIA/BSR(i)(p) to IIA/BSR(p)		R1(h)(i)(j) to R1A(u)		R1(i)(j) to R2(u)		R2(i)(j) to P1
	C3(i)(j) to C3		IIA/BSR(o(i)(j)) to IIA/BSRo(i)		R1(h)(i)(j) to R1A(v)		R1A(i) to P1		R2(i)(j) to R2
	C4(i) to C4		PS(i) to PS		R1(h)(i)(j) to R2(u)		R1A(i)(j) to DC(13)		R3(i)(j) to DC(26)
	DC(13)(i)(j) to DC(13)		PS(i)(j) to R3		R1(h)(j) to R1		R1A(i)(j) to R1		R3(i)(j) to R3
	DC(13)(i)(j)e(ii) to DC(13)e(ii)		R1(h)(i) to R1		R1(i)(j) to DC(13)		R1A(i)(j) to R1(u)		R3D58(i)(j) to R3D58
	DC(14)(i)(j) to DC(13)		R1(h)(i)(j) to P1		R1(i)(j) to R1		R1A(i)(j) to R1A		R3D69(i)(j) to R3D69
	DC(17)(i)(j) to DC(13)		R1(h)(i)(j) to R1		R1(i)(j) to R1(u)		R1A(i)(j) to R1A(u)		R3D95(i)(j) to R3D95
	R3(i)(j) to R2		R1(h)(i)(j) to R1(u)		R1(i)(j) to R1A		R1A(i)(j) to R2		Riverside Meadows Overlay District

Affected Districts:

C1 - Commerical (City Centre) District

C3 - Commerical (Neighbourhood Convenience) District

C4 - Commerical (Major Arterial) District

DC - Direct Control District

P1 - Parks and Recreation District

PS - Public Service (Institutional and Government) District

R1 - Residential (Low Density) District

R1A - Residential (Semi Detached Dwelling) District

R2 - Residential (Medium Density) District

R3 - Residential (Multiple Family) District

IIA/BSR - (Light Industrial and Buisness Services-Residential) District

North
Not to Scale

Proposed Amendment

Map: 11/2009

Bylaw: 3357/U-2009

Bylaws Item No. 10

BYLAW NO. 3436/2009

Being a Bylaw of The City of Red Deer to provide a uniform levy of off-site costs in respect of previously undeveloped land.

1. WHEREAS pursuant to provisions of Section 648 of the Municipal Government Act, The City may by bylaw:
 - (a) Provide for the imposition and payment of a levy to be known as an “off-site levy” in respect of land that is to be developed or subdivided, and
 - (b) Authorize an agreement to be entered into in respect of the payment of the levy.
2. An off-site levy may be used only to pay for all or part of the capital cost of any or all of the following:
 - (a) New or expanded facilities for the storage, transmission, treatment, or supplying of water;
 - (b) New or expanded facilities for the treatment, movement, or disposal of sanitary sewage;
 - (c) New or expanded storm sewer drainage facilities;
 - (d) New or expanded roads required for or impacted by a subdivision or development;
 - (e) Land required for or in connection with any facilities described in clauses (a) to (d);

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

1 This bylaw may be cited as "The Off-Site Levy Bylaw".

2 Definitions:

For the purpose of this bylaw:

(1) "Development" shall mean:

(a) a change of use of land, or an act done in relation to land that results in or is likely to result in a change in the use of the land, or

(b) a change in the intensity of the use of land or an act done in relation to land that results in, or is likely to result in, a change of the intensity of the use of the said land.

(2) "Gross Development Area" means each and every hectare or part thereof as shown on the Plan of Subdivision for a development which has been approved by the Municipal Planning Commission, including any area which may be dedicated for roads, lanes, walkways, parks, reserve parcels, schools, or any other public use.

- (3) “Net Development Area” means the area remaining after the deletion of the following lands (deemed undevelopable) from the Gross Development Area:
- (a) previously developed lands for which off-site levies have already been paid,
 - (b) expressway and arterial road right of ways as defined by The City,
 - (c) Environmental Reserves as defined in the Municipal Government Act (e.g. native wetlands, rivers, creeks, lakes, ravines, steeply sloped areas),
 - (d) major tree stands that are identified by the City for preservation and are in excess of the 10% municipal reserve dedication required by the MGA,
 - (e) The power transmission right of way extending across the south end of city. Parts of this land that are subdivided from the right of way for development purposes would not be excluded from the Gross Development Area.
- (4) “Trunk Water” means an existing or proposed water main; generally having an internal diameter of 350 mm or greater, complete with related pumping and storage facilities; that has been designated by The City as a trunk facility, the cost of same having been included in the calculation of the Water Off-site Levy rate.

- (5) “Trunk Water Off-site Levy Rate” means the amount to be assessed per hectare of developable land; the calculation of which is based on the actual or estimated cost of the Trunk Water facilities identified on Schedule “A” less the Water Off-site Levy revenues collected to date, plus interest on borrows funds, divided by the Net Development Area within the Basin Boundary identified on Schedule “A”.
- (6) “Trunk Sanitary” means an existing or proposed sanitary sewer; generally having an internal diameter of 375 mm or greater, or having a depth of cover greater than 6.0 m, complete with related pumping facilities; that has been designated by The City as a trunk facility, the cost of same having been included in the calculation of the Sanitary Off-site Levy rate.
- (7) “Trunk Sanitary Off-site Levy Rate” means the amount to be assessed per hectare of developable land; the calculation of which is based on the actual or estimated cost of the Trunk Sanitary facilities identified on Schedule “B” less the Sanitary Off-site Levy revenues collected to date, plus interest on borrows funds, divided by the Net Development Area within the Basin Boundary identified on Schedule “B”.
- (8) “Trunk Storm” means an existing or proposed storm sewer; generally defined as having an internal diameter of 1,200 mm or greater, as well as storm water storage facilities and associated outlet piping; that has been designated by The City as a trunk facility, the cost of same having been included in the calculation of the Storm Off-site Levy rate.

5

Bylaw No. 3436/2009

- (9) "Trunk Storm Off-site Levy Rate" means the amount to be assessed per hectare of developable land; the calculation of which is based on the actual or estimated cost of the Trunk Storm facilities identified on Schedule "C" less the Storm Off-site Levy revenues collected to date, plus interest on borrows funds, divided by the Net Development Area within the Basin Boundary identified on Schedule "C".
- (10) "Major Thoroughfare" means an existing or proposed expressway, divided arterial roadway, or undivided arterial roadway, including the land for right of way, storm drainage, traffic signals, and street lighting, that has been designated as a major thoroughfare by The City; the cost of same having been included in the calculation of the Major Thoroughfare off-site levy rate.
- (11) "Major Thoroughfare Off-site Levy Rate" means the amount to be assessed per hectare of developable land; the calculation of which is based on the actual or estimated cost of the Major Thoroughfare facilities identified on Schedule "D" less the Major Thoroughfare Off-site Levy revenues collected to date, plus interest on borrows funds, divided by the Net Development Area within the Basin Boundary identified on Schedule "D".

3

That effective January 1, 2009, The City of Red Deer hereby levies an off-site levy upon all land within The City boundaries to be subdivided or developed within the areas described below and calculated as follows:

6

Bylaw No. 3436/2009

- (1) In all the area outlined in the attached Schedule "A", the sum of \$14,400 per hectare for each hectare or part thereof within the Net Development Area for Trunk Water Infrastructure (the "Trunk Water Off-site Levy Rate").
- (2) In all the area outlined in the attached Schedule "B", the sum of \$19,920 for each hectare or part thereof within the Net Development Area for Trunk Sanitary Sewer Infrastructure (the "Trunk Sanitary Off-site Levy Rate").
- (3) In all the area outlined in the attached Schedule "C", the sum of \$51,645 for each hectare or part thereof within the Net Development Area for Trunk Storm Sewer Infrastructure (the "Trunk Storm Off-site Levy Rate").
- (4) In all the area outlined in the attached Schedule "D", the sum of \$88,910 for each hectare or part thereof within the Net Development Area for Major Thoroughfares (the "Major Thoroughfare Off-site Levy Rate").

5 Service Basin areas lying beyond City limits are used for purposes related to calculation of Off Site Levy rates only. Off-site Levies shall not apply to areas beyond The City's jurisdiction.

6 All levies imposed under this bylaw shall be in addition to the fee payable for development permits or building permits, and shall be paid to The City following approval of a subdivision plan and prior to the issuance of a development permit or a building permit, as the case may be.

7

Bylaw No. 3436/2009

7 Off-site levies imposed and collected under Bylaw 3412/2008 shall be deemed to have been imposed and collected under this Bylaw.

8 Bylaw 3412/2008 is hereby repealed.

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

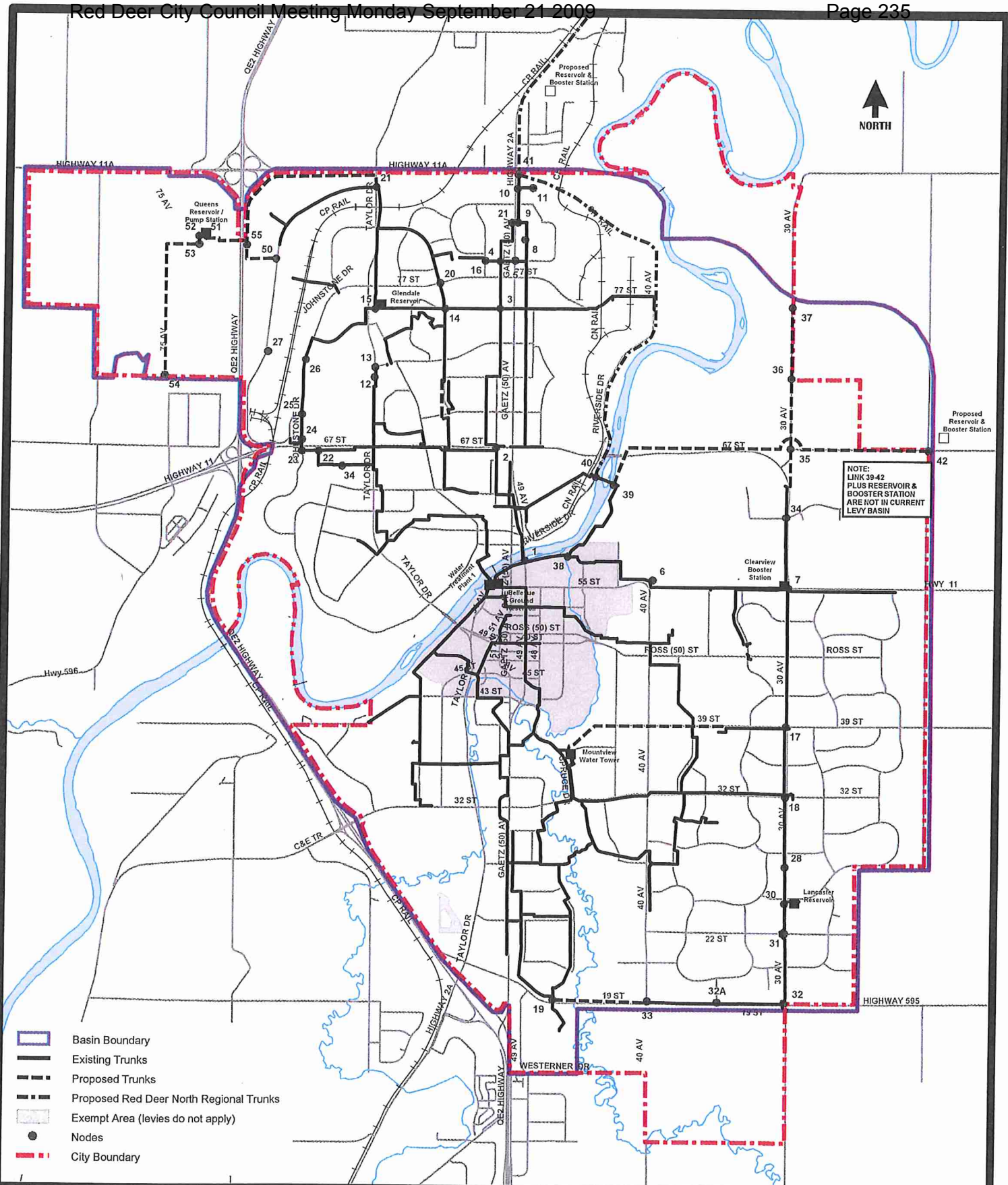
READ A SECOND TIME IN OPEN COUNCIL this day of 2009.

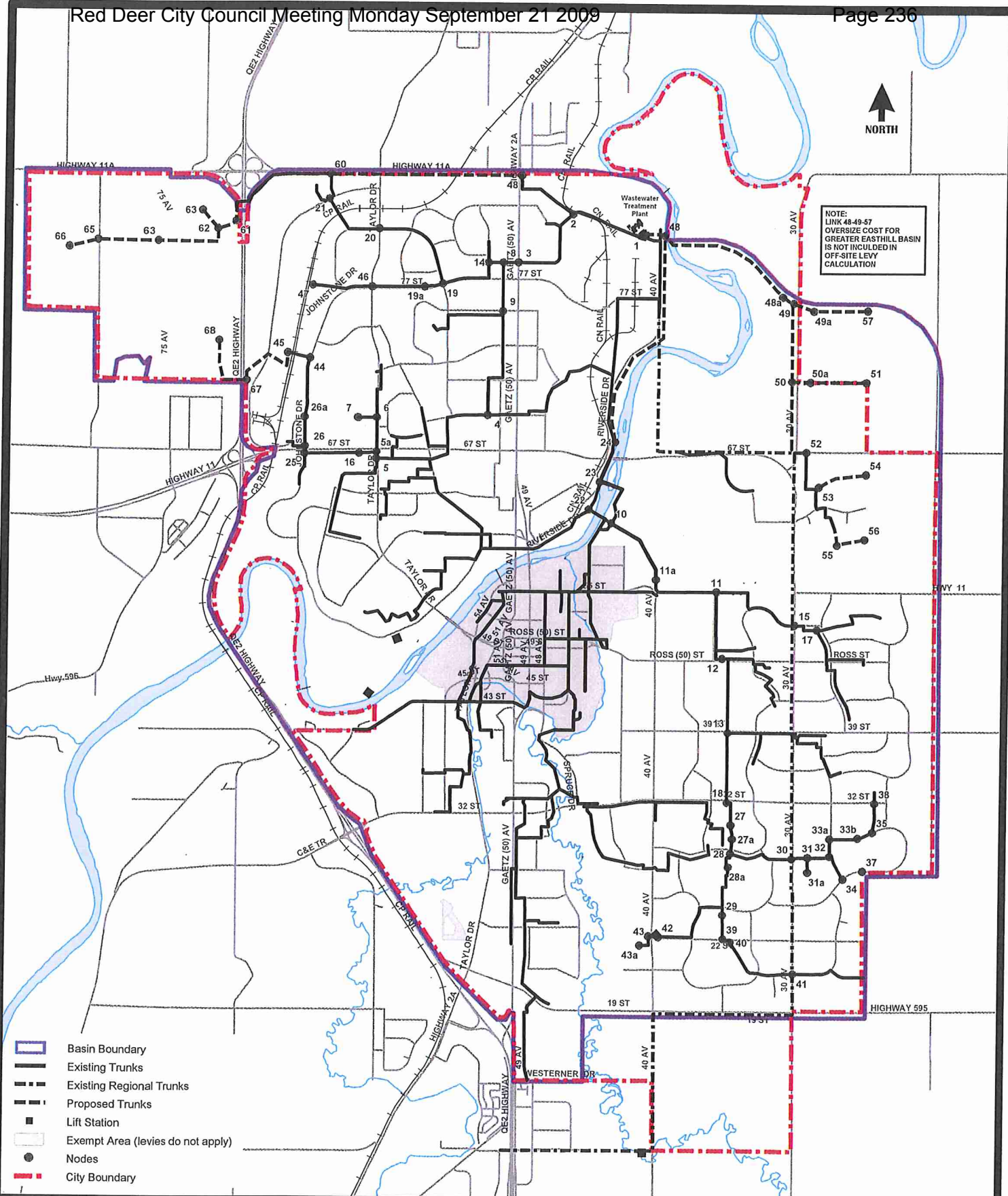
READ A THIRD TIME IN OPEN COUNCIL this day of 2009.

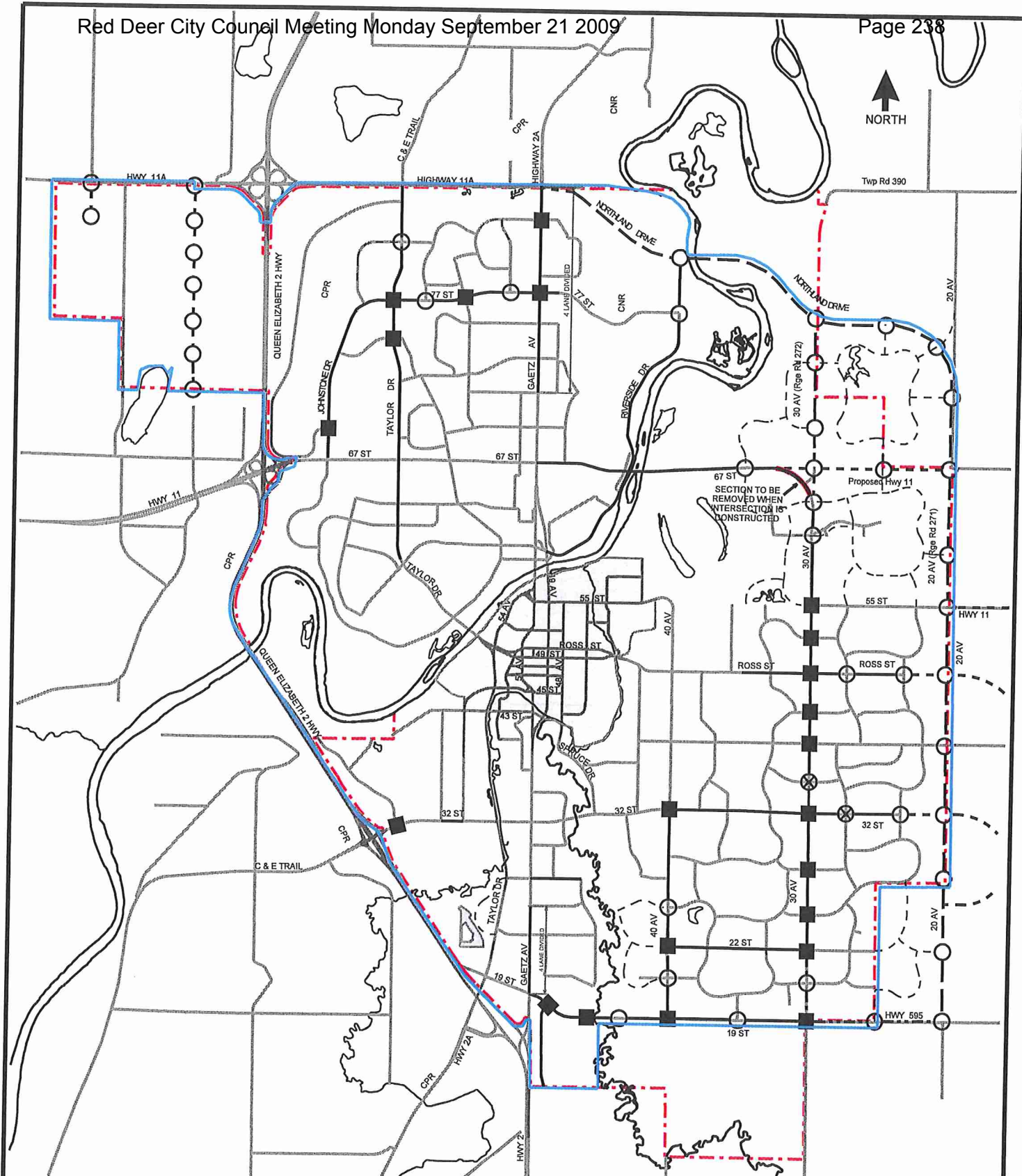
AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2009.





MAYOR

CITY CLERK







-  Exempt Area
(levies do not apply)
-  Existing traffic lights included
in offsite levy rate
-  Proposed traffic lights included
in offsite levy rate
-  Not funded by Levy

**OFF-SITE LEVY
BYLAW 3436 / 2009
SCHEDULE "D"**

August 2009